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Senate

NOTICE

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

NOTICE

If the 109th Congress, 2d Session, adjourns sine die on or before December 15, 2006, a final issue of the *Congressional Record* for the 109th Congress, 2d Session, will be published on Wednesday, December 27, 2006, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 27. The final issue will be dated Wednesday, December 27, 2006, and will be delivered on Thursday, December 28, 2006.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

The Senate met at 12 noon and was called to order by the Honorable RICHARD BURR, a Senator from the State of North Carolina.

PRAYER

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

Let us pray.

Our Father in heaven, the giver of all good gifts, guide our Senators as they carry heavy responsibilities. Lead them to do what is right rather than what is politically expedient. Deliver them from the traps of seeking selfish interests and illumine their minds to sacrifice for the good of all. May their ambitions never blind them to the opportunities to help the lost, the lonely, and the least.

Lord, God of Hosts, lead our lawmakers with Your power to a humility that unites hearts and builds alliances. Help them to dwell secure in Your peace. We pray in Your loving Name. Amen.

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

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PLEDGE OF ALLEGIANCE

The Honorable RICHARD BURR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 5, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, I hope everyone has had a good Thanksgiving recess—enjoyable, relaxing. We have a busy few days ahead of us as we have our final week for the 109th Congress, and there are a number of priorities we need to address.

We have the Gates nomination. The hearing on that nomination began this morning. It is our intent to have the Senate address and complete action on this nomination no later than this Friday.

We have a continuing resolution. I was just talking to the Democratic leader about that. The continuing resolution does expire at midnight on Friday. Absent action on any other appropriations, this continuing resolution will extend funding for Government operations into 2007, and it will not contain earmarks or policy initiatives.

Also on the agenda are various tax, trade, and health extenders. Bipartisan Senate work has been spearheaded by Senator GRASSLEY and Senator BAUCUS. They assembled a package of necessary tax, trade, and health policy extensions. That is being filed as we speak.

Fourth, yesterday Senate conferees were named to the United States-India civil nuclear cooperation deal. The burden now falls on the Senate and House conferees to conclude final work on this very important piece of legislation. It would implement a nuclear power technology sharing agreement with the United States and India. This morning I talked with Prime Minister Singh of India, who underscored the importance of this legislation.

Fifth, the Senate is also close to action on the bioterrorism bill, a bill we had worked on in a bipartisan way. This legislation will make improvements and enhancements in our ability to anticipate and react to bioterrorism attacks—again a bipartisan priority. I very much hope we will be able to finish that this week as well.

Sixth, we have the Vietnam trade agreement. If the House can act on the Vietnam trade agreement, the Senate will act on that measure.

There are a whole range of other legislative initiatives that the Senate will consider as they do become available. These will include necessary programmatic extensions as well as any cleared nominations, so we have a packed agenda.

Specifically for today, this afternoon we will begin with the time until 2 p.m. set aside for Senator DEWINE. I will have a brief statement. The Democratic leader will have a brief statement after my opening remarks and announcements this morning. Shortly after 2 o'clock today we will proceed to the consideration of the Agriculture appropriations bill. Following the statements from the bill's managers, Senator CONRAD will be recognized to offer his amendment on agricultural disaster. It is expected a point of order will be raised to the Conrad amendment, and a vote on the motion to waive will occur around 5 o'clock this afternoon. That will be the first rollcall vote this week. We have a number of items to address over the course of the week, which I have outlined.

Mr. President, I do want to make a very brief statement.

JUDICIAL NOMINATIONS

Mr. FRIST. Mr. President, there is a very common question I been asked over the last several days: During your 4-year tenure as majority leader, what has been the most constitutionally challenging issue confronting the Senate?

I didn't have to think very long. I very quickly came to this whole topic of judicial filibusters, which unfortunately reflected one of the most difficult and challenging aspects of this institution over the last 4 years; that is, the partisanship that would come to the surface and the obstruction that resulted from that partisanship. It was this unprecedented use of these filibusters, judicial filibusters, in the last two Congresses that came very close to fundamentally disrupting the Senate's relationship with the executive branch and the Senate's relationship with the judicial branch. It impaired the Senate's ability to discharge a very basic constitutional obligation—to advise and consent.

In the process, Senate traditions were damaged. I believe they have been resolved. I am very hopeful that this partisanship will not resurface in future Congresses. In those 214 years between 1789 and 2003, exactly one judicial nominee was stopped by filibuster, and over that period of 214 years that single case was a lonely historical aberration. Until this Congress and the Congress right before that, the previous Congress, which was my first as leader, we had this Senate tradition literally shattered and we saw in that one Congress, and it continued into this Congress; after 214 years of one blocked nominee by filibuster, there were 10 in that very short period of time. So for decades we have had two great Senate traditions that existed side by side: For one, a general respect for the filibuster itself, and the other, a consensus that judicial nominations brought to the floor would receive an up-or-down vote.

Filibusters, of course, are periodically conducted on legislative matters. Sometimes successfully and sometimes they are ended by cloture. However, filibusters on judicial nominees have not impeded this basic constitutional responsibility of our Senate's advice and consent, that important role in judicial nominations. In the exceedingly rare cases in the past where filibusters were attempted on these nominations, very quickly cloture was always invoked with bipartisan support, support from both sides, and the filibusters ceased.

But in the last Congress, the previous Congress, these judicial filibusters became an instrument of partisan politics. As I said, I hope that such partisan politics can be set aside in the future.

Due to these filibusters—again, a whole series of them in the last Congress and this Congress—the Senate traditions were set aside. They were set aside but then also they collided before they were set aside. If matters were left to their own purpose, either the power to give advice and consent would yield to the filibuster or the filibuster would ultimately have to yield to advise and consent. So in response to these tradition-shattering filibusters, we sought to create a precedent. The precedent came to be known as the constitutional option, and that would guarantee a very simple principle, one which had been respected over time by tradition here. And that is after substantial debate each judicial nominee brought to the floor would get an up-or-down vote.

Proceeding with the constitutional option was painful to many Senators, including myself, because of that respect for minority rights. But even

these longstanding rights can take on new forms from time to time and become abused. That is exactly what happened in the last Congress. We could not permit the filibuster, the judicial filibuster, to take root, to become the new precedent in this Congress and therefore, to restore constitutional precedent, the constitutional option—putting it forth on the floor, bringing it to the floor—became a necessary last resort.

It was fascinating because once we stood on principle and moved toward that constitutional option, literally the night before we carried it out, a compromise was reached and important Senate traditions were restored. Senate traditions all of a sudden came back to what they had always been up until two Congresses ago, and that is the filibusters would be confined to ''extraordinary circumstances.'' That is an exercise of self-restraint, something, again, I encourage this new Congress to adhere to in the future.

So after that, Democrats who would be voting against these nominees by continuing these filibusters did switch and did allow these nominees to, for the most part, pass.

If we had not put that constitutional option on the table, great nominees never would have been confirmed. But for the constitutional option, judicial filibusters would have become an ever more routine part of business on the floor and, but for the constructional option, deal brokers would have had no deal to broker.

Because we acted, the sword of the judicial filibuster was sheathed. Highly qualified nominees who would have been blocked now sit on courts of appeals. Sam Alito, who was, in fact, himself subject of a failed filibuster, now serves on the U.S. Supreme Court. The problem of judicial filibusters was of monumental importance. It affected the internal functioning of the Senate, that relationship between the Senate and the Presidency and the relationship between the Senate and the courts. It was the biggest challenge that I confronted as majority leader and was the issue of largest consequence for our constitutional system.

Mr. President, to reiterate, during my tenure as majority leader, the most vexatious and constitutionally challenging issue confronting the Senate was judicial filibusters. This tactic threatened to disrupt fundamentally the Senate's relationship with coordinate branches of Government and to impair the Senate's ability to discharge its constitutional obligation to advise and consent. In the process, Senate traditions were damaged.

In the 214 years between 1789 and 2003, exactly one judicial nominee was stopped by filibuster. That case occurred in 1968, when President Lyndon Johnson nominated Abe Fortas to be Chief Justice of the U.S. Supreme Court. The filibuster that erupted was broadly bipartisan, mainly on ethics grounds, but many commentators worried about the constitutional implications the filibuster presented. Chief among them was the Senate majority leader, Mike Mansfield. In Senate debate on September 25, 1968, he put this issue squarely:

> I reiterate we have a constitutional obligation to consent or not to consent to this nomination. We may evade that obligation, but we cannot deny it. As for any post, the question which must be faced is simply: Is the man qualified for the appointed position? That is the only question. It cannot be hedged, hemmed, or hawed. There is one question: Shall we consent to this Presidential appointment? A Senator or group of Senators may frustrate the Senate indefinitely in the exercise of its constitutional obligation with respect to this question. In so doing, they presume great personal privilege at the expense of the responsibilities of the Senate as a whole, and at the expense of the constitutional structure of the Federal Government.

For 35 years thereafter, Senator Mansfield's words were given heed, and the Fortas case remained a lonely historical aberration. But in the last Congress—my first as leader—the minority shattered Senate traditions and filibusters blocked 10 nominees.

It began with the nomination of Miguel Estrada to serve on the Court of Appeals for the District of Columbia. Mr. Estrada epitomized the American dream. An immigrant from Honduras, he arrived in America speaking no English, but he graduated from Harvard Law School, and argued numerous cases before the Supreme Court while serving as a Deputy Solicitor General. The American Bar Association gave him its highest recommendation and his confirmation by the Senate seemed assured.

But the confirmation vote never came. Each time we sought a consent agreement to limit debate, the minority leadership objected. In open session, they remarked that no amount of debate time would be sufficient and that they would not permit the Senate to vote.

After 13 days, I filed a cloture motion to close debate. Every Republican voted for it along with a handful of Democrats, but the minority held firm and we fell short with 55 votes. This process was repeated on the Estrada nomination six more times. But the discipline imposed by the minority leadership never weakened and we never budged a single vote.

Debate was not the issue. Obstruction was the issue. Finally, to the shame of the Senate and the harm of the American people, Mr. Estrada asked President Bush to withdraw his nomination.

Before the last Congress, the record number of cloture votes on a judicial nomination was two and no nomination with clear majority support ever died by filibuster. The Estrada case rewrote that tradition, and for the worse. On Miguel Estrada, seven cloture votes were taken, to no avail. He was a nominee who plainly could have been confirmed, but he was denied an up or down vote.

And the Estrada case was just the beginning. After Miguel Estrada, nine additional nominees were filibustered and the minority threatened filibusters on six more.

As the filibusters began to mushroom, Democratic Senator Zell Miller and I introduced a cloture reform resolution. Our proposal would have permitted an end to filibusters of nominations after reasonable and substantial debate. The Senate Rules Committee held a hearing on our resolution and reported it with an affirmative recommendation.

But the proposal languished on the Senate calendar, facing a certain filibuster from Senators opposed to cloture reform. Quite simply, those who undertook to filibuster these nominees wanted no impediments put in their way.

Consent orders had failed to resolve this issue, as had cloture and a rules change through the regular order. So we looked to the 2004 elections. And we made judicial filibusters an election issue in many States.

Notwithstanding election outcomes strengthening the margin of the majority, the minority dug in, saying that they had not filibustered too many nominees but too few. So even election outcomes failed.

When the present Congress convened last January, I was urged to move immediately for a change in Senate procedure so that these unprecedented filibusters could not be repeated. But I decided on a more measured and less confrontational course. Rather than move immediately to change procedure, I promoted dialogue at the leadership and committee level to seek a solution to this problem. Rather than act on the record of the last Congress, I hoped that the passage of a clearly won election and presence of new Democratic leadership would result in a sense of fairness being restored.

Sadly, these hopes were not fulfilled. More filibusters were promised, not only against seven nominees President Bush resubmitted but also against other nominees as then yet to be proposed. A renewal of filibusters against persons denied an up or down vote in the last Congress was a grave problem and would be reason enough for reform. Threatening filibusters against new nominees compounded the wrong and was further reason for reform. My choice was stark: accept a new tradition of judicial filibusters or act to address them.

For many decades, two great Senate traditions existed side by side. These were a general respect for the filibuster and a consensus that nominations brought to the floor would receive an up or down vote. Filibusters have been periodically conducted on legislation, sometimes successfully and sometimes ended by cloture. However, filibusters have not impeded the Senate's advice and consent role on nominations. In the exceedingly rare cases they were attempted, cloture was always invoked

with bipartisan support and the filibusters ceased.

But in the last Congress, judicial filibusters became instruments of partisan politics. Organized and promoted by the minority leadership, these filibusters proved resilient to cloture.

Due to these filibusters, the two great Senate traditions that used to coexist came to collide. If matters were left in this posture, either the power to advise and consent would yield to the filibuster or the filibuster would yield to the power to advise and consent.

Until these judicial filibusters were launched, the Senate lived by the principle that filibusters would not impede the exercise of constitutional confirmation powers and that a majority of Senators could vote to confirm or reject a nominee brought to the floor. The unparalleled filibusters undermined that tradition, denying nominees the courtesy of an up or down vote. They represented an effort by a Senate minority to obstruct the duty of the full Senate to advise and consent. The current minority claimed it had no choice but to filibuster, because Republicans controlled the White House and Senate. But the minority's conclusion defied history.

For 70 of the 100 years of the last century, the same party controlled the Presidency and the Senate, but the minority party leadership exercised restraint and refused to filibuster judicial nominees. The past half-century amply illustrates this point. During the Kennedy and Johnson administrations, Democrats controlled the Senate, but the Republican minority leader Everett Dirksen did not filibuster judicial nominees. While President Carter was in office, Democrats controlled the Senate, but Republican leader Howard Baker did not filibuster judicial nominees. For President Reagan's first 6 years, Republicans controlled the Senate, but Democratic Leader ROBERT BYRD did not filibuster judicial nominees. In President Clinton's first 2 years, Democrats had the Senate but Republican leader Bob Dole did not filibuster judicial nominees. During all those years, all those Congresses, and all those Presidencies, nominees brought to the floor got an up or down vote.

Democrats argued that by curbing judicial filibusters, the Senate would turn into a rubberstamp. But for more than two centuries, those filibusters did not exist. Shall we conclude that for 200 years the Senate was a rubberstamp and only now awakened to its responsibilities? What of those minority leaders who did not filibuster? Were they also rubberstamps? Was Dirksen? Was Baker, Was BYRD? Was Dole? Could the minority be right that only through the filibuster may the Senate's advice and consent check be vindicated? This was a novel conclusion and it stained the reputation of the great Senators that preceded us.

To make their case against curbs on judicial filibusters, the minority cited the 1968 nomination of Abe Fortas to be Chief Justice of the U.S. Supreme Court, and Franklin Roosevelt's court-packing plan of 1937. But use of these examples was an overreach and drew false comparisons.

In 1968, Abe Fortas was serving on the Supreme Court as an Associate Justice. Three years earlier, he had been confirmed by the Senate by voice vote, following a unanimous affirmative recommendation from the Judiciary Committee. Then Chief Justice Earl Warren announced his retirement, effective on the appointment of his successor. President Lyndon Johnson proposed to elevate Fortas to succeed Warren.

The non-controversial nominee of 1965 became the highly controversial nominee of 1968. Justice Fortas was caught in a political perfect storm. Some Senators raised questions of ethics. Others complained about cronyism. Yet others were concerned about Warren Court decisions. And still others thought that with the election looming weeks away, a new President should fill the Warren vacancy. But this political perfect storm was thoroughly bipartisan in nature, and reflected concerns from certain Republicans as well as numerous southern and northern Democrats.

Senator Mike Mansfield brought the Fortas nomination to the Senate floor late on September 24, 1968. After only 2 full days of debate, Mansfield filed a cloture motion. Almost a third of the 26 Senators who signed the cloture motion were Republicans, including the Republican whip. The vote on cloture was 45 yeas and 43 nays, well short of the two-thirds then needed to close debate. Nearly a third of Republicans supported cloture, including the Republican whip. Nearly a third of Democrats opposed it, including the Democratic whip. Of the 43 negative votes on cloture, 24 were Republican and 19 were Democratic.

Opponents of cloture claimed that debate had been too short in order to develop the full case against the Fortas nomination. In contrast to the Miguel Estrada filibuster, no one claimed that debate would go on endlessly and that no amount of time would be sufficient. Indeed, those who opposed cloture denied there was a filibuster at all.

So, the Fortas case was not analogous to the judicial filibusters we now confront. Support for and opposition to Fortas was broadly bipartisan, a fact that stands in stark contrast to the partisan filibusters that began in the last Congress as an instrument of party policy. At most, it was opposition to one man, and was not an effort to leverage judicial appointments through the threat of a filibuster-veto. The Fortas opposition came together in one aberrational moment. Nothing like it had happened in the previous 180 years and nothing like it was repeated for the next 35 years. Absolutely, it did not represent a sustained effort by a party minority to shatter Senate confirmation traditions and exercise a filibuster-veto destructive of checks and balances. No comparison can be made between that single aberrational moment and the pattern of judicial filibusters we confronted.

The minority also contended that if Republicans moved against the judicial filibusters, we would follow in the footsteps of Franklin Roosevelt's attempt to pack the Supreme Court. But this was a comparison without basis.

Frustrated by the Supreme Court's ruling unconstitutional several New Deal measures, President Roosevelt sought legislation to pack the court by appointing a new Justice for every sitting Justice over the age of 70. In a fireside chat, he compared the three branches of Government to a three horse team pulling a plow. Unless all three horses pulled in the same direction, the plow could not move. To synchronize all the horses, Roosevelt proposed to pack the court.

Roosevelt's effort was a direct assault on the independence of the judiciary and plainly undermined the principles of separation of powers and checks and balances. He failed in a Senate with 76 members of his own party.

No good analogy can be drawn between what Roosevelt attempted and our effort to end judicial filibusters. Unlike Roosevelt, Republicans were not trying to undermine the separation of powers. And unlike Roosevelt, Republicans were not trying to destabilize checks and balances, but to restore them.

That the judicial filibusters undermined a longstanding Senate tradition is evident. But traditions are not laudable merely because they are old. This tradition is important because it underpins a vital constitutional principle that the President shall nominate, subject to the advice and consent of the Senate. When filibusters are used to block a vote, the advice and consent of the Senate is not possible.

A cloture vote to end a filibuster is not advice and consent within the Constitution's meaning. Notwithstanding the minority's claim, nominees denied a confirmation vote due to filibuster were ''rejected.'' Instead, what was rejected was the constitutional right of all Senators to vote up or down on the nominees.

To require a cloture threshold of 60 votes for confirmation disturbs checks and balances between the executive and the Senate and creates a strong potential for tyranny by the minority. A minority may hold hostage the nomination process, threatening to undermine judicial independence by filibustering any appointment that does not meet particular ideological or litmus tests.

The Constitution provides that a duly elected executive shall nominate, subject to advice and consent by a majority of the Senate. Implicit in that structure is that the President and the Senate shall be politically accountable

to the American people, and that accountability will be a sufficient check on the decisions made by each of them. That was the system by which we Americans addressed nominations for more than two centuries, until the last Congress. But judicial filibusters would replace that system with one that gave the minority a filibuster-veto in the confirmation process.

Trying to legitimize their judicial filibusters, the minority took to the floor to extol the virtue of filibusters generally. And as to legislative filibusters, I agree with them. But judicial filibusters are not cut from the same cloth as legislative filibusters and must not receive similar treatment. So, I concur with the sentiments Senator Mansfield expressed during the Fortas debate:

> In the past, the Senate has discussed, debated and sometimes agonized, but it has always voted on the merits. No Senator or group of Senators has ever usurped that constitutional prerogative. That unbroken tradition, in my opinion, merely reflects on the part of the Senate the distinction heretofore recognized between its constitutional responsibility to confirm or reject a nominee and its role in the enactment of new and far-reaching legislative proposals.

History demonstrates that filibusters have almost exclusively been applied against the Senate's own constitutional prerogative to initiate legislation, and not against nominations. Judicial filibusters put fundamental constitutional values in jeopardy, hallowed principles of checks and balances, the separation of powers and an independent judiciary.

Having exhausted all other alternatives and unwilling to acquiesce in the judicial filibusters, we in the Republican leadership looked for a solution. We recognized that article I, section 5 of the Constitution states that ''each House may determine the Rules of its proceedings''. In short, that means the Constitution gives the Senate the power to govern itself. And we proposed to draw on that power to change how the Senate ends debate on judges. We called this the constitutional option, and we built support for it.

The Senate is an evolving institution. Its rules and processes are not a straitjacket. Over time, adjustments have occurred in Senate procedure to reflect changes in Senate behavior. Tactics no longer limited by self-restraint became restricted by new rules and precedents.

In response to the tradition-shattering filibusters, we sought to create a precedent. And that precedent would guarantee that after substantial debate, each judicial nominee brought to the floor got an up or down vote.

As I said, proceeding with the constitutional option was painful to many Senators, including myself, because minority rights are deeply respected. But even longstanding rights can take new forms and become abused. And that is what happened when judicial filibusters damaged Senate traditions. We could not permit the precedent of these filibusters to take root. To restore Senate traditions, the constitutional option became a necessary last resort.

As we moved toward a vote on the constitutional option, a compromise was reached, and important Senate traditions were restored. Filibusters were confined to ''extraordinary circumstances''—an exercise of self-restraint. So some Democrats who had routinely supported the judicial filibusters began voting for cloture.

Of this I am confident: but for the constitutional option, great nominees never would have been confirmed. But for the constitutional option, judicial filibusters would have become ever more routine. And but for the constitutional option, deal brokers would have had no deal to broker.

Because we acted, the sword of the filibuster was sheathed. Highly qualified nominees who would have been blocked now sit on courts of appeals. And Samuel Alito, who was the subject of a failed filibuster, now serves on the U.S. Supreme Court.

The problem of judicial filibusters was of monumental importance. It affected the internal functioning of the Senate, the relationship between the Senate and the Presidency, and the relationship between the Senate and the courts. It was the biggest challenge I confronted as majority leader and the issue of largest consequence for our constitutional system.

RECOGNITION OF THE MINORITY LEADER

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

HONORING MARY ARNOLD

Mr. REID. Mr. President, in life we all have changes. They are so difficult to accept. In the last month or so, I have had a lot of changes in my life. One of the changes that has been so troubling for me is that we have lost a friend in the Senate. Ralph Waldo Emerson said:

> Sorrow makes us all children again. [It] destroys all differences of intellect. The wisest know nothing.

The family member we have lost is Mary Arnold. She was such a wonderful, pleasant, thoughtful, kind person. Anyone would recognize her even though they wouldn't know her by name, simply because of her description—beautiful white hair, elegantly dressed every day, a wonderful smile. She never drew attention to herself, but she was so good for the institution. She sat right back here every day we were in session.

She was the best when things weren't going so well. She was here for more than two decades. She was the best when things were real tumultuous here on the floor. If somebody wanted an easel for a chart, that was available. She directed the pages as to what they were supposed to do and not do. She always did it with such a pleasantness.

I first met Mary Arnold when her daughter worked here. She was a Republican floor person. She, like her mom, had this great, disarming smile. I was not in the city when the funeral took place and was unable to attend, but I saw in the program a picture of the deceased Mary Arnold. She looked exactly like her daughter. Exactly. She could have passed for her daughter.

She came to Washington over 40 years ago. Born in the late 1930s in Jonesboro, Arkansas, she attended Memphis State University. She worked as a flight attendant—a stewardess, as they used to be called. All the stewards and stewardesses are very attractive people, but in the old days that was a requirement. Stewardesses had to look real good; Mary Arnold looked real good. I am sure she was a great flight attendant, a stewardess.

She worked for a number of Members of Congress, including Congressman Harvey of Indiana and Representative Zion. She worked for the Sergeant at Arms, of course.

She was a wonderful person. I had conversations with her. She loved animals, especially the ugly little dogs people fall in love with, Boston terriers. She was in love with her Boston terriers. She was a wonderful person. Coming to the Senate today and not having Mary back there is a tremendous loss to me and to the Senate. I want her wonderful daughter Mary Elizabeth to know she will be missed. Her spirit is something all in the Senate should have a little bit of. My thoughts are with Mary wherever she might be and my love and respect for her family is paramount as a result of the wonderful person she was.

Mr. FRIST. Mr. President, as the Democratic leader has so eloquently described, it is hard to imagine the smiles and the charm of Mary Miller Arnold will no longer grace the Senate.

I have had the opportunity to talk to her daughter Mary Elizabeth several times since her mom's demise. The love and the respect, that bond a mother and a daughter together share, is magnificent; it sparkles so much in her voice today.

Mary was a fellow Tennessean. She will be remembered most for her uncanny ability to very efficiently enforce the Senate rules at this door, without sacrificing at any point in time her unfailing, consistent professionalism, her dedication, her polite demeanor.

The Senate simply could not function, we all know, without our staff and committed staff. We 100 Senators are, for the most part, the face of the Senate, but it is people such as Mary who are here, day after day, the cogs in the wheels behind it, who keep this Senate moving along, keep it ticking.

She was the pulse of the Senate, in many ways. To Mary's friends and to

her family, let me say, our thoughts and prayers are with you during these difficult days ahead. To quote Senator BYRD from the other day, she was ''one of a kind.''

She had a tangible presence in the Senate. We are lesser now with the loss of her southern grace.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I join with the majority leader and the Democratic leader in a tribute to Mary Miller Arnold who served us so well in the Senate and recently passed away. We join in expressing our condolences to Mary Arnold's family, her husband Ed, her son Edwin, Jr., and her daughter Mary Elizabeth.

Her sudden and unexpected death comes as a shock to all of us as we return to the Senate Chamber expecting to see her smiling face as we have for so many years. I am so used to seeing her sitting near the door on the bench where the Democratic staffers sit. What an impression she made every single day I saw her. Perfect posture, impeccably dressed, every hair in place, always gracious, always professional, carried herself with such dignity and grace.

Those who watch C–SPAN across America will know her instantly because she was part of the Senate process, part of the Senate family. She sat just as straight, just as polished, even before the C–SPAN cameras. She did this because of the respect she had for the Senate and for her role, which was very important. She loved the Senate and everything it stood for. She considered it a privilege to work in the U.S. Capitol, as we all do, and especially on the Senate floor.

I didn't know until the other day that Mary actually began working for a Republican Congressman from Illinois, Roger Zion. She moved to Washington in 1960 with her husband Ed, who had taken a job with a congressman from Indiana. Her daughter Mary Elizabeth worked in the Republican cloakroom for several years while she was a law student. As for Mary's own political affiliation, I don't have any idea. She was a true professional. It is to her credit that she was in service to the Democratic side of the aisle but had equal respect for both sides of the aisle. She was beyond partisanship. She really was a part of the whole Senate family. She treated everyone with such respect and professionalism, so gracious to junior staffers and pages and Senators alike.

She performed so many countless acts of kindness in the 21 years she served here. People are now speaking out about those and I am glad they shared some of them. If a coworker needed a kind word, Mary was one of the first. Once a coworker had a financial difficulty. Mary found out about it and lent that person some money, then gently refused to accept full repayment. She was such a good and generous person. Mary will be missed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The minority leader.

FINAL WEEK OF THE 109TH CONGRESS

Mr. REID. Mr. President, today we begin the final week, as I understand it, for the work created for the 109th Congress. There are only a few days left to complete a mountain of work, 2 years of work, really. The mission we have before the Senate these next few days is an impossible mission. It is truly a mission impossible, but we have to try.

The American people made it clear last month they want Members to work together. The judgment was held on whether a one-party town works and the American people said no. We have to work together. We have to work together this week and certainly when we come back after the first of the year.

To accomplish what needs to be accomplished in the next few days is mission impossible. We cannot get it all done. Appropriations bills, budget, health care nominations, conference reports for all kinds of things that, as I have said, somehow never make it to the other side of the Capitol.

I told Democratic Senators gathered recently that many of them have never, ever, participated in a conference, a conference between the House and Senate. Why? Because the Republicans would not hold them. We simply did not have them. Some of the most memorable times of my career were when I participated in conferences. A bill passed the Senate, a bill passed the House, you meet together, Democrats and Republicans, House and Senate, to work out the differences.

This administration and the Republican-dominated House and Senate did not believe in that. They did not believe in 200 years of experience. They did not hold conferences. They would bring a bill back that the Republicans in the House and the Republicans in the Senate agreed upon. We had to take it or leave it, period.

That is not the way it is going to be next year. We are going to have Senators participating in things that many of them have never participated in: a real live conference, where Democrats and Republicans from the House and the Senate meet in a room and work out the differences on a bill.

This year we have so much to do. And as I said, it is mission impossible. If we had years left, if we had months left, if we had weeks left in the 109th Congress, maybe we could do something about it. But we have days remaining to finish all the items I have mentioned, and many more.

I want to comment briefly. My friend, the distinguished majority leader, talked about the nuclear option. One reason we are here in the waning moments of the 109th Congress trying to complete the work that needs to be completed is because, again, the Republicans who control the House and the Senate—but here in this instance the Senate—decided to do away with 200 years of experience in this Senate. It was decided by the Republicans—because there were 55 Republicans and 45 Democrats—that they did not want the Senate to be the Senate. They wanted the Senate to be the House.

In the House of Representatives, if you have more than the other party, you get whatever you want. That is not how the Senate has worked for more than 200 years. The Republicans in the Senate in the 109th Congress said, we want another House of Representatives. They adopted the so-called nuclear option. They were not getting enough judges, enough of their right-wing, ideological judges. They were not getting enough—but it was well over 100. I don't know how many it is now. They were not getting enough. They wanted every one of them and they were willing to throw the traditions of this Senate overboard.

One of the negative things that happened in my political career was having to oppose the nuclear option. I said at the time, I say today, the most important thing I have ever worked on in my governmental career is the nuclear option because it was so anti-Senate, so antigovernment. I said in the Senate, why are you doing this? Why are you doing this, my friends, the Republicans? It would take a miracle for us to retake the Senate. As a result of the nuclear option and the other very bad things this Republican-dominated Senate did, the miracle occurred. One reason it occurred is because of the nuclear option. The American people knew that was beyond the pale.

We want to get our work done this year. We are willing to work up until Christmas, if necessary. We want to finish what we have to finish. I have talked to the majority leader. He knows the things I think should be done, must be done. We are leaving many things undone. However, as I said before, it is mission impossible. We cannot do it all; there is simply not enough time.

We spent too much time on the nuclear option, on estate tax, on gay marriage, on flag burning. The American people said, Why don't you work on our issues? On November 7, they said, Work together on our issues. We are committed to working together on the issues of the American people.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until the hour of 2 o'clock, with the Senator from Ohio, Senator DEWINE, permitted to speak for up to 2 hours.

ORDER OF PROCEDURE

Mr. DURBIN. I ask the Senator from Ohio if I might be given permission at this point to speak for up to 10 minutes and then yield the floor to him.

Mr. DEWINE. I yield to my colleague for 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

109TH CONGRESS FINAL WEEK

Mr. DURBIN. Mr. President, I agree with my colleague, the Democratic leader, Senator REID. We spend a lot of time making speeches in the Senate. Elected officials and Government officials and politicians across America speak a lot to the American people. The American people have an opportunity once every 2 years to speak to us. On November 7 the American people spoke to the Members of Congress. The message was very clear. It was a message calling for change and new direction.

Equally important, it was a message from the American people to the Members of the Senate and the House, stop the infighting, roll up your sleeves, do your work, get your work done, and do something to help America, help the families across America, who count on you to be responsive to the costs of health insurance, the cost of gasoline, the issues that confront us in America.

That was the message of November 7, a message of change. And there will be changes in Congress as a result of that election. That is why it was such a surprise for us to return to Washington at the end of this session and to hear the Republican leadership in the House and the Senate announce that, frankly, they were going to adjourn without doing their work.

The Republican leaders in the Senate and the House have decided to race for the exits. They have decided to leave without doing the most fundamental job Congress is expected to do; that is, pass the spending bills, pass the appropriations bills so our Government can continue to perform the valuable functions which are their responsibility.

To call this Congress a do-nothing Congress would slight Harry Truman's original 1948 do-nothing Congress. The congressional scholar Thomas Mann pointed out that even that do-nothing Congress of 1948 did pass the Marshall Plan, and that was certainly historic and noteworthy.

According to Thomas Mann and Norman Ornstein, this Congress worked less than 100 days this year. It is like the average person who works across America showing up for work 2 days a week. Would you expect to get a full paycheck, would you expect to get praise from your boss if you worked 2 days a week instead of 5? The 100 days was less than any other Congress in our lifetimes. For at least 25 of those days, incidentally, there were no votes scheduled before 6:30 in the evening, so they were really more like half days or quarter days. Yet during that period of time, this Congress refused to increase the minimum wage for millions of American workers, who got up this morning, and every single morning, to clean the rooms and bus the tables and wash the dishes and prepare the food for America, at a minimum wage of $5.15 an hour.

For 10 straight years, this Congress has refused to give those people, struggling at the lowest end of income in America, an increase in the minimum wage. And for 10 years, Congress has voted itself a pay raise during that period of time to the tune of $30,000, saying no to minimum wage workers and yes to Members of Congress—another illustration of how this Republican Congress lost its way and forgot the values that should bind us together as Americans.

Well, the Democrats heard the message voters sent last month. We are ready to work hard for the American people, as hard as they work for their own families. But let's be clear. It is not going to be easy to clean up the financial mess of 12 years of Republican control of Congress.

We wanted to start off the 110th Congress, the next Congress, by working on urgent challenges, such as health care and making it more affordable, helping middle-class families pay for college, and we will focus on those. But at the same time, we have to finish the unfinished work of this Republican Congress.

The last time a new majority party took charge of both Houses, in 1994, the Democrats passed every single appropriations bill by October 1, which is the deadline. That marked the last time all these bills were passed on time, by the way.

Now that the Democrats are taking over both Houses, will the Republicans finish their work before leaving town? Sadly, they will not. It is a fitting end to the do-nothing Congress. They will not only do nothing this year, they will do less when it comes to meeting their constitutional responsibility.

Refusing to work on this year's budget is just the tip of the iceberg. The increase in our national debt left behind by this Republican Congress and this administration and the deterioration of our fiscal health are a matter of public record. The President likes to say we are on track to ''cut the deficit in half'' by the time he leaves office.

But, as Paul Harvey says, let's go to the rest of the story. First, there was no national deficit when President Bush took office. President Clinton eliminated the deficit and we were paying down our national debt.

Second, this year's $248 billion deficit, which the White House points to as a source of pride, is still nearly as large as the largest deficit under the first President Bush, which was, until this President Bush, the largest deficit in U.S. history.

Third, and most important, that $248 billion figure for this year's deficit is not a true reflection of fiscal reality. It does not include the interest we have to pay on all of that borrowing, nor does it include all the funds that have been raided from the Social Security trust fund that will have to be paid back. When you add up all of that, we do not have a national deficit of $248 billion; our deficit is $546 billion, more than twice what the President admits.

If you want to understand how big a hole the Republicans are leaving behind after this Congress, look at our national debt. Why? Because when you sit down with your family's finances, what do you really worry about? How many new charges you put on your credit card in the last month or the total amount you owe on that credit card? It is the total amount of the debt that matters. The total amount of debt on our national credit card today is $8.5 trillion—$3 trillion more today than when President Bush took office 6 years ago. That is $30,000 in debt for every man, woman, and child in America.

Think about this fact: Under President Bush, America has borrowed more money from foreign governments to keep our ship of state afloat, borrowed more money than all of the Presidents in the history of the United States combined. And who are the creditors? China, Japan, many others—the same countries that, sadly, are showing an advantage when it comes to trading with the United States.

The Nation's fiscal situation is difficult. If we continue to follow the Republican playbook, it would only get worse. By 2011, the national debt would grow to $11.6 trillion. That is nearly $40,000 in debt for every American. It is a debt tax that is being left by this Republican Congress. We cannot sustain this level of debt. David Walker of the Government Accountability Office recently said:

> The status quo is unacceptable and unsustainable, and anybody who tells you—whether they be Republican, Democrat, or Independent—that we can solve this problem without having to reform entitlement programs, re-engineering the base of discretionary spending, and have additional tax revenues—anybody who says that we are not going to have to do all three of those is not telling you the truth. It's as simple as that.

The American people deserve honest budgeting and a restoration of the ''pay as you go principle''—not more out-of-control deficits. The American people deserve better than a Congress that votes itself a pay raise and continues to vote that the minimum wage stay without any increase.

Americans want ethical standards for Congress that are tough and enforced, a plan to protect our country with the 9/11 Commission recommendations, help in paying for college for working families, lower prices for prescription drugs, Federal support for stem cell research, a real national energy plan, and much more. They deserve a Congress that works as hard as Americans work themselves.

Sadly, this Congress is going to be AWOL, absent without leave. It will

leave behind a continuing resolution so we can limp along for another few weeks without addressing the serious responsibility every Congress faces. So we will not only, in a new Congress, face a new agenda, we are going to have to finish the unfinished business of this Republican Congress.

Mr. President, I yield floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS GREGORY ROGERS

Mr. DEWINE. Mr. President, I come to the Senate floor this afternoon to honor Army SFC Gregory Rogers. Gregory Rogers was from Deer Park, OH. He was killed on April 9, 2006, when a roadside bomb detonated near his humvee in Iraq. He was serving in his third tour of duty in Iraq with the 101st Airborne Division's 4th Brigade Combat Team. He was 42 years of age when he died.

Gregory Rogers grew up in Deer Park and graduated from Deer Park High School. During his 22-year career in the Army, he received dozens of service medals, including the Meritorious Service Medal and the Army Achievement Medal.

After high school, Gregory worked with his uncle in vending. Although Gregory initially tried this career path, he could not ignore his passion—to serve in the U.S. Army. So he joined the military. His brother Kevin recalls that ''It's what he lived for.''

A career soldier, Gregory played an integral role in the first gulf war in 1991 and had also spent time serving in Afghanistan and in South America. He was in the initial invasion force in Iraq and spent a few years as a drill instructor and as an airborne Ranger, jumping out of combat helicopters.

He was highly regarded by all who knew him. Army BG John Bartley said, ''We tried so hard to bring Gregory home unharmed. He will always be in our hearts and prayers. He will always be an American hero.'' Many of Gregory's comrades wrote letters about him, calling him ''a true soldier in every sense of the word.''

Gregory's father, Luther Rogers, said this about his son's commitment to service:

> Being a soldier was what he always wanted to do, and he always did his job.

Gregory's brother Kevin echoed this sentiment, saying:

> [Gregory] liked traveling the world; he was dedicated to his country.

Gregory came from a large family and was extremely close to his father and his mother Donna, as well as his two brothers, Jeff and Kevin, and his sister Tammy. His brothers communicated with Gregory almost daily through e-mails and instant messages. His older brother Jeff wants Gregory to know that ''We're very proud of him, we miss him, and we love him.''

Although he intended to retire in 2003, Gregory received orders to stay in the service and ended up serving two additional tours of duty. His brother Jeff remembers that ''[Gregory] believed in what he did—[and that was] making a difference.''

Once he completed his last tour in December 2006, Gregory was finally going to retire. He would be able to spend more time with the love of his life, his wife Sandy, and their two daughters, Whitney and Chelsea. Tragically, however, in 2005, Sandy died. Although she had suffered from type I diabetes since childhood, Sandy had just received a new insulin pump and her sugar levels were coming under control. Connie Root, a caretaker for Sandy during her illness, said her passing came as a shock. ''Greg loved his wife very much,'' recalls Connie, ''and he took care of her and was always very supportive.''

Even in the face of his beloved wife's death, Gregory wanted to give hope to another family. Before his wife Sandy died, she and Gregory had agreed to donate her insulin pump to a child who needed it. Gregory wrote that if Sandy would have had the pump when she was a child, she would still have been alive today. Beth Smith, a senior diabetes management consultant for MedTronic, which manufactured insulin pumps, said that in the many years of working with diabetic patients, she has never known anyone to donate a pump specifically to a child.

Before Gregory Rogers could choose a recipient for his wife's insulin pump, and just 2 months after her death, he was deployed to Iraq. While there, Gregory received information about Jessica Burkhart, a young girl in need of Sandy's insulin pump, and he decided to donate it to her. He chose Jessica as the recipient of his wife's pump. Just 13 years old, Jessica Burkhart had been diagnosed with type I diabetes and needed the pump to regulate her blood sugar levels. Her family could not afford a new pump, which costs around $6,000. When Jessica heard the news that she would receive Sandy's insulin pump, she could not wait to thank the man who was giving her new hope in life. Jessica and Gregory then became pen pals. In her first e-mail, an elated Jessica wrote:

> Thank you so much for choosing me over so many people. Thank you so much again.

Rogers responded a week later, writing:

> I know you must hate shots. I know I hated my wife struggling with her sugar and having to take sometimes up to 14 shots a day, so I know what a pain it must be.

It turned out that Jessica and Gregory shared something other than the struggle against diabetes. They both loved softball. Gregory told Jessica he loved the game and looked forward to coming home so he could play again. In every e-mail, Jessica thanked Gregory for the pump. She updated him on how it was already changing her life for the better. He always signed his letters to her ''Your friend Greg.'' Gregory's father Luther learned about the donation after his son died. He said:

> I'm really proud of my son for doing that.

Mr. President, Jessica Burkhart is just one of many who will miss Gregory Rogers. No sacrifice was too great for the man who dedicated his life to protecting his country, his family, and the life of an unknown child in one of his darkest hours.

He was a good son, husband, brother, and father. Though he will be missed tremendously, he will never be forgotten.

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

(Mr. COCHRAN assumed the Chair.)

STAFF SERGEANT GORDON G. SOLOMON

Mr. President, I rise today to honor a fellow Ohioan and a brave Marine who gave his life in service to our Nation. On August 24, 2006, Marine SSG Gordon G. Solomon was killed by an improvised explosive device while conducting combat operations against enemy forces in the Al Anbar Province of Iraq. He was 35 years old.

Growing up in Fairborn, OH, Gordon was eager to begin serving his country in the military. He graduated from Fairborn High School in 1990 and joined the Marines in June of that same year. For Gordon, there was simply no time to waste.

In April 2006, before leaving for Iraq, Gordon joined the 3rd Battalion, 2nd Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force, based out of Camp Lejeune, NC. Once in Iraq, he was selected to work with the Iraqi Army as a part of the Military Transition Team.

As an infantry unit leader in charge of a platoon, Gordon left a great legacy. His heroism and leadership were evident to all, and his service earned him many awards and medals. His decorations are too numerous to list here, but they include a Purple Heart with a gold star, the Navy and Marine Corps Achievement Medal, a Combat Action Ribbon, an Iraqi Campaign Medal, and a Global War on Terrorism Service Medal.

Those who knew and loved Gordon will always remember him for his dedication to his friends. Back in 1920, MG John A. Lejeune stressed the importance of camaraderie in the Marines Corps. He wrote that ''the spirit of comradeship and brotherhood in arms, which has traditionally existed throughout the ranks of the Marines Corps, is a vital characteristic of the Corps. It must be fostered and kept alive. . . .''

Over 85 years later, those words still hold true today. Looking at the lives of Marines, like Gordon, we can truly say that they have never lost the spirit of comradeship and brotherhood. It is certainly alive today.

On September 8, 2006, Gordon's life was honored—along with six of his Marine brothers—at a memorial service held at a chapel in Iraq. More than 200 Marines and sailors attended the service, where the seven rifles were placed in front of the chapel, each inverted

with the helmets resting on top. Identification tags for each Marine hung from the rifles.

Gordon's friend and fellow Marine, SSG Frank Lipcsak from Lima Company, spoke about Gordon during the service. He remembered how Gordon became known for always being a team player. That's simply the type of person Gordon was—always willing to work with others, always willing to do his best for the greater good. ''He and I became pretty good friends in the short time that he was with us,'' the Staff Sergeant recalled. ''When you talked to Gordon Solomon you were dealing with a man, a Marine, and a staff non-commissioned officer—in that order.''

He also said that even after Gordon left Lima Company, he still made time to come back and visit with his old company. This is what he said:

> [Gordon] would come back to our company area from time to time to hang out with us and see how things were going with our Marines. I have faith that Gordon is in a better place. He was our brother, and we miss him dearly. Our prayers are with his wife, son, and the rest of his family.

At the memorial service, LT Todd S. Desgrosseilliers, the battalion's commanding officer, spoke of the bravery and courage that Gordon and his fellow fallen Marines exhibited.

> Look no further for heroes. We know seven of them. . . . We memorialize them because, in the end, they were true to their word. They swore an oath that they would follow orders and defend our Nation against all enemies foreign and domestic. They gave a part of themselves to be a part of something larger than themselves. We honor their sacrifice and their courage in the face of danger. They will forever be with us.

Unquestionably, Gordon Solomon was a man who believed in the greater good. He served America selflessly—more concerned for the safety and well-being of others than for his own. He defined bravery and courage.

When I think of the sacrifice made by SSG Gordon Solomon, I think of words once spoken by one of our country's greatest leaders, President Dwight D. Eisenhower, when he said:

> Neither a wise man nor a brave man lies down on the tracks of history to wait for the train of the future to run over him.

Indeed, Gordon Solomon never lied down on those tracks. Instead, he was moving into the future, making history as he went. He was wise, and he was brave. With his life and actions, he changed the world so that we all live in a better and safer place. He did not sit idle. He did not rest. Rather, he willingly chose to serve our Nation the best way he knew how—as a United States Marine.

We are eternally grateful for the incredible service that Gordon provided during his time with the Marines. It is clear that he had a great impact on the men and women with whom he served. A dedicated Marine, who loved his family and his friends, Gordon will be deeply missed. His death is a loss to us all.

As 1LT Barry Edwards noted, ''[When] losing a Marine, especially a well-decorated one like this, the loss will be felt by the unit and Marine Corp-wide.''

My wife, Fran, and I will continue to keep Gordon and his family in our thoughts and prayers.

SERGEANT ADAM KNOX

Mr. President, I rise today to pay tribute to Army Sergeant Adam Knox, who was killed on September 17, 2006, when his patrol encountered small-arms fire during combat operations in Baghdad, Iraq. Sergeant Knox was assigned to the 346th Psychological Operations Company, based in Columbus, OH. He was 21 years old.

Adam was born on January 26, 1985. As a life-long resident of the Columbus area, he developed strong relationships with his family and friends. Friends describe Adam as a ''man's man,'' who loved rebuilding and taking care of cars, especially his prized possession—a Z28 Camaro that he would ''scrub inside and out every weekend.'' Friends say that Adam's inclination to precision and order made him well-suited for the Army.

Adam graduated from Westland High School in Galloway, OH, and shared with his friends and family his love for the Ohio State University Buckeyes football team. In fact, Adam was probably one of the Buckeye's biggest fans—he would cheer so loudly during football games that his friends said ''people two counties over could hear him.'' Adam even missed his homecoming dance at Westland High School to watch an Ohio State football game. While living in Columbus, Adam was also a dedicated worker at a Meijer store, Skyline Chili and, just before he mobilized with his unit, at a business-products wholesaler operation.

Adam loved his family and was very proud that his father, Jay Knox, had served in the Army. In fact, it was his father's service and influence that played a major part in Adam's own decision to join the Army Reserves in 2003, just after he graduated from high school. Although Adam's father Jay was sick with an inoperable spinal tumor when his son enlisted, he lived long enough to see Adam complete most of his training. After the loss of his father, Adam sought to continue his father's legacy of fighting for our country.

In March 2006, Adam deployed with the 346th Psychological Operations Company to Iraq. Part of the company's job is to help the United States develop relationships with the Iraqi people. Adam handed out candy and soccer balls to Iraqi children, and he ate dinner with Iraqi officials. Adam loved his mission and truly believed in what the military was doing in Iraq.

Indeed, Adam touched countless lives through his service to America and his support of the Iraqi people. Adam would often tell friends that people should focus on the good that individual soldiers were doing in Iraq. It was this optimism and strength that made Adam so special.

Even while serving in Iraq, Adam was still a die-hard fan of Ohio State football. During the Ohio State versus Texas game, he eagerly stayed up until 2 a.m., so he could watch. Adam also scheduled his leave around the Ohio State versus Michigan game, so he could be in Columbus at the time. Adam's goal was to attend The Ohio State University after his military service. I am certain that Adam would have reached this goal, and that his family and friends would have been very proud.

The same qualities that made Adam an outstanding human being made him an exceptional soldier. He was a dedicated and courageous soldier, who was greatly respected by his comrades. When his patrol team found a weapons cache, he was the first person to go through the entrance to the building. Adam's fellow soldiers looked to him for his bravery and support.

Because of his hard work and commitment in the field, Adam was quickly promoted to Sergeant on September 15, 2006, after only three years in the Army. He had told his mother that he had only about another week left of dangerous missions in Baghdad, and then he would be sent back to his unit to train other soldiers.

For his bravery and service to our Nation, Adam received multiple awards, including the Bronze Star, Purple Heart, National Defense Service Medal, Iraqi Campaign Medal, and the Armed Forces Reserve Medal.

MG Herbert Shuler, who commands the Army's Psychological Operations and Civil Affairs and who served with Adam, said this about him: ''Every generation has its heroes. Adam Knox is a hero for this generation.''

One of Adam's friends and fellow Marines, SGT Travis Watson, spoke at a memorial service in Adam's honor in Iraq. And on an Internet tribute website, Travis left the following message for Adam's family:

> I send my sympathies for your loss of Adam. He was a dear friend of all of us at the 346th, and he will be terribly missed. I feel extremely fortunate to have spent the time I did with him and to have deployed with him. He was a very good soldier, and an even better friend.

Adam was an outstanding person—someone who was loved dearly by his family and friends, his fellow servicemembers, the children of Iraq, and simply anyone else who came in contact with him. Adam truly is a symbol of bravery, sacrifice, and honor. We owe it to him to celebrate his life—a life devoted to helping others and keeping us safe. It is in these good deeds that his memory lives on.

Adam Knox was a caring, brave, and selfless man. He will be remembered as a devoted son, a kind brother, and a beloved friend. The world is a better place because of him.

My wife Fran and I continue to keep Adam's mother Deborah and his brothers Tom and Tony in our thoughts and prayers.

CORPORAL ROBERT WEBER

Mr. President, I rise today to pay tribute to a young Ohioan who lost his life while serving our Nation on his second tour of duty in Iraq—Army Corporal Robert Weber, from Western Hills. Corporal Weber was killed on September 30, 2006, when his military vehicle overturned. He was 22 years old.

Mr. President, as a soldier, Corporal Weber took great pride in reconstructing Iraq. He told his family that he and his fellow soldiers were building schools, roads, and churches. He was a brave young man who was deeply committed to serving and aiding our Nation. For his dedicated service in the Army and his unwavering courage, he earned the distinguished Bronze Star Medal.

Robert, who was called ''Bobby'' by those closest to him, grew up in Delhi Township outside Cincinnati, as the only child of Cathy and Martin Weber. Robin McIntosh, a family friend, describes Bobby as, ''a sweet, caring young man, who died doing something he believed in. He knew the risks, but felt he was doing the right thing.''

Bobby was dedicated both to his family and to his country. His aunt, Debbie Niehoff, recalls that Bobby loved children and enjoyed spending time with his younger relatives, wrestling and playing. They all looked up to him.

Bobby's love and dedication to children compelled him to dream about one day becoming a history teacher. To pursue his goal, he enlisted in the Army several months after graduating from Dater High School in 2003. Mary Ann Ellis, an English teacher at Dater High School who taught Bobby for 2 years, said she enjoyed his quiet nature and thorough work ethic. ''He was very giving, loving, and funny,'' she described.

Fresh out of basic and advanced training in May 2004, Bobby was assigned to the artillery battalion of the 3rd brigade, based in Fort Lewis, WA. Major Robert Bennett was the artillery battalion's operations officer at the time. He said this about Bobby:

> Weber was one of those kids who never met a stranger in his life. He was outgoing, very friendly. He was just a good kid. He always wanted to be helpful.

Jason Thompson, who served with Bobby, described their time together in a message on an Internet tribute website:

> [Bobby] was a very good man. I served with Weber in his first tour to Iraq. He spent a lot of time on my truck as a gunner. He had a wonderful sense of humor and always kept a smile on my face. He will be missed.

Mr. President, between his first and second assignments in Iraq, Bobby stopped by his old high school. By the stories he shared there, you could tell that he really felt like he was doing the right thing. His former teacher, Mary Ann Ellis, explained that ''he was very excited about serving his country . . . and proud of the work he was doing.'' Principal Beverly Eby remembers that during his visit, Bobby explained to staff that the tour conditions were very hot, but that ''he had found his place.''

While e-mailing his family back home, Bobby described his work in his second tour in Iraq as tougher and more dangerous. He worked as a gunner and was put in many difficult situations. But his positive attitude kept him—and his fellow soldiers—going. Major Robert Bennett recalls one of his upbeat moments:

> Even if we were in the field, [or] if it was raining like crazy, up to our knees in muck and mud, he'd say ''Sir, it rained about five percent less in my tent last night, so I'd say things are looking up!''

Bobby was light-hearted and good-natured. He enjoyed teasing Major Bennett about baseball. Bobby was a fervent fan of the Cincinnati Reds and never missed a chance to rib his senior officer about baseball. Major Bennett remembers, ''He used to give me unending grief about my beloved Chicago Cubs.''

Besides his passion for the Cincinnati Reds, Bobby also loved the mountains and talked about living there after this tour of duty was up. His aunt Debbie remembers when Bobby first spoke of joining the military. ''I wasn't thrilled about his decision,'' she said. ''But, he was very adamant about serving his country.'' She remembers how proud Bobby was of the rebuilding work he was doing with the Army.

Of course Debbie, as well as Bobby's other family and friends, will remember much more than just his bravery and service in Iraq. They will remember his good character and willingness to help anyone in need. Debbie remembers a snowstorm that hit during the 2004 Christmas season. Bobby came over to her house and shoveled her driveway. Afterwards, he went over to his aunt's neighbor, who was home with her two children, and did the same for her. But he didn't stop there. ''He worked all day helping neighbors,'' Debbie recalls.

Bobby and his bright blue eyes are dearly missed. His bravery is matched only by the size of his big heart. He was a good person, who was full of life and had a passion to serve.

I think the marquee outside his high school on the day of his funeral said it best: ''Out of our lives. But not out of our hearts.''

Indeed, Mr. President, Bobby Weber will remain always in our hearts.

My wife Fran and I continue to keep his family and friends in our thoughts and prayers.

MASTER SERGEANT BRAD CLEMMONS

Mr. President, I rise today to honor the life of MSgt Brad Clemmons, from Chillicothe, OH. On August 21, 2006, Master Sergeant Clemmons died when his convoy in Iraq was hit by an improvised explosive device. At the time, he had been serving in Iraq for only two weeks. He was 37 years old.

Master Sergeant Clemmons was the husband of Rebecca and the devoted father of Isabelle, Nicholas, and Zachary. He was also the son of David Clemmons and Pamela Clemmons, and the brother of Amy, Shelley, and Michael Clemmons. He is also survived by his grandparents—Cecil and Anne Clemmons, and Richard and Marjorie Graves.

Two days before his death, Brad's wife Rebecca told him that he was going to be a dad for the fourth time. She remembers that Brad, a doting father, was delighted by the news. It is, indeed, tragic that Brad did not live to see his new baby. However, the child is expected to be born in April, and Rebecca says it will be named Brad if it's a boy.

Even as a child, Brad felt drawn to the military. His childhood friend Marcus Bost remembers the days when he and Brad would play war games together; that is, if they weren't already busy chasing snakes or catching crawdads in Stoney Creek. Brad's mother recalls that her son would even pretend to make bombs out of tubes of Old Spice deodorant.

Explosives interested Brad. And it was this interest that led him to a successful career in the military, where he an explosive ordnance disposal craftsman—someone who helped diffuse bombs.

Brad entered the Air Force in 1987, after graduating from Southeastern High School. He had signed up to join even before his 18th birthday. According to his father, Brad had always known that the military was going to be his career.

Brad was deployed to Iraq as a weapons intelligence flight team leader for the 354th Civil Engineer Squadron, based in Alaska. His work in Iraq was both critical and dangerous. According to LTC Frank Freeman, Brad's job was to lead his team in collecting crucial evidence and post-blast analysis of improvised explosive devices—IEDs—the number one killer in Iraq. Brad would then take what he learned and teach his fellow servicemen how to remain safe from IEDs.

Lieutenant Colonel Freeman particularly remembers Brad's leadership capability. During a memorial ceremony for Brad in Iraq, he said the following:

> One of his best qualities was [Brad's] leadership. His team couldn't wait to get back out after the incident, because they know that is what Sergeant Clemmons would want them to do. In times of war, we see human nature at its extremes. We see it at both its absolute worst and absolute best. Today, we honor one of the best. Brad was a true hero; a hero who put service before self and died in the line of duty.

Lieutenant Colonel Stan Giles, a chaplain, also remembered Brad's extraordinary bravery, saying this:

> Nearly 20 years ago, Brad entered perhaps the most dangerous of all career fields. He became an instructor in the most dangerous of all professions and then volunteered to work in the most dangerous of all neighborhoods here in Iraq.

Brad spent nearly 20 years of his life serving our Nation in the Air Force.

When he died, he was on a mission to analyze two reported IEDs—simply, he was working to keep his fellow servicemembers safe. For his bravery and dedication, Brad received both the Purple Heart and the Bronze Star.

Clearly, Brad was an exceptional Airman, but he was also an exceptional human being. Pastor F. Douglas Hudson is a reserve military chaplain in Rammstein, Germany, where Brad had once been stationed. Hudson came to know both Brad and his wife Rebecca well, and baptized their daughter, Isabelle. Hudson recalls that he was always impressed by Brad's wit, knowledge, and devotion to his family. This is what he said about Brad:

> He was always talking about training the soldiers and getting them prepared for the worst-case scenario. If there's one thing I can say about Brad, I'm not sure if he was afraid of anything.

Brad was a wonderful man, completely dedicated to his family and those he loved. His parents recall that he was an honors student who consistently held himself to the very highest standards. Pam remembers, ''He was one of the most honest people that I've ever met in my life.''

It was while serving in Germany that Brad met Rebecca—the love of his life. She remembers that she was first drawn to Brad because of his way with children. ''He was Uncle Brad to everybody,'' she recalls. As a couple, Brad and Rebecca were always happiest simply spending time with family and friends, doing things like going to church or playing board games.

Before Brad left for Iraq, Rebecca put her feelings into a poem she gave to him. This is what she wrote:

> As you leave tomorrow, promise we won't be far apart.
> As you leave tomorrow, promise the love will never part.

Brad kept this poem close to him until the day he died. According to Rebecca, ''He didn't like you to know he was a sentimentalist. He carried it around in his wallet.''

Brad will always be a hero to his family, not just because he served in Iraq, but simply because of his love and compassion. In Rebecca's words, Brad ''was a great person. He was a great father, a great husband—a dedicated father, dedicated to serving his country.''

Brad's mother remembers his last words to her—''That he loved me,'' she said. She continued. ''And that's one thing that I always knew—that his family and his country were uppermost in his life and God is number one. And my son is with God tonight.''

Mr. President, I was fortunate enough to attend the calling hours in Brad's memory. I am honored that I had the opportunity to meet his wife Rebecca, his mother Pam and his father David. As I learned talking to them, Brad Clemmons was, indeed, an exceptional human being, who was loved by his wife, his children, his parents, his family, his friends, his fellow Air Force airmen, and anyone else who met him. His Aunt Jackie Arbaugh remembers that he simply had a magnetic personality. As she put it, ''He was a fine young man. He was just loved by everyone who knew him.''

Brad Clemmons was a good person—someone who will always be remembered both for his laughter and his intelligence. Because he lived, our world is a better place. My wife Fran and I will continue to keep his family in our thoughts and prayers.

SERGEANT JUSTIN TYLER WALSH

Mr. President, this afternoon I come to the Senate floor to pay tribute to a selfless marine from Cuyahoga Falls, OH—SGT Justin Tyler Walsh. Justin died on October 11, 2006, after he had been critically wounded by an improvised explosive device 1 week earlier in Al Anbar Province in Iraq. Justin was 24 years of age at the time of his death.

Justin enlisted in the Marines shortly after graduating Cuyahoga Falls High School in 2001. Greg Roth, his advanced placement U.S. History teacher, said that Justin had talked about going into the Marines from the time he was a freshman. He had a great sense of humor but a serious side as well. Roth said:

> Justin [just] seemed to know what was important and what wasn't. You're talking about a fantastic young man.

At Cuyahoga Falls High, Justin played football. He also wrestled. Don Ross was Justin's football coach there and remembers that Justin was extremely hard working. He recalls this about him:

> Justin wasn't your biggest lineman, but he made up for his lack of size with hustle. He always had a tremendous attitude and always had a smile on his face. He was a great kid. As a football coach, you don't always remember all your players. But, he was one of those players who you always remember.

Justin was also involved in the school's student council and was a member of the Latin Club, National Honor Society, and Fellowship of Christian Athletes.

Humanities teacher Joel Morgan remembers that Justin was a focused young man who led by example.

> I remember his leadership skills in the classroom. He did it in a way that the other students didn't know he was doing it. If you needed him to bail you out of a quiet, nonparticipating event, you could count on Justin to get the conversation going.

Upon entering the Marines in 2001, Justin trained to become a nuclear, biological, and chemical defense specialist. He was deployed to Kuwait as part of Operation Iraqi Freedom on January 9, 2003. He served for 6 months in his first deployment and returned to Iraq less than 1 year later for his second deployment. It was during this deployment that he was promoted to the rank of sergeant.

Still, Justin pushed himself further. He requested a lateral move within the Marine Corps to the Explosive Ordinance Disposal field where he would be working on bomb disposal.

Justin quickly learned the new skills needed for this job and graduated from EOD school in November of 2005. Eager to continue his service and to utilize his new training, he left for his third Iraq deployment in August 2006. During this time, he conducted numerous EOD combat missions where he rendered safe roadside bombs. Ultimately, though, this was the work that would take Justin's life.

On October 5, 2006, Justin was disassembling a roadside bomb, working to ensure the safety of his fellow marines, as well as other military and civilian personnel. A second roadside bomb in the area detonated, critically wounding Justin. He received medical care both in Iraq and Germany before being transferred to the National Naval Medical Center in Maryland.

Justin died from his wounds on October 11, 2006, with his family and close friends by his side. His father James said his son was proud to be a marine, and he was glad Justin passed away in the country that he died fighting for.

After his death, Justin was honored by his alma mater during their homecoming football game. His jersey number, No. 56, was painted in the end zones and his picture appeared on a giant poster with a banner reading ''Fallen Hero.''

Those who knew Justin weren't surprised that his leadership skills and selfless nature transferred over to his career as a member of the U.S. Marine Corps. One friend recalled this about him:

> Justin had every opportunity to do other things in his life, and he chose to do this. There aren't many kids who want to be a bomb specialist, especially for the Marines.

His brother James said that Justin chose a dangerous position in the EOD unit because ''he felt he could save some marines' lives by doing that.'' James recalled that:

> Justin took his job very seriously. But as far as life went, he enjoyed life. He lived in the moment.

He was also selfless. Justin was constantly concerned about the well-being of others, more so than his own. Kara Desmarais, whose husband was stationed with Justin in North Carolina, shared this memory of Justin:

> At our cookouts, he was helping me in the kitchen—mostly telling stories or the latest gossip to make me laugh—on the grill helping my husband, or playing with the kids to help out. We are going to miss his funny stories, his laugh, his smile, and, most of all, his friendship.

SGT Jeremy McAbee wrote the following on a tribute Web site to Justin:

> Thanks for leading the way and bringing out my true colors. You were always a hero to me, even when I pinned sergeant on you.

Justin is truly a hero. With his selfless courage, leadership, and service, he was the model of what every parent dreams their child will become. Today we remember the sacrifices of this fine marine and resolve that his life will not be forgotten but rather emulated by all who are left behind to cherish his memory.

My wife Fran and I continue to keep Justin's father James, his mom and his

stepfather, Terry Walsh-Silvey and Thomas Silvey, brother James, and sister Heather in our thoughts and our prayers.

CAPTAIN MATTHEW C. MATTINGLY

Mr. President, this afternoon I wish to speak in the Senate to honor the life of Army CPT Matthew C. Mattingly from Reynoldsburg, OH. Captain Mattingly, a decorated officer, commanded Troop A of the 1st Squadron, 17th Calvary Regiment of the 82nd Airborne Division based out of Fort Bragg, NC. On September 13, 2006, he was killed when direct gunfire struck a reconnaissance helicopter he was copiloting near Mosul, Iraq. He was 30 years old.

Growing up in Reynoldsburg, Matt, as his family and friends called him, loved sports, particularly softball and football. And according to his father Dennis, he had a passion for flying ever since he was a small boy. As a student at Reynoldsburg High School, Matt proudly wore No. 63 as a member of the football team. Dan Hoffman, the former principal of Reynoldsburg High, recalls this about Matt:

He was a top-flight kid, the kind of kid you would want defending your country—a solid kid from a solid family.

After graduating from high school, Matt attended Xavier University, where he seized the opportunity to serve his country by joining the Reserve Officers' Training Corps, ROTC. One of Matt's classmates wrote the following in a message posted to an Internet tribute Web site in Matt's honor:

Matt always had a smile on his face and was always having a good time. He loved life, and he loved the Army. I have no doubt that Matt was as superior an officer as he was a superior cadet. I will miss him very much.

Matt graduated from Xavier University in 1998, after which he was commissioned as a second lieutenant and went into the Army. In 1999, he successfully completed aviation officer basic training.

Matt was a committed and dedicated soldier. In 2002, he served in Bosnia with the 25th Infantry Division as part of the NATO stabilization force. In 2003, he deployed to Iraq and served with distinction in the 4th Infantry Division. During his first deployment, his actions earned him the Bronze Star and an Air Medal with Valor honor for his bravery and for his heroism. In 2004, Matt was assigned to the 82nd Combat Aviation Brigade and returned to Iraq.

According to his father, Matt was planning on making the Army his career. Family friend, Beverly Denney, said that Matt saved the lives of several soldiers on the ground during the battle with his helicopter—the battle in which Matt tragically lost his life. In Beverly's words, Matt ''was a very kind, considerate, respectable young man. He was truly always thinking about others.''

COL Kelly Thomas is the commander of the 82nd Combat Aviation Brigade. This is what Colonel Thomas had to say about Matt:

This is a huge loss. I've known Matt since he was a lieutenant in Sarajevo. He was a professional warrior, a combat veteran, a caring troop commander. He was a dynamic officer. He served his squadron and nation doing what he did best, leading and caring for his troopers.

For his brave actions in Iraq, Matt was awarded the Purple Heart.

Matt had another love besides the military, a love that was strong, and that was for Alicia Burke. This past July, before being deployed to Iraq for a second time, Matt became engaged to Alicia, a captain in the Air Force. She was truly the love of his life.

Matt's family and friends fondly remember his wonderful sense of humor. At the funeral, his sister Michelle read a letter from a first sergeant who had served with him. In the letter, the first sergeant remembered how he would puzzle all day over something Matt had said that morning that seemed particularly smart, only to have Matt tell him that evening that he just made it up.

Those who knew Matt will always remember how he liked to sing karaoke and that he was a fan of the Ohio State University Buckeyes. His sister Michelle will remember him as the best brother she ever could have had—a childhood rival and then a friend and then a role model.

Army Captain Mattingly truly was an extraordinary American. He was a man who loved God, family, and country. Selfless and humble, Matt put the needs and concerns of others above his own.

Sergeant First Class Martinez served with Matt in both Texas and Hawaii. He remembers Matt's caring nature and will always treasure a special hat he gave him. The sergeant said this about his friend:

I'd served with Captain Matthew Mattingly while at Fort Hood, Texas, and in Hawaii, while he was my platoon leader, my mentor, and most of all, my friend. . . .We did learn a lot from each other and even though I'm dealing with this great loss, I'm also celebrating his life and treasuring all the great moments we'd shared. . . .I do promise that you will never be forgotten.

Motivated by a sense of honor and duty, Matt always tried to do what was right and not what was always necessarily easy. We are eternally thankful for Matthew's enduring convictions, his character, and for his service.

I conclude with the words of Matt's sister, Michelle, who wrote the following in tribute to him:

It is overwhelming to know how much Matt was loved by the Army and to know the love from Ohio was the same. I wanted to thank his troop and Officer Quinn for bringing my brother home. My brother loved flying and his family even when we weren't there. The only thing that saddens me is that Matt never got to have a family. He would be a great dad. But knowing that the 1–17 Cavalry was his family gives me great peace. Thank you so much.

My wife Fran and I continue to keep Matthew's family—his father and stepmother, Dennis and Barbara Mattingly, his mother and stepfather, Randi Mattingly and Ron Fridley, his sisters Michelle, Kethryn Mattingly, and his fiancee, CPT Alicia Burke—in our thoughts and in our prayers.

CORPORAL TIMOTHY DAVID ROOS

Mr. President, this afternoon I would like to pay tribute to Marine Cpl Timothy David Roos from Delhi Township, OH. On July 27, 2006, Corporal Roos was killed when an improvised explosive device detonated while he was conducting combat operations in the Al Anbar Province in Iraq. He was 21 years old at the time and just a month away from returning home to Ohio.

Timothy was a vehicle commander for the 2nd Platoon of the 3rd Battalion, 8th Marine Regiment. He joined the Marines with his cousin Jeffrey. He had wanted to be in the Marines ever since he was a very small boy. Timothy's father Rick had also served as a marine and had spent time in Vietnam. His dad remembers how Timothy and his brother Adam would always play in the woods as boys. As Rick recalls:

Timothy always had my old uniforms on, and that's what he wanted to be: A marine.

Timothy's family remembers him as a brave young man who was so proud to be a marine. ''He loved doing his job and loved the Marine Corps,'' his father said.

His brother Adam recalls this about Timothy's career as a marine:

Tim was a great marine. He loved his job. He loved doing it. There really wasn't much that Tim wasn't proud of about his service.

Since joining the Marines in 2003, Timothy had faced major attacks several times. He was deployed to Haiti in the year 2004 and came under fire twice in Iraq in 2005. Just this past May, Timothy's humvee ran over an IED that exploded. All of the marines in the vehicle escaped uninjured.

After the humvee incident, Timothy told a Marine Corps news publication that working as a marine could be frightening. This is what he said:

The explosion shattered all of the glass in the vehicle, popped all 4 doors open, and sent shrapnel ripping through the engine. It's scary, and if you are not scared, there is something wrong with you. But it is our job, so you've got to do it.

Those were very brave words from a young man who was only 21 years old.

Timothy graduated from Oak Hills High School in Bridgetown in 2003. A dedicated swimmer, he still holds some of the local records. Before graduating, Timothy also attended Diamond Oaks Vocational School in Dent, OH, where he studied automotive technology and was active in their Reserve Officer Training Corps Program.

Along with the rest of his family, Timothy was an avid fan of the Green Bay Packers football team. The day before he was killed, he spoke with his father, and they made plans to see a Packers game and to go camping.

Timothy was scheduled to return to Ohio on brief leave so he could see his wife of 3 years, Sara, and their newborn daughter Annaliese, who was born just 2 weeks before he died. Tragically, Timothy never had the chance to—never had the chance to hold his baby girl.

His brother Adam recalls that Timothy was ready to be a dad. He was excited and a bit nervous. Timothy's

brother-in-law Brian Pearson remembers how important family was to him. ''He was very much looking forward to coming home and seeing his daughter,'' he says.

Days after Timothy's death, ''It's a girl!'' signs were still posted around the house. As his wife Sara recalls:

He was all about having a baby from day one. He was just so excited, so excited to be a father.

Sara was indeed the love of Timothy's life. They had been sweethearts ever since their time together at Delhi Junior High School when they sat next to each other in their eighth grade math class. Sara fondly remembers their school days together and the time when Timothy transformed from a quiet boy into a tall man. As she recalls:

My jaw hit the floor when I realized who he was. He was skinny and as handsome as could be.

Timothy and Sara were made for each other. They so enjoyed their time growing up together. Sara often laughs about their punk phase when the two of them sported dyed hair and pierced ears. Outside of the classroom, they often attended concerts together. Sara once commented:

I don't think a lot of people really believe you find your soulmate when you're 17, but we did. I doubt many people ever have what we had.

Timothy and Sara were married just a month before he left for boot camp in North Carolina. While home on leave in March 2006, Timothy visited his old high school. His former teachers there remember him so well. As the school's public relations coordinator Rebecca Beckstedt said:

He felt very connected to the students and staff at Great Oaks. There's nothing harder for a school to lose than a student. It's heartbreaking.

Those who knew Timothy will always remember him for the way he made everyone laugh. At school he had a reputation of being a great kid with a great sense of humor. As his brother Adam said at Timothy's funeral:

He was hilarious. He was always doing something goofy.

Timothy's dedication and sacrifice continue to be an inspiration to those who knew him. Even though he had survived previous attacks and was well aware of the dangers of life in a combat zone, he often spoke of reenlisting. In the words of his brother: ''That's why he's my hero.''

Adam also knows his brother Timothy died doing what he wanted to do—serving our Nation. In Adam's words:

Deep, deep in Timothy's heart, that's what he wanted to do.

The hundreds of people lining the Delhi Township streets to watch Timothy's funeral procession were equally moved. As the procession passed, 8-year-old Vincent Neely commented that he, too, wants to be a marine when he gets older. ''It's the biggest sacrifice anyone can make for anything,'' he said.

His family friend Diane Heileman said:

It really gets your heart when you know we lost another one, but if it weren't for them, we wouldn't all be here—our freedom, they're protecting all of us.

Indeed, our world is simply a better place because he lived. He was a young man who genuinely loved life and had compassion for others. His dedication to his family, his friends, his fellow marines, his local community, and his country is inspiring.

Let me conclude by mentioning, as I was preparing to speak today in honor of Timothy, I saw in his biography that he had served in Haiti. I recalled when I was there visiting our marines. I went back to some photographs that were taken during a trip that Fran and I took there in 2004. When we were there, we made a point of visiting with the Ohio marines who were serving in Port-au-Prince, Haiti. I went back through the individual pictures we took of them and I found one. I found one that I had taken of Timothy. Here is the picture. I am privileged to have had a brief meeting with Timothy in Port-au-Prince, Haiti. I saw then firsthand the differences our troops were making in Haiti. I know the Chair in his travels and the other Members of the Senate have seen what I have seen when we have seen our troops overseas. They are the best. They are people who are making a difference every single day. Timothy made a difference in Haiti. He made a difference in Iraq. He made a difference wherever he served. Of that, Mr. President, I am certain.

My wife Fran and I continue to keep Timothy, his wife Sara, their daughter Annaliese, his parents, Rick and Janice, and his older brother Adam in our thoughts and in our prayers.

PRIVATE FIRST CLASS JAMES P. ''J.P.'' WHITE, JR.

Mr. President, this afternoon I would like to pay tribute to a remarkable young man, Army PFC James P. ''J.P.'' White, Jr., from Huber Heights, OH. On August 11, 2006, Private White was killed in Afghanistan when enemy forces attacked his platoon with rocket-propelled grenades and small arms fire. He was just 19 years of age at the time of his death.

Mr. President, it is impossible to make sense of the death of anyone so young. J.P. lived a great deal of life in his all too brief 19 years on this Earth. It is important that we recognize that he died for something he believed in, doing an important job he loved. J.P.'s grandmother Amy Phipps perhaps said it best:

J.P. always, always wanted to join the Army. He thought he should protect us by fighting the terrorists. I'm proud of everything he has done. We were very blessed. He gave his life for us.

J.P. was indeed a blessing to all who knew him and to those of us who did not. He was one of those special and courageous individuals who spent his life defending others. And for that, we owe him and his family a debt of gratitude which we simply will never ever be able to repay.

Growing up in a family with a rich military tradition, J.P. knew early on he wanted to serve his country, and he nourished that desire every chance he got. At Wayne High School he joined the Reserve Officers Training Corps where he rose to the rank of cadet captain and class leader his senior year. He captained the Armed Exhibition Drill Team, a unit that he led to within a single point of a trophy in local competition. His friend and teammate, Joshua Shea said:

J.P. was disciplined. He knew what he was doing.

For all of his focus and determination, J.P. was also a very fun-loving person. Like other teenagers, he enjoyed computers, video games, and hanging out with his friends. Many of his friends remember him playing a game which they had improvised. It involved bouncing a racquet ball off a wall using only a player's head. Not surprisingly, J.P. referred to it as ''head ball.'' One of J.P.'s friends, Casey Sullivan, said that underneath the disciplined Army soldier was a big goofball at heart. His friends loved him dearly.

Upon graduation from Wayne High School in 2005, J.P. immediately enlisted in the Army. J.P.'s father James said that they discussed at length his decision to join, but there was never a moment's hesitation on his son's part. As James put it simply: ''He was sure.''

J.P. joined the military along with a childhood friend, Marine LCpl Ryan Pennington. The two kidded each other all the time about who had joined the better branch of the military. Between a committed Army man and a committed marine, I am not sure this was an argument they would ever resolve, but both knew what it meant and understood what it meant to serve.

Ryan recalled that J.P. was extremely committed to serving and was prepared to make the ultimate sacrifice.

I know J.P. knew the risks. We all do, and we accept them.

In July of 2005, J.P. shipped out for boot camp at Fort Drum in New York. He completed basic and advanced training at Fort Benning, GA, to be an infantryman. He was a member of the 1st Battalion, 32nd Infantry Division, 3rd Brigade Combat Team for the 10th Mountain Division. In March of 2006, his platoon was deployed to Afghanistan as part of Operation Enduring Freedom.

Serving in the field and frontline is precisely what J.P. had envisioned when he was growing up. According to his high school ROTC instructor, SGT Michael Cannon:

J.P. probably could have had any job in the Army. He didn't want a desk job. He was doing exactly what he wanted—combat and convoy operations.

After several months of deployment, J.P. returned home for his sister April's high school graduation in June

2006. Tragically, this would be his last time with his family and friends at home. He left on Father's Day.

Before leaving, J.P. and his father talked about the war and his experience of fighting for our country. In spite of all the danger, J.P. was resolute in his commitment to the fight for freedom. His father said:

He never feared going back. He just told me he was doing his job. He was proud to serve his country. I believe that he's a great hero.

News of J.P.'s death this past August came as shock to all his family and friends. When his father got word, he knew that there was no way he could tell J.P.'s other relatives in Illinois over the telephone. Instead, he got in his car and drove his family the 4 hours from Huber Heights, OH, to Mount Pulaski, IL, to deliver the news in person.

''It was a long ride to be driving and crying,'' his father said. ''He was a wonderful kid—very well behaved and well respected.''

J.P.'s life and sacrifice were honored at a funeral on the morning of August 21st at St. Peter Catholic Church in Huber Heights. Reverend Darrell Perry presided over the ceremony. He closed by reminding everyone that ''J.P. gave his life doing what he believed in.''

With flags flying at half staff throughout Huber Heights, a procession took J.P. to his final resting place at Dayton's National Cemetery, where he was buried with full military honors. During the procession, 30 Patriot Guard Riders from across the State of Ohio joined J.P.'s family. These men came from all over on their bikes to serve as part of a color guard for J.P.

Bryan McCoy, one of the Patriot Guard Riders who joined family and friends at the service, traveled all the way from Akron to pay his respects to J.P. and his loved ones. ''I'm too old (to join the fighting overseas),'' he said. ''I just want to offer my support.''

At the Cemetery, BG Joe Orr presented J.P.'s family with the Bronze Star on his behalf for bravery, heroism and meritorious service.

''He's going to be very, very sadly missed,'' said J.P.'s grandmother Amy. ''But we know he's in God's arms.''

Yes, J.P. is in God's arms and in the hearts and minds of all who had the good fortune to have known him.

My wife Fran and I continue to keep J.P.'s parents, James and Robin, his sisters April and Denise, and all his family and friends in our thoughts and in our prayers.

LANCE CORPORAL TIMOTHY MICHAEL BELL

Mr. President, I rise today to honor a fellow Ohioan who was killed while serving in Iraq—LCpl Timothy Michael Bell, Jr., from West Chester. Lance Corporal Bell was killed in Iraq, on August 3, 2005, when a roadside bomb exploded underneath his military vehicle. He was 22 years old.

Timothy Bell—''Tim'' to family and friends—was a man who greatly respected his country—a man who was proud of every day he served our Nation as a Marine. As Greg McDaniel, Pastor at Impact Baptist Church, said about Tim:

He loved the Marine Corps. [Tim] always said, ''I want to be a [Marine].'' The day he graduated from boot camp, he told his mother, ''This is why I was born. This is my destiny.''

From the time he was 6 years old, Tim knew that he wanted to be a Marine. His room was full of Marine posters and memorabilia, and a camouflage Marine blanket even covered his bed. For Tim Bell, there was never any question of what he wanted to be when he grew up.

Most Ohioan's know Tim's family as a baseball family. His uncle Buddy was a star player for the Cleveland Indians and the Cincinnati Reds, and I remember his grandfather Gus was a star player for the Reds when I was a kid. Buddy currently manages the Kansas City Royals. Tim's cousins, David and Michael Bell, also played Major League Baseball.

But, there is another uniform that has been very important in the Bell family—and that is the uniform of the U.S. Marine Corps. Two of Tim's uncles and an aunt wore the Marines' uniform. While many boys dream of becoming professional athletes, Tim saw his relatives in their military uniforms and decided that he wanted to be just like them—that joining the military was going to be his dream. Tim's admiration for these family members, including his grandfather, who had served in the Navy, compelled him to follow in their footsteps.

Those at Lakota East High School, where Tim graduated in 2003, remember that Tim always displayed a strong affinity for military service. In fact, he enlisted even before he graduated. Principal Ruth Barber said that ''when Tim settled his mind on being a Marine, he couldn't wait to serve his country.''

When the news came that Tim was shipping overseas, his family and friends remember that he was excited to go. When his parents dropped him off in Columbus for training with Lima Company, Tim told them that this was simply what he was born to do.

Before leaving for Iraq, Tim gave his father something special for safekeepking—his Marine Corps ring. ''Wear this until I come home,'' he told his dad. Well, Mr. President, Tim Bell, Sr. wore that ring every day his son was in Iraq—and will continue to wear it every day.

Tim's discipline was extraordinary. Not only did he undergo military training, but he also had a black belt in judo. He did not express fear, and he never doubted his purpose as a marine.

During one phone call home, Tim proudly told his father that their battalion commander had said they were the most active company since the Vietnam War. According to his dad, ''They were busy every day fighting. Every day.''

Tim was scheduled to return home in September 2005. He was thinking of buying a motorcycle was looking forward to visiting family in Kansas City. Nothing was more important to Tim than family. While at Marine base camp, he would call his father about once a week. He would relive the excitement of his adventures over the phone, but also always took the time to ask how his parents and siblings were doing.

''It seemed he was more concerned about me than himself,'' his dad recalls. ''The concern was how everybody was doing. Every conversation I had with him ended with 'I love you dad' and 'I love you Timmy.' Every conversation. I am going to miss those calls.''

Tim's dad went on to say:

My son was a brave and wonderful man. All he ever wanted to do was be a Marine. He felt like it was an extremely important job. I was fortunate to get to tell him that I loved him every week when he called.

Tim's stepmother Vivian said this about Tim:

Tim is a hero and we are proud of him. He liked to live and just do what he wanted to do. He didn't think about danger or anything like that or consequences. When he wanted to do something and thought it was something worth doing, he just stuck to it.

In addition to the weekly phone calls home, Tim also exchanged e-mails and instant messages over the computer with his sister Jamie. He shared with her his plans to return to Iraq for another tour of duty. He believed strongly in his role in Iraq.

''He was there for a reason,'' his dad said. ''Everybody needs to know that. And it's not just my son—it's all the young men and women over there. They're over there for each and every one of us.''

On a night shortly after Tim's death, the Kansas City Royals honored him with a moment of silence before the game. The stadium announcer asked everyone to remember the United States Marines from Lima Company who had been killed in Iraq. He particularly asked the stadium to remember the sacrifice of Tim Bell, the nephew of Royals manager Buddy Bell.

According to Mike Sweeny, the team captain for the Royals, the moment of silence for the slain marines had a special meaning for them. ''It was the most meaningful moment of silence I've had since we resumed play after 9–11,'' he recalled.

Tim Bell lived the Marine credo—he was always faithful—faithful to his family, faithful to the Marine Corps, and faithful to our country. His father described him as the ''last of the John Waynes, but tougher.'' Tim loved the Marines and the reason they serve.

We celebrate the life of this brave young man and honor his dedication to preserving our freedom and liberty. Fran and I continue to keep the family and friends of LCpl Timothy Bell in our thoughts and prayers.

MAJOR MICHAEL D. STOVER

Mr. President, I rise today to pay tribute to a fellow Ohion—Marine MAJ

Michael D. Stover from Mansfield. Major Stover died on June 3, 2006, while serving his second tour of duty in Iraq. He was the executive officer for the Marine Wing Support Squadron 374, based in Twentynine Palms, CA. He was 43 years old.

Major Stover is survived by his sister and his brother-in-law, Cheryl and Kim Meister, and by his brother, retired MAJ Edward Allen Stover. He also leaves to cherish his memory many nieces and nephews, aunts, uncles, and cousins. He is proceded in death by his parents LaVern ''Smoky'' and Doris Stover.

Michael Stover craved adventure from the time he was a boy. His sister Cheryl remembers that her baby brother's nickname was ''Monkey,'' ''because he was always falling out of trees, breaking his arm, riding bicycles and flying over the handlebars and ending up in hospitals.'' Michael grew up an avid outdoorsman, joining the Boy Scouts and quickly rising in their ranks. He wrestled while in junior high and always sought out physical activities that pushed him as an individual.

In 1980, Michael graduated from Malabar High School in Mansfield. Michael was an excellent student and though there were many career paths he could have chosen, his older sister and brother weren't surprised when he decided to enlist in the Marines. They had watched him grow up and knew that the Marines provided the kind of adventure and physical challenge he had always loved. As his sister Cheryl explained: ''Anything that was exciting or extreme, Michael had to be involved in.''

Although Michael's parents—aware of their son's love for books and literature—were initially skeptical of his decision to become a Marine, it quickly became a source of pride for them. Michael remained close to his family throughout his time in the service, calling and writing frequently.

After enlisting, Michael reported for recruit training at Parris Island in January 1981. This was only his first step in a military career that exemplified the core Marine values of honor, courage, and commitment.

Books and reading had always been important to Michael, and as a Marine he was able to use his talent for writing and communicating. He was designated a Public Affairs Marine and underwent training at the Defense Information School, where he learned how to tell the stories of the U.S. Marine Corps. He then completed an enlisted tour with the Fleet Hometown News Center in Norfolk, VA, which sends out press releases on Marine achievements.

According to his brother Edward, Michael hadn't joined the Marines intending to make the military his career. But, he fell in love with the service and decided to stay so that he could become an officer. He accepted a Naval Reserve Officers Training Corps Marine Option scholarship and was released from active duty so that he could attend the Ohio State University.

Not surprisingly, Michael was a leader at OSU. He became a residential assistant, a position in which he was an important role model for incoming freshmen. It was his job to guide those younger than he and used his Marine training to do it. His residents looked up to him, not only as a resource, but also as a friend and even a big brother.

Michael graduated from OSU in 1990 with a bachelor of arts degree in journalism. He was then commissioned as a Marine Corps 2LT and became a logistics officer in an engineer support battalion—eventually serving as platoon and then company commander.

After then being promoted to Captain, Michael served as a logistics officer while also attending the Amphibious Warfare School from July 1994 to June 1997. From 1998–2005, he then served in different capacities in California, Hawaii, and Arizona. Throughout these years, Michael was a leader and an educator for young marines, helping to shape and mold the following generation.

Lieutenant Chris Kaprielian was just one of the many young marines who Major Stover inspired. This is how he described his former commander:

> [Major Stover] was like a father to our [operations] section. The amount of knowledge he brought in from his prior experiences in the Marine Corps was incredible. Like a father, he looked out for the men in his command. And like a father, he was very demanding.

He particularly remembers Major Stover's commitment to duty. ''We all worked really long hours,'' he said, ''but he was there before anyone else and stayed even later. I never knew anyone who worked as hard as he did.''

Michael was serving as the executive officer for the Marine Wing Support Squadron 371 when the squadron was deployed to Iraq in February 2005. After returning to the United States the next September, he was then temporarily assigned to another squadron in October. The Marine Wing Support Squadron 374 was preparing to deploy to Iraq—and Major Stover was needed to help prepare the marines for war.

His sister Cheryl remembers his exact words. ''It's my job,'' he said. ''If I don't go, young Marines will be dying. I can go and prevent their deaths.'' No other words better represent Major Stover's selfless and compassionate commitment to the young men and women whom he could train to become excellent marines. With his actions, he was saving lives every day.

The day Michael died, our Nation tragically lost a wonderful brother, a caring mentor, and a truly outstanding marine. At the time of his death, Michael had been recently selected for promotion to the rank of lieutenant colonel. His brother Edward—a retired major with the Ohio National Guard—knew it was a promotion that he richly deserved. It would have been the first time that Michael outranked his older brother. Edward eagerly anticipated his brother's promotion. ''You'll never know how proudly I looked forward to that time,'' he said.

Major Stover's 26-year career of leadership and fortitude earned him more decorations and honors than I can name here. They include the Meritorious Service Medal, three Navy and Marine Corps Commendation Medals, and the Iraq Campaign Medal. But his best reward, perhaps, is simply the respect and admiration felt by all who knew him.

At Michael's funeral, numerous mourners gathered to pay their respects to the departed marine, paying tribute to the lifetime he spent teaching the young marines who would come after him. Reverend David Pound said that Michael ''took great pride in the young Marines that he could teach and develop.'' And, LTC Phillip Woody, Michael's commanding officer, said this:

> The only way for a mortal man to be immortal is to teach. Those you teach will remember you forever. Mike will be remembered forever. It was an honor to call him a friend. It was an honor to call him a comrade.

The world is a better place since Michael Stover has been in it. He was a brave man, with a genuine commitment to service, leadership, education, and excellence. His dedication to his country was tremendous and his commitment to his fellow service members was unparalleled. My wife Fran and I continue to keep his family in our thoughts and prayers.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Nebraska.

Mr. HAGEL. Mr. President, I ask I be allowed to speak as in morning business for up to 15 minutes.

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

RETIRING SENATORS

Mr. HAGEL. Mr. President, I have listened carefully to our colleague from Ohio, spending his few minutes in the Senate talking about brave men and women who serve our country. It is the mark of our colleague from Ohio, the kind of person he is—not just the kind of Senator he is—that he would come to the floor of the Senate in his last few days as a Member of this institution and focus on others, focus on those who have given the ultimate for their families, for our country and for our future. It shows us, once again, that Senator DEWINE is the consummate Senator.

I am here this afternoon to recognize and thank and pay tribute to our colleagues who will be leaving the Senate. They are a varied group. Again, I can think of no finer example of this group of public servants than one of Senator DEWINE's last speeches in the Senate to recognize others.

I thank you, Senator DEWINE, for your service.

As we recognize, it is a distinct privilege and high honor to serve our country. It is a distinct privilege and high

honor to serve our country in any capacity, and certainly none higher than in uniform. But it is especially important we recognize those who have given years of their lives, sacrificing their families, their own time, to help make a better world for all of us. I know of no capacity in which we serve our country that has given those who have had this rare opportunity to serve in the Senate anything more noble than trying to shape a better world from this Senate.

These individuals who will leave the Senate, some on their own terms, some on the terms of the election, but, nonetheless, in their own specific way have contributed a great deal to this country.

I take a few minutes to recognize each. I start with our colleague, your dear friend, former lieutenant governor, the senior Senator from Ohio. I need not tell the distinguished Presiding Officer what Senator DEWINE has meant to his State and to this country. I had the privilege of serving on the Intelligence Committee with Senator DEWINE for 4 years. I have teamed up with Senator DEWINE over the years on many legislative matters. I don't know of an individual who cares more, contributes more, to what they believe, than Senator DEWINE. His years of service in the House, the Senate, and as lieutenant governor are to be recognized. We should thank him and tell him that we will miss him and we will especially miss a friend.

Senator PAUL SARBANES, the longest serving Senator in Maryland, serving five terms in the Senate, was elected to the U.S. House of Representatives in 1970. I first got acquainted with Senator SARBANES not as a Senator but as a young staff member, chief of staff to a congressman from Nebraska, John McCollister, who also had been elected to the House in 1970.

I have had the privilege of serving on two committees for the last 10 years with Senator SARBANES—on the Foreign Relations Committee and the Committee on Banking. His courtesies to me, his sharp, defined intellect, his ability to dissect problems and focus on a resolution, will be greatly missed in this institution. We wish the Sarbaneses continued success and a little rest.

Senator JIM JEFFORDS, from Vermont. Not many former chief justices of their State have served in this Senate. He is one. Senator JEFFORDS, in his long, distinguished service to our country, served as Chief Justice of the Vermont Supreme Court, served in the House of Representatives, and then served here in the Senate. He served our country in the U.S. Navy. JIM JEFFORDS' life has been about service.

I had an opportunity to get acquainted particularly with Senator JEFFORDS and work closely with him on the Individuals with Disability Education Act, IDEA. There has been no one in this Senate over the last 25 years more committed to education for our young people than JIM JEFFORDS. We will miss JIM JEFFORDS.

Senator CONRAD Burns. The best thing we can say about Senator BURNS is he married a girl from Nebraska. His wife Phyllis is from North Platte. Senator BURNS represents some of the best the West has to offer. He will be the longest serving Republican Senator in Montana history. His background is varied: distinguished entrepreneur, broadcaster, and that which he is most proud of, a U.S. marine.

I have had the honor of working with Senator BURNS on a number of bills and occasions, many related to agriculture and the cattle industry. For Senator BURNS' service to our country, we thank him. We will miss him.

Senator RICK SANTORUM one of the leaders of the majority in the Senate the last few years, from Pennsylvania, came to the Senate in 1994 and helped shape a different agenda. He believed fervently in the power of the institution to change the world and felt deeply about issues.

I served on the Committee on Banking with Senator SANTORUM for many years and came to respect the junior Senator from Pennsylvania. I have a high regard for his ability to work through the big issues.

For service to our country, both the House and the Senate, thank you, Senator SANTORUM. We will miss you.

Senator LINC CHAFEE. Senator CHAFEE comes from a long line of public servants from the State of Rhode Island. The name ''Chafee'' is a famous name in this institution. His father John Chafee was one of the great Senators in this Senate in the 20th century. LINC picked up where his father left off.

I had the opportunity to serve with Senator CHAFEE on the Senate Foreign Relations Committee. We sat next to each other for many years. He had a keen ability to cut through the fog, the nonsense, the superficial, the obsequious, and get to the real issues. We will miss that ability. We will miss that laser. I am sorry to see Senator CHAFEE leave. He will continue to serve his country in many areas as he has done before his service in the Senate.

Senator GEORGE ALLEN. We will miss footballs. Many of my colleagues received footballs. He was a quarterback for the Cavaliers at the University of Virginia and he could throw almost as well as even a Nebraska quarterback.

Senator ALLEN, for a very young man, has a very distinguished record of public service, serving as the Governor of the great State of Virginia, serving in the House of Representatives, serving in the U.S. Senate. I served on the Senate Foreign Relations Committee with Senator ALLEN for many years, and I will miss his ability to say it clearly and plainly. And his leadership position within the Republican majority, which he served so ably, will be missed.

Senator MARK DAYTON from Minnesota, a neighbor. I served on two committees with Senator DAYTON, the Rules Committee and the Foreign Relations Committee. He is a unique individual who served in many ways, beginning with his service to Senator and then Vice President Walter Mondale. Senator DAYTON has a rich history and understanding of this institution and his State. We will miss Senator DAYTON's character, his ability to also cross party aisles and help resolve the issues of our day.

Senator JIM TALENT from Missouri has had 14 years of service in the House and Senate. I worked very closely with Senator TALENT on his bill, the Combat Methamphetamine Act. I believe it is one of the most significant, relevant, important bills to pass the 109th Congress. He, too, will be missed. No one worked harder than Jim Talent for the interests of his State. He understands agriculture, he understands energy like very few in his State. He began his service to his country and to the State of Missouri at the age of 28, when he was elected to the House of Representatives. We will continue to hear more from JIM TALENT.

I conclude my recognition of our colleagues who will be leaving us at the end of this Congress by recognizing our leader, Senator BILL FRIST, from Tennessee.

Senator FRIST has been referred to, as we all are, in many ways and in many terms. ''Renaissance man'' has been one of those terms that have described BILL FRIST. This is a unique individual. This is a man whose life has much been about serving others.

For his leadership in the Senate during a very difficult time, this body owes him a great deal of thanks and gratitude. He will go on to continue to do significant things with his ability, his talent, his life, and we wish him well. We will miss him. We will miss his ability to, in an always steady way, help reach a consensus.

Mr. President, in conclusion, it is not easy to put one's self on the firing line and offer one's self as a candidate for any office. It takes a certain amount of courage and, I suspect, a little dose of insanity. But nonetheless individuals who believe deeply enough to commit themselves to a cause greater than their own self-interests need to be recognized. Having nothing to do with me or you or any one individual, but it is the essence of our country, it is the very fabric of our democracy that makes it all work and probably gives rise to, more than any one reason, why we have been such a successful nation for over 200 years—because people from all walks of life, in every community, in every State, offer themselves for office. Whether it is a mayor, a Governor, city councilman, county official, a sheriff, these individuals deserve recognition.

We all make mistakes. That is who we are. But in the end, it is not unlike what Teddy Roosevelt once referred to in his magnificent quote about the man in the arena. And it is the man and the

woman in the arena who change our lives. It makes a better world that shapes history, that defines our destiny. And for these individuals who will no longer have that opportunity to serve our country in the Senate, we wish them well, we thank them, and we tell them we are proud of them and their families and wish them Godspeed.

Mr. President, I thank you for the time and yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The PRESIDING OFFICER. Under the previous order, the hour of 2:20 p.m. having arrived, the Senate will proceed to the consideration of H.R. 5384, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2007, and for other purposes.

The Senate proceeded to consider the bill. which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $10,515,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $11,226,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,795,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,479,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, $954,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $16,936,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $11,667,000, of which $5,676,000 shall be available until expended: Provided, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $836,000.

OFFICE OF CIVIL RIGHTS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Civil Rights, $22,650,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $681,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $209,814,000, to remain available until expended, of which $155,851,000 shall be available for payments to the General Services Administration for rent and the Department of Homeland Security for building security: Provided, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $12,020,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $24,114,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,830,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,695,000: Provided, That not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $82,493,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $40,647,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $605,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, $75,963,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, $148,719,000, of which up to $36,582,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership,

$1,127,553,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That the foregoing limitations shall not apply to the purchase of land at Florence, South Carolina: Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: Provided further, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: Provided further, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: Provided further, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: Provided further, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest: Provided further, That the Agricultural Research Service may convey all rights and title of the United States, to a parcel of land comprising 19 acres, more or less, located in Section 2, Township 18 North, Range 14 East in Oktibbeha County, Mississippi, originally conveyed by the Board of Trustees of the Institution of Higher Learning of the State of Mississippi, and described in instruments recorded in Deed Book 306 at pages 553–554, Deed Book 319 at page 219, and Deed Book 33 at page 115, of the public land records of Oktibbeha County, Mississippi, including facilities, and fixed equipment, to the Mississippi State University, Starkville, Mississippi, in their ''as is'' condition, when vacated by the Agricultural Research Service: Provided further, That hereafter none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $83,400,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $678,089,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $185,817,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $23,318,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), $39,076,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $119,341,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $14,650,000; for competitive research grants (7 U.S.C. 450i(b)), $190,229,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,006,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $825,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,091,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $2,058,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $990,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,701,000, to remain available until expended (7 U.S.C. 2209b); for a veterinary medicine loan repayment program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.), $750,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,423,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $988,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $6,237,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,218,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $990,000; for aquaculture grants (7 U.S.C. 3322), $3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), $12,276,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State University, $12,375,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $4,456,000; and for necessary expenses of Research and Education Activities, $41,346,000, of which $2,723,000 for the Research, Education, and Economics Information System and $2,151,000 for the Electronic Grants Information System, are to remain available until expended: Provided, That hereafter none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: Provided further, That hereafter this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $467,102,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $286,622,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,402,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $63,538,000; payments for the pest management program under section 3(d) of the Act, $9,860,000; payments for the farm safety program under section 3(d) of the Act, $4,517,000; payments for New Technologies for Ag Extension under Section 3(d) of the Act, $1,985,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $16,609,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $7,651,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $440,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,220,000; payments for federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $1,976,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,026,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,946,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State University, $35,205,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, $1,980,000; and for necessary expenses of Extension Activities, $23,125,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $58,704,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $43,369,000, including $12,738,000 for the water quality program, $14,699,000 for the food safety program, $4,125,000 for the regional pest management centers program, $4,419,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,375,000 for the crops affected by Food Quality Protection Act implementation, $3,075,000 for the methyl bromide transition program, and $1,948,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $990,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $737,000, to remain available until September 30, 2008 for the critical issues program; and $1,321,000 for the regional rural development centers program; $2,277,000 for asian soybean rust; and $11,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2008.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $5,940,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $731,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $900,423,000, of which $4,127,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $38,200,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which $33,107,000 shall be available for a National Animal Identification program; of which $56,730,000 shall be used to conduct a surveillance and preparedness program for highly pathogenic avian influenza: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2007, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $5,946,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $71,170,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $62,211,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than $10,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $16,425,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $3,834,000, of which not less than $2,500,000 shall be used to make a grant under this heading.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $38,737,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $607,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $865,905,000, of which no less than $777,189,000 shall be available for Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That no fewer than 63 full time equivalent positions above the fiscal year 2002 level shall be employed during fiscal year 2007 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That of the amount available under this heading, notwithstanding section 704 of this Act $3,000,000, available until September 30, 2008, shall be obligated to maintain the Humane Animal Tracking System as part of the Field Automation and Information Management System: Provided further, That of the total amount made available under this heading, no less than $20,653,000 shall be obligated for regulatory and scientific training: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $640,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,151,779,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,208,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $3,713,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available

until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,422,750,000, of which $1,200,000,000 shall be for unsubsidized guaranteed loans and $222,750,000 shall be for direct loans; operating loans, $1,941,360,000, of which $1,025,610,000 shall be for unsubsidized guaranteed loans, $272,250,000 shall be for subsidized guaranteed loans and $643,500,000 shall be for direct loans; Indian tribe land acquisition loans, $3,960,000; and for boll weevil eradication program loans, $59,400,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $16,293,000, of which $6,960,000 shall be for guaranteed loans, and $9,333,000 shall be for direct loans; operating loans, $127,973,000, of which $25,332,000 shall be for unsubsidized guaranteed loans, $27,416,000 shall be for subsidized guaranteed loans, and $75,225,000 shall be for direct loans; and Indian tribe land acquisition loans, $838,000; and boll weevil eradication program loans, $1,129,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $319,657,000, of which $311,737,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer: Provided further, That none of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to collect from the lender an annual fee on unsubsidized guaranteed operating loans, a guarantee fee of more than one percent of the principal obligation of guaranteed unsubsidized operating or ownership loans, or a guarantee fee on subsidized guaranteed operating loans administered by the Farm Service Agency.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $78,477,000: Provided, That the Secretary of Agriculture may use an amount not to exceed $3,600,000 of unobligated funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) for program integrity purposes, including the data mining project: Provided further, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

FARM STORAGE FACILITY LOANS PROGRAM ACCOUNT

For administrative expenses necessary to carry out the Farm Storage and Sugar Storage Facility Loan Programs, $4,560,000, to be transferred to and merged with the appropriation for Farm Service Agency, Salaries and Expenses.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $752,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $835,331,000, to remain available until September 30, 2008, of which not less than $10,698,000 is for snow survey and water forecasting, and not less than $10,678,000 is for operation and establishment of the plant materials centers, and of which not less than $27,255,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $6,022,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $62,070,000, to remain available until expended; of which up to $10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): Provided, That not to exceed $30,000,000 of this appropriation shall be available for technical assistance: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $31,245,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $50,787,000, to remain available until expended.

HEALTHY FORESTS RESERVE PROGRAM

For necessary expenses to carry out the Healthy Forests Reserve Program authorized under title V of Public Law 108–148 (16 U.S.C. 6571–6578), $5,000,000, to remain available until expended.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing

Service, the Rural Business-Cooperative Service, and the Rural Utilities Service, $640,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $714,958,000, to remain available until expended, of which $101,764,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $524,960,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $88,234,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, $26,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $5,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, $6,287,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $2,500,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading, of which not more than five percent may be used for administrative expenses, including conferences: Provided further, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; $25,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 2 percent available to administer the program and/or improve interagency coordination may be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses'', of which $100,000 shall be provided to develop a regional system for centralized billing, operation, and management of rural water and sewer utilities through regional cooperatives, of which 25 percent shall be provided for water and sewer projects in regional hubs, and the State of Alaska shall provide a 25 percent cost share, and grantees may use up to 5 percent of grant funds, not to exceed $35,000 per community, for the completion of comprehensive community safe water plans; not to exceed $19,000,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $5,600,000 shall be for Rural Community Assistance Programs and not less than $850,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities; and not to exceed $13,750,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $21,367,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,067,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $12,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, $21,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with 5 percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated, $26,000,000 shall be transferred to and merged with the ''Rural Utilities Service, High Energy Cost Grants Account'' to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the ''Rural Utilities Service, High Energy Costs Grants Account''.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $176,522,000: Provided, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,773,614,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,129,391,000 shall be for direct loans, and of which $3,644,223,000 shall be for unsubsidized guaranteed loans; $34,652,000 for section 504 housing repair loans; $100,000,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,000,000 for section 524 site loans; $11,482,000 for credit sales of acquired property, of which up to $1,482,000 may be for multi-family credit sales; and $4,980,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $155,919,000, of which $113,278,000 shall be for direct loans, and of which $42,641,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,240,000; repair, rehabilitation, and new construction of section 515 rental housing, $45,880,000; section 538 multi-family housing guaranteed loans, $7,740,000; credit sales of acquired property, $720,000; and section 523 self-help housing and development loans, $123,000: Provided, That of the total amount appropriated in this paragraph, $2,500,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any funds under this paragraph initially allocated by the Secretary for housing projects in the State of Alaska that are not obligated by September 30, 2007, shall be carried over until September 30, 2008, and made available for such housing projects only in the State of Alaska: Provided further, That any obligated balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized in Public Law 109–97 shall be transferred to and merged with the ''Rural Housing Service, Multifamily Housing Revitalization Program Account''.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $455,776,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses'', of which not less than $1,000,000 shall be made available for the Secretary to contract with third parties to acquire the necessary automation and technical services needed to restructure section 515 mortgages.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $335,400,000, to remain available through September 30, 2008; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, up to $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: Provided further, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance that is recovered from projects that are subject to prepayment shall be deobligated and reallocated for vouchers and debt forgiveness or payments consistent with the requirements of

this Act for purposes authorized under section 542 and section 502(c)(5)(D) of the Housing Act of 1949, as amended: Provided further, That up to $4,190,000 may be used for the purpose of reimbursing funds used for rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Act for emergency needs related to Hurricanes Katrina and Rita: Provided further, That rental assistance provided under agreements entered into prior to fiscal year 2007 for a section 514/516 project may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: Provided further, That such recaptured rental assistance shall, to the extent practicable, be applied to another section 514/516 project.

MULTIFAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, (without regard to section 542(b)), for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties, $28,000,000, to remain available until expended: Provided, That of the funds made available under this heading, $10,000,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers, shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds): Provided further, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of the section 515 multifamily rental housing properties described in this paragraph: Provided further, That of the funds made available under this heading, $3,000,000 shall be available for loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: Provided further, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: Provided further, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: Provided further, That of the funds made available under this heading, $15,000,000 shall be available for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties to restructure existing section 515 loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances and incentives required by the Secretary: Provided further, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: Provided further, That if Congress enacts legislation to permanently authorize a section 515 multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $33,660,000, to remain available until expended: Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $40,590,000, to remain available until expended: Provided, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $30,643,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $33,925,000.

For the cost of direct loans, $14,951,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2007, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2007, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, $887,000 shall be available through June 30, 2007, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,950,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $34,652,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $7,568,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, $78,514,000 shall not be obligated and $78,514,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $29,500,000, of which $500,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,500,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which $20,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITY GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, $10,000,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277): Provided, That of the funds appropriated, $1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106–554).

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $25,000,000 for direct and guaranteed renewable energy loans and grants: Provided, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $99,000,000; municipal rate rural electric loans, $99,000,000; loans made pursuant to section 306 of that Act, rural electric, $5,000,000,000; Treasury rate direct electric loans, $990,000,000; guaranteed electric loans, $99,000,000; guaranteed underwriting loans pursuant to section 313A, $1,500,000,000; 5 percent rural telecommunications loans, $143,513,000; cost of money rural telecommunications loans, $419,760,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $299,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric

loans, $3,703,000, and the cost of telecommunications loans, $657,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $39,600,000 which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of the broadband telecommunication loans, $500,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $30,000,000, to remain available until expended: Provided, That $5,000,000 shall be made available to convert analog to digital operation those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., $10,750,000, to remain available until September 30, 2008: Provided, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $10,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $604,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $13,654,487,000, to remain available through September 30, 2008, of which $7,923,414,000 is hereby appropriated and $5,731,073,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That of the funds made available under this heading, $300,000,000 shall be placed in reserve and used only in such amounts and at such times as may become necessary to carry out program operations: Provided further, That up to $5,335,000 shall be available for independent verification of school food service claims: Provided further, That of the funds made available under this heading, $9,000,000, available until September 30, 2008, of which not to exceed 5 percent may be available for Federal administrative expenses, shall be used to carry out section 120 of Public Law 108–265 in an additional 9 States.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $5,264,000,000, to remain available through September 30, 2008, of which such sums as are necessary to restore the contingency reserve to $125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: Provided, That amounts over $125,000,000 in the contingency reserve shall be treated as general WIC appropriated funds rather than contingency reserve funds: Provided further, That of the total amount available, the Secretary shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): Provided further, That only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2007; including $14,000,000 for the purposes specified in section 17(h)(10)(B)(i) and $20,000,000 for the purposes specified in section 17(h)(10)(B)(ii): Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $37,865,231,000, of which $3,000,000,000 to remain available through September 30, 2008, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to food stamp program integrity provided that such activities are authorized by the Food Stamp Act: Provided further, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program, as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $179,366,000, to remain available through September 30, 2008: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2007 to support the Seniors Farmers' Market Nutrition Program (SFMNP), as authorized by section 4402 of Public Law 107–171, such funds shall remain available through September 30, 2008: Provided further, That hereafter no funds available for SFMNP shall be used to pay State or local sales taxes on food purchased with SFMNP coupons or checks: Provided further, That hereafter the value of assistance provided by the SFMNP shall not be considered income or resources for any purposes under any Federal, State or local laws related to taxation, welfare and public assistance programs: Provided further, That of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $143,114,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $156,186,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83–480 and the Food for Progress Act of 1985, $2,651,000, to be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,225,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $5,331,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $4,985,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $346,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $100,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,941,646,000: Provided, That of the amount provided under this heading, $320,600,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2008 but collected in fiscal year 2007; $43,726,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $11,604,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2007, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2007 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $457,936,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $544,961,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $39,079,000 shall be available for the Office of Generic Drugs; (3) $210,000,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $105,031,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $255,480,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $41,273,000 shall be for the National Center for Toxicological Research; (7) $62,007,000 shall be for Rent and Related activities, of which $25,552,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) $146,013,000 shall be for payments to the General Services Administration for rent; and (9) $118,945,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior notification of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $4,950,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $99,502,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 292 passenger motor vehicles, of which 290 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program and rearing facility design, emerging plant pests, boll weevil program, low pathogenic avian influenza program, highly pathogenic avian influenza program, up to $33,107,000 in animal health monitoring and surveillance for the animal identification system, up to $1,500,000 in the scrapie program for indemnities, up to $3,970,000 in the emergency management systems program for the vaccine bank, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior notification of the Committees on Appropriations of both Houses of Congress.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 707. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 708. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 709. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 710. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 711. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make

available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 712. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer unless prior notification has been transmitted to the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 713. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 714. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance—

(1) through the Watershed and Flood Prevention Operations program for—

(A) the Matanuska River erosion control project in Alaska;

(B) the Little Red River irrigation project in Arkansas;

(C) the Manoa Watershed project in Hawaii;

(D) the West Tarkio project in Iowa;

(E) the West Branch DuPage River Watershed project in DuPage County, Illinois; and

(F) the Coal Creek project in Utah;

(2) through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1; and

(3) through the Watershed Flood Prevention Operations program to carry out the Little Otter Creek Watershed project. The sponsoring local organization may obtain land rights by perpetual easements.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 716. In addition to amounts otherwise appropriated or made available by this Act, $2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 717. There is hereby appropriated $1,000,000 for a grant to the National Sheep Industry Improvement Center, to remain available until expended.

SEC. 718. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 30 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 719. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 720. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $3,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

SEC. 721. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,031,000,000.

SEC. 722. None of the funds appropriated or otherwise made available under this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 601(j)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)).

SEC. 723. None of the funds made available in fiscal year 2007 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 724. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 6401(a) of Public Law 107–171, in excess of $28,000,000.

SEC. 725. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 726. There is hereby appropriated $750,000, to remain available until expended, for the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.

SEC. 727. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107–171 in excess of $63,000,000.

SEC. 728. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2503 of Public Law 107–171 in excess of $58,000,000.

SEC. 729. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a ground and surface water conservation program authorized by section 2301 of Public Law 107–171 in excess of $54,000,000.

SEC. 730. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02–062–1; 68 Fed. Reg. 40541).

SEC. 731. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year, and are not available for new obligations. Funds made available under section 524(b) of the Federal Crop Insurance Act, 7 U.S.C. 1524(b), in fiscal years 2004, 2005, 2006, and 2007 shall remain available until expended to disburse obligations made in fiscal years 2004, 2005, 2006, and 2007, respectively, and are not available for new obligations.

SEC. 732. Notwithstanding any other provision of law—

(1) the City of Palmer, Alaska shall be eligible to receive a water and waste disposal grant under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) in an amount that is equal to not more than 75 percent of the total cost of providing water and sewer service to the proposed hospital in the Matanuska-Susitna Borough, Alaska;

(2) or any percentage of cost limitation in current law or regulations, the construction projects known as the Tri-Valley Community Center addition in Healy, Alaska; the Cold Climate Housing Research Center in Fairbanks, Alaska; and the University of Alaska-Fairbanks Allied Health Learning Center skill labs/classrooms shall be eligible to receive Community Facilities grants in amounts that are equal to not more than 75 percent of the total facility costs: Provided, That for the purposes of this paragraph, the Cold Climate Housing Research Center is designated an ''essential community facility'' for rural Alaska;

(3) for any fiscal year and hereafter, in the case of a high cost isolated rural area in Alaska that is not connected to a road system, the maximum level for the single family housing assistance shall be 150 percent of the median household income level in the nonmetropolitan areas of the State and 115 percent of all other eligible areas of the State; and

(4) any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan

under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under Section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 733. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency watershed protection program under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.

SEC. 734. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 735. The Secretary of Agriculture may use any unobligated carryover funds made available for any program administered by the Rural Utilities Service (not including funds made available under the heading ''Rural Community Advancement Program'' in any Act of appropriation) to carry out section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e).

SEC. 736. In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture $10,000,000, of which not to exceed 5 percent may be available for administrative expenses, to remain available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

SEC. 737. The Secretary of Agriculture is authorized and directed to quitclaim to the City of Elkhart, Kansas, all rights, title and interests of the United States in that tract of land comprising 151.7 acres, more or less, located in Morton County, Kansas, and more specifically described in a deed dated March 11, 1958, from the United States of America to the City of Elkhart, State of Kansas, and filed of record April 4, 1958 at Book 34 at Page 520 in the office of the Register of Deeds of Morton County, Kansas as necessary, to provide for additional uses of said land for any public purpose.

SEC. 738. (a) Section 18(f)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(1)) is amended—

(1) in subparagraph (A), by striking ''2004'' and inserting ''2006''; and

(2) in subparagraph (B)—

(A) in the matter before clause (i), by striking ''June 2005'' and inserting ''May 2006''; and

(B) in clause (ii), by striking ''75'' and inserting ''78''.

(b) The amendments made by subsection (a) take effect on January 1, 2007.

SEC. 739. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 740. Of the unobligated balances under section 32 of the Act of August 24, 1935, $9,900,000 are hereby rescinded.

SEC. 741. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act and prior to receiving certification in accordance with the provisions set forth in section 17(h)(11)(E) of the Child Nutrition Act of 1966, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) if it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits.

SEC. 742. (a) Subject to subsection (b), none of the funds made available in this Act may be used to—

(1) grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)(4)) for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

(b) Subsection (a) shall not apply to a waiver or certification if—

(1)(A) not later than 15 days prior to a meeting of an advisory committee or panel to which such waiver or certification applies, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(i) the nature of the conflict of interest at issue; and

(ii) the nature and basis of such waiver or certification (other than information exempted from disclosure under section 552 of title 5, United States Code); or

(B) in the case of a conflict of interest that becomes known to the Secretary less than 15 days prior to a meeting to which such waiver or certification applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting; and

(2)(A) not later than 15 days prior to a meeting of an advisory committee or panel, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(i) any recusal due to the potential for conflict of interest, and

(ii) the nature of the conflict of interest at issue

(other than information exempted from disclosure under section 552 of title 5, United States Code); or

(B) in the case of a recusal that becomes known to the Secretary less than 15 days prior to a meeting to which such recusal applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting.

(c) None of the funds made available in this Act may be used to make a new appointment to an advisory committee or panel of the Food and Drug Administration unless the Commissioner of Food and Drugs submits a semi-annual report to the Inspector General of the Department of Health and Human Services and the Committees on Appropriations of the House and Senate, the Energy and Commerce Committee of the House, and the Health, Education, Labor, and Pensions Committee of the Senate on the efforts made to identify qualified persons for such appointments with minimal or no potential conflicts of interest.

Such report must include a description (that identifies no individual by name or affiliation), by advisory committee or panel, of the types of experts sought, the number of candidates considered, the number of those candidates willing to serve, the number of those willing to serve who have no or low involvement as specified in the FDA Waiver Criteria 2000 document, the number of new appointees that have no or low involvement as specified in the FDA Waiver Criteria 2000 document, the number of vacancies remaining, the number of meetings and waivers granted by type of meeting, and, when an individual who has a medium or high involvement as specified in the FDA Waiver Criteria 2000 document is appointed, the rationale for such appointment.

SEC. 743. Section 514(f)(3) of the Housing Act of 1949 is amended by inserting ''or the processing of such commodities'' after ''unprocessed stage''.

SEC. 744. Starting in fiscal year 2006, the Secretary shall administer the Farm and Ranchland Protection Program exclusively in accordance with 7 CFR Part 1491 as published on May 16, 2003.

SEC. 745. (a) Notwithstanding any other provision of law, and until the receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Lake City, Florida and the City of Parsons, Kansas rural areas for purposes of eligibility for Rural Utilities Service water and waste water loans and grants;

(2) the City of Lansing, Kansas a rural area for purposes of eligibility for Rural Housing Service programs, and the City of Leavenworth, Kansas and the City of Lansing, Kansas as separate geographic entities for purposes of Rural Development grants and loans;

(3) the City of Vineland, New Jersey and the City of Millville, New Jersey, and urbanized areas contiguous and adjacent to both cities, (including individuals and entities with projects within these cities and areas) as eligible for all Rural Business Program loans and grants except rural development (intermediary relending) loans authorized by section 1323 of the Food Security Act of 1985 and rural economic development loans and grants authorized by section 313 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 940C);

(4) the City of Celina, Ohio and the City of Ashtabula, Ohio as eligible for the purposes of Rural Development grants and loans;

(5) the Gooseberry Lake Project in the State of Iowa as eligible for the Rural Utilities Service water and wastewater loans and grant program including the purchase of land and moving of utilities; and

(6) the Cities of Alamo, Mercedes, Weslaco, and Donna in the State of Texas as eligible for the purposes of Rural Development grants and loans.

SEC. 746. Of the appropriations available for payments for the nutrition and family education program for low-income areas under section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)), if the payment allocation pursuant to section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)) would be less than $100,000 for any institution eligible under section 3(d)(2) of the Smith-Lever Act, the Secretary shall adjust payment allocations under section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to ensure that each institution receives a payment of not less than $100,000.

SEC. 747. There is hereby appropriated $4,000,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.

SEC. 748. None of the funds made available by this or any other Act shall be used to transfer funds or assess charges or fees in excess of 5 percent from any program, project, or activity funded under the Animal and Plant Health Inspection Service.

SEC. 749. There is hereby appropriated $1,000,000 to continue section 791 of Public Law 109–97.

SEC. 750. Notwithstanding any other provision of law, the service areas being acquired by Mid-Kansas Electric Cooperative shall be considered eligible for financing under the provisions of the Rural Electrification Act of 1936, as amended.

SEC. 751. Section 759 of Public Law 106–78 (7 U.S.C. 3242) is amended—

(1) in subsection (a)(3), by striking ''2006'' and inserting ''2011''; and

(2) in subsection (b)(3), by striking ''2006'' and inserting ''2011''.

SEC. 752. The Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) is amended—

(1) in section 202 (7 U.S.C. 5622)—

(A) by striking subsections (b) and (c);

(B) by redesignating subsections (d) through (l) as subsections (b) through (j), respectively;

(C) in subsection (b) (as redesignated by subparagraph (B))—

(i) in paragraph (2), by inserting ''and'' after ''exports;'';

(ii) in paragraph (3)(B), by striking ''commodities; and'' and inserting ''commodities.''; and

(iii) by striking paragraph (4);

(D) in subsection (d) (as redesignated by subparagraph (B))—

(i) by striking ''(1) IN GENERAL.—''; and

(ii) by striking paragraph (2); and

(E) in subsection (g)(2) (as redesignated by subparagraph (B)), by striking ''subsections (a) and (b)'' and inserting ''subsection (a)''; and

(2) in section 211(b) (7 U.S.C. 5641(b))—

(A) in paragraph (1)—

(i) by striking ''(1) EXPORT CREDIT GUARANTEES.—''; and

(ii) by striking ''subsections (a) and (b)'' and inserting ''subsection (a)''; and

(B) by striking paragraph (2).

SEC. 753. Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended—

(1) in subsection (a), by inserting ''and, in the case of subtitle B, commercial fishing'' before the period at the end of each of paragraphs (1) and (2); and

(2) by adding at the end the following:

''(c) DEFINITION OF FARM.—In subtitle B, the term 'farm' includes a commercial fishing enterprise.''.

SEC. 754. (a) Section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)) is amended—

(1) in the first sentence, by striking ''2006'' and inserting ''2007''; and

(2) in the second sentence, by striking ''2007'' and inserting ''2008''.

(b) The authority provided by section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)), as amended by subsection (a), shall terminate beginning with the 2008 crop of peanuts, and shall be considered to have terminated notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

SEC. 755. TRAVEL RELATING TO COMMERCIAL SALES OF AGRICULTURAL AND MEDICAL GOODS. Section 910(a) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209(a)) is amended to read as follows:

''(a) AUTHORIZATION OF TRAVEL RELATING TO COMMERCIAL SALES OF AGRICULTURAL AND MEDICAL GOODS.—The Secretary of the Treasury shall promulgate regulations under which the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations, are authorized by general license for travel to, from, or within Cuba for the purpose of conferring, exhibiting, marketing, planning, sales negotiation, delivery, expediting, facilitating, or servicing commercial export sale of agricultural and medical goods pursuant to the provisions of this title.''.

SEC. 756. ADDITIONAL AMOUNTS FOR VETERANS. For an additional amount for ''General Operating Expenses'' for necessary expenses to respond to the data theft at the Department of Veterans Affairs and to provide remedial assistance to veterans who have had personal data stolen from the Department of Veterans Affairs, $160,000,000: Provided, That the amount provided in this section is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

SEC. 757. (a) The Senate finds that—

(1) the United States cattle industry produces abundant, safe, and healthful food for consumers in the United States and around the world;

(2) Japan prohibited imports of beef from the United States during the period beginning December 2003 and ending December 2005, after a single case of Bovine Spongiform Encephalopathy (BSE, or ''mad cow disease'') was found in a Canadian-born animal in Washington State;

(3) the United States has implemented and maintained a BSE surveillance and safeguard program that exceeds the internationally recognized standards of the World Organization for Animal Health (OIE) for BSE control, eradication, and testing to protect human and animal health;

(4) the United States and the Government of Japan concluded an agreement on December 12, 2005, that established the conditions under which beef exports to Japan could resume;

(5) as a result of errors by a single United States exporter certified to sell beef to Japan and inadequate oversight by the Department of Agriculture, a single shipment of United States beef was found to be noncompliant with the terms of the agreement resulting in a suspension of all United States beef exports to Japan;

(6) the United States has taken substantive corrective actions to ensure that United States beef exports to Japan are in full compliance with the terms of the agreement, fully disclosed the actions taken to the Government of Japan, and allowed Japanese officials the opportunity to review those actions and personally inspect and determine the eligibility of all United States beef processing plants certified for the export of beef to Japan;

(7) notwithstanding the membership of Japan in the OIE and the commitment of Japan under the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization to apply sanitary and phytosanitary measures only to the extent necessary to protect human, animal, and plant health, based on scientific principles, Japan continues to maintain an unjustified suspension of imports of United States beef; and

(8) the continued violation by Japan of the spirit and letter of the World Trade Organization commitments of Japan has resulted in the cumulative economic loss to the United States beef industry of approximately $6,300,000,000 and current annual economic trade losses of $3,140,000,000 per year.

(b) It is the sense of the Senate that if, by the date of enactment of this Act, Japan does not permit the importation of beef from the United States, additional tariffs on selected articles that are grown by, the products of, or manufactured by Japan and that enter the customs territory of the United States should be imposed until Japan permits the importation of beef from the United States.

TITLE VIII—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 801. SHORT TITLE.

This title may be cited as the ''Emergency Farm Relief Act of 2006''.

SEC. 802. DEFINITIONS.

In this title:

(1) ADDITIONAL COVERAGE.—The term ''additional coverage'' has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) DISASTER COUNTY.—The term ''disaster county'' means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(3) HURRICANE-AFFECTED COUNTY.—The term ''hurricane-affected county'' means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(4) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) LIVESTOCK.—The term ''livestock'' includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) sheep;

(D) swine; and

(E) other livestock, as determined by the Secretary.

(6) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means—

(A) a natural disaster declared by the Secretary—

(i) during calendar year 2005 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(ii) during calendar year 2006 under that section, but for which a request was pending as of the date of enactment of this Act; or

(B) a major disaster or emergency designated by the President—

(i) during calendar year 2005 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(ii) during calendar year 2006 under that Act, but for which a request was pending as of the date of enactment of this Act.

(7) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

Subtitle A—Agricultural Production Losses

SEC. 811. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

(3) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (c)(2), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of sugar cane and sugar beets, that incurred qualifying quantity or quality losses for—

(1) the 2005 crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary; and

(2) the 2006 crop due to flooding in California, Hawaii, and Vermont that occurred prior to the date of enactment of this Act and for which a petition for a disaster designation has been filed with the Secretary not later than that date.

(d) QUALITY LOSSES.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (c)(2) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary to determine quantity losses for the crop of the commodity under subsection (c)(1).

(3) PAYMENT RATE.—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (c)(2), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) MARKETING CONTRACTS.—In the case of any production of a commodity that is sold pursuant to 1 or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the 1 or more prices specified in the contracts.

(6) OTHER PRODUCTION.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) QUALITY ADJUSTMENTS AND DISCOUNTS.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) ELIGIBLE PRODUCTION.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 812. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, except that the payment rate shall be 75 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)); and

(B) meets all other eligibility requirements established by the Secretary for the program.

(3) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, and wildfires.

(2) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) EWE LAMB REPLACEMENT AND RETENTION.—

(1) IN GENERAL.—The Secretary shall use $13,000,000 of funds of the Commodity Credit Corporation to make payments under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006.

(2) INELIGIBILITY FOR OTHER ASSISTANCE.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

SEC. 813. FLOODED CROP AND GRAZING LAND.

(a) IN GENERAL.—The Secretary shall compensate eligible owners of flooded crop and grazing land in—

(1) the Devils Lake basin; and

(2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

(2) INCLUSIONS.—Land described in paragraph (1) shall include—

(A) land that has been flooded;

(B) land that has been rendered inaccessible due to flooding; and

(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) SIGN-UP.—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) COMPENSATION PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) USE OF LAND.—

(1) IN GENERAL.—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation for flooded

land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to carry out this section.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

SEC. 814. SUGAR BEET DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use $24,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2005 crop year.

(b) REQUIREMENT.—The Secretary shall make payments under subsection (a) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

(c) HAWAII.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)).

SEC. 815. BOVINE TUBERCULOSIS HERD INDEMNIFICATION.

The Secretary shall use $2,000,000 of funds of the Commodity Credit Corporation to indemnify producers that suffered losses to herds of cattle due to bovine tuberculosis during calendar year 2005.

SEC. 816. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this subtitle shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) 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. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418).

Subtitle B—Supplemental Nutrition and Agricultural Economic Disaster Assistance

SEC. 821. REPLENISHMENT OF SECTION 32.

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term ''specialty crop'' means any agricultural crop.

(2) EXCEPTION.—The term ''specialty crop'' does not include—

(A) wheat;

(B) feed grains;

(C) oilseeds;

(D) cotton;

(E) rice;

(F) peanuts; or

(G) milk.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use $25,000,000 of funds of the Commodity Credit Corporation to make grants to the several States to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be $500,000 to each of the several States.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $74,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop and livestock of the United States for the 2004 crop year, as determined by the Secretary; by

(2) $74,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes as determined by the Secretary.

SEC. 822. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producers on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); and

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a supplemental economic loss payment made to the producers on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the covered commodity of the producers on the farm;

(B) 85 percent of the base acres of the covered commodity of the producers on the farm; and

(C) the payment yield for each covered commodity of the producers on the farm.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Supplemental economic loss payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for supplemental economic loss payments under subsection (a)(2) shall not exceed $147,000,000.

(3) LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall ensure that no person receives supplemental economic loss payments under—

(i) subsection (a)(1) in excess of the per person limitations applicable to a person that receives payments described in subsection (a)(1); and

(ii) subsection (a)(2) in excess of the per dairy operation limitation applicable to producers on a dairy farm described in subsection (a)(2).

(B) ADMINISTRATION.—In carrying out subparagraph (A), the Secretary—

(i) shall establish separate limitations for supplemental economic loss payments received under this section; and

(ii) shall not include the supplemental economic loss payments in applying payment limitations under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1001) for payments made pursuant to the underlying normal operation of the program described in subsection (a)(1) or section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

SEC. 823. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional $53,600,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

Subtitle C—Conservation

SEC. 831. NATURAL RESOURCES CONSERVATION SERVICE.

(a) AUTHORITY TO CLEAR DEBRIS AND ANIMAL CARCASSES.—Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, using funds made available for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203), may provide financial and technical assistance to remove and dispose of debris and animal carcasses that could adversely affect health and safety on non-Federal land in a hurricane-affected county.

(b) AUTHORITY TO USE CERTAIN PRACTICES.—Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, may use direct check-writing practices and electronic transfers to provide financial and technical assistance under the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) in a hurricane-affected county.

SEC. 832. EMERGENCY CONSERVATION PROGRAM.

The Secretary shall use an additional $17,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

Subtitle D—Farm Service Agency

SEC. 841. FUNDING FOR ADDITIONAL PERSONNEL.

The Secretary shall use $13,400,000 of funds of the Commodity Credit Corporation to hire additional County Farm Service Agency personnel—

(1) to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this title; and

(2) as the Secretary determines to be necessary to carry out other agriculture and disaster assistance programs.

Subtitle E—Miscellaneous

SEC. 851. AUTHORITY TO PROVIDE IMMUNIZATIONS.

Notwithstanding any other provision of law, the Secretary of Defense may provide immunizations to employees of the Department of Agriculture involved in direct recovery work in a hurricane-affected county.

SEC. 852. WAIVER OF CERTAIN PROVISIONS.

Notwithstanding any other provision of law, the Secretary may provide assistance in a hurricane-affected county under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) without regard to subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.).

SEC. 853. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

SEC. 854. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle F—Emergency Designation

SEC. 861. EMERGENCY DESIGNATION.

The amounts provided in this title are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2007''.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, today I am pleased to bring H.R. 5384, the fiscal year 2007 Agriculture appropriations bill, to the Senate for its consideration. It was written after carefully examining the administration's budget proposal, holding a number of hearings, and receiving significant input from Senators and other stakeholders. It was approved unanimously by the subcommittee on June 20 and reported to the Senate by the full committee on June 22. The bill is the product of a completely bipartisan effort.

I thank Senator KOHL and his excellent staff for their hard work. We have established a pattern of bipartisanship in this subcommittee which we are delighted has continued on in this bill as well.

The bill is commonly known as the Agriculture appropriations bill, but its impact goes far beyond the farms and ranches of the United States. The largest portion of the funding in this bill goes to nutrition and food programs for mothers and children, low-income individuals, and senior citizens. It also funds the agencies which conduct vital agricultural research, protect America's food and drug supply, conserve soil and water resources and wildlife habitat, and promotes the economic development of rural America. It is, indeed, a far-reaching measure.

The bill the Senate is now considering totals approximately $98.3 billion in mandatory and discretionary funding. Of this amount, $18.2 billion is for discretionary funding, fully utilizing the 302(b) allocation which we were given.

To touch on a few of the highlights, specifically, the bill increases funding by 5 percent for the land grant colleges, historically Black land grant institutions, Hispanic serving institutions, forestry schools, and the National Research Initiative. This is the first substantial increase in the formula funds since I took over the chairmanship of the Agriculture Subcommittee in these areas.

It restores funding for the Commodity Supplemental Food Program to $108.3 million and funds the Women, Infants, and Children Program at $5.264 billion, fully meeting the estimated caseload requirements. It allows the enrollment of 250,000 acres in the Wetlands Reserve Program and restores the Grazing Lands Conservation Initiative.

Further, it provides for new research into renewable energy and $25 million in renewable energy loans and grants. It fully funds the President's request for avian influenza at USDA and FDA. It maintains the safest food supply in the world by fully funding the Food Safety Inspection Service.

And it speeds the approval of generic drugs to the marketplace by increasing the Office of Generic Drugs at the FDA by 10 million.

All in all, I believe this is a bill Members can be proud of, and I am happy to bring it to the floor.

At this point, I am happy to yield so we can hear from the distinguished ranking member of the subcommittee, with whom we have worked so close over these last 4 years, Senator KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. President and Chairman BENNETT.

I rise today in support of H.R. 5384, which is the fiscal year 2007 appropriations bill for Agriculture, Rural Development, and Related Agencies.

This year, the Agriculture Subcommittee received an allocation of $18.2 billion. While this was an increase of approximately $1.1 billion over last year, the increase was largely absorbed by scorekeeping adjustments driven by the 2006 budget reconciliation bill. However, the increased allocation, while certainly not a windfall, was certainly a help in writing a good bill, allowing us to restore programs the administration proposed to eliminate and provide other critical programmatic increases.

I believe that Senator BENNETT and his staff did an excellent job of balancing limited funding with important priorities, and I strongly encourage all Senators to support this bill. I will briefly discuss some of the highlights of the bill.

Avian flu, while it has not maintained the level of public attention that it commanded earlier this year, is nevertheless, still a threat to our agricultural sector and to public health, and this bill provides an increase of more than $110 million in various accounts for research, regulatory programs, and vaccine-related funding for highly pathogenic avian flu. This funding is essential to helping prevent the spread of avian flu, as well as increasing research in order to contain it where necessary.

The Food Safety and Inspection Service, charged with ensuring that the United States continues to have the safest food supply in the world, received the full funding amount requested by the President. This includes increased funding for food safety inspections, the food emergency response network, and information technology costs.

The Food and Drug Administration received an increase of approximately $100 million above last year's level, including increases of more than $5 million for food defense, nearly $4 million for drug safety, and $50 million for pandemic flu preparedness.

I thank Senator BENNETT for working with me on one of my highest priorities for this bill, to give the Office of Generic Drugs at FDA a $10 million increase over the President's budget, which brings total funding for the Office of Generic Drugs to nearly $40 million, and total funding for generic drug approvals within FDA to nearly $75 million. I believe this increase is an important step and I will continue to work to ensure that FDA has the resources necessary to decrease the growing backlog of generic drug applications within the FDA and to make lower-cost generic drugs available to consumers as early as possible.

In the area of nutrition, the bill provides $5.264 billion, an increase of $64 million above the President's request, for the Special Supplemental Nutrition Program for Women, Infants, and Children,WIC, Program. This will fully fund WIC; and the committee did not accept the President's plans to limit WIC eligibility and to reduce funding to carry out the program. The bill also restores funding for the Commodity Supplemental Food Program, which the President proposed to eliminate.

For the foreign assistance programs, the committee included an increase of $86 million for international humanitarian food assistance—providing U.S. commodities to fight hunger throughout the world—under Public Law 480 title II. With major crises facing us throughout the world and emergency relief demands continuing to rise, it is extremely important that this program is funded at the highest possible level. Mr. President, $100 million is provided for the McGovern-Dole Food for Education Program. This program provides what is oftentimes the only meal a child receives in a day, and is used to encourage children, especially girls, to come to school in developing countries.

In conservation accounts, no limitation is provided on the Conservation Security Program or the Wetlands Reserve Program. The Natural Resources Conservation Service also received a slight increase. Funding for Conservation Operations was increased by $4 million over last year's level; Watershed and Flood Prevention Operations received over $62 million; the Healthy Forests Reserve Program received $5 million; and funding for Watershed Surveys and Planning, the Watershed Rehabilitation Program, and Resource Conservation and Development was maintained at last year's level.

Agricultural research accounts within USDA also received an increase of approximately $30 million. This includes increases for both competitively

awarded research grants and formula-based funding for land grant universities and minority serving institutions.

In rural development, the Rural Community Advancement Program received an increase of nearly $20 million over last year's funding—and $114 million over the President's request—to provide assistance for infrastructure and essential community facilities in rural communities. This includes restoring significant cuts for water and wastewater utility systems in rural communities. The Renewable Energy Program was funded at twice the level proposed by the administration, allowing for critical work on ethanol and other alternative fuels. The committee did not accept the President's proposal to eliminate the section 515 Direct Rental Housing loan program which since 1963 has provided construction and rehabilitation of affordable housing for rural families and elderly residents with very low to moderate incomes. That administration budget submission is the first proposal to dispose of this program since its inception.

Overall, as I said earlier, I think that Senator BENNETT has done a good job in making sure that this bill balances limited funding and multiple priorities. I would like to thank Senator BENNETT, for putting together an excellent bill, as well as Fitz Elder, IV, who has done a superb job during his first year as clerk of the subcommittee, Dianne Preece, Stacy McBride, and Graham Harper. Senator BENNETT has assembled a smart, hard-working staff who are always professional and work seamlessly with my staff, something for which I am very grateful. I strongly support this bill, and I encourage all Senators to vote in favor of it.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank Senator KOHL for his comments and once again pay tribute to the spirit of bipartisanship he and I have been able to maintain. I appreciate his kind words about the staff and the attempts we have made to integrate both staffs so we have had the kind of professional result to which he has referred.

Now, pursuant to the unanimous consent agreement that is in place, I understand the first order of business will concern agricultural disaster assistance. So I now ask further unanimous consent that once the Conrad amendment is offered to the Agriculture appropriations bill, the time until 5 o'clock be equally divided in the usual form, with a vote occurring in relation to the Conrad amendment at 5 o'clock today, with no second-degree amendments in order to the amendment prior to the vote. Now, I would add that we do expect a budget point of order to be raised, and therefore the vote is likely to be on the motion to waive the budget, assuming that is done.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNETT. With that, Mr. President, I yield the floor. I see Senator CONRAD is in the Chamber prepared to discuss his amendment and expect that probably will take the remainder of the time until we come to the vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleagues, the chairman and ranking member of the Agriculture Appropriations Subcommittee, for the many courtesies extended to those of us who are seeking to get a vote on disaster assistance this year. My colleagues, the chairman and ranking member, Senators BENNETT and KOHL, have been generous and kind with respect to allowing this amendment to be considered, and we deeply appreciate it. We certainly will not forget it.

The matter before the body is the fundamental question of whether there is going to be disaster assistance to this Nation's farmers and ranchers this year.

I also thank Senator FRIST for allowing us to take up the Agriculture Appropriations bill today, allowing me to offer this amendment to provide agricultural disaster assistance for our farmers and ranchers. It took a bit of a struggle to achieve this result, to get this opportunity, but Senator FRIST has been exceptionally kind throughout this discussion and willing to have the Senate discuss this matter.

Some of my colleagues may ask: Senator, the majority has already indicated they do not intend to finish appropriations bills so what is the point of this vote?

Well, that is a good question. When we sought this vote, we did not know that the Agriculture appropriations bill would then not be completed. We did not know that there was going to be an intention to stop work on appropriations bills, to leave that all until next year. We did not know that. So we were working in good faith to put this before the body as a matter that is urgently needed by tens of thousands of farm families all across America. So why go on with the debate and the vote today if this bill is not going to be completed? There is one very good reason: Depending on how close this vote is, farmers and ranchers and their bankers will at least have an idea of whether there is the prospect for disaster assistance next year. It is going to require a supermajority vote today for us to prevail because the other side is going to offer a budget point of order. That is their right. If we are close to the 60 votes, then farmers and ranchers can assume there is a pretty good likelihood of disaster assistance next year. If we are not close to 60, then they will be safe in concluding the prospects, although still possible, are certainly more remote.

Why is this important? Because literally tens of thousands of farm and ranch families will not be able to go on without disaster assistance. In my own State, the independent bankers of North Dakota were meeting in my office when Mr. Hubbard, chief economic adviser, came to see me on a separate matter. I asked Mr. Hubbard to go into the conference room to listen to these independent bankers, 11 or 12 of them from across the State of North Dakota. They told Mr. Hubbard clearly and directly: If there is no disaster assistance forthcoming, 5 to 10 percent of the farm and ranch families in North Dakota will be forced off the land. That is how serious the current circumstance is. It is why we come on an emergency basis for this funding.

Let me indicate that this disaster approach will cost $4.8 billion. That is much less than disaster packages in 2000 and 2001, about a third of what disaster packages were in those years. But it is critically important. Why? Because in 2005 and 2006, we had a series of natural disasters across this country that were not covered in any way. The last disaster package that actually went through only applied to hurricanes. Those who suffered from drought, from flooding, were excluded. They were given no help.

Let me show the headlines from my State from last year: ''North Dakota Anthrax Outbreak Grows''; ''Rain Halts Harvest''; ''North Dakota Receives Major Disaster Declaration''; ''Heavy Rain Leads to Crop Diseases''; ''Beet Crop Could Be Smallest In 10 Years''; ''Crops, Hay Lost to Flooding''; ''Area Farmers Battle Flooding, Disease''.

These are only a handful of the headlines from that year. Here is a picture of a farm. Last year I flew over southeastern North Dakota, and it looked like a giant lake because farm after farm looked like this—water from one horizon to the other. In the southeastern part of North Dakota, there was massive flooding. A million acres were prevented from even being planted. Hundreds of thousands of additional acres were ultimately drowned out. In other words, they could plant, they did plant, and then the crops were drowned out.

This was a devastating year for thousands of farm families. I had a young farmer, one of the best in our State, come to a farm meeting I held. He told me: Senator, unless something happens, a lot of my neighbors are going to be gone, because we have had such an extraordinarily unusual weather cycle in North Dakota.

That young man told me he has not had a normal crop in 6 years. He is not alone. I don't know whether it is global climate change or this is some very unusual weather pattern, but something is happening in my State, something that is dramatic and unusual and devastating to thousands of agricultural producers. We have a lake in North Dakota called Devil's Lake. Devil's Lake has risen 26 feet in the last 8 years. Devil's Lake is three times the size of the District of Columbia, and that lake

has risen 26 feet in the last 8 years. I don't know how one would describe this, but it is outside any experience I have had to have a giant lake rise 26 feet.

Three years ago in a small town in eastern North Dakota, we had 18.5 inches of rain in a 24-hour period, in a place that only receives that amount of moisture in a year. Something extraordinary is happening. The question is, will there be any Federal response or are we going to say, Tough luck, you are on your own, you are out?

Irony of ironies, after the massive flooding of last year, after the extended flooding in eastern North Dakota of the last 7 or 8 years, this year drought struck, the third worst drought, according to scientists, in our country's history. That is what happened this year. And so instead of headlines about flooding, this is the headline: ''Dakotas 'epicenter' of a drought-stricken nation.'' This is a report from the Grand Forks Herald, one of the major newspapers of our State; in fact, a Pulitzer Prize-winning newspaper for covering the disastrous flooding of 1997, which many will recall, when we had the spectacle of a fireman chest deep in water fighting a fire. The 1997 flood was the worst flood in 500 years in eastern North Dakota. And now that newspaper is reporting on the ''epicenter of a drought-stricken nation.''

They say here more than 60 percent of the United States is in drought. And we can see the epicenter is in South Dakota. But we are by no means alone because right down the center of the country, right down the heartland of America, is terrible drought this year, the third worst drought in our history.

''Experts say dry spell third worst on record.'' The only worse droughts were the horrendous droughts of the 1930s, which we refer to now as the Dust Bowl, and the extended drought of the 1950s. Some who are listening may ask, why haven't we heard about this? Why hasn't this been on the national news?

I think we all know why. Go back to 2005 and 2006. The disasters that were in the news were Hurricanes Rita and Katrina. That is what was in the news. And we have responded to those disasters. We have not responded to this disaster because, frankly, it has gotten very little attention.

This will be the last opportunity for the Senate to act on this important issue. Producers across the country can look to this vote today and be able to determine whether the prospects are hopeful. If we get close to the 60 votes or hopefully achieve a 60-vote hurdle, then the possibility of disaster assistance next year is brightened. If we do not come close, then tens of thousands of farm families are going to be at their bankers in the coming weeks, and they are going to be given the grim news that they are done; they are finished; they will not be able to continue.

For over a year I, along with many Senate colleagues from both sides of the aisle, have been coming to the floor of the Senate seeking to pass disaster assistance for our farmers. Today I come with a bill cosponsored by 27 of my colleagues and myself. That makes 28 of us. On a thoroughly bipartisan basis, we have joined to urge our colleagues to consider disaster assistance. Last spring, as part of the hurricane supplemental, the Senate approved an agricultural disaster package for the 2005 crop year. That measure was later dropped in conference due to opposition from the administration and House leadership. The amendment I am offering today is similar to the bipartisan disaster relief legislation I introduced on September 28 of 2006.

The need for this amendment is compelling. I think my previous remarks made clear why it is so important in my State. It is not just my State. It is North Dakota, Montana, Minnesota, South Dakota, Wyoming, Nebraska, Oklahoma, Texas, Colorado. There are many States that have been affected. In my State, in July I went on a drought tour with my colleague Senator DORGAN and our Congressman. This is my home county. This is a cornfield in July. You have heard the old saw that corn should be knee high by the Fourth of July. You can see there is almost nothing coming up. It is a moonscape. This is what southern North Dakota looked like this year, absolutely devastated.

I even went to a farm where they had irrigated corn. The farmer took me out and we started peeling the ears. And on irrigated corn, the kernels hadn't filled. Why? Because in one day, it was 112 degrees in my hometown. I am not talking about the heat index; I am talking about the actual temperature—in one day, 112 degrees.

When I say North Dakota is not alone, this is from the Drought Monitor from July 25 of this year. The yellow areas are termed abnormally dry; the tan areas are moderate drought; the darker tan, severe drought; the red is extreme drought; the dark brown is exceptional drought. You can see that we have had drought throughout the heartland of America—as I have indicated, the third worst drought in our Nation's history.

Others are communicating with us, telling us of the urgent need for this assistance. We received a letter from 32 of the major farm organizations in America saying pass this disaster assistance. Let me read you the letter:

> We write to respectfully urge you to support agricultural disaster assistance for the 2005 and 2006 production years. While many of us are hopeful that even more can be done to provide disaster-related assistance, we believe the bipartisan Conrad amendment, and other such amendments that would make disaster assistance even more inclusive, should be approved by Congress this year.
>
> As you may know, a large coalition has been seeking disaster assistance for more than a year. The coalition is so large and united because last year 88 percent of U.S. counties were declared disaster areas by USDA. This year, more than 66 percent have received that same designation.
>
> With wide support earlier this year, the Senate approved a disaster assistance package. Unfortunately, the provision was changed in conference and the final language only assisted rural residents who were victims of hurricanes, not those who were victims of other natural disasters, such as drought and flooding. While many of us believe that even more needs to be done—and would be supportive of additional assistance—we nevertheless want to ensure that the Conrad amendment is approved.
>
> Quite simply, a disaster is a disaster. We urge you to support the Conrad disaster amendment and oppose a budget point of order against the amendment. Congress should do all they can to provide victims of natural disaster with the assistance that they need and deserve this year.

My amendment incorporates many of the provisions already approved by the Senate. But I have made several modifications to address the objections raised by the administration. The economic assistance provisions to help program crop and dairy producers offset rising energy costs in 2005 have been dramatically reduced. Payments will only be made to producers who can demonstrate they suffered reduced income in 2005 compared with 2004, and the provision requires that those who wish to receive these direct payments forego the crop disaster payments the amendment makes available for 2005 and 2006.

The administration has stated that we need to wait until harvest is concluded. The harvest is over for 2006 and the losses are real and significant throughout many parts of the country. Crop and livestock production loss provisions contained in the original legislation are retained and will apply for both 2005 and 2006.

For those who say you don't have to have a loss to get assistance—wrong. Nobody gets a dime who has not suffered a material loss. In fact, crop producers must have a loss of at least 35 percent before they get a thing. Let me repeat that. Crop producers will have to have a loss of at least 35 percent before any of these provisions take effect for them.

The livestock compensation program will only be made to producers whose operations are in counties designated as disaster areas by the Secretary and who can demonstrate that they suffered a material loss. The provision also contains modest funding for conservation programs to help restore and rehabilitate drought and wildlife losses on grazing lands, and the provision assists small agriculturally dependent businesses that have been dramatically hurt as a result of these natural disasters.

Because of the modifications, the cost of providing disaster assistance for 2005 and 2006 has been substantially reduced, from $6.7 billion in previous provisions to about $4.8 billion in this amendment. Some have suggested that this amendment will result in farmers becoming more than whole and that crop insurance is adequate to address the losses our producers have sustained during the last 2 years.

Nothing in this debate has disturbed me more than people making that argument because it is apparent that they simply don't know how crop insurance works. They simply don't understand the formula that applies.

I wanted to provide a specific example to show my colleagues what is going to happen to a typical farmer under the provisions of this legislation. In North Dakota, the average wheat yield is 34 bushels to the acre. The average harvest price is $4.57 a bushel. So per acre, a farmer could have expected, in a normal year, to get $157.21 an acre. Now, this year, if they would have a 50-percent loss, their market income would be reduced to $78.60. With their insurance indemnity, if they bought coverage at one of the most generous levels—the 75 percent level—they would get a $27 insurance payment. Under my legislation, they would get an additional $7, for a total of $113, compared to what they could have expected in a normal year of $157. They are losing $44.21 per acre in a normal year. They are still down 28 percent, even with this disaster package. For those who suffer a 75-percent loss—let me say I have many in my State who suffered a 75-percent loss—they would get $39.30 from the market. They would get an insurance payment of $54.18.

Under this legislation, they would get an additional $19.50, for a total of about $113—still losing $44 an acre, still at a loss of almost 30 percent.

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

Mr. CONRAD. Yes.

Mr. GREGG. Mr. President, I wonder if we can set a timeframe on speaking. Would it be possible for us to ask unanimous consent that after the Senator completes his statement, the other Senator from North Dakota be recognized and then I be recognized?

Mr. CONRAD. Mr. President, we already have a unanimous consent agreement.

Mr. GREGG. I am talking about time.

Mr. CONRAD. We have an order. As I understand it, the order is to be my opening statement, followed by Senator DORGAN for what time he will consume, followed by Senator LANDRIEU for 10 minutes. Is that not correct, I ask the Chair?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. So we have a unanimous consent agreement in place. I think we should follow that. In terms of time, I have maybe 5 minutes left in this opening statement and Senator DORGAN needs probably 20 minutes and then Senator LANDRIEU is scheduled for 10, if that is of assistance to the Senator. That would indicate that we have about 40 minutes.

Mr. GREGG. Of course, we usually go back and forth in a debate of this nature. But since that is the order, that is fine.

I ask unanimous consent that after the Landrieu statement, I be recognized for an equal amount of time consumed by the Democratic side.

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

Mr. CONRAD. Mr. President, again, I want to indicate the facts. For those who have said crop insurance is the answer, crop insurance will keep these people from dramatic losses—wrong. That is not true. This bill will not prevent farmers from dramatic losses. If they have had a 50-percent loss, even with this legislation, they are going to lose nearly 30 percent. If they have had a 75-percent loss, even with this legislation, even with crop insurance, even with buying up to the level that is the most frequent level that farmers buy, they will have a loss of nearly 30 percent.

This program is not going to make farmers rich or even make them whole. But it will make the difference for thousands of farm families who otherwise may be forced off the land. Farmers and ranchers need assistance for the 2005 and 2006 natural disaster losses, and they need it now. If these emergencies are not dealt with, tens of thousands of farm families and Main Street businesses will suffer, many irreparably.

I have had farm meeting after farm meeting all across my State. Farmers and their families have told me that if assistance is not forthcoming, this will be their last year. I am not talking about a few, I am talking about thousands in my State. As I have indicated, North Dakota, unfortunately, is not alone. This is a drought that has been devastating to the heartland of America. That is why there are 28 sponsors of this legislation on a fully bipartisan basis.

Let me conclude by saying that some have said—I know we will hear this from the chairman of the Budget Committee—this is a budget buster. Now, he knows—and everyone who follows the budget process knows—we do not budget for natural disasters. There is no line item in the budget for natural disasters—none. Natural disasters are handled on an emergency basis. That is what we are seeking—emergency funding outside of the budget because there is no budget for natural disasters—none, zero. If there is going to be any assistance, it is going to have to come as it typically has, by an emergency declaration.

To uphold an emergency designation requires a supermajority vote in the Senate. It requires at least 60 percent to support that designation of emergency. So those who say it is a budget buster—wrong. There is no budget line item for natural disasters—none. The only way there is support for natural disasters is through an emergency declaration over and above the rest of the budget. Why? Because decisions have been made in the past that you cannot predict disasters by their nature. You cannot say a drought is going to happen or a hurricane or a flood is going to happen. Those are acts of God. They are acts that are unpredictable and, therefore, are not budgeted for. Perhaps they should be. Perhaps we should at least make an estimate, based on previous experience, of what natural disasters cost. But it is not done. So if there is going to be any assistance forthcoming for the tens of thousands of people who have been hurt, this is the chance this year to send a signal of help, a signal of hope, a signal that we will stand with these farm and ranch families and help them in their time of need.

AMENDMENT NO. 5205

Mr. President, before I yield the floor, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 5205.

Mr. CONRAD. I ask unanimous consent that 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.'')

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first of all, my colleague Senator CONRAD has described this amendment very well. I appreciate his leadership, as do other Members of the Senate.

For those of us who care about the future of family farming, this is a very important issue for us. I am pleased to be here today to be a cosponsor of this amendment to provide disaster aid to farmers.

Bob Wills and His Texas Playboys in the 1930s in one of their songs had a refrain that I have often used on the floor of the Senate: The little bee sucks the blossoms and the big bee gets the honey; the little guy picks the cotton and the big guy gets the money.

It hasn't changed much over 70 or 80 years. Somehow the big interests always have their day in the Congress. It wasn't too many months ago that they had their day. There was a little provision tucked in a bill that passed the Congress that said to the largest corporations in America: When you repatriate the income you have earned from abroad, we will give you a big deal. You get to pay an income tax rate of 5¼ percent. I think that was worth about a $100 billion tax cut to the biggest economic interests in this country.

It was done without a lot of debate. There is plenty of money to give a $100 billion tax cut to the big interests, but now it is time to talk about working families, family farmers, small producers.

The big interests get their day. Now we are talking about the people who shower after work rather than before work. We are talking about the people

who go out and work all day. They grease combines. They plow the fields. They milk cows. They do chores. Then, at the end of the day, they take a shower and clean up because they worked hard all day. They and their families live under a yard light hoping they are going to be able to make a living. Often they plant a seed and hope it grows. They wonder whether they are going to have disease that will destroy their crop. Perhaps hail will destroy their crop. Maybe it will rain too much, or maybe it won't rain at all. Maybe if they get a crop, avoiding all those diseases and natural disasters, including weather disasters, maybe if they get a crop and they haul it to the elevator, it is worthless because that price has collapsed.

Yet that family living on the farm takes all of those risks by itself, and sometimes it doesn't work out for them.

This country for decades—for decades—has always said to family farmers who live out there alone in the country: When things happen that are tough for you—natural disasters, collapse in prices—we want to help you; we want to offer you a helping hand. We have always said that in the form of disaster aid.

It used to be that the disaster aid came in the regular farm bill because we had a disaster title in that bill. That has been changed. So now each year we have to come and plead for disaster help when a disaster occurs that hurts families living out on the farms in this country.

What has happened this year? Here is a satellite description of what happened in our country. This is July, I believe, of this year. The red in this satellite photo shows the drought. The red shows the destroyed forage. One can see the epicenter of this drought is right up in here, but the drought occurs in a wide area of this country. Look at the epicenter of this drought.

Let me read something that comes from a rancher right up here, right in the epicenter of the drought. He says in a letter dated July 12:

> The grass is so dry that it breaks off when the cows walk on it. The cricks and dams, they're all dried up. We're going to have to sell some of the cows pretty soon so we can try to save the rest of them. If you can do anything to help us out, we would really appreciate it.

''If you can do anything to help us out, we would really appreciate it.'' Did anybody get an appreciative note from those who were saved $103 billion by getting a 5¼-percent income tax break? Did anybody get a note of thanks? Did anybody else get to pay a 5¼ income tax rate? Nobody in America gets to do that. But the biggest economic interests got to do that last year because this Congress was generous: Let me give you a big tax cut of $103 billion. Now we are talking about a few billion dollars that would reach out and help families—yes, the small producers—reach out and help families over troubled times. That is what this is about.

Let me describe a little of the history of this situation. Three times the Senate Appropriations Committee on which I serve has approved amendments to provide disaster assistance. Three times I have offered those amendments, and three times they have been accepted. Last December, 1 year ago, during the conference committee on the fiscal year 2006 Defense appropriations bill, I offered a disaster amendment. The Senate conferees—both sides, Republicans and Democrats—agreed to it and accepted it. The House conferees, at the request of President Bush, objected to it because President Bush said he would veto the bill if it was part of the bill.

In June of this year again, the full Senate approved an amendment that was on the Katrina-Iraq supplemental bill, which I included in the Appropriations Committee. Let me mention that in both cases, my colleague Senator CONRAD played quite a significant role in helping to draft the amendment. He serves on the Senate Agriculture Committee, and I serve on the Appropriations Committee. We used the Appropriations Committee as the mechanism by which we have tried to get this done.

Three times the Appropriations Committee in the Senate has passed amendments that I have offered to provide disaster relief. The first two occasions were occasions in which the White House objected. The President actually said, and his advisers said, they would recommend that he veto legislation that would provide disaster help for family farmers.

In June of this year, I attached the other disaster package. It is the one Senator CONRAD and a large group of us—Republicans and Democrats—put together. That is what is on the floor of the Senate right now, to be amended by the new disaster package my colleague Senator CONRAD offers this afternoon, which I fully support.

So this is not a new subject. No one should come to the floor of the Senate surprised. We have dealt with this subject before. The Senate has approved it before by a fairly significant margin. We have been blocked in two conferences with the House of Representatives because the White House decided to block that help.

Let me describe a couple of pieces of history about drought. It is not a new thing to have a weather disaster wipe out family farmers across this country. One can see the epicenter up in the northern Great Plains, but one can see the destroyed forage in a wide band in the heartland of our country.

Some while ago, we saw the tracking and the description and the physical damage of Hurricane Katrina. It occurred right down here in the gulf. It hit this land with devastating force, unbelievable force, and it destroyed a lot of things. Our hearts were broken as we watched what happened in the gulf.

Part of what the hurricane destroyed was the crops that family farmers had down in these fields. They got washed away and destroyed completely. The Congress passed legislation that said to those farmers: You lost your crops due to a weather-related disaster, and here is some disaster aid. The Congress said to these farmers: You lost your crops due to weather, we are going to help you.

These farmers have lost their crops due to weather. They are just in a different part of the country. No, it is not a hurricane, it is a drought. This had a name; this didn't. Is there a difference? These farmers write to us and ask: What is the difference? We had a weather-related disaster that wiped out everything we had—all the feed, all the crops. We had to sell our cows because if you have a cow and you have no feed, that cow is going to market. We lost everything, they say.

How is it you help farmers in one part of the country who suffered an entire loss of their crops due to a hurricane and then turn a blind eye to farmers in other parts of the country who lost their crops due to drought and other weather-related disasters? How do you justify that, Congress?

The answer is there is no justification for that. When we decide we are going to help—and we should, and I have always supported that, during tough times we are going to help family farmers—then we must reach out to all the farmers in this country who suffer these devastating losses.

I am not interested in sending financial help to farmers who didn't have these losses. They are just fine. That is not what we are here about today. Today we are about the issue of trying to reach out a helping hand to those farmers who suffered a weather-related disaster and suffered losses.

Franklin Delano Roosevelt went out in the country during disasters, and he actually had a tough time traveling. He traveled by train. He showed up in my part of the country on a drought tour. Then he showed up in Huron, SD, on a drought tour. Let me read what the President said. The reason I say this is we asked the President to come out and do a drought tour this past year, or one of his underlings to come out and do a drought tour. In 1936, Franklin Delano Roosevelt did a drought tour. He stopped in Huron, SD, and here is what he said:

> No city in agriculture country can exist unless the farms are prosperous. We have to cooperate with one another rather than buck one another. I have come out here to find you with your chins up looking toward the future with courage and hope, and I'm grateful to you for the attitudes you are taking.

He was on a drought tour speaking from a platform on the back of a train.

He was also in Devils Lake, ND, August 7, 1934. Let me tell my colleagues what he said about a drought tour, this President who took a train around the country. He said:

> I cannot honestly say my heart is happy today because I have seen with my own eyes

some of the things I have been hearing and reading about a year or more.

A growing drought that was eating the crops and destroying the crops. He said:

But when you come to the water problems up here, you are up against two things. In the first place, you're up against the forces of nature. The second, you're up against the fact that man, in its present stage of development, cannot definitely control those forces.

The fact is, the President went on a drought tour and said: We want to help family farmers. It is not much different than what we say today. This is important.

Let me show a photograph of a North Dakota family farmer. He allowed me to show this photograph on the floor of the Senate. This is a picture of one of the ranchers, these ranchers who, in many cases, had to sell their entire herds or parts of their herds because they had nothing to feed their cows. As I said before, if you have cows and you don't have feed, those cows are going to go to market and be sold. That is what has happened.

This is Frank Barnick. Frank and his wife and son raise cattle in Glen Ullin, ND. In this picture, he is walking in a crick bed that normally would provide water for his cattle. As one can see, it looks more like the surface of the Moon. There is no grass there, no water there. Frank says:

It's the worst drought I've ever seen. You do a lot of praying wondering how you're going to get through it.

One of the issues about getting through these tough times is the issue of what is Congress prepared to do. What is the better instinct of those who serve here? I have served in Congress for some long while, and I have always been proud of being willing to vote for emergency legislation to help people in need. It doesn't matter where it is for me. If it is a hurricane that hits the South in the gulf coast, a hurricane that hits Florida, I want to be there with my vote to say this country wants to say to you, victims of hurricanes, weather-related disasters: You are not alone. You are not alone because this country cares about you. I have always been proud to cast those votes. I never had a second thought about them, and I never wondered very much whether we should. It is part of the better nature of this country to reach out to people and say: You are not alone and we want to help you.

I think of all of the things that we have done in this Congress in the last couple of years to help people. We go all around the world. It is an enormously generous country. We do a lot of things to help with everything virtually everywhere, and that is very important and I am supportive of that. But I think it is very important as well that we help people here at home and that we say to people here at home with respect to problems here at home that they are important to us, that what is happening in America is important to us as well.

Last year, we had people in the northern part of our State who woke up one morning to find that they had a million acres, a million acres of their ground—these are family farmers who had planted in grains—washed away and gone and could not be replanted. We had another million acres that could never be planted. We are talking about 2 million acres of ground because of torrential rains that were destroyed with respect to their productivity to raise a crop, and those family farmers sitting out there with that 2 million acres were left to wonder: What next? Will I be able to continue to farm? Will I and my spouse and my son and daughter be able to continue to own this farm?

Well, we have had torrential rains and flooding that devastated a region of our State, and then we have the epicenter of the drought, as I have just shown, that is almost unbelievable.

My colleague, Senator CONRAD, and I and a Congressman took several drought tours, and I have never seen anything like it. When you lose your crop or you lose your pasture and you have no capability to feed cattle or to plant a seed or harvest a crop, is it exactly the same circumstance which that family faces as the circumstance faced by a family farmer in the gulf region in Mississippi, Alabama, Louisiana? Of course it is. It is exactly the same.

So my colleague today brings a piece of legislation to the floor that we have worked on and tried to perfect that does, as best we can, say to family farmers: Here is a package of disaster relief. No, it is not going to make anybody whole. This is not a massive package that everybody is going to be happy with, but at least it says to those farmers: We want you to have a chance to continue farming.

On a couple of occasions I have described the value of this, the cultural value of even caring about farming. Some people say: So what. Let the market system work. If a family is too small to make it and it floods and they can't get a crop and they are broke, tough luck. So long. See you in town someplace. Somebody else will farm that land.

We, over some 5, 8, 10 decades in this country have known better than to take that attitude. Rodney Nelson, a writer from my State and a rancher from out near Almont, ND, wrote a wonderful piece about farming. And he asked a question which is important for people in this Chamber to ask. He asked the question: What is it worth? What is it worth, he asks. What is it worth for a kid to know how to weld a seam? What is it worth for a kid to know how to plow a field? What is it worth for a kid to know how to hang a door? What is it worth for a kid to know how to grease a combine? What is it worth for a kid to know how to change the oil in a tractor? What is it worth for a kid to know how to teach a calf to suck milk out of a pail? What is it worth for a kid to know how to brand? What is all that worth? What is all that worth?

There is only one place in America where they teach all that. Read the history of the Second World War and see all those young men that marked off America's farms that could fix anything, drive anything, do anything all around the world. There is only one place they teach that, and that university exists on America's family farms. So what is that worth to this country? Does it matter that families live under the yard lights out in the country on our farms? Does it matter? It does to me. It does to me.

No, they are not big interests. I understand that. They are small producers. But they deserve a voice in this Chamber. They deserve their day. They deserve the debate about their value and their worth to this country. I guarantee you the big interests get their day virtually every day in these Chambers.

This is a day to talk about what it is worth. What is it worth for this country to say to family farmers: You matter and you are not alone when trouble strikes. What is that worth for this country?

That is why we offer this amendment today. It is important. In March and April as we prepare for a new year in the Congress and work on appropriations bills and so on, there will be farmers who will learn whether they are able to plant another crop or whether they are going to be kicked off the land. They and their families will learn: Does their dream continue or is it over? And it will depend in large part on what this Congress does on this issue. We should not consider this some sort of idle exercise.

It is true that amending this Agriculture appropriations bill is not going to apparently produce this product by the end of this week. But this Agriculture appropriations bill, one way or another, is going to end up in some kind of an omnibus bill in February or early March. I am an appropriator. I am on the committee. And we are going to do some kind of an Omnibus appropriations bill, and I will do everything I can to see that this kind of disaster package is included in it. Putting it in this Agriculture appropriations bill today is the first step in trying to insist that this, too, be a priority for our country.

Let me say to my colleague, Senator CONRAD, I appreciate working with him on this and many others, and underscore the point that he has made repeatedly: This is not partisan, it is bipartisan. We have aggressive, strong Republican supporters and Democratic supporters to this provision. It is important to understand that. This is about our priorities. It is always about priorities, what is important and what is not important. And so I congratulate and thank the chairman of the subcommittee and the ranking member, Senator BENNETT, Senator KOHL, and

thank all of those who have joined in a very substantial bipartisan amendment to once again say to this country and this Chamber that family farmers matter to this country. And when they are in trouble, we need to reach out to say to them: You are not alone. The best, most effective way to do that today is to pass this amendment, and I hope we will do that by the end of this day.

I yield the floor.

Mr. CONRAD. Mr. President, I thank my colleague, Senator DORGAN, who has been such a leader on this issue for our farm and ranch families and who has repeatedly offered disaster legislation on the appropriations bill and has repeatedly passed it on the appropriations bill. In fact, there is, in the underlying appropriations bill of the Agriculture Committee, disaster assistance. The problem is, though, it only covers 1 year, and we now know we have had 2 years of remarkable disasters.

While we are waiting for Senator GREGG to come to the Senate floor, I thought I would just take a moment to read from some of the letters from farmers in my State, the things that they have written me. This is a letter from last year, the flood year. This is what the man wrote:

The rains began in earnest the last days of May 2005. Our crops were in the ground so the majority of the input costs for the crops were already realized. We received 25 inches of rain in 33 days. The attached pictures show the result. In our local town residents were going up and down the streets in boats.

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

In speaking with loan officers at 2 of our local banks I was told that First National Bank expects to restructure 60 percent of their ag loans. State Bank estimates restructuring 75 to 80 percent of their loans. This is serious business in agriculture.

He closed by saying:

Please support disaster relief currently working its way through Congress. If you do, you will literally be the difference between me being able to continue to produce food and fiber for this great Nation and not being able to continue this production.

A second letter from a man this year:

I farm and ranch with my father and mother and this is the second year in a row that our neighbors and ourselves have endured natural disasters. When I say disaster, I mean 25 inches of rain in the month of June alone, and complete crop loss. I farm approximately 630 acres myself, and I did not harvest a single kernel of grain from any of it. The rivers started to run the 3rd of July and pushed across 80 acres of my alfalfa field, killing approximately 40 acres.

Enclosed are pictures to give you an idea of what the conditions were like. The pictures look as though they could have been taken after Katrina, but we know otherwise. Those people need assistance for a complete loss. What we had here was not as catastrophic on a widespread manner, but destruction of crops was there. Please assist us. Thank you for your time and any assistance you might provide.

This is another letter. This letter is from this year. And, remember, last year we had this incredible flooding, and now this incredible drought.

We are writing to ask for your help. We were burnt out this week by a prairie fire on the Standing Rock Reservation. We lost 5,000 acres of pasture. We don't know how we are going to feed our cattle this winter, as we have lost our winter grazing.

This, on top of the drought here in south central North Dakota, we don't know how much more we can contend with. We planted wheat, but have nothing to harvest this year due to a lack of rain, and crop insurance will barely pay our input costs, so there will not be any income from a crop this year.

As for buying feed for cattle, hay will cost approximately $100 per ton with trucking. We will also need to purchase supplement and corn. This is in addition to the high cost of electricity, fuel, and propane.

We don't know how much more we can endure. We don't know why our country helps other nations, but not our own people, and especially the farmers. Other nations give nothing back.

Selling the cattle is not the answer either. As a result, there will be no income. Please let us know if there is any assistance for us.

And another letter. This is from the head of a bank, the Commercial Bank of Mott, ND, near where Senator DORGAN grew up:

Attached are six agricultural operations associated with the Commercial Bank of Mott. Five of these businesses are located in Hettinger County and one in Grant County. Over the course of the last two weeks, these producers have come to the bank to discuss their financial position. The projections attached have been assembled to reflect accurately each producer's current standard.

As you review each and every projection, it is apparent that all of these producers were dramatically affected by the drought of 2006. At this writing, without any government intervention or disaster aid, it appears that three of these producers will be going out of business. They simply cannot absorb losses of this magnitude.

The last spreadsheet attached shows that the six producers have collectively lost $875,000 in this year.

Six producers losing $875,000.

We are here today because you have asked us to come. We now ask you to support agriculture and to help provide these producers with a fair and equitable disaster program. I might add, the program is needed now.

Mr. DORGAN. Mr. President, I wonder if my colleague would yield for a question.

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. In the context of how much money is required to try to be helpful to family farmers as they struggle through this weather-related disaster period to determine whether they are actually going to be able to continue farming, I noticed a story the other day—I believe it was yesterday—which stated that we now have 100,000 private contractors we are paying in the country of Iraq. We are passing pieces of legislation here in the Congress, hundreds of billions of dollars of supplementals, emergency supplementals. My understanding is that we are going to be presented with another emergency supplemental for $120 billion.

In terms of what one spends, at least with respect to helping farmers who have gotten hit with tough times, you know what you are doing and where it is going to go.

The point I am making is, isn't it the case that in the context of all of this, we are not talking about a great deal of money, but in this case we are talking about a lot of people who will be directly helped, and it likely will determine whether many of them will be able to continue working on the family farm and operating the family farm? I understand this is an expenditure of money, but to the extent that we have emergencies bantered around here virtually all the time, it really is an emergency when a weather-related disaster hits—really hits—and devastates a region. That really is an emergency, to determine whether you are going to be able, or willing, to help families in deep trouble. Isn't it the case that this is not a substantial amount of money, given all the other things we have decided to very quickly say yes to?

Mr. CONRAD. I say to my colleague, this equals about 10 days of expenditure in Iraq, based on what we are told the supplemental will be and what is already in the budget. So this is modest compared to previous disaster packages. It will not make farmers whole.

As I have indicated in the examples I have provided, farmers who had a 50-percent loss will still have a 28-percent loss in economic terms, even with this package. A farmer who has lost 75 percent, even with this package and with aggressive crop insurance, will still have a 28-percent loss as well.

This is a defining moment for thousands of people.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, what is the parliamentary situation relative to time?

The PRESIDING OFFICER. The Senator from New Hampshire controls 60 minutes.

Mr. GREGG. Mr. President, I rise in opposition to this amendment. I do feel it is uniquely ironic that the first amendment offered—and this was the first amendment offered after the election—would increase the debt of this country by $4.9 billion; that it would abandon the budget and essentially say we should spend additional funds and pass those costs on to our children.

Throughout the election cycle, I think I heard a great deal about fiscal responsibility. I especially heard it from the other side of the aisle, about how we as Republicans have been profligate allegedly. Maybe those were just words, because the first formal action taken by the other side, which is now moving into the majority position, is to spend $4.9 billion which we do not have on an emergency which is declared in the agricultural community, and which funds are, in many instances, not even emergency related if

you were to define a traditional emergency.

It is hard to understand how we can want to increase the debt on our children in this manner. Clearly I think it is inconsistent with what the American people asked for when they voted in the last election. I think they asked that we have a reasonable approach to fiscal policy, that we start spending within our means, and that we stop passing on to our kids the costs of today. This is a cost of today.

This amendment should have been handled in the regular order of the appropriations process. It should have been handled by being offset or by a reduction in expenses somewhere else, or it should have been handled within the spending cap which was proposed for the agricultural community. It is not. It is an emergency which is a designation placed on it basically for the purposes of avoiding the obligations of the budget.

Let me ask, is it really an emergency that we spend $24 million provided solely to the sugar beet producers rather than giving them the assistance through the crop disaster program? That is an earmark, that is not an emergency.

Is it really an emergency to spend $3 million specifically providing sugarcane growers in Hawaii nondisaster assistance? It is simply an earmark. A $95 million payment to dairy producers for losses? Earmark. What about $6 million provided for a flood area in North Dakota? An earmark. Or $1 million for a land replacement and retention program? An earmark. Or $10 million for the purposes of a watershed project in another State? An earmark. These are not emergencies. This is simply an attempt to get votes. That is the way it works around here. You get a big chunk of money, you put an ''emergency'' title on it, and then you run around and adjust the spending in that amount of money so you can pass it and avoid the 60-vote point of order. Logrolling is the term that historically has been applied to that. People don't remember that term, but that is what it is historically.

The irony is, of course, the underlying bill already had $4 billion of emergency money designated in it which should not have been designated, but that money wasn't allocated in a way that the sponsors of this bill felt comfortable enough with to get the 60 votes, so they took that money and cleared it with this money and basically added $4 billion to the debt.

When we say added to the debt, what we are saying basically is our children are going to have to pay for it. Our children are going to have to pay tomorrow for costs that are going to benefit a small group of farmers today. That cost should have been borne by expenditures being reduced today or expenditures being reallocated today. It should not be borne by throwing it on the deficit and making our kids pay for it.

There are some other things in this declaration of additional deficit spending of $4.9 billion which are questionable. For example, dairy farmers and certain crop programs can receive this payment for production if they can show they had a loss in 2005 net farm income compared to 2004. There is no requirement that loss be shown related to anything that had to do with an emergency; it could be that they became inefficient, ineffective, or simply didn't know what they were doing and made mistakes. But they are going to get paid for not making as much money in 2005 as they did in 2004. It has nothing to do with an emergency. It is only if they can show they didn't do as well in 2005 as they did in 2004, they are going to get tax dollars.

There are a lot of businesses in this country today that did not do as well in one year as they did in the next year. Are we to declare that every one of those businesses should get emergency funds simply because they had a difference between their income in one year from the next year? The fact may be that the difference in income was because 2004 was a great year, as it happened to be, and 2005 wasn't a great year. It was a good year, a very good year in many farm communities, but the difference is now going to be picked up by the taxpayers. So essentially there wasn't a lot of incentive to do better in 2005 than 2004. Essentially we are saying to those folks who worked harder and were more productive and did have a better year in 2005 than 2004: Sorry, your activity wasn't relevant. The person who didn't work as hard as you, who wasn't as productive as you, maybe ran his farm more poorly than you, we are going to pay him the difference in income from 1 year to the next. That is classic 1930s Government, I guess, if you believe in that theory of governance, the theory that people should be paid for doing a lousy job and not being productive.

This amendment in and of itself represents a 23-percent increase in 1 year in the subsidies for farm programs in this country; 23 percent. That is a huge 1-year shot of expenditures. It is rather dramatic, to reflect the fact it is in relationship to the emergency process when there is no relationship; they are disjointed here. There is some, but it is primarily disjointed.

The way this amendment is structured, the way this language is structured, under the traditional crop insurance program a person is supposed to buy crop insurance. Under this bill, if you do not buy crop insurance you are still going to get paid. In fact, they are no longer subject to the percentage cap, which is the traditional way. So you could actually end up making more under this program, under these proposals, with a crop loss than you would make if you had actually brought your crops in on target.

It is inconsistent with marketplace economics, as is the concept that you would get paid for having a bad year, the difference between a good year and a very good year.

The contrast is pretty significant because what they have done is reversed what has been a historical factor with our agriculture bills, which is that you include in most of the agriculture disaster bills that come through this body—in fact, all of them—that they have included a percentage cap and a requirement to purchase crop insurance. This bill rejects both of those concepts, which is sort of even a bigger grab at the taxpayers' wallet.

This bill affronts the sensibilities of fiscal responsibility. I mean, the idea that you would spend $4.9 billion outside the budget as the first act of the Congress, after returning from an election when the American people said get your fiscal house in order, is an affront to the election process. It is like saying there was no election. People didn't have anything to say in the last election about fiscal responsibility; it was all about other subjects. I disagree with that.

This sets a very bad tone, in my opinion, for the next Congress. This is truly the first act of the next Congress, whether we are going to live within the budget for the fiscal year under which the next Congress is going to function. Under this proposal, we are not only going to not live within it, we are going to make a joke out of it. We are going to spend $4.9 billion, much of it earmarked—not much of it but a significant amount of it earmarked—much of it reorganized so it is structured in a way that benefits folks who may not have had a disaster at all and much of it structured in a way that rejects what has been the historical approach toward farm disasters, which is it has to have a relationship to a percentage cap and to production and to purchasing of crop insurance.

It is terrible, fiscally. It is bad policy from a farm standpoint, also. It is essentially an attempt to build a coalition of 60 votes, which 60 votes will then represent a raid on the Treasury on behalf of an interest group, an interest group which has compelling arguments but which is still an interest group and is difficult to defend in the context of fiscal responsibility.

That being the case, this proposal is subject to a point of order. If the Senator from North Dakota is ready, I will make the point of order now.

Mr. President, I ask unanimous consent that I be allowed to raise the point of order at this time.

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

Mr. GREGG. Mr. President, pursuant to the fiscal year 2006 budget resolution, I raise a point of order against the emergency designation of the pending amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, pursuant to section 402 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2006,

I move to waive section 402 of that concurrent resolution for purposes of the pending amendment.

I ask for the yeas and nays at the designated time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Mr. GREGG. I now yield to the Senator from Oklahoma such time as he may desire.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, first, I compliment my colleagues from North Dakota. They have described a very real problem in farm country. Western Oklahoma and north central Oklahoma have been plagued by drought. Much of the wheat crop could not be planted last year because there was no soil moisture in which to plant it. The problem they are describing is a very real problem. The emotional context in which they put it is a very true indication of the plight of some of the farmers from Oklahoma and throughout the country.

When you look at agriculture in our country, what we find is it is basically undercapitalized. If the average farm was about 1,800 acres, the average farmer could take 2 terrible crop years and still be OK, still have his assets, still have the ability to come back and earn again. We have great commodity prices right now. The problem is there were no crops to take advantage of those great product prices.

The idea that we ought to be about helping our farmers is a correct idea. I applaud both Senators from North Dakota for their persistence in bringing up this issue. As a matter of fact, I think this issue is so important to the real problems that are out there because I don't see how we can leave here on Friday, which everyone is planning on doing, and not address this issue.

There is a lot I disagree with in this bill. The Senators from North Dakota know that. I have expressed it. I am going to outline some of those.

If this election taught us anything, it is that the American taxpayers want us to put good value with what we do.

A couple of facts: This bill can be paid for. It is not. This amendment is not paid for. But it could be. As a matter of fact, I would bet that after this election we have a consensus within the Senate to pay for it. Let me give you some examples how we pay for it.

I know the Senator from North Dakota has another which I didn't think of, but I know several on this side would probably agree it is a great pay-for. There is $8.13 billion in unobligated balances in the Agriculture Department right now. That money could be used to pay for this, and then in the reappropriations process that we start in February we could come back through, recognizing that we are using $4.8 billion of that money to pay for this.

One of my problems with the Agriculture appropriations bill that this amendment is going to be attached to is there is $800 million worth of earmarks, most of which come out of the very services the farmers are dependent upon to grow a good crop. A lot of it comes out of ARS, the very thing we shouldn't be taking money out of, but yet we have $758 million worth of earmarks that aren't necessarily a priority for our country or the farm communities but are a priority in terms of the political benefits that it gives the Members of this body and the House.

This is a fine-print page of all the earmarks in this bill. Most of the American public, when they look at it, 50 percent of these projects they would have trouble stomaching saying this is a priority at this time. There is no attempt to eliminate the earmarks to pay for this, which would pay 20 percent of this Agriculture bill disaster amendment we have before us.

Mr. CONRAD. Mr. President, will the Senator yield for one moment?

Mr. COBURN. I would be happy to.

Mr. CONRAD. I am very much in sympathy with the Senator on the notion of paying for this. In fact, I spent much of the morning trying to figure out a way I could offer a pay-for which I think the Senator and I might agree with and I think most of the body would agree with. It would more than pay for this. I have been advised by legal counsel that if we offer a pay-for in the context of this bill and this amendment, we would then be subject to rule XVI. Under rule XVI, any Senator can raise it and the amendment would fall with no vote. So we are in a very unfortunate circumstance. We can't offer a pay-for.

Let me be very direct about what the pay-for is which I would have offered today if I weren't prevented by the rules from doing so. It turns out the Interior Department failed in contracts with oil companies to provide for royalties when oil prices went above a certain amount. Oil prices are above that amount today. The loss to the Treasury, I am told, is in the range of $11 billion. That would pay for this twice over. Unortunately, we can't offer our proposal and the Senator can't offer his without being subject to rule XVI. I wanted to say that for the RECORD. I appreciate very much that the Senator knows I wish to pay for this as well. We have a way to do a pay-for, but I am precluded by the rules from offering it.

Mr. COBURN. Mr. President, I thank the Senator. I reclaim the floor.

Let me talk again about some of the problems that are behind the bill as it is presently written. We are never going to have a crop insurance program in this country that will ever work if we keep bailing people out who fail to buy crop insurance. Granted, there is a change in this bill from what it was. It was 35 percent or 40 percent available to those who didn't buy crop insurance. Now we have cut it to 20. But we are still sending a signal that you don't have to buy crop insurance, because even if you do not, we are going to be there with the money. That is exactly the wrong signal. If we want to have a crop insurance program to work, we have to have the discipline to say if you choose not to buy it and we had this available to you, then in fact you are not going to get the benefit.

Mr. CONRAD. Will the Senator yield on that point without interfering with the Senator's time?

Mr. COBURN. I am happy to.

Mr. CONRAD. Mr. President, I will take this on my time.

The Senator makes a very good point. In previous disaster bills, those that did not have crop insurance got 45 percent of the prevailing price. Under this bill, we have dropped that dramatically to 20 percent. Why? The Senator asks a very good question. Frankly, the overriding reason is there are certain crops for which crop insurance doesn't work at all, largely specialty crops in this country for which the crop insurance program badly needs reform. I think most of us from farm country would agree on that. There are real problems with crop insurance. Crop insurance for specialty crops was never written in a way that makes any economic sense, or in many cases covers the crops at all. That is why we still have a provision that gives some assistance to those who do not have crop insurance.

Mr. COBURN. Mr. President, reclaiming the floor again, the point is had we not given 45 percent before, many of these would have bought crop insurance. The very fact that we are going to go out and give money to people who had an opportunity to protect their losses and chose not to, we are sending a signal that we are going to get less participation in crop insurance, not more. What we want is a crop insurance program that will work and which has the incentive so that many farmers say, Uncle Sam isn't going to come; I have an opportunity to protect myself and I am going to buy it. Does it cost me something? Sure.

The second point I was going to make relates to the chart which the Senator from North Dakota showed which showed the amount of losses. What he didn't say is that farmers also had the opportunity to buy a much higher level of coverage which they chose not to do. But it is out there. Had they done this, their losses would have been far less than they are today. Economically, they have to make a decision. I am not against helping those who are in need today. But I think there are things which could perfect the amendment which I hope the Senators from North Dakota would consider. We have had two great production years in this country where net farm income has been as high as it has been except this last year. We are going to be calculating off a base of the highest that we had. That is number one.

Number two, there is nothing in this that looks at net assets of a farmer because farmers who in fact are capitalized to the degree that they can take a

tough year—we are going to pay them, too. The American people have kind of spoken in November. Use common sense. Give us value for our dollar. The very well-to-do farmer who is very well capitalized we are going to bail out as we are going to bail the guy who is not, and he is the one who doesn't need bailing out.

What I want to see us at some point go to in the future with our farm programs is how we increase the capital of the individual farmers where they are capitalized to the level where they can in fact hit a bump in the road and still make it; can in fact hit 20 bumps in the road, and we know what that is. I have the studies. It is a minimum of 1,800 acres and the capital to supply the equipment to farm such 1,800 acres.

The other thing in this bill is the duplication of programs that are already out there. That is $300 million to help small businesses who supply the farm community. That is what the Small Business Administration is all about. We are going to turn around and give $80,000 to small businesses. We have a program for that. Yet we are going to turn around and create another Government program that is going to say you didn't have to be a good businessman if there is a little bit of a dent in the crop year; all you have to do is come and be bailed out, too, instead of taking a program that we need to make better, that sends a signal to the farmers, saying we are going to help you when you need help, but you have to be responsible in terms of crop insurance. We will let the other branch of the Government that has these areas covered be made available and we will help nurture the staff there.

One other area that kind of drives me crazy with this amendment is we are adding staff to the Department of Agriculture. They have 95,000 employees. Not all of those are in agricultural production. They have several thousand contract employees, and we are going to add employees to implement this.

I tell you that from my visits around Oklahoma, there are more than enough people at FSA and all the different branches and all the different organizations associated with the Department of Agriculture to implement this now. We don't need to add people. What we need to do is get the money to the people who need it. And we can do that. All we have to do is have good management and good direction.

I abhor the fact that we steal money from ARS for earmarks to help us politically but hurt the very people that we say we want to help with this amendment.

I think it is also wrong to take money from AFS which deals with bovine encephalitis and bird flu. We are taking money and time away from that agency to pay for earmarks. That is wrong. We shouldn't be doing that. If we are going to have earmarks, let us take it from some place that is not going to undermine the very farmers we say we are trying to help.

We have a ton of cattle in Oklahoma, and I know we do all through the central Midwest and in the upper plains, that have been markedly harmed by the drought.

We need to be careful with the precedent we set here. We are slowly moving in a direction to make all production agriculture similar to what we have done with crop insurance agriculture. I think we need to have the patience to say how do we do this in a way that does not create another expectation of bailing someone.

The Senator from New Hampshire was very correct when he talked about what this bill is going to do in terms of busting the budget. I am going to be voting to sustain the point of order because I don't think we should be doing it that way.

I want to be very clear. That doesn't mean I think we should not be doing something to help farmers. I also will say very insistently that if this Congress goes home without addressing this issue on a freestanding bill for agriculture assistance, I think we will have let down the American people. I know we will have let down the American farmer and rancher.

I think we ought to consider looking at the adjournment resolution and mount an opposition to this if this issue is not addressed before we go home. I think we can work behind the scenes to pay for this. I think we can work behind the scenes to change it where we can build the support for it, and I think we can work behind the scenes to give something to the President that he can sign and start implementing the month of December into January, and farmers will know whether they are going to plant a corn crop in March or a wheat crop next fall if they haven't been able to plant one this year.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. COBURN. Certainly.

Mr. DORGAN. Mr. President, the Senator from Oklahoma, makes some important points. He talks about the need to have patience. One of the issues for all of us is we are about out of patience on this issue. The fact is it has been almost a year and a half trying to move this the third time—not just this but a different variation of this—trying to find a way to help those producers who are hurting. Patience is a virtue, but sometimes we run out of patience, and we are near that end.

With respect to the question of payment limits and so on, I agree with the Senator. Senator GRASSLEY from Iowa and I have coauthored amendments—and we will again offer amendments on the floor of the Senate—to establish payment limits in the farm bill. My colleague Senator CONRAD has been an active supporter of that. We don't have disagreement on those kinds of issues. I think the crop insurance program, while important, has never been sufficiently contracted to reap prices and replace disasters when a real disaster strikes. That is part of the issue here. These aren't just bad rains or high winds; these are real disasters when you see the epicenter of a drought that destroys all of the farmers. I am sympathetic. I understand what the Senator from Oklahoma is saying. I hope he understands patience is not inexhaustible when producers are wondering whether they and their family are going to be able to continue. I am talking about a lot of families who are struggling very hard.

Let me say finally the sentiments of the Senator from Oklahoma about trying to help family farmers is very much, in sync with the sentiments of Senator CONRAD and others. We very much want this Congress to reach out a helping hand to those farmers who risk losing everything if we don't help them some, and say, You are not alone, we are going to help you. That is what we are trying to do here.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Oklahoma.

Mr. COBURN. Mr. President, the overall point of all this is we can do this the easy way or we can do this the hard way. The hard way is what the American people expect us to do—and the hard way is paying for this. The easy way is not to pay for it. The easy way is to walk out of here this Friday having maybe passed your amendment or not. It is not going to make any difference in terms of the farmers because it isn't going anywhere. We have already been told that. The hard way is to make the tough choices about the priority of the Government spending of this country and say the farmers ought to be prioritized at this point in time. We are going to do the hard work to make the cuts somewhere else to pay for it.

Mr. DORGAN. Will the Senator yield for a brief point?

Mr. COBURN. Let me make my point. I will yield in a minute.

What we are doing, if we pass this without offset, we are taking out the good old politician credit card saying we don't have the guts to do it the right way, we don't have the stamina to do it, we don't have the courage to do it. By the way, grandchildren, here you go. Back in 2006, we couldn't do the right thing, we didn't have the courage to do the right thing, and we are charging it to you. And besides charging it to you, we will charge the interest from the time now until you are 40 years of age, so you are paying 40 percent or 50 percent regular, middle-income-America taxes because that is the only way we will get out of this.

Three points, and then I am finished.

There are things that need to be changed in the bill that send the wrong message, especially on crop insurance. We will never get crop insurance fixed if we keep sending the message we are sending with this amendment.

No. 2, there are other organizations within the Federal Government designed to help small businesses. We ought to use them rather than create another one.

The third point, we ought to pay for it. We as a Congress do not have the courage to stand here and fight and say we are not going home until we have taken care of this problem for the farm community in America and done it right—not limiting payments but looking at payments as a percentage of your net assets rather than having a fixed dollar amount. We don't have the courage to do that for the American people.

That is what the American people rejected in this last election. They want Congress to stand up and fight courageously for the values they use every day in their homes and their jobs when they have to make decisions. They have to decide on priorities. We will walk out. There isn't going to be any aid for the farm community. Come back in February. When we do it again, it probably isn't going to get paid for—either the Agriculture bill, for $4 billion in the original Agriculture bill, or this one probably won't get paid for, and we will slip them a credit card and say: Timeout; we will not make the tough choices; we did not have the courage to fight for your future.

By the way, the exit polls at the last election show that 57 percent of Americans do not believe their kids will have it as good as we have it today. If we keep doing this, they won't. It is our obligation to start acting and doing what we say on the campaign trail. We are interested in securing the future for the next generations of this country.

I yield the floor.

Mr. DORGAN. I don't have disagreements about the issue of the pay-for here, and I think my colleague has already described he has a provision that would pay for this. There is a rule XVI against it if he puts it in this bill. I suggest perhaps we do a unanimous consent on the pay-for. If he doesn't, I know a politician who will easily pay for it. I will do a unanimous consent to pay for it. It will be objected to, regrettably.

These things ought to be paid for. The first time we suggest this is when a family is in trouble on the farm. We have had hundreds of billions of dollars come through here with hardly a blink, none of it paid for. That ought to change. I am with the Senator from Oklahoma. Let's try to change that.

The fact is, this does not have a pay-for, not because Senator CONRAD doesn't want it there or I don't want it there; it ought to be there. We have the device by which this can be paid for. There is a rule against it, but we ought to do a unanimous consent to describe the fact that it will be objected to, but we want it paid for.

Mr. COBURN. I agree with the Senator. He knows my record. I have not voted to not pay for anything in this body. I don't believe we borrow the future of our children to take care of our present-day needs.

Mr. CONRAD. Will the Senator yield?

Mr. COBURN. I am happy to yield.

Mr. CONRAD. On the question of paying for it, I have complete agreement with the Senator from Oklahoma. I wish the rules permitted us to offer an amendment to pay for it.

No. 1, on the question of requiring—that we have dropped the crop insurance requirement, we did because it cost money. It is the scoring rules around this place that don't make much sense to me. When we submitted it to CBO, they said if you have a crop—I submitted it with the crop insurance requirement in it, and they said if you do that, it costs $40 million.

No. 2, there is a payment limit in this legislation. It is an $80,000 payment limit. There is a gross income test in this legislation.

We tried to address some of the things the Senator is concerned about, and he is right about those things. We have tried to address it with a payment limitation—$80,000—with a gross income test, which is a little different from a net asset test, but it tries to get at the same point the Senator is making.

I say to the Senator on the question of the small business economic loss grants, the Senator cited the $300 million that was in the previous legislation. We cut that to $100 million. We left it in there for this reason. We have heard from crop sprayers all over the country, at least the drought-stricken area. In the heartland of the country, they have reported they have gone to the SBA. They told them they have suffered such devastating losses, they are not eligible for SBA, they are out. That is the reason the $100 million is left. It really is for those who are most directly affected by a dramatic falloff in acreage. This started with a company in North Dakota that called me. The acreage they were spraying was reduced 80 percent this last year. Their losses were staggering. If there is not something like this, they are out at SBA. Then we started research in other States and found the same thing. That is the reason for that.

I go back to the question of providing some assistance to those who didn't buy crop insurance because I basically agree with the Senator's point. We do have this fundamental problem of crop insurance not being practical and not being available, in many cases, for the specialty crop people. We did try to get at the point the Senator is making by dramatically reducing what they get.

Under previous disaster bills, they would get 45 percent of prevailing prices. In this disaster bill, we have dropped that to 20 percent. We didn't think it was fair to eliminate it given the fact we have not crafted a crop insurance program—especially that the specialty crop people could have available to them—that is economically viable.

I thank the Senator very much for his courtesy.

Mr. COBURN. Mr. President, I thank the Senators from North Dakota for their effort.

This bill coming to the floor, the underlying bill—not this amendment—the emergency money could have been offset when it came through the appropriation process, and it wasn't. It was just put in. We don't want to make the hard choices. We don't want to pay for them. That has to change in the future.

My hope is we will give some consideration because as things stand and look now, we are not going to have an emergency bill with which the agricultural community that has been so hurt by the drought this past year and year and a half is going to have something to hang their hat on come the first of the year. I look forward to working with the two Senators from North Dakota to try to accomplish that.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have not had a chance to respond to my colleague, the chairman of the Committee on the Budget. The Senator from South Dakota has been waiting patiently, but if he would not mind if I took 2 minutes to respond to Senator GREGG.

The chairman of the Committee on the Budget said: Look, this doesn't just respond to natural disasters; this is a series of earmarks. I say to my colleague, there are no earmarks here. There is nothing individual Members put in this bill. I drafted this bill. I drafted it in broad consultation with Members of this Senate. There are no earmarks in the sense of what typically is in an appropriations bill where individual Members put in provisions that have never been on any legislation before.

One would be hard pressed to point to a single provision in this bill that has not been in previous disaster legislation. One would be hard pressed to find a single provision here that has not been in previous disaster legislation, in fact, in a far more generous way than is in this bill. In 2000, we had a disaster bill that cost $14 billion. The next year, in 2001, it cost between $11 and $12 billion. This disaster bill is for 2 years, and it is $4.8 billion. On a comparable basis to 2000 and 2001, that was a total of $25 billion for 2 years, and this is $4.8 billion for 2 years. The truth is, we have cut, cut, cut to be fiscally responsible.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. How much time does the Senator require? I advise the Senator we have 23 minutes remaining on our side.

The PRESIDING OFFICER. There is 21½ minutes.

Mr. CONRAD. I yield 5 minutes to the Senator.

Mr. THUNE. I will try to do it in 5 minutes. I thank the Senator for yielding.

Mr. President, I rise today in support of the amendment offered by the Senator from North Dakota to the Agriculture appropriations bill. I have been

listening to the discussion in the Senate between my colleagues from North Dakota and my colleague from Oklahoma over the whole issue of whether this ought to be paid for and how it is paid for. Frankly, I am with all of you—I will stay here as long as is necessary to get this done. If we can come up with a mechanism that doesn't run into an objection that allows us, by unanimous consent or whatever mechanism is necessary, to pay for it, I am for that because I agree entirely. I happen to think if there is a mechanism whereby we can offset this, we ought to make every effort we possibly can to do that.

However, if you look at the impact the drought had on the Dakotas this year—it has been described on the maps shown earlier this day as the epicenter—the bull's-eye of the drought across this country, and the upper Midwest, the upper Plains States, South Dakota and North Dakota in particular, have been crippled by it. It was not just a 1-year event but a multiple-year event. It has been successive years, year after year after year, of drought. This last summer in particular was dreadful for producers across South Dakota. It was the hottest July in 70 years. The rainfall accumulations we received this year were lower than the average during the Great Depression of the 1930s.

I traveled my State of South Dakota on numerous days in the month of June. I visited Sully County in the middle of our State. In the month of July, I was in Walworth County in the middle of our State. In the month of August, Senator JOHNSON and I went on a five-county tour in central South Dakota. Everywhere we went, the story was the same: The drought had destroyed our crops; destroyed the wheat crop; it wiped out much of the corn crop. Cornstalks, where there should have been corn growing, were very short. And even cornstalks that were a little taller than that, when you would look further—took a closer look—there were no ears on the cornstalks. Where there were soybeans that should have been lush and thick, they were not. Where there should have been hay and grass, there was not. And now, this fall, where there should have been cows, there aren't any because producers have had to sell their herds.

We have a practice in the Senate and the Congress of responding when a disaster strikes an area of the country. All of us voted to support the people in the gulf area who were impacted, just devastated by the effects of the hurricanes. We do not have hurricanes in the Midwest. We have droughts. And it does not happen overnight. It is not a 24-hour news cycle. It is not something that gets the same focus or attention. But it has the same effect in terms of the way it affects people's lives.

If you look at droughts, you might describe them as slow-motion disasters, but the economic impact on farmers, ranchers, small businesses, and rural communities is just as devastating. In the aftermath of one of the worst drought conditions since the Great Depression, the people of the Midwest are looking for us in Washington to provide assistance.

I am in agreement with my colleagues who have argued we ought to be looking at how we can, in farm bills, design programs that will anticipate these things so we do not have to continue to do it on an ad hoc basis. I, for one, hope in the next farm bill we will be writing next year that we can insert provisions that would accomplish just that. But the reality is, we have had year after year after year of drought. We have written a bill that, as my colleague from North Dakota has noted, addresses some of that problem, not on a level that has been addressed in previous years. The whole issue of crop insurance is addressed in here. I think that is a good idea. We ought to encourage people to buy crop insurance. This does do that. It reduces the payment that would be made available to those who do not buy crop insurance.

But the simple reality is, we need to do something to respond to what is a very devastating and real disaster for the people of South Dakota and other States in the Midwest whose futures are dramatically impacted by the drought we have experienced in this last year.

Agriculture is the backbone of our State's economy. That is true in a lot of the States in the Midwest. I would hope, before we leave this year, we can get this issue addressed, whether that is in the form of emergency relief such as this that is fashioned today or, as my colleague from Oklahoma has suggested, some sort of offset. Whether that takes unanimous consent, I am for that. I am all for that.

But the simple fact is, we need to respond. We need to do it in a timely way. I hope, before we leave today, we will be able to get an affirmative vote in support for farmers and ranchers and small businesspeople and citizens in the rural economy across this country who have been devastated by one of the worst drought disasters literally in the last century.

Mr. President, I understand my time has expired, so I yield back to the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to the Senator, we have other Members who have said they are coming, but if the Senator would like to take an additional 2 minutes, I would be happy to grant it to him.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I thank the Senator for yielding additional time because I do not think that oftentimes we give enough attention on the floor to the effect this drought has had on the agricultural economy or the conditions our farmers and ranchers are facing in many of the Midwestern States. And we need to have a good, robust debate about the future of agriculture and how we anticipate, in the future dealing, with this type of disaster.

But, as I said before, it is important for us to respond in the same way we did when the gulf area was hit by the hurricanes, to make sure people of this country understand that when disaster strikes, the people in the Congress are hearing their voices and are willing to take the necessary steps to provide assistance.

I also note, because it has been stated earlier today, the Agriculture Department does have a lot of unobligated funds on hand. One of the reasons they do is the payments that are normally made under the farm bill have not been made. So there are a lot of unobligated balances there because countercyclical payments and loan deficiency payments have not been made.

I had suggested, in the previous iteration of this a few years back, that we use those savings, those offsets, to apply them to disaster relief. They say for scoring purposes that does not count. But the reality, again, is that when you look at the balances that are available at USDA, they are in a position to respond. This is a $4.8 billion, $4.9 billion disaster bill that applies, as the Senator from North Dakota noted, to 2 years, 2005 and 2006.

It seems to me at least that this is a minimum level of effort we ought to make to respond to the disaster in the Midwest and provide direct assistance to our farmers and our ranchers and our small businesses.

So, again, I ask my colleagues in the Senate to support the vote on this when it comes up. I hope we can get a good, strong vote out of the Senate and ultimately act on the underlying bill, send it to the House, and get it on the President's desk, so we can get disaster assistance out there.

Mr. President, I yield back the remainder of my time.

Mr. FEINGOLD. Mr. President, I support the amendment offered by Senator CONRAD to provide agricultural disaster assistance. I would have preferred that we had found a way to pay for this in the normal budget. But the Conrad amendment is an appropriate response to the severe drought and other weather-related disasters this year. Even in areas like western Wisconsin, which were significantly impacted but missed the most brutal conditions, many farmers have been pushed to the brink. Just as we did for the farmers devastated by hurricanes on the gulf coast, we should provide a helping hand to farms and rural communities that have been overwhelmed by this extreme weather.

Mr. AKAKA. Mr. President, I rise in support of an amendment offered by the senior Senator from North Dakota, KENT CONRAD, to H.R. 5384, the Fiscal Year 2007 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations

Act. I am proud to have joined Senator CONRAD, as well as the senior Senator from Hawaii, DAN INOUYE, to provide much needed relief to agricultural communities across our nation in need of assistance.

This legislation is important to the agricultural industry in the State of Hawaii, in particular the County of Hawaii which was significantly impacted by the October 15, 2006, earthquake. I was in my home State during this earthquake measuring 6.7 in magnitude and present during aftershocks that were felt days after the initial tremor. A few hours after the earthquake occurred, I spoke with Federal Emergency Management Agency, FEMA, Director David Paulison to ensure that FEMA was ready to support State and local response and recovery efforts in Hawaii. In addition, the day after the earthquake I toured the Big Island with Senator INOUYE, the National Guard, and State Civil Defense to assess the resulting damage.

While I am pleased that Federal, State, and local agencies have been able to work cooperatively to provide public and individual assistance, the needs of our agricultural community must not be ignored. Irrigation systems damaged by the earthquake are the sole source of water for a majority of farmers and members of rural communities in this region. In addition to the economic impact, it is imperative that we recognize that the livelihoods of these hard working individuals have drastically been impacted by the earthquake. It is for this reason I join my colleagues in supporting this amendment which would provide $3 million to the Farm Service Agency, FSA, for its Emergency Conservation Program to repair broken irrigation pipelines and damaged and collapsed water tanks. Of this amount, $2 million will go toward repairing the damages to stone fences on cattle ranches in the Kona and Kohala areas, and another $1 million is needed under the Emergency Loan Program to cover losses of agricultural income. The amendment also provides $2 million to the Big Island Resource Conservation and Development Council to repair of the Kohala Ditch system that was also severely damaged by the earthquake; and $10 million to the Natural Resources Conservation Service, NRCS, Emergency Watershed Protection Program for the repair of the Lower Hamakua Ditch and the Waimea Irrigation System/Upper Hamakua Ditch—which were heavily damaged by the earthquake and are negatively impacting the farming community on the Big Island.

I commend Senator CONRAD for his dedication and commitment to our Nation's farmers and ranchers. This amendment is necessary to ensure that they may continue to provide U.S. agricultural products, and I ask my colleagues to support this important amendment.

Mr. NELSON of Nebraska. Mr. President, I rise today to again speak in support of the Emergency Farm Relief Act—this time as an amendment to the fiscal year 2007 Agriculture appropriations bill. I want to start by thanking my colleague Senator CONRAD for all of his hard work and his continued leadership in trying to get this relief to our farmers and ranchers.

Mr. President, this Congress has dragged its feet long enough. It is well past time for us to provide this relief for our Nation's farmers and ranchers—many of whom have suffered through multiple years of drought.

Now I know that some in this Congress and in the administration have questioned the need for emergency farm relief. But I have to wonder whether those individuals have seen the many fields in Nebraska that weren't even worth harvesting because the drought had killed off the crop.

I wonder if they have talked to the farmers and ranchers who are barely hanging on to their farms and ranches because of this multiyear drought and Congress's failure to provide relief.

And, I wonder if they have even seen their own statistics. Last week USDA released a report that stated that net farm income will have dropped by 20 percent this year in comparison to last year. This included a $4.7 billion drop in the value of livestock production.

Nebraska farmers and ranchers are estimated to have lost over $340 million just this production year due to the ongoing drought conditions. Nebraska farmers have also had to spend an extra $51 million in energy costs as their irrigation pumps ran longer than usual this year because of drought conditions.

And the Drought Monitor at the University of Nebraska continues to show that much of Nebraska is still suffering from severe to extreme drought.

Yet even the Secretary of Agriculture continues to question the need for disaster relief and this Congress stubbornly refuses to provide relief to those farmers and ranchers that have been harmed by this particular natural disaster.

And that, I think, is one of the most frustrating aspects about this debate over emergency farm relief. Congress and the administration seem to have no problems providing relief for other natural disasters like hurricanes. In fact, earlier this year we provided billions of dollars for Hurricane Katrina relief.

But even then, our attempt to provide emergency disaster relief to farmers and ranchers was substantially reduced and those farmers and ranchers unlucky enough to be hurt by drought were left behind and not given any relief.

I do not understand why this Congress is willing to help farmers damaged by hurricanes and is at the same time unwilling to help farmers that are damaged by other natural disasters such as drought. Both are natural disasters and both cause widespread economic harm.

That is why for the last few years when I talk about the drought I also talk about how I decided to nickname the drought ''Drought David.''

I gave it a name in the hope that it will help people realize that it is a natural disaster just like a hurricane even if it doesn't command the same types of headlines and television coverage.

A drought, unlike a hurricane or a flood, is a slow-moving disaster that can go over a course of years. In some cases Drought David is celebrating its fifth birthday. In other places it's celebrating its seventh birthday.

By giving it some identity, I had hoped to attract the same kind of attention that very often is given to hurricanes, which are named. And I had hoped that with that attention, this Congress would provide relief like it does for hurricanes.

Naming the drought was meant to help my colleagues focus on this being a natural disaster, with devastation of major economic proportions to large areas within our country and help them understand that it can have the same impact in terms of economic loss that very often a hurricane will cause in its wake.

I cannot overemphasize to my colleagues that the losses suffered and the losses we are asking relief for are those caused by a natural disaster.

These losses are due to events beyond the control of our farmers and ranchers. And that is why this Congress needs to provide relief, just as it does for losses caused by other natural disasters.

We cannot prevent drought. But Congress can help when a drought devastates large portions of our country.

And I remind my colleagues that failure to provide this needed relief threatens many small, rural businesses and communities and it threatens our nation's food and fuel security efforts.

This amendment will provide relief to farmers that have suffered production losses in 2005 and 2006 and it will also provide relief to livestock producers that have suffered losses in both years. And I urge my colleagues to support this relief.

I also want to remind my colleagues that this Congress can help in other ways, too. One of which is to provide farmers, ranchers and other agribusinesses with information for smart planning.

To that end, I also urge this Congress to take up and pass S. 2751, my NIDIS legislation, that will create a National Integrated Drought Information System.

The NIDIS bill will help create a drought ''early warning system'' that will be capable of providing accurate and timely information on drought conditions so State and local officials can plan for and mitigate the effects of drought.

An ''early warning system'' will give producers information they need to make planting and other decisions. They can use the information to limit their risk, thus limit their losses.

Unfortunately, due to the lack of a national drought policy, there has been no development to date of a coordinated, integrated drought monitoring and forecasting system.

With better research and better tools for planning and mitigation, we could significantly reduce losses and ultimately the need for large emergency disaster aid packages.

It is important to keep in mind that for every $1 we invest in mitigation and preparedness, we can save $4 in reduced impacts when the natural disaster occurs. And my NIDIS bill will invest $59 million over the next 6 years to help with mitigation and preparedness.

But that is what we are working on to help with droughts in the future. Today we must focus on providing relief for the devastating impacts that Drought David has caused the last two growing seasons.

Congress must do both: we must provide relief for the damages suffered now and we must provide for better planning and mitigation for the future.

Mr. President, this Congress cannot be excused for its failure to provide this much-needed relief. I urge my colleagues to support our nation's farmers and ranchers by supporting this emergency farm relief amendment.

Ms. CANTWELL. Mr. President, I have come to the floor today to discuss a critically important issue to Washington's farmers and ranchers—disaster assistance.

I support the agriculture disaster assistance legislation that is before us here on the floor and am proud to be an original cosponsor of the bill.

Washington's agriculture economy is supported by small and medium-sized family farms. Our farmers are a key economic engine for the state, producing more than 300 different commodities on 15.3 million acres valued at over $6.4 billion every year. And in our state, agriculture alone supports more than 300,000 good paying jobs.

Washington's farm families understand hardship. They understand that when you are in the business of farming, you have good years and you have bad years.

Recent years have been particularly hard for them. Many are struggling just to make ends meet as they face low commodity prices, an influx of commodities grown abroad, and high fuel and fertilizer prices stemming from the hurricane disasters of last year.

Unfortunately, in recent years, many producers have also had to cope with crops lost to adverse weather. Over the last three crop years, inclement weather, wildfires, and flooding have exacerbated the already difficult challenges farmers in my state face.

In 2004, 32 of Washington state's 39 counties received disaster declarations. In 2005, it was 13 counties.

So far this year, 24 counties in the State have received disaster declarations.

Once assessments have been completed on the damages sustained from recent flooding throughout Puget Sound and across the Olympic Peninsula, I am confident even more counties will receive declarations.

This year many producers lost their crops or had their crops severely damaged due to adverse weather. Others lost livestock or had herds displaced due to wildfires.

This summer, I visited with farmers in central Washington after the region sustained significant crop losses from hail, wind, and rain in June and July.

I saw firsthand the damage that many of Washington's apple, pear, and cherry orchards incurred. I saw the fruit that was no longer salvageable. I saw the losses that these orchards sustained.

Individual orchards throughout much of the tree fruit-growing regions in north central Washington state—in counties like Chelan, Douglas and Okanogan—lost significant portions of their crop. Some farms were decimated by the storms and lost their entire harvest.

These losses threaten the continued viability of many of these family farms and orchards.

The losses also affect the rural communities and economies these farms help support. Agriculture is the primary, and in some cases the only, economic driver in many rural communities throughout Washington state.

Packing houses, processors, dusters, shippers and other small businesses depend on the harvest almost as much as the producers themselves. Many of these businesses had to lay off hundreds of workers this year because there simply was no fruit to pick or pack.

The agriculture disaster legislation currently before the Senate contains important provisions that will provide desperately needed relief for our farmers and ranchers as they begin to recover during this difficult time. It also contains economic assistance grants to help the small businesses that support our farming communities.

We must act now to provide assistance and ensure the continued viability of American farmers and farm families who lost their crop to disaster. Without it, many will not survive.

I urge my colleagues to join me today in making a commitment to help our farm families and the communities in which they live by providing them the assistance they desperately need.

Voting for the Conrad amendment is to vote for funding that will come to your state and help your farmers stay viable. I urge my colleagues to support the Conrad amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, is the Senator from Louisiana seeking time? Not on this matter?

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, I ask the Senator from Minnesota, does he seek time?

Mr. COLEMAN. Yes.

Mr. CONRAD. I am advised I only have 13 minutes. The Senator from Montana is here as well. Would the Senator from Montana like time as well?

Mr. BURNS. No, thank you. I appreciate the Senator asking.

Mr. CONRAD. I ask the Senator from Minnesota, how much time would you like?

Mr. COLEMAN. Six minutes, probably less.

Mr. CONRAD. Mr. President, I am glad to yield the Senator from Minnesota 6 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I thank my colleague from North Dakota for his leadership on agricultural disaster assistance.

I wish to let this body know what assistance means to Minnesota's farmers by reading a few excerpts from letters I have received from producers in my State. I have been on the floor a number of times about this issue. We need to get it done.

One man starts out saying, ''I am a struggling young family farmer in Northwest Minnesota,'' and registers his plea:

> We were counting on some help this summer to cash flow for the year after last year's devastating floods. We are now attempting to work with our banker to increase our operating credit limit, refinance our machinery, or refinance our land, just to make ends meet till we can harvest our crop. Please do not give up on this issue.

This urgency is repeated again and again in the letters I receive and conversations I have. Another Minnesota farmer writes there is an ''urgent need for ag disaster assistance for our family farmers devastated by weather disasters in 2005 and 2006. My family has farmed in Minnesota since 1882 and we need ag disaster assistance now. Please, please help us.''

These are heartbreaking stories. These are real emergencies for our farmers. These folks need our help or they will be put out of business, plain and simple.

And the need for agricultural disaster assistance is great. Minnesota's farmers have had to fend for themselves in the face of real natural disaster—first, against record flooding in 2005 and now against record drought in 2006.

In the sugar sector alone, revenue was reduced by $60 million in Minnesota in 2005, thanks to this natural

disaster. In one county, crop loss exceeded $52 million and farmers were prevented from planting over 90,000 acres thanks to saturated fields. Now, thanks to one of the worst droughts ever experienced in the Great Plains, Minnesota farmers have experienced hundreds of millions of dollars of crop loss in 2006.

But it is not just about statistics. It is about farmers enduring personal struggles whom I have met all over the State. It is about farmers calling my office, desperate to save the family farm. Farmers are losing their operations, pure and simple. The producers who will not be coming back to the fields next year thanks to catastrophic weather are not just losing a business, many are losing a family tradition. We are losing a way of life. We are losing some of the heart and soul of America and of Minnesota.

I am concerned about the comments of some of my colleagues. My colleague and friend, the Senator from New Hampshire, indicated that the separate disaster assistance for sugar beets is akin to earmarks. I want to state that is not the case. It is not about porkbarrel spending. I think what some folks fail to recognize is that due to the nature of the sugar program, they don't get direct payments. It cannot be structured in the same way as other production loss assistance for other crops.

If you look at what has been laid out, we have been trying to be very focused and very clear. This is not about excess. This is about keeping families alive. This is about keeping farming alive. Some of the families have farmed for almost 100 years. With all due respect, these faulty characterizations do not do our farmers justice.

Another farmer in my State gets at the crux of this amendment when he writes:

> Maybe the farmers in this area should have applied to FEMA for hurricane relief—it seems that hard working people in my community are looking to their government for help and getting ignored.

It is not that this Congress has refused to pass agricultural disaster assistance. We have provided $1.6 billion in emergency agricultural assistance. Of course, none of the farmers in Minnesota will benefit from this assistance because they do not own a farm in one of the Gulf States. Congress has not provided a dime for farmers suffering from natural disasters outside of the gulf region.

I have stood on this floor supporting our farmers in the Gulf States. I support us doing what we need to do to lift them up. I think it would shock many Americans to learn that natural devastation must come in the right package to be worthy of Federal aid. The message being sent is that record flooding and drought do not count. That is not a good message.

Again, I have traveled to the Gulf States. I have seen the hurricane damage firsthand. And you should see the devastation here. The Senator from North Dakota has done a good job of making it real. Seeing it. And it is real. We cannot put one region against the next. This is about America doing the right thing. That is what we should be doing on the floor of the Senate.

The core of this issue is about equity and fairness for all regions that are suffering. And to the thousands of Minnesotans whose very livelihoods have been jeopardized, and those losing their farms due to last year's disastrous weather, withholding assistance is nothing short of cruel. We can do better. We should do better. I urge my colleagues to support this assistance package.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana.

AMENDMENT NO. 5151

Mr. VITTER. Mr. President, I ask my colleagues' indulgence to speak on another very important topic, another amendment filed under this bill. And the topic is sky-high prescription drug prices and the ability to temper those prices, to bring them down, to some significant extent, through what is called reimportation, allowing all American consumers a fair, safe opportunity to buy prescription drugs from Canada or other countries.

I filed this amendment, amendment No. 5151, on this Agriculture appropriations bill with my colleague from Florida, Senator NELSON. I thank him for all of his work and support on this amendment and on this issue.

This follows up on work earlier this year, when we successfully passed an amendment on the Homeland Security appropriations bill. That was a breakthrough vote, particularly on the floor of the Senate, to allow Americans greater access to those safe prescription drugs from Canada at much more reasonable prices.

Our amendment on the Agriculture appropriations bill would go a little further still and expand those opportunities for Americans to buy safe, yet affordable, prescription drugs through reimportation from Canada.

First, let me step back and speak about the need for this in general because there is a significant need. At a time when pharmaceutical companies are making record profits, the cost of prescription drugs—many of which are necessary to keep seniors and other Americans healthy or sometimes, in fact, alive—is skyrocketing. And these are the very same medicines that are sold at a fraction of the U.S. cost a few miles north of our border in Canada.

With all that going on—again, in the context of sky-high, record pharmaceutical company profits—Americans are deeply skeptical. I am here to say that Americans should be.

Opposing the right of an American to buy a small amount of prescription drugs—approved medication they intend to use for themselves—does not make sense to the average American. Yet that is still, to a large extent, our policy.

Many of my colleagues have spoken passionately on this floor, the floor of the Senate, about their own neighbors' stories, about how folks in their States have had to go to cheaper markets, such as Canada, to afford their prescriptions.

In September, my colleague from Michigan spoke of her bus trips with her constituents up to Canada to get these more affordable medicines. She traveled there by bus with her constituents, and they were able to get safe, FDA-approved drugs at a fraction of the cost in the United States. She told us about her constituents who were able to buy the cholesterol-lowering drug Lipitor for about 40 percent less than the U.S. price, the ulcer medication Prevacid at 50 percent less, and antidepressants such as Zyprexa at 70 percent less.

In June, another colleague from North Dakota spoke eloquently of the need to allow reimportation of safe drugs as a way to pressure U.S. pharmaceutical companies that manufacture these very same drugs—our companies are the source of the same drugs—to lower prices in the United States.

I have spoken over and over again about my neighbors in Louisiana, their struggles, in many cases, to afford these lifesaving and life-sustaining drugs, being torn by various needs—to pay the rent, the food bill, the gasoline bill, energy costs—and yet have to pay sky-high pharmaceutical costs. Clearly, one part of the solution is reimportation, allowing all Americans to buy safe prescription drugs from other countries such as Canada.

As I said, I am proud to be joined by Senator NELSON of Florida on this amendment. He joined me several months ago on a similar amendment which we offered to the Homeland Security appropriations bill. It passed overwhelmingly with 72 votes, a strong consensus show of support on the Senate floor. That amendment was very simple. It said: We are no longer going to let the border security bureaucracy of the Federal Government use taxpayer money to take away those cheaper prescription drugs many Americans go into Canada to buy and bring back to their homes. We are going to let those Americans do that because that is fair and right. We were only talking about Canada. We were only talking about taking them back across the border in quantities that are for their personal use, not to go into business to be a middleman selling drugs to other consumers but for their personal use. That amendment not only passed by a strong vote in the Senate, but it remained in the bill through the entire process.

After a lot of fighting, a lot of discussion and argument and work on this crucial issue, we were able to retain an important version of that amendment in the final version of the Homeland

Security appropriations bill. President Bush signed it into law. Now we have made that important change that says Americans can go into Canada, buy those safe, cheaper prescription drugs for their personal use and bring them back without border security agents taking them away, confiscating them, and having them out the cost, trouble, and time of their trip.

Today Senator NELSON and I offer amendment No. 5151 to the Agriculture appropriations bill. Of course, that bill covers the FDA as well. This amendment builds upon our earlier work and our earlier success and applies that same policy to the Food and Drug Administration, which is another enforcement arm of the Government on this topic. Again, it is simple. We are simply saying: Our taxpayer dollars should not be used to confiscate those prescription drugs bought by Americans in Canada. Just as it should not be used to confiscate them at the border as Americans cross back across the border to their home country, so, too, that bureaucracy, those taxpayer dollars, should not be used to confiscate drugs when they come from mail order or Internet sales. That is exactly what our amendment is about—Canada only, personal use only, a thoroughly reasonable, straightforward provision to honor the American people and give them this limited yet reasonable and important mechanism to get cheaper prescription drugs from elsewhere.

I am very hopeful that either this week or in the near future this sort of provision will pass, particularly given the strong vote we had on the earlier Vitter-Nelson amendment. I am also hopeful that in the next Congress we will be able to pass a full-blown reimportation bill to allow broad-based reimportation of safe, cheaper prescription drugs into this country. That is needed by Americans, particularly seniors, across the land. It is a fair and reasonable approach. It is not a magic wand, not a silver bullet. It won't solve the challenge of very high prescription drug prices overnight or alone. But it can and will be an important and significant part of the solution.

I look forward to continuing to work with Senator NELSON of Florida and many others on this vitally important effort. I look forward to our work on this amendment to the Agriculture appropriations bill. I look forward to our following up on the success we had with our amendment to the Homeland Security appropriations bill.

Most of all, I look forward to passing a broad-based reimportation bill early in the next Congress to give Americans what they deserve—the opportunity, the freedom to buy safe, cheaper prescription drugs from other sources, Canada, other countries, including by mail order and the Internet. This will give Americans access to cheaper drugs. Perhaps even more importantly, it will break down that system that allows pharmaceutical companies to charge dramatically different prices in other countries versus ours. Of course, we pay the highest prices by far.

I look forward to that continuing work. I look forward to those victories, because the American people are waiting for it, counting it, depending on it. We can do this with major safety provisions built in to make sure these drugs are safe and reliable, as advertised.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, may we have a report on how much time remains on both sides?

The PRESIDING OFFICER. The Senator from North Dakota has 4½ minutes. The Senator from New Hampshire has 10 minutes.

Mr. CONRAD. Mr. President, I ask the Chair to advise me after I have used 2½ minutes.

The PRESIDING OFFICER. The Chair will do so.

Mr. CONRAD. Mr. President, we are about to have a consequential vote. The question before the body is whether the Senate believes disaster assistance ought to be provided to this Nation's farmers and ranchers—what is now reported to be the third worst drought in the Nation's history. Right down the center of America, we have had a blistering drought. The results: farm fields that look like moonscapes and economic losses that are stunning and ruinous.

In other disasters, Congress has responded, especially disasters that have gotten more attention. Perhaps because this disaster is right in the heart of America, where most of the national news media is not headquartered, this disaster has not gotten the attention so many other disasters have.

Make no mistake, this disaster is no less devastating. People's economic lives are on the line. We understand full well that this will not be decided today because our friends on the other side, who are in the majority still, have determined not to finish work on the pending appropriations bills. They are leaving that to next year. So this work will not be complete. But this vote remains important because it will signal to the Nation's farmers and ranchers whether there is hope that help is on the way. If there is no hope and there is no help, we are going to see literally tens of thousands of farm and ranch families forced off the land. That is clear.

This is a fiscally responsible package. Some have said it is a budget buster. They know, as all of us in this Chamber know, there is no budget for natural disasters—none. That is because it is hard to predict what natural disasters will occur. So every natural disaster must be dealt with on an emergency basis. That is why it requires a supermajority vote. That is the question that is before the body this afternoon.

This bill costs $4.8 billion for relief for 2005 and 2006. It is a fraction of what disaster relief was for the years 2000 and 2001. That disaster package was $25 billion. This is less than one-fifth that amount.

In answer to the question some colleagues have raised, there are payment limitations—an $80,000 payment limitation. There is a gross-income test. On the question of those who grow the grains we consume as a nation, let me just say, you have to have at least a 35-percent loss before you get anything. Nobody with no loss gets a dime under this proposal.

I urge my colleagues to vote to waive the budget point of order so we can send a signal to the Nation's farmers and ranchers that help is on the way.

I thank the Chair and yield the floor. I suggest the absence of a quorum and ask that the time be equally charged.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, the order is for the vote to occur at 5 o'clock; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. Mr. President, I ask unanimous consent that I be given an additional 4 minutes.

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

Mr. CONRAD. Mr. President, let me just point out that 32 major farm organizations have asked this body to support my amendment and also to support a budget waiver, if it is raised, against the amendment. That has already been done. So that will be the key vote. What is essential is that we get 60 votes, or close to it, so that farmers know there is a possibility of disaster assistance. There are 32 national organizations, including the National Farmers Union, American Farm Bureau, Farm Credit Council, the Sugarbeet Growers, Soybean Association, and the American Corn Growers Association. It also has the National Association of State Departments of Agriculture. The commissioners of agriculture from all 50 States have come forward and said: Please pass this legislation. It also includes the Barley Growers, the Farmer Cooperatives, National Farmers Organization, Milk Producers, the Sunflower Association, the

Rice Belt Warehousers, the Fertilizer Institute, U.S. Dried Peas and Lentils Council, U.S. Beet Sugar Association, U.S. Canola Association, and Women Involved in Farm Economics. They all say unanimously that this legislation is important and it is important now.

To those colleagues or their staffs who are watching the final minutes of this debate and discussion who are wondering, Gee, does this do what the critics say; does it unjustly enrich someone; let me say that the answer to that is an emphatic no. This example I have prepared shows, in North Dakota, what a farmer would get in a typical year on an acre of wheat, which is $157. With a 50-percent loss, he gets $78.60 from the market, $27 in insurance premium, and $7 for this amendment, for a total of $113. He would still be left with a 28-percent loss. For a farmer who has a 75-percent loss of his crop, he would get $39 from the market, $54 in insurance premium, $19.50 from this amendment, for a total of $113, leaving him or her with a loss of 28 percent as well. People are not being unjustly enriched and they are not being made whole. We are simply offsetting some of the dramatic losses people have received as a result of natural disaster—the third worst drought in our Nation's history.

I don't know how much more clear I can be. I ask my colleagues to support this amendment. In our part of the country, we have supported every region when they have had disasters. We were the first to sign up after Katrina for aid to them and the Gulf Coast States. We recognized their loss. We were among the first to sign up to help Florida in the terrible losses it has suffered. We were among the first to sign up when California experienced terrible losses as a result of natural disasters, whether it was wildfires, mud slides, or any of the rest. We have had a disaster in our part of the country now. We are asking our colleagues to help us. We will remember those who helped, just as we have helped others in their time of need.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has used his 4 minutes.

Mr. CONRAD. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I understand we are, by a previous order, to vote at 5 o'clock. There appears to be 4 minutes remaining. I ask unanimous consent to speak during that time if no one else is present.

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

Mr. DORGAN. Mr. President, I only wanted to follow Senator CONRAD and point out that this amendment is truly bipartisan. Those who have watched this debate will recognize we have had Republicans and Democrats come to the floor of the Senate to say this is an important amendment. They support it, and they hope the Senate will pass it.

I want to point out again that this is the third time we have brought this to the floor of the Senate. On two other occasions, it passed the Senate and had gone to conference. On both of those occasions, it was blocked in conference with the U.S. House. It was blocked by the House conferees. I believe on both occasions I asked for a vote of the Senate conferees, and the Senate conferees insisted on their position. So it is not a weak will here with respect to disaster assistance for farmers that exists. It is a very strong will, and the Senate has expressed itself previously on two occasions.

On the third occasion in the Appropriations Committee, we had a unanimous vote—by unanimous consent in the Appropriations Committee—to add the disaster legislation earlier this year. That bill has not previously come to the floor but not because we have not tried. We have pushed and pushed to get that bill to the floor of the Senate. Only now, in what is the last week of the session, have we managed to get the bill on the floor and, by consent, offer an amendment.

So I think it is important to understand that we have been trying for a long while to get this amendment fully debated, get it through the Senate and back to conference with the House.

It appears now that, whatever may happen on the floor this afternoon, this is likely to be a part of an omnibus appropriations bill at some point in late January or, likely, mid-February. Time is very short. Someone used the word ''patience'' earlier today. Boy, we have had a lot of patience in dealing with this issue. There is broad, bipartisan support for it—or there has been at least. We have been waiting and waiting, and it has been blocked in the Senate from bringing this to the floor. Finally we are here today.

This is not an idle matter for a lot of American families. For many farm families, the decision will be a decision about whether they will be able to continue living on and working on their family farms. For those who don't know about them, those who never lived on a farm and don't know what they do on a family farm, don't understand the risks that are taken on a family farm, there are ways they should avail themselves to find out. It is an important part of this country.

The network of farm families that are spread across the prairies and lands of this country and produces the foodstuffs, raises cattle, plants and harvests crops, takes all the risks, is an unbelievable group of Americans, and in many ways they are America's allstars, the entrepreneurs who risk everything virtually every year. When real trouble comes—a natural disaster—the best instinct of this Chamber has always been to say to them: We want to help you. That is all we are saying with this amendment. We want to help family farmers have a chance to continue to stay on the lands. My hope is we will give broad, bipartisan support for this legislation today.

The PRESIDING OFFICER. The hour of 5 p.m. having arrived, the question is on agreeing to the motion to waive the Budget Act point of order with respect to amendment No. 5205. The yeas and nays have been previously ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Utah (Mr. HATCH).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote ''yea.''

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

The yeas and nays resulted—yeas 57, nays 37, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—57

Akaka	Enzi	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Bingaman	Grassley	Nelson (NE)
Bond	Hagel	Obama
Boxer	Harkin	Reed
Burns	Hutchison	Reid
Byrd	Inouye	Roberts
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Salazar
Clinton	Kennedy	Sarbanes
Cochran	Kerry	Schumer
Coleman	Kohl	Smith
Conrad	Landrieu	Stabenow
Dayton	Lautenberg	Stevens
DeWine	Leahy	Talent
Domenici	Levin	Thomas
Dorgan	Lieberman	Thune
Durbin	Menendez	Wyden

NAYS—37

Alexander	Dole	Murkowski
Allard	Ensign	Pryor
Allen	Frist	Santorum
Bennett	Gregg	Sessions
Bunning	Inhofe	Shelby
Burr	Isakson	Snowe
Chafee	Kyl	Specter
Coburn	Lincoln	Sununu
Collins	Lott	Vitter
Cornyn	Lugar	Voinovich
Craig	Martinez	Warner
Crapo	McCain	
DeMint	McConnell	

NOT VOTING—6

Biden	Chambliss	Graham
Brownback	Dodd	Hatch

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 37. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

The Senator from Utah.

Mr. BENNETT. I raise a point against the pending amendment because it would cause the subcommittee to exceed its allocation.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

FUNDING FOR SPINACH GROWERS

Mrs. FEINSTEIN. Mr. President, I would like to take a moment to thank Senator KOHL for his stewardship of the Agriculture appropriations bill. His work on this bill will provide funding to support our Nation's farmers and consumers, and I support those efforts wholeheartedly.

Mr. President, my colleague from California, Senator BOXER, and I would like to take a moment to engage our colleague from Wisconsin in a colloquy.

Mr. KOHL. I thank my colleague for her kind words and would be happy to engage in a colloquy with the Senators from California.

Mrs. FEINSTEIN. A few months ago, nearly every grocery store in the country was advised not to sell fresh spinach due to confirmed incidents of E. coli bacteria coming out of California. The impact of this outbreak was devastating: it sickened nearly 200 people, killing 3. It also resulted in more than $70 million in economic losses to spinach growers.

As you know, one of the many responsibilities of the FDA is to oversee the safety of fruits and vegetables. In my State, where more than half of all fresh fruits and vegetables are grown, this is clearly an enormous task and one that requires advanced scientific methods for detection and response.

Unfortunately, the FDA does not have that kind of presence in the Western United States to conduct and carry out the necessary scientific testing and outreach that we should expect. There are currently three FDA food safety research centers in the Nation: one in Maryland, one in Illinois, and one in Mississippi. None of these centers is connected with the vital and dominant food systems in California, which greatly impairs the FDA's effectiveness in addressing the food safety and security research, teaching, and outreach needs in the Western United States.

Last year we provided funding to establish an FDA Western Center for Food Safety to serve the vast agricultural food safety needs of the Western United States. This center would be collocated with the Western Center for Food Safety and Security at the University of California at Davis, a place where the FDA would benefit from the synergy of working in an academic research environment with university scientists and with university extension specialists who already have the critical relationships with farmers that the FDA needs to be effective. Unfortunately, this funding was not agreed to by the House conferees.

The University of California at Davis already has a facility for the FDA scientists to move in to. This year I am once again seeking your assistance for a modest appropriation to begin the development of this FDA presence to serve the food safety needs of the vast agricultural regions in the Western United States and the consumers across the country who depend on a safe and reliable food supply.

Mrs. BOXER. Mr. President, first I would like to thank the chairman of the Agriculture Appropriations Subcommittee, Senator KOHL, for working with Senator FEINSTEIN and me on these important food safety projects.

As Senator FEINSTEIN has already explained, a recent E. coli outbreak in spinach produced in California has reminded us of the critical importance of food safety and public health scientific research. We hope that with a renewed focus on providing food safety scientists with the proper tools, we can learn more about how to control the impact of future E. coli outbreaks and protect the Nation's food supply from all food-borne illnesses.

To accomplish this goal, the Agricultural Research Service, ARS, is ready to begin work on a leafy green food safety research program that will help inform the choices producers and regulators make to secure the safety of the leafy vegetable food supply. With the necessary funding that we hope can be provided in conference for these important goals, ARS will complete the ongoing process of expanding its small existing vegetable food safety program and produce applied science that the Nation's growers can use to help keep their products safe.

After all of the work done in recent years to get Americans to eat more fruits and vegetables, taking no action to prevent food safety scares like the recent E. coli outbreak in spinach will threaten to depress consumption and reverse progress made to encourage healthy eating choices. With a renewed focus on food safety science, we can create an atmosphere for increased consumer confidence and at the same time strengthen public health protections.

Mr. KOHL. I appreciate the remarks of the Senators from California and assure them that I will work to address these items.

VHS TESTING FACILITIES

Mr. VOINOVICH. Mr. President, as you know, the Animal Plant and Health Inspection Service, APHIS, issued an emergency order on October 24, 2006 which prohibited the importation of 37 species of live fish from two Canadian provinces and the interstate movement within the eight Great Lakes States. APHIS issued this order with the intention of stopping the spread of viral hemorrhagic septicemia, VHS, within the Great Lakes States which has been linked to fish kills. On November 14, 2006 APHIS modified their emergency order to allow the interstate movement of live fish within and from the Great Lakes States provided the fish have tested negative to VHS. I appreciate the concerns APHIS has about the spread of this virus and their concern about protecting the Great Lakes from this virus. I share the goal in restoring and protecting our Great Lakes. I too am deeply concerned about the negative effects associated with the spread of this virus within the Great Lakes and its potential impact on our fishing and aquaculture industry. It is very important that we take responsible steps forward in limiting the spread of this virus which could impact the region. The commercial and sport fishing industry in the Great Lakes is a $4 billion industry and is a source of pride in our region.

I am concerned, however, that this emergency order does not adequately take into consideration the economic concerns of the region. The Ohio Department of Natural Resources and the aquaculture industry in the region have all expressed that this order will adversely affect businesses and the State's ability to stock Lake Erie. The Ohio Department of Agriculture has indicated to me they are not equipped to test for this disease at this time and that the cost could be approximately $200,000 to update their labs to meet the demands of the APHIS order. It is critical that we be able to provide the Great Lakes States the ability to begin testing in order to comply with the APHIS order in a timely manner. Funding will be needed to meet these demands. Without this assistance, the aquaculture industry will suffer. Because I believe this issue can be resolved in conference, I have introduced, but will not offer, an amendment to provide funding for the Great Lakes States to help them set up facilities to test fish for VHS. The chairman and ranking member are aware of this important issue and share my concerns about the problem facing the Great Lakes States today. It is my hope that we can work together during conference negotiations on the FY2007 Agriculture Appropriations bill to find relief for the Great Lakes States in this matter.

Mr. DEWINE. Senator VOINOVICH has stated, the U.S. Department of Agriculture's Animal Plant Health Inspection Service emergency Federal order banning the interstate shipment of several species of fish is having a crippling effect on Ohio's aquaculture industry. While my colleague and I recognize APHIS' attempt to stop the spread of a damaging disease and their readiness to make amendments to the emergency order, many Great Lakes States, such as Ohio, lack sufficient testing programs and facilities to fully comply with the new testing regulation.

It is appropriate to make our Senate colleagues aware of this issue during FY2007 Agriculture appropriations debate, as resources are needed to assist State and Federal agencies to establish additional testing facilities, monitor the spread of VHS throughout the region, and conduct research on the disease. At this time, it is difficult to

fully quantify the financial needs of the entire Great Lakes region in light of these new amendments. The aquaculture industry operates on a short time-frame, and our aquaculture producers and sportsmen need assistance, or their livelihoods will be in jeopardy. Mr. President, Senator VOINOVICH and I are committed to working with APHIS officials and State departments of agriculture and departments of natural resources to provide them with resources to resume commerce responsibly and combat this disease. We are hopeful that FY2007 Agriculture appropriations conference negotiations will provide an opportunity to allocate much-needed funding to Ohio and other Great Lakes States.

Mr. KOHL. As ranking member of the Senate Agriculture Appropriations Subcommittee and a member of the Great Lakes Task Force, I share in my colleagues' efforts to restore and protect the Great Lakes. I am aware of the risks associated with the spread of this virus within the Great Lakes and understand the need to limit its spread. It is my hope that we can help the Great Lakes states address this challenge and enhance their ability to ensure the safe movement of live fish within the region. I look forward to working with my colleagues on this issue.

Mr. BENNETT. I recognize the concerns the distinguished Senators from Ohio have about protecting the Great Lakes and their efforts to balance the environmental and economic needs of the region. I look forward to working with my colleagues on this Issue.

Mr. VOINOVICH. I thank the chairman and ranking member and look forward to working on this effort during conference negotiations.

Mr. DEWINE. I appreciate the chairman's attention and collaboration on this issue.

DELAWARE AGRICULTURAL MUSEUM AND VILLAGE

Mr. CARPER. Mr. President, I would like to take a moment to discuss with my friends, the Senators from Utah and Wisconsin, an important proposal that will enhance Delaware's economy by promoting agri-tourism and our agricultural heritage.

As we all know, Senator BENNETT, the chairman, and Senator KOHL, the ranking member, of the Agriculture Appropriations Subcommittee have the difficult job of managing funding priorities for the Nation's agriculture spending and do a superb job in that role.

I bring to my colleagues' attention an important proposal that merits serious consideration—the Delaware Agricultural Museum and Village, which interprets and preserves the story of Delaware's past and promotes an understanding of the vital role agriculture plays in our daily lives.

This is a vital cultural resource center that presents the history and function of American agriculture. It is very important that the American people, and especially our youth, understand the source of their food supply. This is especially so in view of such critical issues as childhood obesity, food safety, and the continuing loss of farmland to development.

Each year the Delaware Agricultural Village hosts thousands of school children and tens of thousands of tourists. These visitors experience 19th century farming life and witness the evolution of American agriculture. The school children of Delmarva benefit from the summer camps, field trips, and educational programs provided by this facility. These activities help our children understand and appreciate the joys and struggles of farming life in the past as well as today. This institution is a great demonstration of the valuable role that farming ingenuity and technological innovation play in dairy, poultry farming, and rural life in Delaware and across the country.

Every year 25,000 people visit this center, and between 6,000 and 9,000 school children participate annually in field trips, summer camps, and other activities. The village serves all of the Delmarva Peninsula and receives visitors from across the Nation. Last week, the center hosted a school from as far away as Texas.

Specifically, the funds requested will be combined with additional funds from private individuals, businesses, and other government sources to ensure the Delaware Agricultural Museum and Village will be able to better serve their agri-tourism and educational guests. Every year it seems the facility is asked to do more and more. These additional funds will help provide additional space and more accommodating facilities while avoiding construction of an entirely new building.

I and the rest of the Delaware congressional delegation are very supportive of this program and seek the support of the bill managers in asking the Department of Agriculture to consider and assist this project with resources available in the Rural Development mission area. We also request that the managers help support this item in the conference committee on the Agriculture appropriations bill.

So, with this background, I ask my friends from Utah and Wisconsin whether it is correct that the Delaware Agricultural Museum and Village will be considered in the conference between the House and Senate on this bill?

Mr. BENNETT. Mr. President, The Senator from Delaware has obviously made a very strong case for this important educational resource center in Delaware, and it is apparent that the Delaware Agricultural Museum and Village provides an important contribution to Delaware's economy and its agri-tourism and agriculture industry. I yield to my distinguished colleague, the Senator from Wisconsin.

Mr. KOHL. I agree with my colleague, the chairman of our subcommittee. This project appears to be a well-established enterprise worthy of consideration for rural development program assistance, so we thank the Senator for his work in this regard.

Mr. BENNETT. In response to the Senator's question concerning this proposal, I am confident that this request will receive very careful consideration by the Senate conferees.

Mr. KOHL. I concur with the distinguished subcommittee chairman.

Mr. CARPER. I thank my friends for taking a moment to discuss this matter with me. I urge my colleagues who will be negotiating these provisions with the House to carefully consider the benefits of this proposal. I thank them in advance for any assistance they may render.

PENICILLIN

Mrs. CLINTON. Mr. President, I rise today to talk about an issue that I believe needs attention during debates on the Agriculture appropriations bill for fiscal year 2007. Antimicrobial drugs that are used to treat human diseases are being used at an alarming rate in large-scale animal production. There is growing evidence of an increased human health risk as a result, specifically the development of antibiotic resistance.

Penicillin is a very important antimicrobial drug. It is an essential treatment for serious human diseases and infections, such as Meningococcal meningitis and strep throat. Since its discovery in 1928, it has been estimated that penicillin has saved nearly 200 million lives. Overuse of this drug in agriculture could cause humans to build up resistance to penicillin, limiting our treatment options during health outbreaks.

According to the Union of Concerned Scientists, livestock producers in the United States use an estimated 24.6 million pounds of antimicrobials on healthy animals every year. Furthermore, the overall use of antimicrobials for nontherapeutic purposes has risen by nearly 50 percent since 1985.

The World Health Organization outlined recommendations for healthy livestock production without the use of antimicrobials in the report ''Overcoming Antimicrobial Resistance'' in 2000. The report illustrated those farmers who stopped ''relying on antimicrobials as growth promoters in livestock have experienced no economic repercussions—provided that animals were given enough space, clean water, and high-grade feed.'' These living conditions are also crucial in avoiding the spread of diseases.

I was pleased that in July 2000, the Food and Drug Administration, FDA, announced its intention to ban the use of fluoroquinolone for poultry production due to increasing evidence of antibiotic resistant Campylobacter cultures. Campylobacter infects over 2 million people each year, particularly babies under 1 year old and young adults, and it is a leading cause of diarrhea and food-borne illness.

In 1999, more than 11,000 people infected with Campylobacter were receiving less effective or ineffective treatment with fluoroquinolones, up from 5,000 people just one year before. Scientist later discovered the fluoroquinolone-resistant strand of Campylobacter found in humans was the same as those found in animals. Concerns over the emergence of fluoroquinolone-resistant bacteria led the Centers for Disease Control and Prevention, CDC, to oppose approval of fluoroquinolones for animal use.

The fact is diseases that were once easily treated and cured by antimicrobial drugs are becoming more difficult to treat. Resistance to these drugs has been linked to the overuse of these drugs in animal treatment. The Food and Drug Administration, FDA, has recently expressed concerns regarding the overuse of penicillin in the feeds of the animals humans consume. In a May 2004 a statement to manufacturers of veterinary penicillin, the FDA stated that their products could play a role in building up human resistance to this drug, as penicillin is often used in animals to induce animal growth and prevent diseases.

I share in the FDA's concern regarding growing resistance to antibiotics like penicillin, and I believe that we should not use these drugs in animal feed without fully understanding the impact on human health. I believe it is important for the Center for Veterinary Medicine to conduct more research on the effects of penicillin in animal feeds, and encourage funding to be added for this purpose. Doing so would shed much needed light on how widespread use of these drugs in feed can affect treating human infections.

Mr. KOHL. I thank the Senator for her attention to this issue. I appreciate all of the important facts she has raised, and look forward to working with her.

Mrs. CLINTON. Mr. President, I have an amendment to offer to the Agriculture appropriations bill for fiscal year 2007. My amendment calls for the Center for Veterinary Medicine to study the effects that certain uses of penicillin in animal feeds have on the human immune system.

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I hope that my colleagues will join me in support of this important amendment.

Mr. KOHL. Mr. President, although it does not appear that we will be able to complete action on the Agriculture appropriations bill this evening, I would like to take a quick moment to thank Senator BENNETT and his staff for their hard work. I have had the pleasure of serving with Senator BENNETT on this subcommittee for the last 4 years, and every year he and his staff have worked very hard to write a responsible, bipartisan bill that spends the American citizens tax dollars wisely. They have also worked very closely with my staff, and I remain grateful for that. Once again, I would like to thank Fitz Elder, who did a great job in his first year as clerk, Dianne Preece, Stacy McBride, and Graham Harper. Senator BENNETT, you have an exemplary staff, and I am grateful for all of their, and your, hard work and professionalism.

Mr. BENNETT. Mr. President, I would first like to applaud and thank the senior Senator from Mississippi and chairman of the Appropriations Committee, Senator COCHRAN. Because of his leadership, the Committee on Appropriations reported each of the 12 appropriations bills to the Senate before the August recess, while also shepherding the passage of a supplemental appropriations bill in the spring for the war in Iraq and the lingering effects of Hurricane Katrina. This is the earliest the committee has reported all its bills since 1988. I believe the Appropriations Committee to be one of the most difficult committees to chair in the Senate, and Chairman COCHRAN has done a marvelous job. During his tenure, he has worked diligently to maintain regular order, and once again this year he made sure the committee met its responsibilities.

I also would like to thank my staff and the staff of Senator KOHL. Specifically, I would like to thank Galen Fountain, Jessica Frederick, Bill Simpson, and Tom Gonzales of the minority staff and Fitz Elder, Dianne Preece, Stacy McBride, and Graham Harper of the majority. A special mention goes to Hunter Moorhead, who ably assisted in the drafting of this legislation before leaving the subcommittee staff to take a position at the White House. These individuals work in a truly bipartisan manner, and I thank them for their hard work this year.

Shortly, the Senate will vote in relation to the agricultural disaster amendment, and the Agriculture appropriations bill will come to a premature end. It was the first appropriations bill to be reported to the Senate this year, and it will likely be the last to be considered by the Senate in the 109th Congress. While I would prefer a vote on final passage, we will have to finish the fiscal year 2007 Agriculture appropriations bill in the 110th Congress.

I wish Senator KOHL Godspeed as he takes over the helm of the subcommittee in the next Congress. It has been my pleasure to work with him over the last 3 years.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with the following Senators being recognized to speak: Senator CONRAD for 2 minutes, Senator SPECTER for 20 minutes, Senator BYRD for 20 minutes, Senator LANDRIEU for 10 minutes, Senator VOINOVICH for 20 minutes, and Senator DEWINE for an hour.

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

The Senator from North Dakota.

AGRICULTURAL ASSISTANCE

Mr. CONRAD. Mr. President, I thank my colleagues for this very strong show of support for disaster assistance; 57 votes. We had three votes in favor who are missing today, who will be back. So perhaps we will have another opportunity this week to have a vote on this question when we are at full strength.

To those who are on the other side, we respect the differences. We hope you understand the desperate situation that our farm and ranch families face. I again thank each of our 57 colleagues who voted for this. I thank three of our colleagues who are not present and voting today who had announced publicly their support for this position. We believe either later this week or in the new Congress we will prevail.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

A LABOR, HEALTH AND HUMAN SERVICES, EDUCATION APPROPRIATIONS BILL AND HABEAS CORPUS

Mr. SPECTER. Mr. President, I have sought recognition to comment about the appropriations bill covering the Departments of Labor, Health and Human Services, and Education. It had been my hope that before we finished our work in the 109th Congress we would address an appropriations bill on the very important subjects covered by those three major departments—the Department of Labor, the Department of Health and Human Services, and the Department of Education. It appears at this juncture that we will not be taking up that bill, and I think it is very regrettable. Conceivably we could still act, having the balance of this week, and we could be in session next week, but I understand that does not appear to be the will of the Senate to proceed. It is unfortunate because there are a great many priorities which ought to be revised in that budget, which approximates $147 billion.

We have had a decrease in funding for cancer. As tough as that malady is in the United States, and as many people as it claims, we now find that we have $50 million a year less for the National Cancer Institute.

We find that there has been a decrease in the funding for the National Institutes of Health generally, which is unacceptable. Senator TOM HARKIN and I, as chairman and ranking—we change gavels from time to time on that, and we are about to do so again, but we called it a seamless exchange of the gavel—have worked with leadership to increase the funding for the National Institutes of Health from $12 billion in 1995 to the current recommended funding level of $28.5 billion. Enormous advances have been made in combating Alzheimer's, Parkinson's, heart disease, cancer, and so many other maladies.

We need to reevaluate many of the other programs in the health field, and in education funding for GEAR UP mentoring program. We need some rescission in appropriations on No Child Left Behind. We need revisions on worker safety. It is totally unsatisfactory to leave the 109th Congress with our having completed action on only 2 of 12 appropriations bills. Ten bills are unattended to. Only the Department of Defense appropriations bill and Homeland Security will have been acted upon, which is not adequate for our responsibilities on these very important subjects.

We had a series of hearings to investigate and inquire into how we ought to spend the money for the Department of Education. Now we are not permitted to act on those recommendations and to reassess the priorities and the interests of the American people. Chairman REGULA of the House of Representatives and I have tried to conference on an informal basis. But I think it is most unfortunate that we are not able to complete this bill.

It is my hope that we will take up the bill early in the 110th Congress. The new majority leader has outlined an ambitious work schedule. This ought to be a priority item to take up.

I have been on the Appropriations Committee for all of my tenure in the Senate, ending my 26th year. We need to do better when we take a look at the appropriations process next year.

Similarly, it had been my hope that we would have moved on the legislation to provide protection for civil liberties on the surveillance program put into effect by the President, which is designed to protect America from another terrorist attack and to balance security interests versus privacy interests.

When this program was disclosed on December 16 of last year, almost a year ago, we moved ahead in the Judiciary Committee to have a series of hearings to try to find a way to have judicial review in accordance with the tradition and concept in the United States, having the impartial magistrate between the Government and the person subject to surveillance, to search and seizure, or to wiretapping. The initial legislation would have given that authority to the Foreign Intelligence Surveillance Court, which was selected because of the expertise that court has and because they can maintain secrecy. In my legal opinion, there is no doubt that the administration program violates FISA, the Foreign Intelligence Surveillance Act. But the President has asserted that there was article II power, inherent powers as Commander in Chief, which warrants this program without—justifies this program without warrants.

I cosponsored legislation introduced by the senior Senator from California, Mrs. FEINSTEIN, which would extend the time for retroactive approval by the FISA court in 3 to 7 days and would increase the resources so that according to General Alexander, the head of NSA, there were such resources to have individualized warrants for calls originated in the United States and going outside the United States. According to General Alexander and the National Security Administration, and General Hayden his predecessor, there are too many calls coming from outside and in to have individualized warrants. But it would be an enormous step forward for civil liberties to have the individual warrants for calls originating in the United States and going out.

As to the calls originating outside the United States and coming in, let's have the judicial determination made as to whether the President is correct that he has article II powers. That can only be determined by the court, weighing the invasion of privacy on the one hand against the interests of security on the other.

The legislation which I introduced, S. 4051, modifies earlier versions, modifies the so-called Feinstein-Specter bill by recognizing the changing circumstances where a number of district courts have taken up the issue in the U.S. District Court in Detroit to declare the surveillance program unconstitutional. It is now in the Sixth Circuit.

Let the process proceed to have the adjudication as to whether the President is right that there are article II powers or whether there is a violation.

The legislation which I have introduced, S. 4051, on November 14, provides further for mandatory review by the Supreme Court and expedited review. If we would focus on this issue, we could come to grips with it and we could legislate. Every day that passes there is incursion on civil rights and constitutional rights because there are wiretaps which are not supported by affidavit or probable cause and court authorization. We have it within our power to alter that today if we would come to grips with the issues on all the calls originating in the United States and going out and then, to repeat, to allow the court to decide whether the President is correct on whether calls outside coming in are covered by his article II powers.

It is my hope that this legislation will be taken up early in the next session because we ought to come to grips with the balance of rights versus security.

HEDGE FUNDS

Mr. SPECTER. Mr. President, earlier today the Judiciary Committee held a hearing on hedge funds and what is happening in that important area where we now find that we have an area in the securities field which involves some $1.3 trillion, some 30 percent of the stock trading, and no regulation. The Judiciary Committee held hearings contemporaneously with the consideration of Sarbanes-Oxley and that legislates in the field to deal with criminal sanctions for insider trading violations. The issue which we took up in some detail in the Judiciary Committee today involves allegations that there was insider trading, a matter yet to be resolved. But out of the Judiciary Committee inquiry, draft legislation has been circulated which has three very important provisions.

First of all, on criminal jurisdiction there are Federal decisions which have precluded the Department of Justice from collaborating with the Securities and Exchange Commission. The draft legislation which has been circulated would authorize that. There is no reason the SEC and the Department of Justice should not be able to collaborate when they find evidence of criminal conduct to act to prosecute.

The second provision of the draft legislation would authorize more compensation for whistleblowers. The fact is, the SEC is doing very little by way of encouraging whistleblowers to bring forward insider information and to stop insider trading. The legislation would authorize the Attorney General to provide for compensation up to 30 percent for whistleblowers from a penalty, fines or settlement, and also protection for the whistleblowers.

The third provision in the draft legislation which has been circulated would provide for regulations on small investors who do not have the sophistication to conduct due diligence and also for pension funds which are invested in hedge funds.

The testimony of the attorney general from Connecticut, Richard Blumenthal today went into some detail about how the failure of Amaranth recently, which amounted to some $6.5 billion, touched pension funds and many of the small investors.

We have circulated this legislation, and we will be asking for comments. I thought I would describe it very briefly this afternoon. It will be introduced formally as soon as we have had an opportunity to get comments from interested parties.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 4081 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from West Virginia.

APPROPRIATIONS FAILURE

Mr. BYRD. Mr. President, one of Congress's most fundamental duties is to make careful choices about how to spend the taxpayers' dollars. We are now over 67 days into the fiscal year. The Senate has passed only 3 of the 12 appropriations bills. Only two of the bills have been signed into law. The operations of government for 13 of the 15 executive branch Cabinet departments are being funded by a very restrictive continuing resolution. This dismal performance is not the result of the work of the Committee on Appropriations. The Committee on Appropriations did its work and on a bipartisan basis reported all 12 of its bills by July 26. Chairman COCHRAN did an outstanding job in leading the committee. Yet the appropriations process, once again, has fallen victim to politics.

Before the November election, the Senate majority leadership decided that the Senate should not be given an opportunity to debate critical issues facing the Nation, so 8 of the 12 bills never came before the Senate. When it comes to the funding bills for domestic agencies, with the exception of Homeland Security, the majority leadership—and I say this respectfully—is apparently satisfied with a mindless continuing resolution. When it comes to the education of our children, the health of our elderly citizens, the ability of our deteriorating infrastructure to sustain a growing economy, the majority leadership apparently wants no debate, just a rubberstamp of a formula-based continuing resolution for 13 of the 15 departments.

The majority leadership made a specific choice to delay bringing the domestic appropriations bills to the floor because it wished to avoid an open debate in the Senate about many issues confronting Americans in their daily lives.

The President submitted a budget for domestic programs that cut funding by $14 billion below the level necessary to keep pace with inflation. The President's proposal to increase fees on our veterans for their health care is indefensible. The White House proposed cuts in education and in programs to fight crime. The President's budget is not sustainable. Yet behind closed doors the majority leadership inserted an $872.8 billion cap on spending at the level proposed by the President's budget. This was done by jamming a cap on spending in an unamendable conference report intended to provide disaster relief for the victims of Hurricane Katrina and to fund the efforts of our troops serving heroically in Iraq and Afghanistan.

To avoid debate on the domestic appropriations bills, the Senate majority leadership kept the Senate operating at a snail's pace all summer. In July, the Senate had rollcall votes on just 9 days. In August, we voted on only 3 days. How about that? In September, we had votes on just 10 days. So in the 3 months in which the Senate should have been in overdrive to finish the appropriations bills, we had votes on only 22 days. That is a pathetic, a sorry performance.

Why? Apparently the majority wants to avoid debate about its broken promises concerning the No Child Left Behind Act. The President's budget proposed the largest cut to education funding in the 26-year history of the Education Department—a $2.1 billion or 4 percent reduction. This is a nonsensical squandering of the future of our children, the American people's children.

The Labor, HHS, and Education appropriations bill underfunds the title I program, the cornerstone of the No Child Left Behind Act, by a whopping $12.3 billion. Rather than increasing funding to meet this commitment, the bill freezes funding for this program. As a result, this bill leaves behind 3.7 million students who could be fully served by title I if the program were funded at the level promised by the No Child Left Behind Act. I offered an amendment in the committee markup to increase title I funding by $6.1 billion, half of this year's shortfall. What happened? The Republican majority rejected it. Was the Senate, the full Senate, given an opportunity to debate the need to invest in the education of our children? No. Let me repeat: Was the Senate given an opportunity—I am talking about the whole Senate, the full Senate—to debate the need to investigate the education of the country's children? No.

In June, the FBI released its violent crime figures. The FBI found that murders in the United States jumped 4 percent last year, and overall violent crime was up by 2.5 percent for the year, the largest annual increase in crime since 1991. Yet what happened? The President proposed to cut law enforcement grants to State and local governments by $1.2 billion and to eliminate the COPS hiring program. Was the Senate given an opportunity to debate how best to respond to the largest annual increase in crime in 15 years? No.

On July 19, the Commissioner of Social Security wrote to me a letter in which she stated that the level of funding in the Labor-HHS bill ''would require employee furloughs of approximately 10 days Agency-wide.'' That is what she said: ''would require employee furloughs of approximately 10 days Agency-wide.'' Has the Senate, the full Senate, the 100 Members of the Senate, had a chance to debate whether our elderly citizens want long lines at our Social Security offices? No.

The Environmental Protection Agency projects that our communities need in excess of $200 billion for clean and safe drinking water systems. Yet the Interior appropriations bill would cut funding from a level of $1.1 billion in fiscal year 2005 to $687 million in fiscal year 2007, a cut of 38 percent. Has there been any debate in the Senate about the need for safe and clean drinking water in our communities? Has there? The answer is no.

If there is one lesson we all should have learned from Hurricane Katrina,

it is that there are consequences to starving Federal agencies. FEMA, which performed marvelously after the North Ridge earthquake, the Midwest floods, and the September 11 attacks, simply was no longer up to the task when Hurricane Katrina hit the gulf coast last year.

Now, which other Federal agencies are going to be the next FEMA? I wonder. I wonder which other Federal agencies will be the next FEMA. Could it be the Food and Drug Administration? Has the Senate had an opportunity to debate whether FDA has the resources and the leadership it needs to make sure we have safe food and safe drugs? I will ask the question, again. Has the Senate, the full Senate, had an opportunity to debate whether FDA has the resources and leadership it needs to make sure we have safe food and safe drugs? No.

The cost of attending a public 4-year college has increased 32 percent since the beginning of this administration. Yet the maximum Pell grant award has not been increased since 2002. Has the Senate discussed the wisdom of making it harder for our children to afford a college education? Hear me. No.

On the heels of the first cut to funding for the National Institutes of Health since 1970, the President proposed level funding of NIH in fiscal year 2007. As a result, the total number of NIH-funded research project grants would drop by 642 or 2 percent below last year's level.

The President's budget would cut funding for 18 of the 19 Institutes of Health. Funding for the National Cancer Institute would drop by $40 million, and funding for the National Heart, Lung, and Blood Institute would drop by $21 million. Has there been a debate about the wisdom of these cuts? No.

When the Congress returned to session after the elections, Senator HARRY REID and I urged the Senate Republican leadership to complete the fiscal year 2007 appropriations process prior to adjourning sine die. Apparently, this request fell on deaf ears. Even with the elections over, the Republican leadership could not bring itself to govern, to make choices.

Instead, apparently, the House Republican leadership has decided to send the Senate a third continuing resolution that will last until mid-February—mid-February. Instead of making careful choices, they, apparently, have chosen to punt—to punt—the funding decisions for 13 departments, for over $463 billion of spending, to the next Congress.

What a sad mess. What a sad mess.

Under the continuing resolution, 500,000 veterans will have to wait longer for their health care or not get health care at all. Lines at our Social Security offices will get longer. Our elderly will find it more difficult to get answers to their questions about the new prescription drug benefit or about their retirement benefits. Commitments to address our clogged highways with more funds for highway construction will have to wait. Efforts to protect the food supply will be undermined by furloughs of meat and poultry inspectors. This is no way—this is no way—to do our Nation's business.

When I was chairman of the Appropriations Committee from 1989 to 1994, and in 2001, the Senate debated and passed every appropriations bill but one. And it takes persistence, determination, and a commitment to the Senate to debate and approve all of the bills. Chairman COCHRAN has that determination, and he was successful last year in bringing every bill to the Senate floor. However, the majority leadership, apparently, does not value that persistence, that hard work, that determination. Apparently, in an election year, the only thing of value was the politics of the moment.

Mr. President, the irresponsible actions of the Republican leadership are setting the stage for the beginning of the 110th Congress next year. In January, the new Congress will be faced with approving funding for 10 leftover bills for fiscal year 2007, a large war supplemental, and 12 bills for fiscal year 2008. Where the Republican leadership could do no more than pass two annual appropriations bills all year, the Democrats will be expected to pass 22 annual bills and a supplemental.

And this will be a huge, a huge—I would say a whopping—challenge. However, in the bipartisan tradition of the Senate Appropriations Committee, I am committed to working with my colleagues on both sides of the aisle to meet this challenge.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia yields.

The Senator from Ohio.

2007 APPROPRIATIONS

Mr. VOINOVICH. Mr. President, I rise to address my serious concern about our movement toward a decision to adjourn the 109th Congress without completing our work on the remaining 2007 appropriations bills and to recognize, also, my friend and senior Senator from the State of Ohio, Mr. MIKE DEWINE.

As my colleagues are well aware, the fiscal year 2006 appropriations expired on September 30, 2006. And with the exception of the Departments of Defense and Homeland Security, the Federal Government is currently operating on its second temporary continuing resolution, set to expire on December 8, 2006. We now intend to enact a third continuing resolution to fund the Government into February 2007.

Passage of a long-term continuing resolution, as some have advocated, means the Federal Government will work without a budget for at least 5 months into the current fiscal year, without knowing what spending levels will be approved for discretionary programs. Federal Departments and agencies will be forced to oversee programs and manage employees without knowing whether they are overspending their fiscal year 2007 budgets.

This approach toward managing our Nation's checkbook is indicative of Congress's attitude toward fiscal discipline and is a serious problem. Other Senators have spoken about how serious the problems are. And Senator BYRD did a very good job of outlining the serious impact that our not passing our appropriations on time is going to have on some of our Departments in the Federal Government. And earlier, Senator SPECTER did the same thing. We are aware of the problems it is going to create for the management of our Government.

Operating without a budget impacts our effectiveness in fighting the war on terror. It affects our ability to maintain and improve our transportation infrastructure and enhance our educational system. And it further contributes to the public perception that Congress has no appreciation of the importance of good management and the importance of hiring the right people with the right knowledge and skills at the right time and at the right place.

This is not a good record for either side of the aisle. And with due respect to the senior Senator from West Virginia, I think it cannot be laid at the feet of the Republicans; it should be laid at the feet of both Republicans and Democrats. This is not a partisan issue. Congress has the power of the purse, but we are not the best stewards of the taxpayers' money if time after time we pass omnibus bills without even knowing what is in them, and if, again and again, we fund programs without knowing how these programs are performing.

Managing by continuing resolution is inherently wasteful and inefficient. It results in spending disruptions and chaos in the operations of Federal programs and dramatic productivity slowdowns. We have no appreciation of what not having a budget for 5 months has on the various Federal agencies that are supposed to be providing services to the people of our country.

In recent years, many Federal Departments have taken positive steps toward streamlining their budgets and tightening the reins on their daily operations—conduct that ought to be rewarded. Instead, Departments are forced to thin their staffs and put critical projects on hold when Congress fails to pass appropriations bills on time, placing an unnecessary strain on the relationship between Congress and the administrative branch of Government.

Such a funding shortfall is expected to have particularly adverse effects on human capital-intensive agencies, such as the Government Accountability Office, where attracting and retaining good employees is critical to running a competitive and productive organization.

Agencies such as the GAO have made it very clear that without a budget,

they risk losing top-quality personnel. They are unable to properly recognize and reward individuals for good service—a problem that threatens the efficiency of their day-to-day activities and hampers the image of the Federal Government. As an employer, we want to get people to come on board, and we cannot pass our appropriations.

This added pressure on human capital is not limited to the GAO. In fact, there are lots of similar agencies, such as the SEC, the FBI, and the IRS, which experience the same problem. According to a report in Congress Daily, the Social Security Administration maintains it will have to furlough every employee if its regular appropriations are not signed into law. I think that may be a big exaggeration, but it has a real impact on the operations of that agency.

Many companies with Government contracts are laying people off because they are not sure that the contracts will be renewed because of the budget process. And I know this from a member of my family who was laid off a year ago. Because we did not pass the budget on time, the company said: We don't know whether we are going to have the contracts. Seventy people lost their jobs while they waited around to find out whether the appropriations were going to be passed and how it impacted on the operations of NASA Glenn in Cleveland.

Sometimes programs are ineffective, and their budgets should be reduced or eliminated. By resorting to a continuing resolution, ineffective programs continue to operate, despite poor performance results. For example, the House would have terminated 53 programs, for a savings of $4 billion. But under a continuing resolution, we cannot even discuss whether these programs deserve to be terminated. Literally, dozens of unauthorized programs continue to be funded.

On the flip side, the appropriations process has expanded beyond the budget domain to include shaping and authorizing policy. This is especially the case with Foreign Operations programs. It then becomes even more important to enact the Foreign Operations appropriations bill because it is the way we modify foreign aid and foreign policy initiatives.

One such instance is the Transformational Diplomacy Program at the State Department, which would allow for the repositioning of American diplomats to essential locations and for the movement of public diplomacy centers to smaller posts outside of foreign capitals.

But it is not just the Federal Government that suffers. States, counties, and cities all depend on funding from Washington. If you are a county commissioner or you are a mayor and you have Federal programs and you are not sure what you are going to be getting, that causes a major problem for your respective agency.

When Congress fails to enact appropriations on time, highways, emergency preparedness, and economic development programs are all neglected, and Congress creates a new burden for Governors, mayors, and local officials. Maintaining and improving America's transportation is vital to our economy, the environment, and the welfare of the American people.

The Interstate Highway System is one of the country's greatest public works projects, but it requires Federal investment. States plan their highway construction programs for the coming year based on anticipated Federal funding set by SAFETEA legislation. If Congress fails to pass the 2007 Transportation appropriations bill on time, States will have reduced Federal funding and are going to be forced to delay construction projects for the upcoming year.

In my home State of Ohio, for instance, construction cost increases in inflation have already forced the Ohio Department of Transportation to cancel and postpone nearly $450 million in new highway projects. Adding a continuing resolution to this current slowdown will simply exacerbate the problem and result in further delay and further construction problems, if we don't pay any attention to that. That is going to impact the contracts they would like to let. That is why our States and workers cannot afford for us to ignore our budget responsibilities.

It is incredible to me, as someone who has been a mayor and Governor, that the U.S. Senate has not completed its appropriations work. As a mayor and Governor, the law mandated that we get our appropriations done by the end of the fiscal year. I am sure the Presiding Officer, when he was a member in the State of Georgia Legislature, saw that they got their appropriations done on time. In Ohio, once in a while we had to put a cloth over the clock for a couple of days. The fact is, we got it done.

I know I am not alone in my frustration. In fact, THAD COCHRAN, chairman, calls it irresponsible. He is the chairman of the Appropriations Committee. It is irresponsible; I second that. It is absolutely irresponsible.

Let's look at our record on the path of fiscal irresponsibility. In fact, in 25 of the past 30 years, Congress has failed to enact all the appropriations bills by the start of the fiscal year, which is a major responsibility, to get the budget passed and get the appropriations bills done on time. The last time Congress enacted all appropriations bills by September 30 was 1997. And for 17 of the past years, Congress has had to combine two or more appropriations bills together in an omnibus or minibus legislation. Given the facts, it is an indication to the American people that we are not doing our job. We are not being responsible.

We send a signal to those in the Federal Government that we don't give a darn about how, when we don't do our jobs, they can't do theirs. Congress may hold the power of the purse, but we undermine our credibility by starving good managers and agencies of necessary resources and by turning a blind eye to failing programs. This is about more than allocating funds. It is about good management, and it is about good public policy. All of us on a bipartisan basis should pledge that we are going to get the appropriations bills done for 2008 on time and that next year we are not going to have a repeat performance of what we are experiencing this week in the Senate.

I think if you talk about the frustration of the American people in terms of Congress and our responsibility to them, you can only conclude one thing if you were out there watching this. Folks are saying: They can't even get their appropriations bills done on time. That is a sad commentary. Let's start out next year on a new leaf. Let's all pledge to do this, both Republicans and Democrats. Let's say we are going to get this job done. I know some people have a problem with the process and some of the porkbarrel and the rest of it, but let's start out and say we are going to get it done, bring it to the floor, debate it, and get it done on time.

TRIBUTE TO SENATOR MIKE DEWINE

Mr. VOINOVICH. Mr. President, I rise to speak about our senior Senator from Ohio, MIKE DEWINE. Let me begin by saying this is a speech I hoped I would never have to give. For many in this Chamber, winter came a little early this year. A blizzard of political change swept through the country and, unfortunately, many were unable to weather the storm; in my particular case, in our State, through no fault of their own.

MIKE DEWINE was one of the most effective legislators we have in the U.S. Senate. He was a victim of this storm. I am deeply saddened that our respective colleagues will not be joining us when we congregate again for the 110th Congress. MIKE's tireless commitment to legislating, his willingness and ability to work with both parties, and his ingenuity will be sorely missed by everyone in the Senate and the State of Ohio.

MIKE has served the people of Ohio for more than 30 years, beginning as an assistant county prosecutor in 1992. He served as Green County prosecutor for 4 years, State senator for 2 years, Congressman for 8 years, and he was my Lieutenant Governor for 4 years when I was Governor of Ohio. And, of course, he has served us for 12 years as our U.S. Senator. He is one of the most effective and least partisan Members in this body.

During campaign season, some of our colleagues on the other side of the aisle kept asking me: How is MIKE doing, how is he doing? Frankly, I think they were secretly hoping his poll numbers would be strong enough that he would not become a target. Unfortunately,

those numbers never got up to that place, and he ended up being a target.

Far too many Members see differences between Republicans and Democrats as an unsurpassable deep divide. Not MIKE DEWINE. Over and over again, MIKE built bridges between our parties, and he got things done for America and for Ohio. Janet and I feel like MIKE and his wonderful wife Fran are part of our family. After working with MIKE for the past 16 years, I can tell you that there is something special about him. In fact, right from the start, I knew there was something refreshingly different about MIKE DEWINE.

The inception of our friendship came in 1990, when MIKE and I were both running in the Republican primary for Governor of Ohio. It was a crowded field with MIKE, Bob Taft, and I vying for the Governor's slot. It was then we really got to know each other. We talked about what would be the best for Ohio and for the Republican Party and, quite frankly, for our respective political futures. We decided to combine our efforts as running mates, and MIKE agreed to run as my Lieutenant Governor.

I knew this was a very tough decision for MIKE because he wanted to be Governor and was giving up a very safe congressional seat to run for State office. At that moment, I knew I had a first-rate partner, a man with great character and humility as well as unique political poise and promise. Both of us knew we had a long, tough race ahead of us with no guarantees. This was not a layup shot. There was a real question of whether we were going to be successful. He had given up a safe seat in the U.S. Congress, with a big family. But we had a great time running for State office. MIKE had an opportunity to connect with the State as a whole. I remember when he and Fran packed the kids in the van and traveled every inch of Ohio, becoming intimate with the Appalachian east, its manufacturing north, and its interior farmland.

We went on to win the general election and, as I like to say, together we did it. Together we won the election, and together we charted a new course for Ohio.

As Lieutenant Governor, MIKE took over the State's criminal justice agencies, where he led the fight against crime and illegal drugs. It was a relief to have MIKE as my partner when we had the Lucasville riots which broke out on Easter Sunday in 1993. It was the largest prison disturbance in the history of the United States, generating a great deal of national tension. MIKE's background in criminal justice and his close relationship with law enforcement helped us respond quickly and effectively. It could have been a tragedy, but fortunately, together, and with the help of the Holy Spirit, we made it through.

In 1992, when the Ohio Republican Party needed a challenger to run against the famous astronaut and giant in Ohio politics, John Glenn, MIKE was the obvious choice. He and Fran worked tirelessly to win that seat. Unfortunately, victory was not in the cards that year but triumph was imminent. Two years later, MIKE became a U.S. Senator and our party swept the State, just as the Democrats did this year in Ohio. MIKE returned to Washington as a U.S. Senator with more perspective, more experience, and more insight into the challenges facing Ohio than when he left the Congress as a Member of the House of Representatives. Without a lot of fanfare, he quietly went to work.

Of course, MIKE has been shaped by many things. It is impossible to talk about his achievements in public service without mentioning the terrible misfortune he and Fran experienced back in 1994. I will never forget the day MIKE and Fran lost their daughter Becky. I am familiar with the tremendous pain they suffered. The day that changed their lives sticks in my memory, much like the day Janet and I lost our daughter Molly. MIKE translated the love he and Fran had for Becky into his work in the Senate. He became a champion for our youth and for those who cannot represent themselves. That is why today I am hard pressed to think of anyone who has not been helped by MIKE DEWINE.

His legislative achievements, which span both domestic and foreign policy, reflect his effectual and compassionate nature. MIKE has shown tremendous dedication toward improving the safety of our highway system. He not only amended the 2005 highway bill to make preferences for highways noted as being unsafe, but he also allocated more than $56 million of SAFETEA–LU, intended for improving highway safety.

He succeeded in getting further testing and approval of medications for children. He helped establish a national toll-free poison control hotline. He acted on behalf of the children of U.S. servicemembers to make sure they had access to affordable health care. And he has stood up for foster children to make sure they are protected and to help them find adoptive parents.

Time after time, Senator DEWINE has protected Ohio. He was a critical voice in passing the Senate pension bill which helped ensure that workers' futures in Ohio are on better footing. He is a cosponsor of the Health Partnership Act because he understands how important health care reform is to Ohioans and to this country. He helped ensure that our fire departments are better equipped to fulfill their missions as first responders.

During the BRAC process, he worked to keep Federal facilities, such as Wright-Patterson Air Force Base in Dayton and the Defense Finance and Accounting Center in Cleveland and Columbus, open and operating. And he led a new mission for Ohio's NASA-Glenn in Cleveland. Today these facilities are thriving and contributing to Ohio's aerospace industry and national defense. I don't think there was a State in the country that benefited more from the BRAC process than Ohio, and it is attributable to the outstanding leadership MIKE DEWINE gave all of us in terms of that BRAC process.

MIKE has also been a friend of the Jewish community and has made it a priority to help stamp out anti-semitism and intolerance in America. He played a pivotal role in helping disclose previously classified documents about Nazi aggression, legislation that made those records available to the public through the National Archives and Records Administration. Today, thanks to MIKE, doctors, nurses, and aid workers are more prepared to confront the global AIDS epidemic.

MIKE has carried a heavy burden while he has been in the Senate. He sits on the Judiciary Committee, the HELP Committee, and the Intelligence Committee. He also sits on one the most prestigious committees in the Senate, Appropriations. In fact, MIKE was the first Ohioan in 50 years to sit on Appropriations. His position of leadership—and the resources he has been able to bring back to Ohio—has made a tremendous difference for our State and a tremendous difference in the lives of the people of our State. I used to joke with MIKE that my job as the debt hawk was to make sure we didn't spend the money. But once we decided we were going to spend it, his job was to make sure Ohio got its fair share. And boy, did he do a good job.

These are just a handful of examples where my close friend and colleague MIKE DEWINE has made a difference. His legislative accomplishments and his legacy of principled public service have had a deep impact on all of our lives. The Senate will suffer a loss without MIKE. But he will not slip out of the Senate. He will walk out these doors with his head held high because he can feel good about all he has given to the people of Ohio and to the United States of America. He has truly made a difference in their lives.

Married for more than 39 years, MIKE and Fran are parents to 8 children and grandparents to 10. They have been blessed with much happiness and success, and they have carved out many meaningful paths during their life together.

While MIKE will be missed, I am confident that he and Fran will begin something new in this next chapter of their lives. We have both been given so much. I believe that God does have a plan. Sometimes we are not sure about what it is, but God does have a plan.

I am reminded of one of my favorite verses from the Bible, Proverbs chapter 3, verses 5 and 6:

> Trust in the Lord with all your heart; and learn not unto your own understandings. In all your ways acknowledge Him, and He will direct your path.

MIKE will be missed. But I know the Holy Spirit will continue to inspire

MIKE and Fran as they embark on a new journey together.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Ohio, Mr. DEWINE, is recognized.

Mr. DEWINE. Mr. President, I thank my dear friend—the now junior Senator from Ohio, who in January will become the senior Senator from Ohio—for those very generous and kind comments.

GEORGE VOINOVICH and I first got to know each other in 1989. I will not repeat the story the Senator recounted, but we got together and formed a partnership that has lasted until today. I gave up my run for Governor and joined with GEORGE as his Lieutenant Governor candidate. We won and, as they say, the rest is history. GEORGE was a great Governor for 8 years. I was his Lieutenant Governor for the first 4 of those years. We worked very closely during that period of time, of course, and after I went to the Senate, when he was still Governor. We have worked even closer since he has been a Senator from Ohio. So I thank him. GEORGE VOINOVICH and Janet are dear friends. They are people whom we care very much about. GEORGE is a great public servant, and I appreciate him very much and am touched, frankly, by his very kind comments.

HONORING OUR ARMED FORCES

SPECIALIST ALLEN JAMES KNOP

Mr. DEWINE. Mr. President, I come to the Senate floor today in remembrance of a brave Ohioan from Willowick—Army SPC Allen James Knop. On November 23, 2005, Specialist Knop died while serving our Nation in Iraq. He was serving with the 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division, based at Fort Campbell, KY. He was 22 years old.

Specialist Knop is survived by his mother Eileen D'Ercole, his father William Knop, and his siblings Brandon, Rachel, Max, Natalie, and Alison.

Allen graduated from North High School in Eastlake, OH, in 2002. He loved sports—especially golf. His mother Eileen remembers that Allen was extremely charismatic and that he willingly would make sacrifices that helped others. She said, ''Blessings come from the heart, and my son had the most wonderful heart of anyone I know.''

As a high school student, Allen developed a strong work ethic. He relished responsibility. His father William does masonry work and often would hire Allen during his summer vacations. William said, ''[Al] would work with me in the summer. He was strong. He was thin. And, he was fast. Sometimes my guys would come up to me and say, 'Hey! That kid works harder than we do!' ''

Allen's father remembers that it was the terrorist attacks of September 11, 2001, that motivated his son to enlist in the Army immediately after high school. William worried about the decision, but was deeply impressed by Allen's responses to his questions. This is what Allen said: ''Just think, Dad. If everyone thought like you, there wouldn't be anybody over there fighting now.'' Recalling this conversation, William said, ''That's probably the bravest thing I've ever heard anybody say.''

Al's mother Eileen remembers how proud her son was to be in the Army. She said, ''He could have gone to any college in the country, but he chose to join for a cause he truly believed in.''

His father also recalls that Allen didn't have any delusions about war. He understood the danger of combat, but willingly enlisted because he felt such pride in our country. That is simply the kind of person he was.

Allen spent 13 months on combat duty in Iraq—and then reenlisted. His second tour began in August of 2005. His father said that ''that tour was hard on him, but he was so proud to serve that he re-enlisted to go back. It meant everything to him. He was a true patriot.''

Still though, Allen knew that re-enlisting worried his family—and nothing meant more to him than his family. So he decided to use a family golfing trip to get a few laughs with them before he left. He showed up dressed in a light-blue leisure suit and talked his younger brother Max into dressing up like Johnny Cash, the Man in Black. William always laughs at the memory. ''It's Al,'' he said. ''Always goofing around. . . . That's one of the best memories I'll have of him.''

It was during this same golf outing that Allen gave his brother Max a special gift. Even though Allen was careful with money and didn't like to spend it freely, he had recently bought an expensive new golf set and driver for himself. William remembers, however, that when Allen said goodbye and went to drive away, he stopped, turned around, and summoned his brother Max. This is how William describes what happened next:

> So he got out of the car and walked over to [me]. He had that driver with him and he said, ''Here, Max. Keep an eye on this until I get back.''

Allen's family and friends will always remember him as someone who was extremely generous, caring, and selfless. Once, during his first tour of Iraq, Allen got a pass to come home for a visit. But he didn't use it for himself. Instead, he gave it to a fellow soldier whose wife and children were eager to see him. His mother Eileen remembers, ''It broke my heart, but he did what was right. How could you argue with that?''

Hundreds of friends, colleagues, and family members attended Allen's funeral, which took place on a snowy day in Ohio. U.S. Army Staff Sergeant Christopher Davis, Allen's squad leader during his 2003 tour of duty in Iraq, spoke at the service. This is what he said of Allen:

> Rest assured, he will live forever in the tales of heroism that we brothers will tell. . . . Today, Al's band of brothers are here to pay tribute to one of our own.

Staff Sergeant Davis also recalled that while Allen exhibited tremendous leadership abilities, he also had the ability to make his fellow soldiers laugh and possessed a unique ''lightheartedness and boundless energy.'' He said this of Allen:

> He was a fierce fighter, and he was quick with a joke. Our unit suffered some very difficult times, but Al was like a beacon. He was the only one that could make me laugh.

During the funeral, Pastor Larry Bogenrief spoke of Allen's strong faith in God and his commitment to military service. He said that he ''was a young man who found a cause he was willing to put his life on the line for.'' The Pastor also recalled conversations between Allen and his mother Eileen about the dangerous conditions in Iraq. He remembers how Allen would say, ''We've been through some pretty close scrapes, Mom. Keep praying for us. I know God is watching over us.''

U.S. Army BG Michael J. Lally III, also spoke at the funeral. ''He was a born leader,'' he said of Allen. ''He had integrity, and he knew what was right.''

Mr. President, Allen Knop will never be forgotten by the friends and family who all loved him so much. He was simply fun to be around. His stepmother Francine Knop remembers he was so close to his family and always happy when with them. She said, ''We were absolutely a close family. He was with us during a lot of good times.''

Allen's father remembers the joy with which his son lived. He said, ''Oh, [Al] was always joking, always pulling pranks. He was just a happy-go-lucky guy, and he would do anything in the world for you.''

Allen was close to his grandmother, Alberta Knop. She lived down the street from him, and he'd often ride his bike to see her. ''He was just such a good boy, just a good person. He's just such a sweetheart,'' she said. ''He's my hero. I'm very, very proud of him.''

Mr. President, I conclude my remarks with the words of Allen's father. This is what he said:

> I want people to know my son was a brave and honest man, and he was loved by so many people—but nobody more than by his father.

Mr. President, Allen Knop lived his life with a selflessness that is rare. His loss is truly a loss for each and every one of us. My wife Fran and I will continue to keep his family in our thoughts and in our prayers.

SERGEANT DAVID KREUTER

Mr. President, I rise today to remember a brave Marine and a fellow Ohioan who gave his life in service to our Nation—Marine Sergeant David Kreuter, from Cincinnati. On August 3, 2005, Sergeant Kreuter was killed when a roadside bomb exploded under his amphibious assault vehicle. He was 26 years old.

Throughout his life, David loved everything about the outdoors. He enjoyed camping and joined the Boy Scouts as a child. From the time he was a small boy, David had an extraordinary sense of adventure equal only to

his sense of humor. He was simply the kind of person who was always bringing a smile to the face of others.

Mark Wiete, one of David's former Boy Scout troop leaders, remembers that David was always making everyone laugh. ''He was always doing funny voices,'' he said. ''He was very animated.'' And according to his father, Ken, David simply ''brightened a room when he came in, and it's that kind of spirit you can't replace.''

David graduated in 1997 from St. Xavier High School, where he ran on the cross-country team. After graduation in 1998, he joined the Marine Reserves. His godfather Norm Clarke remembers David's determination to always be the best. ''David wanted to do the toughest thing there is,'' he said, ''and the Marines represented that.''

As a Reservist, David attended Ohio University and then graduated from the University of Cincinnati in 2004, with a Bachelor of Science degree in Criminal Justice.

In September 2004 after graduating, he married his college sweetheart, Chrystina. Chrystina truly found the love of her life in the dedicated and fun-loving David. He was her rock of stability.

David had always made everyone in his life laugh. It was no different with his fellow marines in Iraq. With friend LCpl Tim Bell, a fellow Ohioan who was killed that same day alongside David, he was always cracking jokes. Despite being overseas and fighting in one of the most dangerous places in the world, David remained a good-natured prankster, someone who could always make his marine brothers smile.

Being a marine meant so much to David. When his tour of duty ended in Iraq, he was hoping to attend Officers' Training School and make the military his career. His friends and family remembered that he loved every part of being a marine—from the uniform he wore to working the most dangerous missions in the most insecure part of the world. ''He wanted to be the best,'' his father Ken remembers. ''He wanted to do the hardest thing possible. As far as we can tell, he was involved in just about every major mission or event over there.''

David consistently volunteered for his unit's most dangerous missions, even though he knew he might not return. But, you see, David believed in what he was doing and that he was fighting for what he believed was right. During phone conversations with his mother Pat he told her that he could see his marines making such a positive difference in Iraq.

David was passionate about his marines and passionate about his own unit. But he was also passionate about his family. He grew up with loving and devoted parents, and his two younger sisters, Kristin and Laura, adored him, even though he teased them endlessly.

Tragically, David was just beginning his own family when he was killed. According to his mom, ''He was going to be a really good husband and a good father.'' He and Chrystina had been married less than a year, and she had given birth to their son Christian just 7 weeks before his death. David was looking forward to his return so that he could meet his son for the first time. In one of his last letters home to his sister Laura, he wrote the following:

> No matter what, I think we should be home by the first week of October. I will see you then and we can talk about Halloween costumes for Christian.

David was never able to meet Christian in person, but the 7 weeks before his death were full of love and devotion for his son. On telephone calls with Chrystina, David would listen joyfully to the sound of his newborn son's peaceful breathing.

At David's funeral, the Rev. Tim Williams read a letter Chrystina wrote to David after his death. ''I promise you,'' she wrote, ''Christian will know you every day of his life and how much you love him. You paid the ultimate price to protect him.''

After David's death, there was an amazing outpouring of love and support for his family. One night they returned home from his visitation services, after spending hours meeting with friends and strangers, to find that their neighbors, along with the Oak Hills High School football team, had lined the streets of Miami Township, OH, with mile after mile of luminaries. At David's funeral, hundreds of mourners attended to pay their respects.

I never met David, but I was honored to be asked by the family to speak at his funeral. Everyone I met that day had countless stories about his wonderful sense of humor, his charisma, his devotion to family, and his devotion to country.

Indeed, David was the model of what a marine should be. No matter what challenge he was faced with, he always gave it his best. Once he started something, he wouldn't quit. He was committed to the values of freedom and democracy—the values that we all hold dear, and, in the end, he gave his life so that those ideals will be preserved for all of us. David was a marine through and through—completely dedicated to his mission and to the belief that what he did was right.

When I think of David's life, it reminds me of something President Dwight David Eisenhower once said:

> Only our individual faith in freedom can keep us free.

David truly had that faith in freedom and fought so hard to protect it. He didn't fight because he had to; he volunteered. He served in Iraq because this is what he believed in, and because of what he did our world has been made a better place. It is a safer place, both for us and for our children.

Christian Kreuter will grow up in a better world because of his dad. He will be proud of his dad, just as all of us are.

My wife Fran and I will continue to keep the family and friends of Marine SGT David Kreuter in our thoughts and in our prayers.

SERGEANT FIRST CLASS DANIEL B. CRABTREE

Mr. President, I wish to pay tribute this evening to a fellow Ohioan, Army National Guard SFC Daniel Brian Crabtree from Canton, OH. On June 8, 2006, Sergeant Crabtree died in Iraq when a roadside bomb detonated near his vehicle. He was 31 years of age.

Born in Columbus, Dan, as his family and friends called him, grew up dreaming that some day he would become a soldier. His mother Judy remembers coming home one afternoon to find her 13-year-old son on the phone with a strange adult. That adult was an Army recruiter, and Dan had signed up to join the service in 4 years. ''He was just a born warrior,'' Judy remembers.

Even as a boy, Dan displayed uncommon bravery and courage. His longtime friend Steve Hodges remembers one night in particular when he and some others were making noises outside a camping tent in which Dan was sleeping. Of those sleeping in the tent, Dan was the first to come out to see what the noise was. ''Even then,'' Steve said, ''you would recognize the military man Dan was to become.''

Dan simply could not wait to help defend his Nation. The only thing that stopped him from serving in the first gulf war is he was too young at the time, even though he tried to get his mother to sign papers allowing him to serve.

Dan joined the Army Reserves in 1992 when he was a junior at Lake High School in Hartville, OH. After graduating the following year, he transferred to the Ohio Army National Guard as an administrative specialist. He later trained as a military police officer and served the 135th Military Police Company in Brook Park. Along the way, he earned his associate degree in criminal justice from the University of Akron.

Dan's entire life was devoted to protecting others. Before defending his country overseas, he worked as a police officer guarding us at home. He was an officer in the Cuyahoga Falls police department for 9 years where he was assigned to the patrol division and was a member of the SWAT team and Honor Guard. Before that, Dan had worked with the Hartville police department for more than a year.

Dan's fellow officers remember him as a dedicated officer who was very comfortable patrolling the streets. They also remember him as a ''sweethearted'' man who would do anything for his fellow officers and his friends.

''He was young and ambitious, just a good guy,'' recalled Hartville police chief George Dragovich. ''He did a great job.''

Although Dan loved being a police officer, family and friends say that military service had always been his passion, particularly the Special Forces. He signed up for the Special Forces just 2 weeks before the terrorist attacks on September 11 and joined the

19th Special Forces Group of the Ohio National Guard in March 2002. He graduated from the vigorous Special Forces qualifications course in May 2004, finally earning that coveted green beret.

Family and friends remember that Dan's determination to succeed in the Special Forces was unmatched. No one worked harder. When Dan was training for the qualifications course, he was also working night shifts as a police officer. But simply being tired wasn't going to keep him from his dream. Instead, he would go for 15-mile runs with a backpack strapped to him—a backpack filled with several pounds of rock.

As an adult, Dan was very much the boy he had once been—eager to serve his Nation. ''At the time, he seemed excited to go over,'' Hartville police sergeant Dan Stiles said, remembering the time Dan was preparing to go to California to train for urban combat before being sent to Iraq. ''He was ready to go.'' When he left for Iraq, his fellow police officers gave him a parting gift—a medal of St. Christopher, the patron saint of travelers.

Dan loved the work he was doing with the Special Forces in Iraq. His civilian knowledge and experience with weapons uniquely qualified him for his mission—and that mission was the development and implementation of a SWAT training program for the Iraqi police force in Al Kut. In addition, Dan simply had a knack for teaching. Even with the members of his own unit, he always took the time to explain things. He was patient and understanding and so very knowledgeable.

A young soldier who trained with Dan in the United States remembers his kindness:

> He always stopped and took the time to talk to me. . . . He answered my questions no matter how stupid they were. That was Dan. He was what being a Special Forces soldier is all about.

But Dan was more than a knowledgeable comrade and teacher to his fellow soldiers. He was also a good friend, one who will be remembered with laughter and smiles. His fellow soldiers from the 19th Special Forces Group particularly remember Dan's first jump with the elite troops after he successfully completed the qualifications course. He landed badly, breaking his leg in the fall. One of his friends rushed over to make sure he was OK, only to find that Dan was lying there laughing, even while grimacing from the pain.

That was typical of Dan. That is what friends and family tell. He simply loved being in the Army. He believed in his mission. According to a fellow member of his unit, Dan ''died doing what he liked to do.''

Dan's death was a terrible blow felt by his entire community. More than 500 mourners, many of whom were uniformed police officers from Hartville and Cuyahoga Falls, attended his funeral to pay their respects to the fallen soldier. Volunteers from nearby police stations took over police officer duties in Cuyahoga Falls so that almost the entire department could attend the services.

As Cuyahoga Falls police chief John Connally said:

> We are just crushed. Everyone at the department is in shock. . . . We're going to miss him for a long time.

Those who attended the service remembered Dan's dedication to the military. Rev. Robert Baker said this:

> No one ever went up to Dan and said, ''Join the Army, join the Special Forces.'' It was in his heart. He was a man of uncommon valor and invincible courage.

Hartville police officer John Norman said that his friend was living his high school dream by serving as a member of the Special Forces. ''This is what he wanted,'' Officer Norman said.

Dan also will be remembered as a devoted husband and a father. He loved his wife Kathy and missed her when he was away. According to Officer Norman, Dan was planning to take some vacation time after he returned from Iraq so he could be a stay-at-home dad for several weeks to help Kathy. ''He was going to basically put the rest of his life into his wife and family,'' he recalls.

Steve Hodges, Dan's longtime friend, read a letter at his funeral that he addressed to Mallory, Dan's young daughter. In his letter, Steve remembered the proudest moment in Dan's life had been when Mallory was born. He told her about the things her father had loved, such as playing soccer, Atari video games, and Axis and Allies, a World War II strategy game.

Steve told her that her father had been a ''brave and kind'' man, someone who deeply loved to help people and deeply loved his country. Steve also read the following words about Dan:

> He was worried, Mallory, for your safety. He wanted the best for you—for you to be happy, for you to be able to enjoy the freedoms he loved so much.

Mr. President, Dan Crabtree will be remembered and missed by all who knew him. They will laugh at the memorable things, the funny things he said and did, and they will remember his smile. They will remember that he was a fitness fanatic who practiced kung fu and that he had one of the largest ''Star Wars'' collections in Ohio, a collection including everything from action figures to DVDs of the movies themselves. Most of all, they will remember the devotion and loyalty Dan had for his family, for his Special Forces, and for his Nation. Dan dedicated his life to serving our country. His actions have earned him more medals and awards than we can list tonight, including the Meritorious Service Medal, the Bronze Star, and the Purple Heart.

I conclude with words from a statement released by Dan's family. This is what Dan's family wrote:

> Dan was proud of the career he built in the Army. He was a loving husband, a dedicated and proud father, and a caring son. He was also a soldier who unwaveringly placed our country before himself. Dan was honored to serve with his fellow soldiers, proud to serve in the United States Army, and grateful to be an American.

Mr. President, Fran and I will continue to keep the family of SFC Daniel B. Crabtree, his wife Kathy, his daughter Mallory, his parents Ronald and Judy, his brother Bill, and his sister Debbie in our thoughts and our prayers.

LANCE CORPORAL BRIAN PAUL MONTGOMERY

Mr. President, this evening I would like to pay tribute to my fellow Ohioan, Marine LCpl Brian Paul Montgomery from Willoughby. On August 1, 2005, Lance Corporal Montgomery, age 26 at the time, gave his life in service to his country when insurgents in Iraq ambushed his sniper unit. He was serving with the Marine Reserve's Third Battalion, 25th Regiment from Brook Park, OH.

His family and friends will remember him most for his contagious smile and his patriotic sense of duty. His father Paul describes him as someone who was ''very selfless.'' Everyone who knew Brian agrees that he died doing what he wanted to do, which was serving his country as a member of the U.S. Marine Corps.

Brian graduated from South High School in Willoughby in 1998. He then went on to become a political science major at Cleveland State University and planned to have a career in law enforcement. At the same time, he was running a small video store in Willoughby with his wife Pamela.

After the terrorist attacks of September 11, Brian strongly felt his country was calling him to duty, so he joined the Marine Corps Reserves the next year.

Brian was close to his younger brother Eric, who had idolized his protective older brother while growing up. As young men, the two would become something more than brothers—they would become barracks mates in Iraq. Eric decided to enlist in the Marines when word started circulating that Brian's unit would be shipping to Iraq. Eric said:

> The first time I saw my brother in his dress blues, I wanted to do this with him. If my brother was going to Iraq, I was going to serve with him.

In January 2005, Brian and Eric were deployed together in the same unit. While at their base camp in Iraq, they would have long talks about the importance of family, country, and service. Brian told Eric that he had a responsibility to their parents to get him home safe. He said:

> I know you will take care of my wife and son if I don't make it, so I have to get you home.

No one was more proud than Brian Montgomery to be a marine. His wife remembers how he loved to show off his marine tattoos in bars. Brian's friend Lesley Bolden, who worked in his video store, remembers that a marine was something he always wanted to be.

In Iraq, even though Brian had been trained as a mortar man, he volunteered for sniper duty. Talking to his

father on the phone, however, Brian always downplayed the danger: ''I'm good to go,'' is the most he would say, but his father knew the truth. ''Keep lying to me, Brian,'' he would say. ''We can talk about it when you get home.''

When Brian died, he died alongside five other members of his sniper unit. They were really a close-knit group—friends, comrades, and brothers. I would like to share the words of SGT Brian Casagrande, who served with the snipers of the 3–25. This is what he said about Brian:

> I recall on numerous occasions after returning from a mission Brian would find Eric to make sure he was OK. 'Monty,' as we called him, would argue a point he didn't even believe, just for the sake of debate.

After Brian's death, Eric's marine brothers rallied around him in support. Eric said that:

> From the moment I found out, I couldn't go anywhere without another Marine grabbing me. That was their brother, too.

Their father Paul remembers how much being a marine meant to Brian. He said:

> Even though we've had a great loss, it's still very comforting to know he was doing something that he believed very deeply in.

Brian was an outstanding, dedicated, heroic marine. But even more importantly, Brian Montgomery was a loving family man who was devoted to his wife and son Alexander. His wife remembers that she knew she was going to marry him the very day they met. Brian was quite simply the love of her life. She said:

> You never believe in love at first sight until it happens to you.

Their son was born a few months before Brian was deployed to Iraq and marked his first birthday just 2 days after Brian was killed. Held in his grandfather's arms, he wore his own Marine dress blue uniform to Brian's funeral.

Brian's wife Pamela says that every day she will tell Alexander about his dad. She went on to say the following:

> I'll just tell him what a great man that Brian was, and he's a hero. What he did for his country, for his family, for every American citizen, we will never forget. He'll be proud of his dad.

At a church funeral service in Brian's honor, his father remembered how Brian always put others before himself, how as a small boy he had rushed to help a 5-year-old friend who had fallen and skinned his knee. He also remembered how the shock of the September 11 terrorist attacks prompted Brian to join the Marines. In Paul Montgomery's words, Brian simply ''had a deep conviction that he needed to protect his country.''

During the funeral, his brother Eric led mourners in a 2-minute standing ovation in Brian's honor. He said that ''Brian will always be right here with me, with all of you.''

Eric is currently attending the U.S. Naval Academy so he can become a Marine officer. In his brother's memory, he got a tatoo that Brian had always wanted. It reads: ''Never left. Never forgotten.''

Indeed, Brian Montgomery will never be forgotten. I had the honor of attending calling hours for Brian. I was able to meet the family and friends for whom he fought. Brian's stepmother Loren was making a giant scrapbook for him when he died. It was filled with the mementos of Brian's life. In it is a picture of the January day that he shipped out. He is cuddling newborn Alexander. There was a giant smile across his face. As Loren said:

> I never got to finish it for Brian. I will have to finish it for Alexander now.

In her husband's memory, all Pamela asks is that we support all of our servicemembers. She says:

> We need to honor our servicemembers every single day. If you see one, salute them. Or stop in the recruiting office or the VFW and thank them.

Pretty good advice, Mr. President.

Brian Montgomery was a young man with a deep commitment and resolve for service—a young man with an abiding love and dedication to his family, community, and country. Brian was the model of what we all hope our young men and women will become.

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

LANCE CORPORAL DEVON SEYMOUR

Mr. President, this evening I would like to pay tribute to a great soldier and fellow Ohioan, Marine LCpl Devon P. Seymour from St. Louisville, who lost his life on July 9, 2005, when an improvised explosive device exploded near his military vehicle in the Al Anbar Province of Iraq. Devon was only 21 years of age at the time.

Devon was a young man who always knew that he would one day join the military. As a boy, his favorite clothes were khakis and camouflage, and he was an avid collector of model airplanes. During high school, he joined the Civil Air Patrol Cadet Program and attended National Guard summer camps.

His mother Janet says she always knew her son would one day serve his country in the military. According to her, Devon was more interested in military life than he was in sports. She tried to persuade him to join the Air Force or the Army, but he was passionate about being a marine. In her words:

> Devon was a stubborn kid, but he was proud, and I was proud of him. I wish I could tell him that now.

From an early age, he displayed the dedication and responsibility that would make him an outstanding marine. His father James remembers how determined his son was to get a dog. He recalls:

> Devon wanted a dog, so what he did was he cut pictures out of magazines. Every time you opened a door, there would be a picture of a dog.

It was that same tenacity Devon brought with him into the military, a career he loved. As his friends have said, the military was just in his blood. His father James was a warrant officer in the Army National Guard, and his uncles were military men as well.

James said that his son decided to become a marine during his senior year of high school after the terrorist attacks of September 11. He believed so strongly in the cause that he talked to a recruiter right after 9/11 but was turned away because he was only 17 years of age at the time.

''He took his birth certificate in, but he was too young,'' James recalls. The 17-year-old Devon was told to wait until his birthday that November.

Devon joined the Marines shortly after graduating from Utica High School in 2002. His decision did not come as a surprise to Timothy Barrett, who is the principal at Utica.

> Devon was doing it not because his dad did it, but because it was the right thing to do. I am sure he had pretty strong convictions about being part of the fight in Iraq and helping secure freedom there.

While waiting to be deployed to Iraq, Devon worked with a tractor supply company in Newark, where he was both a valuable employee and a jokester. According to the manager Dave Butler, he ''soon blossomed into a treasured and dedicated employee.''

Devon was deployed to Iraq in February of 2005 and was assigned to the Weapons Company, 3rd Battalion, 25th Marines, out of Akron, OH. He was placed on active duty just 8 months after his father James returned from having served in Afghanistan.

Before leaving, Devon talked to a friend, retired school teacher Ron Thompson. Ron remembers the final conversation very well, and this is what Ron said:

> What was going on seemed to be the right thing, and Devon thought he was prepared. He knew it was a job that had to be done. He always struck me as that kind of person—always doing the right thing. I was very proud of him.

From Iraq, Devon often called Dave Butler at the Tractor Supply Company and other coworkers. According to Dave, Devon never complained. In fact, the day before he was killed, he called his mother to wish her well after her birthday. Janet said he told her about a fierce sandstorm and that conditions were bad. But he also defended the mission. ''He believed in the cause,'' she recalled. During the phone call, he also assured his mother that he was fine. ''Don't worry, Mom,'' he said. ''But I've seen a lot.''

His mother also remembers that he believed in what he was doing. This is how she explained his dedication:

> Before Devon left, he said that the Iraqi people had been bullied around and didn't have anyone to stand up for them. He said that was their job, to stand up for them, and he was there to do it.

Janet added:

> He was one of the good and decent people willing to help somebody. He was certainly worth knowing.

Devon is missed by all who knew and loved him. His community rallied

around his family as well as the families of the other marines who were killed alongside him. ''His death was a tragic loss,'' said his former principal, Timothy Barrett. ''When it's one of your own, it hits home a little closer. This is the first one from our high school to be killed in service. It gives you a deeper appreciation for freedom when it is one of your own who paid the ultimate price.''

Mr. President, Devon's father James remembers the fine young man his son became. ''He was a good kid,'' he said. ''He was very proud to be a Marine. And, I should say, we were very proud of him.''

The world is a better place because Devon lived in it. A young man with a great sense of compassion, a tremendous dedication to his family, community, and country, he is missed by all who knew and loved him.

MACHINIST'S MATE SECOND CLASS JOSEPH A. ASHLEY

Mr. President, I rise today to honor a fellow Ohioan and a brave seaman—Machinist's Mate 2nd Class Joseph Allen Ashley, from Manchester. Machinist's Mate Ashley died on January 9, 2005, when the nuclear submarine he was serving on—the USS *San Francisco*—collided with an undersea mountain. He was 24 years old. He is survived by his parents Vicki and Daniel Ashley, and two brothers Daniel Jr. and Benjamin.

Joey—as family and friends called him—attended Manchester High School where he was a percussionist in the marching band and a member of the Boy Scouts. Joey always had a huge smile on his face when he was on the field beating his drums. Those who knew him remember that beaming smile most and how he loved being in the spotlight.

''[Joey] liked to stand out in a crowd,'' said his brother Benjamin. ''Dan and I are the quiet ones. Joseph would more likely do the talking for us both.''

His brother Dan Jr. remembers that Joey thought of himself as a ''good ol' Southern country boy,'' swaggering about in cowboy hat and boots. Joey even modeled the horn on his green jeep from his favorite T.V. show—The Dukes of Hazzard. When he honked, the song ''Dixie'' blared loudly enough to announce his presence all across town.

Everyone always knew when Joey was around. Once, when he was stationed overseas, his father Dan honked the horn to see if it still worked. Before Dan knew it, people were calling him to see if his son was home.

After high school, Joey attended Stark State College of Technology for a year and took welding classes. He passed both the welding certification exams and the Navy entrance test in 2001. His father Dan had served 8 years in the Navy, and his mother Vicki remembers how excited Joey was to follow in his dad's footsteps. When he signed up, he told her, ''Mom I passed the Navy test; I'm going to do what daddy did.'' According to his mom, Joey ''always excelled in what he did.''

Joey was planning a career in the Navy, the service he loved. He made his rank in minimal time, and his enthusiasm and ability earned him the Junior Sailor of the Year Award at the Guam Naval base. His crewmates noticed his obvious talent for repairing machinery and his affinity for The Dukes of Hazzard, and gave him the nickname ''Cooter,'' after the show's mechanic.

Family was incredibly important to Joey. He frequently called home to check up on his parents and brothers and to let them know he was doing okay. He often swapped stories with his grandfather, who had also been stationed in the South Pacific during his time with the United States Army in WWII. During each phone call, Joey always made it a point to tell his family how much he loved them. That's simply the kind of person he was.

His faith was also important to Joey, and he found a church to attend wherever he was based. In Ohio, he was a member of both the Canal Fulton Baptist Church and the Akron Baptist Temple, and frequented other churches in the area, as well. And wherever he was, he had a smile for everyone he met.

Joey's mother describes her son with the following words:

> When he had his heart set on something, he would try his best to get it done. I always told him to do what he wanted in life, but to be the best at it and to always try his hardest.

Joey did, indeed, achieve his best, and lived his life to the fullest. The day he died, his family lost a loving son and the Navy lost a brave sailor. He was an excellent submariner, and a valued member of what is a truly unique brotherhood. The moment Joey earned his dolphin pin—which symbolized his fitness to serve on a submarine—he joined an elite family of explorers and warriors—our Navy's submariners.

When I think about Joey and his service and dedication to our country, I am reminded of words that Sir Winston Churchill once said:

> Of all the branches of men in the forces, there is none which shows more devotion and faces grimmer perils than the submariners.

Certainly, Joseph Ashley was the embodiment of those words. He was a brave sailor, devoted to his family, the Navy, and our Nation. He will never be forgotten. Family, friends, and fellow submariners from around the world have recognized his passing by leaving comments on his Internet tribute page. There are literally hundreds. The following words come from one of these tributes, written by a crewmate of Joey's on the USS *San Francisco:*

> . . . I am completely honored to have served with such a great man, a loving person, a hardworking individual, and especially a friend. He has touched my soul, as well the rest of the crew, forever.

Joey's father said that his son died doing what he loved—serving his country. ''This is what he wanted to do,'' he said.

Joey was buried next to his great-grandfather and namesake, who had also been a veteran. At the funeral, the Dixie horn on his green jeep played one last time for him.

Joey left a lasting impression on all who knew him. No one was a stranger to him. His crewmates will remember his ''wicked Michael Jackson'' impersonation—which one friend describes as ''moonwalking in cowboy boots.'' Manchester High School has established a scholarship in his honor. And most important, his family will always remember his smile, his warmth, and his enthusiasm.

I conclude by sharing the words of Reverend Dallas R. Billington, who spoke at Joey's funeral. Here is what he said:

> I want you to know what Joey has done for you. He gave his life so you can live in freedom.

Machinist's Mate 2nd Class Joseph Ashley served for us in foreign waters and patrolled our shores to keep us safe. We will remember him always.

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

SERGEANT DAVID R. CHRISTOFF, JR.

Mr. President, tonight I rise to pay tribute to a fallen hero who gave his life in service to this Nation—Marine Corps Sgt David Russell Christoff, Jr. from Rossford, OH. Sergeant Christoff was killed in Iraq on May 22, 2006, from wounds he received when a roadside bomb exploded while he was on foot patrol. He was 25 years old.

David Christoff was deeply devoted to our country. During his time in the Marines, he had toured the world with assignments in Australia, Thailand, Korea, Kuwait, and the Marshall Islands. At the time of his death, he was serving his second tour of duty in Iraq.

David had distinguished himself during his first deployment to Iraq, earning himself three commendation medals and the Purple Heart. One day, the young marine had been walking behind a truck full of troops when a roadside bomb went off. David's step-father, Jim, said that ''he risked his life quite a bit to pull a number of people away.''

David had also fought bravely through the Fallujah streets and was awarded a Purple Heart during his first tour for the shrapnel wounds he received during that battle. Despite these awards and honors, David never wavered in his desire to continue serving his country. He always felt that there was more he could do.

After returning to Ohio on leave in February 2005, David decided to leave his company—which was headed to Afghanistan—so that he could join one that was going to Iraq—and that was the Hawaii-based 3rd Battalion, 3rd Marine Regiment, 3rd Marine Division. David simply couldn't wait to return to the job he had been doing in the Middle East.

His mother Amy remembers that David believed he was making a positive difference. He felt a sense of duty to use his combat experience to train younger marines, as others had done for him. Amy said, ''They were there to help train him, and he wanted to be there for the younger Marines, also.''

A 1999 graduate of Shawnee High School—where he played golf and was a media center aid—David was a hero to those who knew him. The day after the terrorist attacks of September 11, 2001, he left his job in construction and enlisted in the Marines. Like countless other brave individuals, he felt compelled to help our Nation. He died doing what his family said he loved—and that was defending his country.

David's faith in the Marines was as great as his faith in America. His grandmother Ann remembers this about David:

> David was very smart and got good grades and worked his way up to sergeant very quickly in the Marines. He was always so sure that was what he was supposed to be and that was what he was supposed to be doing. He thought as long as the Marines were over there fighting we could all sleep good at home.

Bob Willman, a former Clark-Shawnee Superintendent, remembers David as a young man who was well-spoken, liked, and respected. It didn't surprise him that David joined the Marines. He said that ''David was loyal to his family, to his classmates, to his school, and obviously, to his country.''

When David enlisted, he made his intentions clear to his family. ''After 9/11, he wanted to protect everyone,'' said his aunt Bethann. And his father David Sr. said that therefore ''the only thing he could do was join the military. He does things all the way.''

Students, friends, and family all have such fond memories of David growing up. He love playing golf and also liked all kinds of music—rap when he was younger and classic rock most recently. He had big plans for his future, hoping for a career in law enforcement. But, after the terrorist attacks of September 11, he knew that his career could wait. His country simply needed him more.

I would like to share David's own words, from a 2002 interview with The Toledo Blade. This is what he said:

> I don't want my brother and sister to live in fear. I want to fight and defend the greatest country in the world.

David truly was a hero to his family. He was given leave to fly home in February 2005—and ended up saving his father's life by driving him to the hospital when David Sr. was suffering a heart attack. ''He came home to save my life,'' his father said. ''Just having him here [safe] and not in Iraq saved my life.''

David was a hero to his fellow Marines, as well. Corporal J.J. Aguirre, a fellow marine and friend, remembers what the marines in David's squadron had to say about the young sergeant: ''The guys would be like, 'Man, I'd follow that guy anywhere. If he said lay down here and open a field of fire with no cover, I'd do it.'''

SGT Hector Zelaya remembers that he found a brother in David—not just a friend:

> I've been through everything with him, from the beginning of boot camp to (school of infantry), from the Philippines and Korea and Thailand to Fallujah. He's my little brother. He was a true leader, and he had the confidence to stand alone.

Branden Skabla was David's best friend—they called themselves ''brothers from different mothers,'' and David was the godfather to Branden's son. The boys had grown up together and decided to join the Marines on the very same day. It was a day Branden will never forget. They were working a construction job together when the news of the September 11 attacks reached them. The young men looked at each other, and simply knew that their country needed them.

Branden will never forget his friend. ''It can't be real, but I know it is,'' he said. ''I keep waiting for that phone call from him to tell me that he's coming home. I'll be waiting for that phone call for the rest of my life.'''

Branden was with David's father when David's belongings arrived. Included were two letters, one to each of David's parents. In the letters, he asked family and friends to pray for those still serving our country overseas.

David was buried with full military honors in Arlington Cemetery. There was also a service in his honor in Ohio. At that service, David's parents were each presented with a Purple Heart medal. David, who joined the Marine Corps in 2001, had been awarded eight medals during his time in the Marines.

David Christoff, Jr. was a young man with a sincere dedication to our country, a compassion for others, and a love of life and liberty. He deeply believed in America, in his fellow Marines, and in his family. He was motivated by a single desire—the wish to protect those he loved most.

My wife Fran and I will continue to keep David's father, David Sr., his mother and step-father Amy and Jim Hogan, his brother Michael, and his sister Lauren in our thoughts and in our prayers.

MASTER SERGEANT ROBERT H. WEST

Mr. President, I rise today to pay tribute to a fellow Ohioan—Army MSG Robert H. West from Elyria. Master Sergeant West was killed in Baghdad on May 14, 2006, when an improvised explosive device detonated near his armored vehicle. He was serving with the 1st Battalion, 312th Regiment, 4th Brigade, 78th Division, based at Fort Bragg, North Carolina. He was 37 years old.

Master Sergeant West is survived by his wife Jeannie and their daughter Shelby, his mother Mary Heaton, and many loving aunts, uncles, and cousins.

Bobby—as he was known by family and friends—dedicated his life to training the young soldiers who would follow in his footsteps. When he was killed, he was serving his second tour of duty in Iraq and was helping train the new Iraqi police force. He had volunteered for the deployment because he felt his country needed him and because the military was a job he loved and wanted to do well. According to his aunt Bonnie, Bobby believed strongly that he had the experience and know-how needed to train Iraqi police officers. ''He wasn't afraid,'' remembers Nora Hudson, another aunt of Bobby's. ''He said, 'I'm a trained professional, it'll be all right.' ''

Bobby graduated from Elyria Catholic High School in 1987, where he played on the legendary 1984 state championship football team. He was also involved in choir, baseball, and the ski club.

Lou Rotunda, Bobby's former basketball coach at Elyria Catholic, described him as ''a quiet, great kid. He was just a fantastic person.''

After graduating, Bobby enlisted in the Army in 1988. He was originally assigned to the armored cavalry. From there, he served for 6 years as drill instructor. Later, he transferred back to cavalry and served as a tank commander during his first deployment to Iraq in 2003 and 2004. A member of a Division experienced in training Army reservists, Bobby then returned to Iraq for a second deployment to help train the new Iraqi police force.

Bobby loved the camaraderie of Army life. Sergeant 1st Class Gerry Galloway, who was traveling with Bobby when the fatal attack occurred, had first met him several years ago at Fort Knox in Kentucky. In his words, Bobby was a ''great NCO, great leader, good decision-maker, [and] good friend. I would follow him anywhere.''

Joseph McFarlane, who served with Bobby, wrote the following about him in an email message posted to an Internet tribute Web site:

> Thank you, Bobby, for being a great mentor, peer, and most of all, friend. It hurts me as I write this message and my prayers go out to your loved ones left behind. You have impacted so many young men in your service to this nation. A true Hero, I will miss you always.

When Bobby was killed, he was riding in a humvee, alongside 45-year-old CWO John W. Engeman, who was also killed in the attack. The two men were close and had been good friends ever since meeting 3 years prior. Both deployed voluntarily.

''They loved what they did, and they were good at it,'' said Bobby's wife Jeannie, speaking of the devotion both men felt for the Army and for their country—a devotion that was just in their blood. According to Donna, John Engeman's wife, ''It's just what they did. They were just very quiet and very privately dedicated to what they did.''

Fort Bragg's Main Post Chapel held a memorial service in memory of both Bobby and John. Over 200 mourners attended—most of them soldiers wearing

the lightning patch of the 78th Division on their uniforms.

Bobby enjoyed many things, including football, golf, hunting, and other sports. He had plans of someday possibly becoming a county sheriff's deputy. The most important thing in his life, though, was always his family. He loved spending time with his loved ones. He married Jeannie—the love of his life—in 1989. His mother Mary, in the words of his Aunt Bonnie, ''was gold to him.'' And to Bonnie, herself, and her children, Bobby was like a son and a brother. She said,

We had a special bond, and it grew stronger through the years. No matter how many times he was in and out, he always gave me a big bear hug and a kiss.

Bobby was close to his cousins, as well. John Shreve, Jr., wrote the following about his cousin:

Bobby brightened every life he touched. You were much more than a cousin to me. You will be greatly missed by all. You are my hero.

Bobby's family remembers him as a funny guy, whose off-hand comments and sunny disposition could brighten even the worst mood. ''People were drawn to him, especially kids,'' said his Aunt Tammi. ''They wouldn't leave him alone!''

Those who knew Bobby describe him as someone who could make you laugh until you cried—until your cheeks hurt. He loved his family and he loved being a soldier. His colleagues will always remember his friendship, his experience, and his sense of humor. Bobby was a mentor to many soldiers and drill sergeants throughout his life and has influenced countless young men and women in their service to our Nation.

Because of his courage and leadership, Master Sergeant West was a true hero to all who knew him. He was a man who lived his life with great love for and commitment to his family and friends—a man who dedicated his life to protecting others. With his actions, Bobby truly made this world a better place.

My wife Fran and I will continue to keep the family of MSG Robert H. West in our thoughts and in our prayers.

SPECIALIST ANTHONY D. KINSLOW

Mr. President, I rise today to pay tribute to a fellow Ohioan—Army Specialist Anthony D. Kinslow, from Westerville, who died on June 13, 2005, when his military vehicle came under attack in Iraq. He was serving with the 2nd Battalion, 17th Field Artillery Regiment, 2nd Brigade, 2nd Infantry Division from Fort Carson, Colorado. He was 21 years old.

Anthony was a young man liked and respected by all who knew him. He attended Big Walnut High School, where he was in Roy Merchant's mythology class. Roy remembers Anthony as a good student, always quiet and polite. And Anthony's friends and family describe him as gentle, bookish, and gentlemanly.

He was kind—someone who was always considerate of others. His was a calming presence, some have said. According to his mother Kathleen, the only time she ever saw him intense was when he was writing.

A family friend remembers the type of good, hard-working person that Anthony was. As she put it, ''he was a very kind, nice person. He worked through high school. Some of the nicest seem to be the ones who go.''

Anthony had strong ties in his community, where his grandfather had built the house where he lived. Neighbors say that some members of Anthony's family had lived there for at least 40 years.

Anthony graduated high school in 2002 and enlisted in the Army in May 2004. He was first stationed in South Korea, where he saw the rain and lightning of the monsoon season. He was then redeployed to Kuwait and then shortly afterward to Iraq.

Before being deployed to Iraq, Anthony had worked in the local Waffle House restaurant. It was here that he met his girlfriend Nichole. Although no date had been set, the two were planning on getting married when Anthony's deployment was finished. Heather Potts recalls that Anthony was always sending Nichole flowers while he was home—sometimes four times a week. She said, ''Our living and dining room and kitchen were always filled with flowers.''

Heather wrote and sang a song entitled ''Come Back to Me'' for Anthony when he returned home on leave in January 2005. She said, ''I was so scared he wouldn't come back.''

Anthony was very close to his family. He adored his brothers and sisters, while growing up, and cradled his nieces and nephews as an adult. As his mother said, ''We all thought that when he passed away, how sad it was that he wouldn't have children.''

Anthony was completely devoted to his family and friends. Whenever they needed him, he was simply there for them. This same selfless devotion characterized his service in Iraq. One of his Army comrades wrote the following to Anthony on an Internet tribute website:

You were my friend and brother through thick and thin. You were always there for me when I needed a hand. We had many great times over the last year, regardless of the circumstances. I miss you much already, and I only wish you were here now.

Another soldier from Ohio died along with Anthony on June 13, 2005—and that was SGT Larry Kuhns from Austintown. Sergeant Kuhns' sister Sarah left the following message on that same Internet tribute Web site:

My brother Sergeant Larry Kuhns served with Anthony, and they both fell together. Ever since that day, I have felt lost and alone. I am truly sorry for your loss. My brother talked about Kinslow and thought he was a brave man. My heart goes out to all of you.

At Anthony's funeral, BG Albert Bryan described him as ''first and foremost a soldier.'' He went on to say:

Specialist Kinslow, in choosing to be a soldier, chose a life of service over personal fulfillment . . . to provide for the greater community rather than to seek out those things that lead to personal gain.

At the same service, the Reverend James Walter called Anthony a ''peacemaker.''

Anthony's mother remembers her son's bravery when he departed for Iraq. She wrote Anthony a letter after his death, which was read by a friend during his funeral. Her words describe Anthony as stoically turning to board the plane that would take him back to the battlefields. She wrote, ''I marveled at your immense strength and bravery.''

Anthony will be remembered and deeply missed by all who knew him. He was a kind, loving man who served his country selflessly. In the end, however, the best words to honor him belong to his mother. She said this about her beloved son:

You were one of the brightest lights of my life, and I know you will shine down on us from heaven. I will always love you, tons, bushels, and spoonfuls.

My wife Fran and I continue to keep Army SPC Anthony D. Kinslow's family—his mother Kathleen, his father and step-mother A. Scott and Julia Kinslow, his sisters Emily, Mary, and Lucie Kinslow; his brothers Peter Kinslow and PFC Owen Kinslow, and his step-sister Kelli Vanover—in our thoughts and in our prayers.

LANCE CORPORAL EDWARD AUGUST ''AUGIE'' SCHROEDER II

Mr. President, I rise today to honor a fellow Ohioan—Marine LCpl Edward Schroeder II, who died on August 3, 2005, when a roadside bomb exploded by his vehicle in Iraq. He was 23 years old.

The son of Paul Schroeder and Rosemary Palmer and the brother of Amanda Schroeder, Lance Corporal Schroeder's middle name was August, and to family and friends he was known simply as ''Augie.'' Born in Columbus, he and his family lived in China during his pre-school years before moving to New Jersey, where he graduated from Columbia High School in 2000.

Augie's father remembers his son as a young man of great promise, with an ''easy charm and readiness to help.'' Indeed, Augie was the type of person whom we can all admire. At Columbia High, he was a member of the swim team and lacrosse team. During his free time, he would go door-to-door collecting food for needy families and was a member of a church outreach program that painted run-down homes, built wheelchair ramps, and repaired roofs. He also passed the qualifications test to become an emergency medical technician and served on two emergency squads. A friend from his church outreach program remembers that Augie was simply the kind of person everyone should strive to be.

Augie's mother Rosemary recalls that ''he just liked to help people.'' And sister says that Augie ''was a hero before he died—not just because he went to Iraq. I was proud of him before.''

After graduating from high school, Augie followed family tradition and enrolled at The Ohio State University, while his family moved to Cleveland. Augie studied criminal justice at OSU and was a member of the Phi Kappa Theta fraternity. His fraternity brothers remember that he loved to hang out in the fraternity house, sipping beers and talking about Buckeyes football.

Augie began thinking of joining the Marines after the terrorist attacks of September 11. He enlisted in 2002. Augie wanted to serve his country and felt that the Marines was simply the best way for him to do that.

Mr. President, Augie is remembered most of all for his wonderful sense of humor. His mother describes him as a boy of contrasts—he could be somber, but he also had a good sense of fun. Friends and family still laugh over his many jokes and pranks.

For example, Augie's pre-school once held an event where the kids were told to dress in a manner highlighting their heritage. Augie showed up wearing a pair of lederhosen. He pulled them way up and told everyone that he was the German cousin of the famous television character Steve Urkel and then did a perfect imitation.

Augie kept his sense of humor throughout school. Once, during a middle school talent show, he performed as an inept magician, who, along with his dummy partner, fumbled all his tricks.

And, Augie never lacked ideas for humorous Halloween costumes. He showed up at one Halloween party dressed as Tonya Harding, wearing a figure-skating outfit and carrying a lead pipe. Another legendary costume involved four fingers, a thumb, and a T-shirt lettered ''L.A. Evidence Room'' and ''one size fits all.'' He was the infamous bloody glove from the O.J. Simpson case.

Augie's mother said that she always thought that he would eventually become either a police officer or a stand-up comic—she just didn't know which.

Rosemary also remembers that being part of a team was incredibly important to Augie. Whether growing up in China—where collaborative work is stressed—or playing on his many sports teams in New Jersey, Augie was always someone who believed in working with others toward a greater goal. He loved to participate on the football, soccer, baseball, lacrosse, and swimming teams. He was simply a person who believed in placing teamwork before individual gain. ''Some people are just on that wavelength and that was Augie,'' his mother said.

Augie's belief in the importance of teamwork is reflected in the work he did while growing up and as a young man. At different times, he worked as an emergency medical technician, a lifeguard, a Boy Scout, a church youth counselor at Camp Glen Gray, and a marine. Along the way, he made a positive impact on every life he touched.

Augie was a young man of great maturity and compassion. Maralynn Fahey, a church youth group leader, describes him as a ''selfless'' teenager. She particularly remembers his help during food collections. She said, ''Dropping 500 bags in the neighborhood was a real effort, and that was something Augie was willing to do.''

An anonymous author once wrote, ''How lucky I am to have known someone who was so hard to say goodbye to.'' No better words reflect the sentiments of those who knew and loved Augie Schroeder. His desire and willingness to help others—even those he didn't know—endeared him to all. He was simply a great friend and model citizen.

Augie's fraternity brother Brian Cox said the following at his friend's funeral:

> With Augie, there were no enemies—only friends. He was put on Earth for a reason. Augie was, is, and always will be my hero. [. . .] There are very few people of whom you can truly say [they] never let you down—whom you can call a best friend.

During his funeral, Reverend Charles Yoost also remembered the many lives Augie had touched. He said that ''it doesn't seem possible to believe that Augie is gone. His brief life made some of us more thoughtful people.''

His mother remembers that Augie was always asking what was out there. He wanted to experience everything he could. His approach to life was simple—''Let me try.''

Augie was a man who lived life to its fullest. He was a devoted friend, son, brother, and soldier. His sense of humor brightened others' days and his generosity and strength of spirit were an inspiration to all who knew him.

Augie's family and friends will never forget the young man who brought so much joy to their lives. He was an individual who understood the importance of honor and integrity, who believed in loving and respecting his family, and who knew the importance of serving one's community.

I am honored to speak about him today.

My wife Fran and I will continue to keep the family of Augie Schroeder in our thoughts and prayers.

SERGEANT BENJAMIN J. LAYMON

Mr. President, I rise today to remember a fallen soldier, who gave his life while serving our Nation in Iraq—Army Sgt Benjamin J. Laymon, from Mount Vernon, OH. On June 24, 2006, Sergeant Laymon died during foot patrol when a roadside bomb exploded. He was 22 years old.

Ben, as family and friends called him, was a good-natured jokester, who loved to pull pranks and make others laugh. Those who knew him best described him as the light in the room, and his family called him ''Gentle Ben'' because of his deeply caring nature. ''He was so sweet and considerate,'' remembers his mother Gale. And according to his step-father David, Ben ''was the type of kid who would call if he was going to be late because he didn't want you to worry.''

As a boy, Ben would often visit a 72-acre farm belonging to his aunt and uncle Shirley and Richard Laymon. He was always a welcome visitor. Shirley said that ''Ben was one of the sweetest, most thoughtful persons you'd ever want to know. He was so sweet, cared about everybody, and cared about his country.''

Ben attended Mount Vernon High School, where he proudly wore No. 73 on the football field for the Yellow Jackets. His former football coach, Scott Spitler, wasn't surprised at all when he learned that Ben had decided to enlist in the Army. ''He was just a very hard worker and very caring,'' Scott said. ''Ben was the type of kid who was willing to do anything that he could to help his teammates, to better himself, and to better his team.''

Ben's former teammate, Chad Biddle, remembers the positive impression Ben always made. ''He was the type of guy everyone got along with,'' Chad said. ''He was always the center of attention, even when he wasn't trying to be. He was just an all-around, down-to-earth good guy.''

Ben's close friend, Jessica Frazee, also recalls his great sense of humor and his compassion for others:

> Ben was the class clown. He liked to laugh. He was the kind of friend who could make all of your troubles go away. He always put people in front of himself, always listening to what everyone else had to say. He is everybody's hero. He just wanted you to be happy.

Ben's sense of humor truly was legendary at Mount Vernon High School. He would often dress up in funny costumes to attend basketball games, and once even convinced his friend Joey Armstrong to go with him dressed as hunters in bright orange hats with ear flaps. ''He was always making everyone laugh,'' Joey remembers. ''He was hysterical. . . . He was my best friend—the best friend anyone could ever have.''

Ben's childhood dream was to become a soldier. He simply knew what he wanted to do. As his brother Andy said during his funeral, ''Few people at Ben's age knew what they wanted to do with their lives. But Ben did. He had goals and plans. He gave the Army 110 percent, and for that, I am so proud of you Ben.''

Ben enlisted in the Army in September 2002 and began serving his first tour of duty in Iraq in 2003. His second tour began in November 2005. Family friend, Dick Shafer, remembers how excited Ben was about what he was doing—about how he believed in what he was doing and would write often of the good he saw happening in Iraq.

And, Ben's family remembers that he liked being in Iraq because of the challenges and the freedom to do his job. After his tour finished, he was hoping to become a SWAT officer in the Columbus police department.

Ben was dedicated not only to serving his country, but also to the family he loved so very much. His sense of

humor and love of laughter made him most popular with his six young nieces and nephews. His mother Gale particularly remembers the love Ben had for kids. She said: I always thought he would be a great teacher for younger children.

Even while in Iraq, Ben wanted to keep his family happy. When calling or emailing, he was always more concerned about them than himself. His mother remembers the very words he always said—''Don't worry, I'll be fine.''

Those who knew Ben remembered his rich life during his funeral at the First Christian Church. Reverend Jamie Gump said that Ben lived a full life but died too soon for those who loved him. Reverend Gump also read a letter from Ben's mother, in which she wrote: I miss you so much and long to see your face.

At the service, MG David Huntoon presented Ben's parents with their son's Purple Heart and Bronze Star, and said:

> Sergeant Laymon was part of the 10th Cavalry, a proud outfit that has seen many heroes. His mission required courage and compassion. It was clear to the United States Army that he was an outstanding leader.

Ben's death has been a loss to his entire community. His friends and neighbors will never forget him. Kathy Blair knew both Ben and his family. ''I'm feeling great sadness, unbelievable sadness,'' she said. Beth Totman also knew Ben. ''He was a super-nice guy, so kind and fun to be around,'' she said. ''He always seemed to have a smile on his face.''

Ben brought joy and laughter to all who knew him. I would like to conclude with the words of one of Ben's fellow soldiers, a young man named Pete, who was with Ben when the roadside bomb exploded. This is what Pete said:

> I'm going to miss him so much. He was a great friend. He could make me laugh at the worst possible times in my life. Even now, I look back on the stuff he did and laugh.
>
> Ben will always be remembered. His compassion and positive attitude were truly rare, and he simply brightened the lives of all who knew him. My wife Fran and I will continue to keep Ben's father and step-mother James and Kathy Laymon his mother and step-father Gale and David Harstine, and his brothers Trevor, Curt, and Andrew in our thoughts and in our prayers.

I yield the floor.

CORPORAL NICHOLAS A. ARVANITIS

Mr. GREGG. Mr. President, I rise today to pay special tribute to U.S. Army CPL Nicholas A. Arvanitis of Salem, NH. On October 6, 2006, this brave 22-year old paratrooper gave his life for his Nation while engaged in combat operations with enemy forces near Bayji, Iraq. Corporal Arvanitis had been stationed in Iraq since August 2006, serving as a squadron leader assigned to Company C, 1st Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, Ft. Bragg, NC.

Nicholas, or ''Nick'' to family and friends, grew up in Salem, NH, and was a 2003 graduate of Salem High School. He was a member of the wrestling team and played guitar in the jazz band and sousaphone in the marching band. Friends remember him as a team player, who got along with everyone and was always smiling.

Nick joined the U.S. Army in August 2003 because he wanted to protect his country and his family. Friends and family said he loved his country, wanted to defend it, and sensed a call to duty. He completed Infantry One Station Unit Training at Fort Benning, GA, in December 2003 and the Basic Airborne Course in January 2004. He reported to Fort Bragg, NC, in March 2004 and was assigned to the 82nd Airborne Division in April 2004. Corporal Arvanitis deployed to Afghanistan in the fall of 2004 in support of the Afghan elections and deployed to Iraq in July 2006 as a member of 3rd Brigade Combat Team in support of Operation Iraqi Freedom.

Corporal Arvanitis' awards and decorations include the Bronze Star Medal, Purple Heart, Army Commendation Medal, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, Combat Infantryman Badge, Parachutist's Badge, and Expert Weapons Qualification Badge.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Bayji—and U.S. Army CPL Nicholas Arvanitis served and fought in that same fine tradition.

My sympathy, condolences, and prayers go out to Nick's maternal grandparents Leonard and Rita, his parents Maureen and Richard, his sister Kimberly, and to his other family members and many friends who have suffered this most grievous loss. All will sorely miss Nicholas Arvanitis, the forgiving young man with a heart of gold, the patriot who always thought of his family and friends, the courageous and outstanding paratrooper who served our Nation with distinction and honor. In the words of Daniel Webster, may his remembrance be as long lasting as the land he honored. God bless Nicholas A. Arvanitis.

LANCE CORPORAL MICHAEL SCHOLL

Mr. HAGEL. Mr. President I rise to express my sympathy over the loss of U.S. Marine LCpl Michael Scholl of Nebraska. Lance Corporal Scholl died from wounds suffered in combat operations in Iraq's Al Anbar Province.

Lance Corporal Scholl was from Lincoln, NE. A 2002 graduate of Lincoln High School, he was originally denied enlistment with the Marines. But with persistence, Lance Corporal Scholl received a medical waiver and became a marine in 2003.

While stationed in Hawaii, Lance Corporal Scholl met his future wife Melissa. The couple were married a day before he was deployed to Afghanistan. He served in Afghanistan from summer 2005 to January 2006. Within a month of his return, he and Melissa were expecting a baby. On October 11, 2006, only a few weeks after Lance Corporal Scholl was deployed to Iraq, Melissa gave birth to Addison Rose Scholl. Although he never met his daughter, Lance Corporal Scholl was a proud father. He received pictures of her while he was in Iraq and also recorded stories for her to hear as she grew. Thousands of brave men and women like Lance Corporal Scholl are serving in Iraq.

In addition to his wife and daughter, Lance Corporal Scholl is survived by his father Steven Scholl of Friend, NE, and his mother Debora Chandler of Lincoln, NE.

I ask my colleagues to join me and all Americans in honoring LCpl Michael Scholl.

HONORING SENIOR MASTER SERGEANT MICHAEL L. LEMKE

Mr. ENZI. Mr. President, I would like to recognize airman SMSgt Michael L. Lemke, stationed at Francis E. Warren Air Force Base in Cheyenne, WY. Senior Master Sergeant Lemke was selected as one of the Air Force's 12 Outstanding Airmen for 2006. The award is based on his superior leadership, job performance, and personal achievements.

The Air Force honors the 12 Outstanding Airmen of the Year at the annual Air Force Association's Air and Space Conference and Technology Exposition in September. Over 352,000 Active-Duty airmen were considered for this award. I am pleased they recognized Senior Master Sergeant Lemke with this well deserved honor. I had the pleasure of meeting with Senior Master Sergeant Lemke while he was in Washington to receive his award.

Senior Master Sergeant Lemke has been in the Air Force for 19 years and is the superintendent of the 90th Contracting Squadron at F.E. Warren AFB. He was also selected as the top graduate at the Senior Non-Commissioned Officer Academy out of 2,515 Senior NCOs who graduated in 2005. He recently returned from deployment in Iraq and I thank him for his sacrifice and service. Senior Master Sergeant Lemke is preparing to retire from the Air Force.

I have always said that anyone wanting to live in Wyoming will do so if they can create a job. As chairman of the Senate Committee on Health, Education, Labor and Pensions and also a member of the Small Business Committee, I am pleased that Senior Master Sergeant Lemke will be entering the private sector as a small business owner in Cheyenne. He and his wife Maria, who is an accountant, will be partners in Front Range Nuclear Medicine. One of the biggest problems in rural America is access to health care facilities. Front Range Nuclear Medicine helps improve access to health care for people in Wyoming by transporting medical scanning technology

to the hospitals. Before I came to the Senate in 1997, I operated a small business with my wife, and I wish the Lemkes the best of luck in this new endeavor.

Again, I congratulate SMSgt. Lemke for his selection as one of the Air Forces' 12 Outstanding Airmen for 2006.

COMMEMORATING THE 100TH ANNIVERSARY OF ALPHA PHI ALPHA FRATERNITY

Mr. REID. Mr. President, today I rise to salute Alpha Phi Alpha Fraternity, which celebrated its 100th anniversary on December 4, 2006. Founded at Cornell University in 1906, Alpha Phi Alpha is the Nation's oldest African-American fraternity. In addition to Martin Luther King, Jr., the fraternity also proudly claims notable American leaders such as former U.S. Supreme Court Justice Thurgood Marshall, former Senator Edward Brooke, Congressman CHARLIE RANGEL, Detroit Mayor Kwame Kilpatrick, and countless others.

From advocating for the rights of African Americans to encouraging young people to attend college, Alpha Phi Alpha has played an important role in our country. Most recently, the fraternity successfully pushed to create a national memorial for Martin Luther King, Jr., on the National Mall in Washington, DC. I send my best wishes upon this important milestone, and I am certain that the fraternity will continue its rich legacy of service and social justice in the next 100 years.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On October 11, 2006, in New York, NY, Michael Sandy, a gay man, was attacked by four men. During the attack, Sandy was struck by a car while trying to flee. According to police, Sandy went to meet a man that had contacted him through a singles website. They drove to a parking lot where three other men were waiting, the group subsequently attacked and beat Sandy. Police believe that these men have used the Internet to find victims numerous times in the past.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PORTLAND—UNWIRED

Mr. SMITH. Mr. President, I rise today to recognize my home State of Oregon and the city of Portland. Thanks to the visionary leadership of Portland city officials and their plan to ''Unwire Portland,'' the forecast in Portland today is ''overcast, with free broadband access for everyone.'' You see, there is a new cloud covering the city—a Wi-Fi broadband cloud.

Residents, businesses, and city officials will be able to access the Internet anywhere under the 134 square mile Wi-Fi cloud, download content as quickly as 1 megabyte per second, and upload at speeds reaching 256 kilobits per second. And they will be able to do it all for free.

The Wi-Fi network will not only offer city residents and businesses a new affordable choice for broadband access, but will also improve the efficiency of city government operations. Public safety and other field-based employees will now be able to wirelessly download and upload reports and data from the field.

The public / private partnership that was struck by the city to realize this accomplishment perfectly illustrates how municipalities, free of State restrictions, can improve access to broadband opportunities for its citizens while improving city services.

The Wi-Fi cloud over Portland also reminds us that the future competitiveness of our country depends upon ubiquitous broadband deployment.

Congress must enact legislation that clearly articulates a national broadband policy and provides affordable broadband access for all Americans. I look forward to working with each of you, my colleagues, toward this endeavor.

TIME FOR A CHANGE

Mr. LEVIN. Mr. President, crime in our Nation is increasing. Too often guns are involved. In 2005, our country experienced a surge in murder and robbery rates. Unfortunately, that surge has continued in 2006. The Police Executive Research Forum, a think tank that serves many of the Nations' police departments, examined the murder and robbery statistics of 53 U.S. cities for the first 6 months of this year. In their report, ''A Gathering Storm: Violent Crime in America,'' they report that murder has increased in 26 of the 53 cities, and robberies have increased in 43 of the 53 cities.

In Boston, after a 19.6-percent increase in murder in 2005, the first 6 months of 2006 produced another 27.5-percent increase. In Memphis, murder increased 27 percent in 2005 and 43 percent in 2006. Police officials attribute these severe increases to increases in gang activity, violent offenders returning from prison and kids who have easy access to guns.

In September, the Federal Bureau of Investigation reported that in 2005 violent crime increased 2.3 percent, murder and non-negligent manslaughter increased 3.4 percent, robbery increased 3.9 percent, and aggravated assault increased 1.8 percent from 2004.

What may be even more dramatic is the fact that these statistics are not exclusive to larger cities. Smaller communities that typically had relatively low amounts of crime have also been affected. In the first 6 months of 2006, robbery was up 47 percent in Rochester, NY, 37 percent in suburban Montgomery County, MD, 36.8 percent in Minneapolis, 36 percent in Milwaukee, and 27 percent in Norfolk, VA. This translates into thousands more people being robbed, often at gunpoint.

According to a poll conducted by the Washington Post and ABC News, 61 percent of Americans favor stricter gun laws. This is up from 57 percent in 2002. The 109th Congress's record on gun safety is not one of which to be proud. It has been a ''do nothing'' Congress. I will continue in the 110th Congress to work to pass sensible gun safety legislation to help make our communities safer.

THANKING UTAH VOLUNTEERS

Mr. HATCH. Mr. President, I rise to pay tribute to all the men and women in Washington County, UT, whose hard work and diligence have made and are making the Dinosaur Discovery Site at Johnson Farm such a success. These dedicated volunteers are helping to protect and display an asset of great value not only to Utah but to the world.

The history of this discovery is fascinating. A few years ago, retired optometrist Dr. Sheldon Johnson was preparing his farm site for development, and as he turned over the earth, he discovered tracks of early residents of Washington County—very early residents, in fact. Dinosaur tracks dating back to the Jurassic period of history were uncovered. They are being preserved and are bringing economic and historic benefit to St. George, Washington County, UT, and the Nation. To date, visitors from 68 nations and all 50 States have visited the site.

I want to recognize and thank Dr. Sheldon and LaVerna Johnson who discovered the tracks and then donated the land to preserve this heritage. The Johnsons have made it all possible. Linda Sappington, Washington County volunteer coordinator, aided by volunteer supervisors Kae Crabtree and Carole Chadwick, began in February 2000 to bring together individuals who cared about the tracks and who were willing to give of themselves to help preserve the find.

I also want to recognize and thank Mayor Dan McArthur, the city of St. George, Washington County, and the Utah State Legislature for their efforts. Past and present museum staff Theresa Walker, Andrew R.C. Milner, Janice Evans, Bob Kroff, and Anneli Segura have put forth countless hours

of work and dedication to enhance, preserve, and share this prehistoric treasure with the community and future generations.

In addition to the Johnsons, I recognize Suzanne Allen; Dr. Andrew Barnum; Herb Basso; Dr. David Borris; Alan Crooks; Lyle Drake; Kenneth Hinton; Sharon Isom; unfortunately, now deceased; LaRee Jones; Dr. James Kirkland; Dr. Martin Lockley; Dan Matheson; the late Layton Ott, Kathy Smith; Darcy Stewart; Marshall Topham; Gary Watts; John Willie. They are all members of the DinosaurAh!torium, a 501 (c) 3 foundation responsible for funding the project. Advisory members include James Hansen, Dr. Jerry Harris, Gary Sanders, with Cliff Green and Robert Milner, resident artist. I also thank Paul Jensen and Jeff Chapman for allowing access to their properties for the collection, preservation, and storage of fossils.

Finally, today, I specifically want to recognize and thank the many volunteers who have made and are making the Dinosaur Discovery Site at Johnson Farm possible. Many of these wonderful individuals have been contributing their time and energy for more than 5 years. A tremendous thank you to the Dinosaur Discovery Site at Johnson Farm volunteers. I commend each of them.

Mr. President, 2000 volunteers include Chad Anderson; T.R. Thompson; Andrew Milner; Donnette Hatch; June Barton; Rae Crabtree; Nina Schwarze; Karen Rammell; Lee Rammell; Doug Bergen; Richard Gardner; Ryan Babcock; Dick Groves; Robert Pritchitt; Klein Adams; Rafael Acosta; Ryan Oburn; Hal Arrowood; Jason Skeen; Clyde Terry; Vilma Terry; Bev Middleton; Chris Walker; Steve Smith; Helen Salvatore; Cindy Greco; Scott Broen; Jereen Hyde; Stevan Duke; Barbara Duke; Stacie Wilson; Constance Sherwood; Jacob Hendriks; Josephine Kellejan; Ruth Rote; John Rote; Dustin Rooks; and Brett Bronson.

Mr. President, 2001 volunteers: Jim Burns; Barbara Hatch; Peggy Wardle; Carol Duley; Gary Watts; Ember Rodgers; Kirk Rehfield; Bill Reynolds; Theresa Walker; Cassandra Lee; Lynnie Rolfe; Joel Campbell; Ryan Losee; Chris Gibson; Kyle Fraley; John Shaw; Steve Anderson; Drew Gubler; Shelton Heath; Paula Ryan; Bernie Yeager; Jill Conner; Candace Crane; Nichole Burton; Austin Carter; Dusty Ott; Kirk Richfield; Nate Leifson; Ron Kittelsrud; Maren Christensen; Ben Joe Markland; Emily Weidauer; Holly Hult; Carol Killian; Scott Woodworth; Brian Barrett; Warren Hoskings; Kevin Wiederhold; Autumn Cluff; and Lynn White.

Mr. President, 2002 volunteers: Rudy Johnson; Clay Hopkins; Jeff Lingwall; Debbie Woodard; Joyce Proctor; Britton Puki; Joe Borden; Melvin Done; Melanie Hackmann; Kathryn VanRoosendaal; Doug Griffiths; Charlotte Rice; Angie Hendrickson; Chad Tipton; Laurie Barnholt; Aaron Heaton; Kathy Hancock; Carson Blickenstaff; Glen Steenbuck; Bev Rhodes; Brigham Mellor; Kami Cox; Kathy Cox; Russ Childs; Delbert Vern Chadwick; Beverly Kirk; Matthew Wilkinson; Monte Johnson; Darrell Wade; Terri Wade; Sheena Gawer; Barbara Smith; Ken Parkes; Darienne McNamara; Kat Duttadway; Kylea Christensen; Jacob Cox; Jason Rabbitt; Don Triptow; Bill Yensen; Arlene Yensen; Les Townsend; Barbara Townsend; Al Abrams; John Donnell; JoAnn Abrams; Arlea Howell; David Kitselmer; Steve Chilow; Cathy Freeman; Duane Freeman; Steven Bart; Elizabeth Nipperus; Misti Rooks; Kathleen Milner; Robert Milner; Shirley White; Robert White; and Guy Pace.

Mr. President, 2003 volunteers: Janece Tolber; George D'Apuzzo; Carl Berg, Laurie Berg; Myron Hatch; David Slauf; Taylor Birthisel; Linda Baldazzi; Bob Baldazzi; Sally Stephenson; Steve Stephenson; Roger Head; Bonnie Head; Jacqueline Dubois; Jerry Schwantz; Shirley Surfas; Pat Vanderwark; Keith Vanderwark; Joan Triptow; Jay Guymon; Kolby Andersen; Kelly Bringhurst; Marc Raines; Lisa Raines; Molly Swift; Chester Pierce; Dennis Broad; George Muller; Rena Jensen; Roger Taylor; Maynie Begeman; Robert Begeman; Val Humble; Paul Wiener; Frances Wiener; Anne Bredon; Gail Taylor; Mike Llewellyn; Curtis Halliday; Dale Peck; Arlea Howell; Shannon Ducrest; Anne Basham; Brooke Ranter; Melissa Thomson; Michelle Bower; Jana Hightower; Brian Schlegel; Danny Diamond; Dallas Jones; Andrew Neff; Lindsay Connelley-Brown; and Linda Hoernke.

Mr. President, 2004 volunteers: Carla Ritter; Sheila Hughes; Don Hughes; Tracey O'Kelly; Jessica Williams; and Lillian Zielke.

Mr. President, 2005 volunteers: Paula Welker; Connie Welker; Kameron Evans; Dick Vos; Roberta Champlin; Wally Champlin; Richard Berger; Justin Moosman; Christine Blum; Lamont Reynolds; Judy D'Apuzzo; Louise Snyder; Arleen Stillman; Lorene Reynolds; Freddie Arrighi; Shelly Robinson; Sarah Spears; Judy Warren; and Janice Evans.

To these dedicated volunteers and to all of those who will continue to volunteer, I say thank you.

NURSING RELIEF FOR DISADVANTAGED AREAS REAUTHORIZATION ACT

Mr. CORNYN. Mr. President, I would like to go on the record regarding H.R. 1285, the Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005, a bill that I support as it moves through the Senate today.

This legislation extends for 3 years the Nursing Relief for Disadvantaged Areas Act of 1999 which provides nonimmigrant visas for nurses in areas where there is a shortage of health professionals.

Many hospitals across the Nation and, particularly in my home State of Texas, have been experiencing great difficulties over the last several years in attracting nurses. This shortage has been especially severe in both inner-city neighborhoods and in rural isolated areas.

It was for this reason that in 1999 Congress passed the Nursing Relief for Disadvantaged Areas Act. This legislation created a new H–1C temporary worker program with 500 visas available per year for registered nurses. In order to be eligible to petition for an alien nurse, a hospital must be located in a health professional shortage area as designated by the Secretary of Health and Human Services, the hospital must have at least 190 acute care beds, and it must have a certain percentage of Medicare and Medicaid patients.

The legislation also included strong protections for American nurses by requiring that any H–1C nurses be paid the prevailing wage and mandating that hospitals take steps to recruit American nurses. Furthermore H–1C nurses may not comprise more than 33 percent of a hospital's registered nurses, and these hospitals may not contract out any H–1C nurses to other hospitals.

The legislation before us, H.R. 1285, will reauthorize the H–1C nurse program for 3 more years. The H–1C visa category is vital to Texas hospitals like McAllen Medical Center and Mercy Health System, located in Laredo, TX. The United States is facing a critical nursing shortage in the coming years, and this small but significant program is essential to our efforts to recruit more nurses to the United States. I believe this legislation strikes a balance between the critical need for nurses in certain shortage areas while protecting the wages and working conditions of U.S. citizen nurses.

I urge my colleagues to support this bill.

TESTIMONY OF MALLORY FACTOR

Mr. SHELBY. Mr. President, I ask unanimous consent that the following testimony given by Mr. Mallory Factor before the Senate Committee on Banking, Housing, and Urban Affairs on September 29, 2004, and before the Senate Committee on Governmental Affairs on June 15, 2004, be printed in the RECORD.

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

WRITTEN TESTIMONY OF MALLORY FACTOR BEFORE THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, UNITED STATES SENATE, SEPTEMBER 29, 2004

Chairman Shelby, Senator Sarbanes, and Distinguished Members of this Committee, thank you for inviting me to testify today about my views on the critical issue of curbing terror financing.

Chairman Shelby, I would like to commend you in particular for your unwavering commitment to addressing the financing of terror. The work that this Committee is undertaking is extremely important to the United

States and the world. Thank you for your leadership.

My testimony will focus on terror financing emanating from within the Kingdom of Saudi Arabia. Clearly, there are numerous other states that allow terror financing to continue and that should be examined also. I have chosen to focus on Saudi Arabia because of the enormous resources that are funneled from within Saudi Arabia to terrorist groups around the world.

My recommendations are contained in a report of an Independent Task Force on Terrorist Financing, sponsored by the Council on Foreign Relations, on which I served as Vice-Chair. Since the report, along with its various appendices, is almost 300 pages in length, I will only be able to highlight core points and ask that the full report and its appendices be placed into the record.

I would like to thank the Task Force Chairman, Maurice R. Greenberg, who has been a leader in bringing this issue to the nation's attention. I would also like to thank Council President Richard Haass for his commitment to this topic and to the Task Force's mission. I am testifying in my personal capacity, as is customary, and not on behalf of the Task Force or the Council on Foreign Relations.

Among the core findings of the first Terrorist Financing Task Force report, released in October 2002, was that ''For years, individuals and charities based in Saudi Arabia have been the most important source of funds for al-Qaeda; and for years, Saudi officials have turned a blind eye to this problem.''

It should be noted that the Task Force found no evidence that the Saudi government—as an institution—participated in the financing of terror directly. However, the Saudi government has clearly allowed individual and institutional financiers of terror to operate and prosper within Saudi borders.

The Bush administration has accomplished a great deal since 9/11. Some of the Administration's achievements in this area have been integrating terrorist financing into the U.S. government's overall counterterrorism effort, securing unprecedented international support for UN sanctions against al-Qaeda, strengthening international standards for financial supervision through the Financial Action Task Force (FATF), issuing significant and meaningful regulations under the Patriot Act and implementing a wide-ranging strategy to engage Saudi Arabia on the subject of financial and ideological support of extremists. Still, there is much work to be done.

I would like to set forth the following framework of constructive, forward looking recommendations for improving U.S. efforts against terrorism financing.

First, U.S. policymakers must build a new framework for U.S.-Saudi relations. The terror financing issue is situated in the complex and important bilateral relationship between the United States and Saudi Arabia. For decades, U.S.-Saudi Arabia relations have been built upon a consistent framework understood by both sides: Saudi Arabia would be a constructive actor with regard to the world's oil markets and regional security issues, and the United States would help provide for the defense of Saudi Arabia, work to address the Israeli-Palestinian conflict, and not raise any significant questions about Saudi Arabian domestic issues, either publicly or privately.

More recently however, this framework has come under strain because al-Qaeda, a terrorist organization rooted in issues central to Saudi Arabian domestic affairs, has murdered thousands of Americans. Al-Qaeda and similar organizations continue to conspire to kill even more Americans and to threaten our way of life.

Changed circumstances require a new policy framework for U.S.-Saudi relations. When domestic Saudi issues threaten Americans at home and abroad, the U.S. must pay attention to those Saudi ''domestic'' issues that impact U.S. security such as terrorist financing and the global export of Islamic extremism. These issues can no longer be ''off the table''; they must be front and center in our bilateral relationship.

This transition is already well underway, as evidenced by turbulence in the bilateral relationship since 9/11. Some Bush administration officials have privately characterized the current state of affairs in Saudi Arabia as a ''civil war'' and suggested that the appropriate objective for U.S. policy in this context is to help the current regime prevail. I agree, but believe the domestic Saudi problem will not be solved by dispersing al-Qaeda cells and members in Saudi Arabia alone. Rather, the ''civil war'' will be won only when the regime confronts directly and unequivocally addresses the ideological, religious, social, and cultural realities that fuel al-Qaeda, its imitators, and its financiers all over the world.

Second, Saudi Arabia must fully implement its new laws and regulations and take additional steps to further improve its efforts to combat terrorist financing. In addition to implementing its recently enacted laws and regulations in this area, Saudi Arabia should also deter the financing of terrorism by publicly punishing those Saudi individuals and organizations that have funded terrorist organizations. Although a recent report by FATF noted several prosecutions in Saudi Arabia under the terror financing laws, arrests and punitive steps against financiers of terror have only taken place in the ''shadows''. I am not aware of any publicly announced arrests, trials or incarcerations in Saudi Arabia relating to the financing of terrorism. Saudi Arabia must also increase the financial transparency and programmatic verification of its global charities and publicly release audit reports of those charities. Saudi Arabia should ratify and implement treaties that create binding international legal obligations relating to combating money laundering and terrorist financing.

Third, multilateral initiatives need to be better coordinated, appropriately funded, and invested with clear punitive authorities. The need for a new international organization specializing in terrorist financing issues, as recommended by the Task Force's initial report, has diminished as a result of significant efforts being undertaken by a variety of international actors. The need for proper coordination and clearer mandates has increased for the same reason. It is now time to minimize duplicative efforts and reallocate resources to the most effective and appropriate lead organization.

Fourth, the executive branch should formalize its efforts to centralize the coordination of U.S. measures to combat terrorist financing. My understanding is that, in practice, responsibilities for the coordination of terrorist financing issues have shifted from the Treasury Department to the White House. I commend the Bush Administration for this action. However, setting up a formal allocation of responsibilities is crucial to maintain continuity and focus as the specific individuals involved in these efforts turn over. Therefore, allocation of responsibility to the White House needs to be formalized through a National Security Presidential Directive (NSPD) or otherwise.

Fifth, Congress should enact a Treasury-led certification regime specifically on terrorist financing. Many governments are working on shutting down terror financing from within their borders, but many are not. Congress should adopt a certification regime under which the Treasury Department provides a written certification on an annual basis (classified if necessary) detailing the steps that foreign nations have taken to cooperate in U.S. and international efforts to combat terror financing. In the absence of a presidential national security waiver, jurisdictions that do not receive this certification would be subject to sanctions provided by section 311 of the Patriot Act—including denial of U.S. foreign assistance monies and limitations on access to the U.S. financial system.

The Administration has used the powers granted to it by section 311 of the Patriot Act but only once in the terror financing context. Section 311 allows Treasury to require domestic financial institutions and agencies to take ''special measures'' against certain parties, including both institutions and jurisdictions, believed by the Treasury to be engaged in money laundering/terror financing. These special measures can include placing prohibitions or conditions on ''correspondent'' or ''payable through'' accounts involving the parties engaged in the money laundering/terror financing.

Of course, foreign financial institutions and jurisdictions that do not have significant financial relations with the United States would not be meaningfully impacted by Section 311 sanctions imposed by the United States. However, a similar sanction imposed in the money laundering context resulted in the targeted jurisdiction promulgating desired legislative and regulatory changes.

A certification regime for terror financing would ensure that these special measures are used appropriately and thoughtfully against ''rogue'' jurisdictions. A separate certification regime for terror financing—distinct from any other reporting requirements on the promulgation of terror itself or money laundering—ensures that stringent requirements are maintained specifically with respect to each jurisdiction's practices on terror financing without consideration of other issues.

I commend Congresswoman Sue Kelly and others who have introduced legislation in the House, as H.R. 5124, that would require a terror financing certification regime.

Sixth, the UN Security Council should broaden the scope of the UN's al-Qaeda and Taliban Sanctions Committee. The UN Security Council should specifically impose international sanctions on other groups and individuals that have been designated as terrorists, as Hamas has been by the United States and E.U. I understand that these UN committees continue to discuss various actions but have not taken any affirmative action as yet. Furthermore, the UN should require, as a matter of international law, that member states take enforcement action against groups, persons and entities designated by the Sanctions Committee. The enabling resolution for these expanded authorities should explicitly reject the notion that acts of terror may be legitimized by the charitable activities or political motivations of the perpetrator. The UN should make it clear that no cause, however legitimate, justifies the use of terror.

Seventh, the U.S. government should increase sharing of information with the financial services sector as permitted by Section 314(a) of the PATRIOT Act so that this sector can cooperate more effectively with the U.S. government in identifying financiers of terror. Helping private sector financial institutions become effective partners in identifying financiers of terror should be a top priority. The procedures set forth in Section 314(a) of the PATRIOT Act, which promote

information sharing between the U.S. government and financial institutions to increase detection of terror financing, are not working as well as they should. The U.S. government is still not providing financial institutions with adequate information to enable the institutions to detect terror financing and identify unknown perpetrators. The government is still using financial institutions primarily to assist in investigating known or suspected terror financiers, not in identifying unknown ones. In addition, our government does not currently have the appropriate resources to process and make full use of information that is flowing to it from financial institutions.

I recognize that the information that would enable financial institutions to become effective partners with the U.S. government in identifying terror financing may be highly protected intelligence information. In other industries such as defense and transportation, however, persons can be designated by the U.S. government to receive access to certain high value information as necessary. A similar approach could be used to facilitate information sharing and cooperation between the U.S. government and private financial institutions.

Eighth, the National Security Council (NSC) and the White House Office of Management and Budget (OMB) should conduct a cross-cutting analysis of the budgets of all U.S. government agencies as they relate to terrorist financing. Monitoring the financial and human resources that are actually devoted to the various tasks involved in combating terrorist financing will facilitate fully informed, strategic decisions about whether resource allocations are optimal or functions are duplicative. For this reason, the NSC and OMB should conduct a cross-cutting analysis of all agencies' budgets in this area, to gain clarity about who is doing what, how well, and with what resources. With such a cross-cut in hand, the Administration and Congress can begin to assess the efficiency of existing efforts and the adequacy of appropriations relative to the threat.

Ninth, the U.S. government and private foundations, universities, and think tanks should increase efforts to understand the strategic threat posed to the United States by radical Islamic militancy, including specifically the methods and modalities of its financing and global propagation. At the dawn of the Cold War, the U.S. government and U.S. nongovernmental organizations committed substantial public and philanthropic resources to endow Soviet studies programs across the United States. The purpose of these efforts was to increase the level of understanding in this country of the profound strategic threat posed to the United States by Soviet Communism. A similar undertaking is now needed to understand adequately the threat posed to the United States by radical Islamic militancy, along with its causes, which we believe constitutes the greatest strategic threat to the United States at the dawn of this new century. To be commensurate with the threat, much more will need to be done by private U.S. foundations, universities, and think tanks in a sustained, deliberate, and well-financed manner.

I look forward to your questions.

STATEMENT OF MALLORY FACTOR, SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS, ''AN ASSESSMENT OF CURRENT EFFORTS TO COMBAT TERRORISM FINANCING,'' JUNE 15, 2004

Madame Chairman, Senator Lieberman and Distinguished Members of the Committee:

I am honored to testify here today to report to you on the recommendations of the Independent Task Force of the Council on Foreign Relations on Terrorist Financing, of which I have served as Vice-Chair.

Madame Chairman and Senator Lieberman, I would like to commend you for your unwavering commitment to these issues. The work this Committee is undertaking is of critical importance to the United States and the world. Thank you for your important leadership.

Until relatively recently, too little was done to curb the flow of funds to terrorists and extremists. That is why the Council on Foreign Relations sponsored this Task Force in 2002 and renewed its mandate more recently. I would like to thank Council President Richard Haass for all that he has done to make this Task Force a success.

Our distinguished bi-partisan Task Force is chaired by Maurice R. Greenberg and directed by William F. Wechsler and Lee S. Wolosky. They led this Task Force in the interest of serving our nation. I believe they have succeeded.

I would particularly like to commend Lee Wolosky, without whose leadership, judgment, diplomacy, draftsmanship and dedicated efforts this task force would not have been a success. Lee worked tirelessly to reach consensus among task force members on the report and its recommendations.

The Bush administration has accomplished a great deal since 9/11. Some of the administration's achievements in this area have been integrating terrorist financing into the U.S. government's overall counterterrorism effort, securing unprecedented international support for UN sanctions against al-Qaeda, strengthening international standards for financial supervision through FATF, issuing significant and meaningful regulations under the PATRIOT Act and implementing a wide-ranging strategy to engage Saudi Arabia on the subject of financial and ideological support of extremists. Still, there is much work to be done and I believe that the Task Force report sets forth a framework of constructive, forward looking recommendations for improving U.S. efforts against terrorism financing.

Our report focuses on terror financing from within the Kingdom of Saudi Arabia because of the enormous resources emanating from that state that fund terrorist activities. Clearly, there are numerous other states that finance terror and that should be examined also.

The Kingdom of Saudi Arabia has accomplished a great deal since May 2003. Most notably, Saudi Arabia has enacted extensive laws and regulations which, if fully implemented, would significantly reduce the flow of funds from within Saudi Arabia to terrorists. However, we have not found Saudi Arabia to be effectively enforcing these laws and regulations as Lee Wolosky has discussed. Many issues still need to be addressed before Saudi Arabia will have an acceptable regime in place to combat terror financing.

Our task force report generally reaffirms the recommendations made in the Task Force's first report and makes nine new recommendations. I will discuss them in varying levels of detail and would welcome the opportunity to discuss any of them in greater length in response to your questions.

First, we urge U.S. policymakers to build a new framework for U.S.-Saudi relations. We recognize the broader context of the complex and important bilateral relationship in which the terrorist financing issue is situated. For decades, U.S.-Saudi Arabia relations have been built upon a consistent framework understood by both sides: Saudi Arabia would be a constructive actor with regard to the world's oil markets and regional security issues, and the United States would help provide for the defense of Saudi Arabia, work to address the Israeli-Palestinian conflict, and not raise any significant questions about Saudi Arabian domestic issues, either publicly or privately.

More recently however, this framework has come under strain because al-Qaeda, a terrorist organization rooted in issues central to Saudi Arabian domestic affairs, has murdered thousands of Americans. Al-Qaeda and similar organizations continue to conspire to kill even more Americans and to threaten our way of life.

Changed circumstances require a new policy framework for U.S.-Saudi relations. When domestic Saudi problems threaten Americans at home and abroad, the U.S. must pay attention to those Saudi ''domestic'' issues that impact U.S. security such as terrorist financing and the global export of Islamic extremism. These issues can no longer be ''off the table''; they must be front and center in our bilateral relationship.

We acknowledge that this transition is already well underway, as evidenced by the turbulence in the bilateral relationship since 9/11. We note that some Bush administration officials have privately characterized the current state of affairs in Saudi Arabia as a ''civil war'' and suggested that the appropriate objective for U.S. policy in this context is to help the current regime prevail. We agree, but we believe the domestic Saudi problem will not be solved by dispersing al-Qaeda cells and members in Saudi Arabia alone. Rather, the ''civil war'' will be won only when the regime confronts directly and unequivocally addresses the ideological, religious, social, and cultural realities that fuel al-Qaeda, its imitators, and its financiers all over the world.

Second, we recommend that Saudi Arabia fully implement its new laws and regulations and take additional steps to further improve its efforts to combat terrorist financing. In addition to implementing its recently enacted laws and regulations in this area, Saudi Arabia should also deter the financing of terrorism by publicly punishing those Saudi individuals and organizations that have funded terrorist organizations. It should increase the financial transparency and programmatic verification of its global charities and publicly release audit reports of those charities. Saudi Arabia should also ratify and implement treaties that create binding international legal obligations relating to combating money laundering and terrorist financing.

Third, we suggest that multilateral initiatives be better coordinated, appropriately funded, and invested with clear punitive authorities. The need for a new international organization specializing in terrorist financing issues, as recommended by our initial report, has diminished as a result of significant efforts being undertaken by a variety of international actors. The need for proper coordination and clearer mandates has increased for the same reason. It is now time to minimize duplicative efforts and reallocate resources to the most effective and appropriate lead organization.

Fourth, we believe that the executive branch should formalize its efforts to centralize the coordination of U.S. measures to combat terrorist financing. Our understanding is that, in practice, responsibilities for the coordination of terrorist financing issues have shifted from the Treasury Department to the White House, as we recommended in our original Task Force report. I commend the Bush Administration for this action. However, we believe that this allocation of responsibility to the White House needs to be formalized through a National Security Presidential Directive (NSPD) or otherwise.

Fifth, we recommend that Congress enact a Treasury-led certification regime specifically on terrorist financing. The financial support for terrorism is the life-blood of global terrorism and requires its own certification regime. A separate certification process will ensure that stringent requirements are maintained specifically with respect to a nation's policies and practices on terrorist financing without consideration of other issues.

I believe that the Saudi Arabia Accountability Act of 2003, S. 1888, sponsored by Senator Arlen Specter and co-sponsored by Chairman Collins and others would provide a good starting point for a terrorist financing certification regime if it were narrowed to focus solely on the financing of terrorism and expanded to apply to other nations.

We understand that certification regimes are generally disfavored by the executive branch (which must implement them) and favored by the legislative branch (which they empower). Although controversial, they also have the ability to galvanize quickly action consistent with U.S. interests. Moreover, they require official findings of fact that have the effect of promoting transparency and compelling sustained U.S. attention to important topics that, on occasion, U.S. officials find it more expedient to avoid.

For these reasons, we believe that Congress should pass and the President should sign legislation requiring the executive branch to submit to Congress on an annual basis a written certification (classified if necessary) detailing the steps that foreign nations have taken to cooperate in U.S. and international efforts to combat terrorist financing. We suggest that in the absence of a presidential national security waiver, states that do not receive this certification would be subject to sanctions—including denial of U.S. foreign assistance monies and limitations on access to the U.S. financial system.

Sixth, we urge the U.N. Security Council to broaden the scope of the U.N.'s al-Qaeda and Taliban Sanctions Committee. The UN Security Council should specifically impose international sanctions on other groups and individuals that have been designated as terrorists, as Hamas has been by the United States and E.U. Furthermore, it should require, as a matter of international law, that member states take enforcement action against groups, persons and entities designated by the Sanctions Committee. The enabling resolution for these expanded authorities should explicitly reject the notion that acts of terror may be legitimized by the charitable activities or political motivations of the perpetrator. No cause, however legitimate, justifies the use of terror; indeed, the use of terror delegitimizes even the most worthy causes.

Seventh, we suggest that the U.S. government increase sharing of information with the financial services sector as permitted by Section 314 of the USA PATRIOT ACT so that this sector can cooperate more effectively with the U.S. government in identifying incidences of terror financing. International financial institutions subject to U.S. jurisdiction are among our best sources of raw financial intelligence to identify terror financing, but these institutions need to be given appropriate information from the U.S. government on what to look for. Currently, the procedures required by Section 314 of the Patriot Act which are designed to promote cooperation with financial institutions in identifying terror financing are not working as effectively as they might. We suggest greater information sharing between the U.S. government and the financial institutions within the framework of the Patriot Act in order to allow these institutions to cooperate more effectively with the U.S. government in identifying incidences of terror financing.

Eighth, we recommend that the National Security Council (NSC) and the White House Office of Management and Budget (OMB) conduct a cross-cutting analysis of the budgets of all U.S. government agencies as they relate to terrorist financing. We understand this recommendation is difficult to implement; however, we think that monitoring the financial and human resources that are actually devoted to the various tasks involved in combating terrorist financing will facilitate fully informed, strategic decisions about whether resource allocations are optimal or functions are duplicative. For this reason, the NSC and OMB should conduct a cross-cutting analysis of all agencies' budgets in this area, to gain clarity about who is doing what, how well, and with what resources. Only with such a cross-cut in hand can we begin to make assessments regarding the efficiency of our existing efforts and the adequacy of appropriations relative to the threat. We commend Jody Myers, the former NSC staffer, for suggesting a similar cross-cutting analysis in his Senate testimony given last month.

Ninth, we urge the U.S. government and private foundations, universities, and think tanks to increase efforts to understand the strategic threat posed to the United States by radical Islamic militancy, including specifically the methods and modalities of its financing and global propagation. At the dawn of the Cold War, the U.S. government and U.S. nongovernmental organizations committed substantial public and philanthropic resources to endow Soviet studies programs across the United States. The purpose of these efforts was to increase the level of understanding in this country of the profound strategic threat posed to the United States by Soviet Communism. A similar undertaking is now needed to understand adequately the threat posed to the United States by radical Islamic militancy, along with its causes, which we believe constitutes the greatest strategic threat to the United States at the dawn of this new century. To be commensurate with the threat, much more will need to be done, not only in Washington, but also by private U.S. foundations, universities, and think tanks, in a more sustained, deliberate, and well-financed manner than that afforded through ad hoc initiatives such as our Task Force.

I look forward to your questions.

TRIBUTE TO COLIN HAUCK

Mr. THUNE. Mr. President, today I rise to thank Colin Hauck, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota this fall.

Colin is a graduate of Aberdeen Central High School in Aberdeen, SD, and after graduating from the University of Arizona with a bachelor of arts in Anthropology, Colin received a master of arts in international relations and diplomacy at Leiden University in the Netherlands. He is a hard worker and has been dedicated to getting the most out of his internship experience.

I would like to rise and give my thanks to Colin and wish him continued success in the years to come.

TRIBUTE TO ERIC RODAWIG

Mr. THUNE. Mr. President, today I rise to thank Eric Rodawig, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the years.

Eric is a graduate of Dakota Valley High School in Dakota Dunes, SD, where he was the Valedictorian. Currently he is attending Georgetown University where he is majoring in government and economics and is active in writing for the school newspaper, The Hoya. He is a hard worker and has been dedicated to getting the most out of his internship experience.

I would like to rise and give my thanks to Eric and wish him continued success in the years to come.

RECOGNIZING TONY ANCELJ

Mr. THUNE. Mr. President, today I rise to thank Tony Ancelj, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota this fall.

Tony is a graduate of Saint Mary's College of California where he received a bachelor of arts in philosophy and political science. After attending the London School of Economics and Political Science in the United Kingdom, Tony was accepted at Catholic University of America, Columbus School of Law. He is a hard worker and has been dedicated to getting the most out of his internship experience.

I would like to rise and give my thanks to Tony and wish him continued success in the years to come.

10TH ANNIVERSARY OF THE USS CHEYENNE

Mr. ENZI. Mr. President, I rise today to honor SSN 773, the USS *Cheyenne*, for her 10 years of service in the U.S. Navy in defense of our freedom.

On July 6, 1992, the keel was laid for the USS *Cheyenne* in Newport News, VA. She was launched on April 16, 1995. On September 13, 1996, Mrs. Ann Simpson sponsored the USS *Cheyenne*. I am pleased to now occupy the seat of Ann's husband, Senator ALAN SIMPSON, in the U.S. Senate.

Since September 11, 2001, the USS *Cheyenne* has been engaged in important missions as part of the global war on terrorism. The USS *Cheyenne* earned the distinction of the first to strike when she was the first ship to launch Tomahawk missiles in Operation Iraqi Freedom under the command of CDR Charles Doty. She would go on to successfully launch her entire complement of Tomahawks, earning a clean sweep for combat actions in the final 3 months of her 9 month deployment. That level of excellence continues today from her homeport in Pearl Harbor, HI.

The USS *Cheyenne* is the last Los Angeles class submarine built and the third ship in our Nation's fleet named in honor of the city home to Wyoming's State capital. The first USS *Cheyenne*, a tug boat, entered service in

1898. The second USS *Cheyenne*, BM 10, was originally the monitor class USS *Wyoming*. In 1909 it was renamed USS *Cheyenne* to make the name available for the battleship BB 32, the new USS *Wyoming*. Fiction writer Tom Clancy further cemented the legend of the USS *Cheyenne* when he made the submarine a central player in a battle for the Spratly Islands in his novel ''SSN.''

Cheyenne, Wyoming's motto is ''Live the Legend.'' The 145 submariners who are aboard the USS *Cheyenne* have adopted the motto ''Ride the Legend.'' The city of Cheyenne has formed a special bond with the crew of her namesake. Each year the outstanding sailors of the USS *Cheyenne* are the guests of the city of Cheyenne for Cheyenne Frontier Days, the world's largest outdoor rodeo, and the daddy of them all. Many of the sailors have never been out West or been to a rodeo. For a week, the submariners enjoy Wyoming hospitality and have a chance to live the legend. It is a small chance for Wyoming and the people of Cheyenne to repay a debt of gratitude to the crew of the USS *Cheyenne*.

CDR Richard Testyon, Jr., assumed command of the USS *Cheyenne* on June 4, 2006. I wish him well in his new command and thank CDR Charles Doty for his time at the helm. Commander Testyon brings extensive experience to the USS *Cheyenne* and will lead SSN 773 well.

The best skippers are complemented by outstanding crew; I would like to honor the crew of the USS *Cheyenne*. They include EM3 Richard Akins, LTJG Andrew Alvarado, MM1 Cory Alvis, STS3 John Andrada, YNSA Alfonso Angel, STS2 Andrew Aubry, STSSA Raynor Barton, STS2 Adam Baugh, LT Brett Bayer, MM3 Gregory Benedict, ET1 Charles Berger, MM3 Tyler Bird, MMC David Blake, MM2 Steven Bolek, EM2 Nicholas Brechtel, MM3 Daniel Breedlove, ET3 Jeremy Brown, MM3 Jeremy Bruner, ENS James Bucklin, SK3 James Burnett, LTJG Rene Cano, LTJG David Ciha, MM2 Shayne Clemens, LTJG Christopher Clevenger, MMFN Clyde Comstock, FTC Jonathan Consford, CSSA James Couch, STSSN Colt Couture, MM1 Falanda Culp, LT Michael Darby, LTJG Drew DeWalt, MM3 Juan Diaz, ET3 Lucas Dunbar, MM1 Jack Durand, MM2 Jon Espinoza, YN1 Gregorio Familia, ET3 Joseph Filbert, ET3 Chad Fogler, STSSN Abraham Freet, MM2 Steven Frey, SKSN Christopher Fuller, ET3 Shane Garrod, MMFN Robert Gauld, LCDR John Gearhart, ET1 Christopher Ghramm, MM3 Warren Givens, FTC Russell Goltry, LT Parrish Guerrero, ET1 John Guthrie, ET3 Cory Hall, ET2 Long Han, MMFN David Harper, STS2 Christopher Heffernan, CSSN Jacob Holder, ET3 Stilling Horton, EM2 Angier Hsu, ETC Barry Hudson, EM3 Benjamin Huelle, CSCS Kenneth Hughley, ETC David Ingalls, ET3 John Ingle, EM3 Nicholas Jessee, MM2 Christopher Johnson, ET2 Robert Johnson, ET3 James Johnson, STSC Alan Jones, MM3 Edward Ketheley, EM1 William Lawrence, FT2 Sean Little, MM3 John Livengood, MM2 Justin Lynn, MM3 Jonathan Mac Dula, STS2 John Marsh, FT2 Xavier Martinez, ET3 Shaun McCarthy, STS2 Ryan McClure, MM3 Brian McEndree, MM2 Jeremy McLean, FT1 Nicholas Messina, SN Kenton Metzler, EM2 John Miranda, MM2 Thomas Mitchell, EM2 Ambrose Montera, EM3 Matthew Nesbitt, MM3 Hung Nguyen, MM3 Erik Nielson, ETSN Matthew Noland, STS2 Matthew Odom, MM3 Chad O'Hagan, ET1 Jonathan Okert, HMC Nathaniel Olipas, ET3 Steven Pack, CS1 Ted Paro, STS3 Brandon Pash, FT2 Donald Peachey, ET3 Errane Pearce, CS3 Wesley Peltier, ET1 Steven Perry, ETCS John Perryman, EM3 Michael Proskine, ET2 David Purser, ETC Raul Quintana, LTJG Eric Rasmussen, SKC Randall Riley, CS1 Harry Robinson, MM1 Alvin Rodriguez, FTC Damean Rogers, MM2 Douglas Ross, FT2 Anthony Rossi, LTJG Nicholas Saflund, ET3 Jacob Saylor, STSSN Charles Scaife, ET3 Derek Scammon, ET2 Kevin Scharkey, LCDR Ian Schillinger, ET2 John Schmidt, MMC Timothy Schreyer, LTJG William Sheridan, MMFR Grant Shirley, STS3 Levi Shockley, ETCS Gregory Silvey, STS1 Michael Simonds, ET3 Tim Simson, EM1 Jerome Smallwood, YNSN Michael Smith, ET2 Anthony Spartana, MMC John St. Clair, EMC David Stephens, MM3 Kevin Stewart, MMC Gary Strong, MM3 Jesse Swain, EM2 William Tabata, CDR Michael Tesar, MM3 Joshua Tomlinson, LTJG Christopher Topoll, CSSR Joshua Towles, LT Carl Trask, MMFR Justin Trickett, ET2 Eric Trumbull, FT2 Landon RG, MM1 Christian Watson, ET3 Kevin Watson, MM2 Robert Wehrmann, ETC Michael Willison, MM3 Nicholas Wittmann, STS2 Robert Wood, EM2 James Workman, CMDCM Andrew Worshek, and MM3 Charles Wreede.

Again I congratulate the USS *Cheyenne* and her crew on the 10th anniversary of their service and thank them for their sacrifices in defense of our great Nation.

BALANCED TRADE RESTORATION ACT

Mr. FEINGOLD. Mr. President, I am delighted that the Senator from North Dakota and I have introduced this bill to address one of the most serious economic problems facing our Nation; namely, the trade deficit. There is no greater advocate for sensible trade policies than Senator DORGAN, and I am proud to join him in this effort.

The measure we have introduced is based on a proposal advocated by one of the foremost free market advocates in the world, Warren Buffett. It is a straightforward and market-based approach to our massive trade deficit, and I commend Mr. Buffett for his willingness to step forward with this idea.

In a seminal article in Fortune magazine, Mr. Buffett made the case for taking action on this problem and laid out the basics of the approach that Senator DORGAN and I take in this bill. In that article, Mr. Buffett argued that our trade deficit is, in effect, a transfer of our Nation's net worth. He describes our situation by using the imaginary example of two islands, Squanderville and Thriftville. Here is some of what he wrote:

> A perpetuation of this transfer will lead to major trouble. To understand why, take a wildly fanciful trip with me to two isolated, side-by-side islands of equal size, Squanderville and Thriftville. Land is the only capital asset on these islands, and their communities are primitive, needing only food and producing only food. Working eight hours a day, in fact, each inhabitant can produce enough food to sustain himself or herself. And for a long time that's how things go along. On each island everybody works the prescribed eight hours a day, which means that each society is self-sufficient.
>
> Eventually, though, the industrious citizens of Thriftville decide to do some serious saving and investing, and they start to work 16 hours a day. In this mode they continue to live off the food they produce in eight hours of work but begin exporting an equal amount to their one and only trading outlet, Squanderville.
>
> The citizens of Squanderville are ecstatic about this turn of events, since they can now live their lives free from toil but eat as well as ever. Oh, yes, there's a quid pro quo—but to the Squanders, it seems harmless: All that the Thrifts want in exchange for their food is Squanderbonds (which are denominated, naturally, in Squanderbucks).
>
> Over time Thriftville accumulates an enormous amount of these bonds, which at their core represent claim checks on the future output of Squanderville. A few pundits in Squanderville smell trouble coming. They foresee that for the Squanders both to eat and to pay off—or simply service—the debt they're piling up will eventually require them to work more than eight hours a day. But the residents of Squanderville are in no mood to listen to such doomsaying.
>
> Meanwhile, the citizens of Thriftville begin to get nervous. Just how good, they ask, are the IOUs of a shiftless island? So the Thrifts change strategy: Though they continue to hold some bonds, they sell most of them to Squanderville residents for Squanderbucks and use the proceeds to buy Squanderville land. And eventually the Thrifts own all of Squanderville.
>
> At that point, the Squanders are forced to deal with an ugly equation: They must now not only return to working eight hours a day in order to eat—they have nothing left to trade—but must also work additional hours to service their debt and pay Thriftville rent on the land so imprudently sold. In effect, Squanderville has been colonized by purchase rather than conquest.

Mr. Buffett paints a grim picture for the future of our economy in his article. At the time he wrote those words, our trade deficit was about $500 billion. Last year, the trade deficit was about 60 percent higher.

There are many factors contributing to our trade deficit, but there can be no doubt that the deeply flawed trade policies of the past decade and more have contributed greatly to the mess in which we find ourselves.

The trade agreements into which we have entered, based on the model established by the North American Free

Trade Agreement, known as NAFTA, have helped ship much of our wealth overseas, often in the form of factories that provided entire communities with good-paying, family-supporting jobs.

I hold listening sessions in each of Wisconsin's 72 counties every year. This is my 14th year holding those listening sessions, listening to tens of thousands of people from all over Wisconsin. I completed my 1000th of those sessions just a few weeks ago, and I can tell you that there is nearly universal frustration and anger with the trade policies we have pursued since the late 1980s. Even among those who would have called themselves traditional free-traders, it is increasingly obvious that the so-called NAFTA model of trade has been a tragic failure.

I voted against NAFTA, GATT, and permanent most favored nation status for China, in great part because I felt they were bad deals for Wisconsin businesses and Wisconsin workers. At the time I voted against those agreements, I thought they would result in lost jobs for my State.

But, Mr. President, even as an opponent of those trade agreements, I had no idea just how bad things would be.

And things could hardly be worse. You can see the results of those policies in hundreds of communities around my State.

And I note that these trade policies are not the result of partisan politics. I wish they were. I wish I could lay the blame at the feet of our colleagues in the other party. But Members of both parties have aided and abetted these flawed policies. Presidents of both parties have advanced them, and Members of Congress from both sides of the aisle have approved them.

This legislation is not a substitute for a sound trade policy. It is not intended to be. Even if we enact this measure, we will still need to straighten out the flawed trade policies of the past several administrations. But there is a clear relationship between the flawed trade agreements into which we have entered and the mushrooming trade deficit.

In 1993, before NAFTA was implemented, our trade deficit with Canada and Mexico was $9 billion. In 2004, 10 years after NAFTA was implemented, our trade deficit with those two countries has ballooned 1,200 percent—1,200 percent—to $111 billion. By one estimate, the massive growth of imports into this country from Canada and Mexico relative to exports to those two countries has displaced almost 1 million jobs.

Giving China permanent most favored nation trading status and ratifying the creation of the World Trade Organization have only made matters worse.

Far from improving our trade balance, NAFTA and these other trade agreements have only made matters worse.

When questions were raised about the actual provisions of these flawed agreements, supporters were quick to play the free trade card and label those who questioned these policies as ''protectionist.'' It is somewhat encouraging that some who blindly accepted these agreements are now beginning to read the fine print.

One might think it obvious, but apparently it needs to be reiterated—these aren't your father's trade agreements, and the elegant theories of Adam Smith and others do not apply to the agreements we are asked to approve. As Thea Lee wrote in a column in the Wall Street Journal:

> We should all understand by now that modern (post-NAFTA) free-trade agreements are not just about lowering tariffs. They are about changing the conditions attached to trade liberalization, in ways that benefit some players and hurt others. These are not your textbook free-trade deals. These are finely orchestrated special-interest deals that boost the profits and power of multinational corporations, leaving workers, family farmers, many small businesses, and the environment more vulnerable than ever.

Millions of working families across Wisconsin know this. If instead of exporting manufacturing goods, China exported editorial writers, the opinion pages of our newspapers might reflect an understanding of this as well.

The argument we hear is that trade deals like NAFTA and CAFTA may cause some short-term pain, but they are ultimately good for all countries concerned. Maybe we lose a few jobs to Mexico or China, the argument goes, but we would also gain jobs. Each country would engage in the economic activity for which it has a so-called comparative advantage and everyone wins.

But as I noted during the CAFTA debate, this nice, neat academic theory bears little relation to what is actually happening in the real world. And one of the reasons for this disconnect is that in an arena that has been fundamentally changed by technical advances, such as the Internet and the rapid flow of capital, we are not playing by the same rules as our trading partners.

The trade agreements into which our country has entered in recent years too often lack even the most reasonable standards to ensure that our businesses and workers can compete on a level playing field. This was certainly the case with CAFTA, which failed to include meaningful labor standards. The weak standards it did include were effectively unenforceable. Similarly, the environmental provisions it included were largely cosmetic. And the promised positive impact claimed for U.S. agriculture is far more likely to benefit middlemen and large agribusiness, while putting smaller family farms at a long-term competitive disadvantage as they continue to keep both the water and air clean while paying their employees a living wage.

As I said, we have to stop entering into trade agreements that are so fundamentally skewed and that result in a race to the bottom. I was pleased to introduce a resolution laying out standards for the kind of trade policies we should pursue. The principles set forth in my resolution are not complex. They are straightforward and achievable. They require enforceable worker protections in our trade agreements, including the core International Labor Organization standards. They insist that trade agreements preserve the ability of the United States to enact and enforce its own trade laws. They provide that trade agreements may protect foreign investors but state that foreign investors should not be provided with greater rights than those provided under U.S. law.

The standards in my resolution also require that trade agreements protect public interest laws from challenge by foreign investors in secret tribunals. They require that the agreements into which we enter ensure that food entering into our country meets domestic food safety standards. They mandate that trade agreements preserve the ability of Federal, State, and local governments to maintain essential public services and to regulate private sector services in the public interest. They require that trade agreements contain environmental provisions that are subject to the same enforcement as commercial provisions.

My resolution requires trade agreements to preserve the right of Federal, State, and local governments to use procurement as a policy tool, including through Buy American laws, environmental laws such as recycled content, and purchasing preferences for small, minority, or women-owned businesses. And it requires that trade negotiations and the implementation of trade agreements be conducted openly.

These are sensible policies. They are entirely consistent with the goal of increased international commerce, and in fact they advance that goal.

We should pursue trade agreements that are built around these principles, but I fully understand that such a change in our trade policies is unlikely to occur overnight.

The bill Senator DORGAN and I are introducing today focuses on reducing the trade deficit, and while it is not a substitute for soundly crafted trade agreements, it can stem some of the damage done by the trade policies of the past several years.

This proposal is straightforward. It requires that the total value of what we import not exceed the total value of what we export, and rather than trying to pick winners and losers, as some of our trade agreements do, it lets the market decide which product areas will thrive in global competition and which will not.

This is done through the use of Balanced Trade Certificates, BTCs. BTCs would be issued to U.S. exporters in an amount equal to the dollar value of their exports. Those BTCs would be sold, directly or indirectly, to foreign exporters who wanted to bring goods into the United States. Foreign exporters would have to have BTCs in an

amount equal to the dollar value of the goods they want to bring into the United States. To import $1 million worth of products, a foreign exporter would have to have $1 million worth of BTCs, representing $1 million worth of U.S. exports.

By limiting the total value of all BTCs to the total value of all products we export, the bill would result in a balance of trade.

Unlike an industry-specific tariff or quota, the BTCs proposed in this bill will not shield any particular industry or penalize any specific country. While there would clearly be a net benefit to American industries competing in the global market, that marketplace ultimately would determine which industries and businesses succeed and which do not.

This new balanced trade system is phased in over 5 years to minimize any economic shocks, with a longer phase-in period of 10 years for oil and gas. While our addiction to oil is not the focus of this bill, that addiction continues to have an impact on our balance of trade. The additional time provided in the bill for oil and gas imports will give Congress an opportunity to advance a serious energy policy, one that moves us away from our addiction to oil, an addiction that only aggravates our dangerous trade imbalance.

As Mr. Buffet warns in making this proposal, ''there is no free lunch here.'' These balanced trade certificates will increase the price of imported goods. Some domestically produced goods might also increase in price. But the alternative, continuing down the path we are now on, will mean that we will increasingly transfer our net worth overseas, and with it our economic future.

Nor are we the only ones put at risk by our trade deficit. A recent story in the New York Times headlined ''U.S. Trade Deficit Is Called a Threat to Global Growth'' reported the concerns of the Managing Director of the International Monetary Fund, Rodrigo de Rato, and others, over our trade deficit with China and other countries. The story reports on the threat our trade deficit poses to global economic growth and notes that the warnings about our trade deficit by Mr. de Rato and other financial experts will be addressed later this month ''at the annual meeting of the directors of the I.M.F. and the World Bank this month in Singapore.''

Some of the foremost experts in the world of international finance are concerned about our mushrooming trade deficit. It is time that we did something about it.

In the article describing the proposal on which this legislation is based, Mr. Buffett compares our country to a very rich family that owns an immense farm. He writes: ''In order to consume 4 percent more than we produce, we have, day by day, been both selling pieces of the farm and increasing the mortgage on what we still own.''

Mr. President, if we don't do something to straighten out our trade policies and turn our trade deficit around, before we know it, we won't have any more of the farm to sell off. We will have sold off all of it.

I urge my colleagues to join Senator DORGAN and me in sponsoring this legislation.

BROWNS CANYON WILDERNESS ACT

Mr. SALAZAR. Mr. President, I today reiterate my support for the permanent protection of one of our Nation's most spectacular sections of canyon country. Browns Canyon, CO, along the Arkansas River, is a beloved stretch of wilderness that is deserving of permanent protection under the 1964 Wilderness Act.

The 20,000 acres of wilderness in Browns Canyon are pristine, dramatic, and worthy of wilderness designation. My colleague from Colorado, Representative JOEL HEFLEY, has done heroic work over the last several years to craft a wilderness bill that protects these lands and meets the needs of the local communities. Thanks to his diligent work, they are eager to see Congress pass the Browns Canyon Wilderness Act as soon as possible.

Over the last several months, I have been working hard to pass this bill. I have worked with Representative HEFLEY to adjust the bill's water rights language and, should we take the Senate version of this bill up, I will work to include language that will bring it in line with an updated House version, which includes the agreed-to water rights language.

With only a few days left in this session, it is high time we act on this bill. The Browns Canyon Wilderness Act is a great example of Representative HEFLEY's sensible, pragmatic work, and we should make this wilderness designation a part of his legacy.

Mr. President, for the sake of our retiring colleague and for the benefit of Colorado's wild places, I hope we can get this bill to the President's desk as soon as possible.

ADDITIONAL STATEMENTS

TRIBUTE TO WAYNE SAYER

Mr. BINGAMAN. Mr. President, today I pay tribute to Wayne Sayer, who died suddenly on November 3 of this year.

When I came to the Senate in 1983, Wayne was among the first people I met who was interested in and concerned about the loss of our semiconductor industry to Asia. He was one of the first to recognize the value of a close partnership between government policy and the U.S. high-tech industry. His advice and counsel to members and staff through these early debates until the day he died were invaluable. His contributions to American competitiveness cannot be overstated.

An Air Force veteran, he first worked for Precision Scientific, an instrumentation company. When Precision Scientific was acquired by GCA Corporation, he stayed with the new company and eventually opened GCA's Washington, DC office. At the time of his death, he was the senior government affairs consultant to Applied Materials.

He was a smart, hard-working man with a great sense of humor and style. Those of us who valued his counsel and enjoyed his company over the years will miss his voice of good sense, his skill with policy issues and mostly his friendship. This is a loss, Mr. President, not only to the industry but to the country.

IN MEMORY OF JUDGE JAMES DEANDA

• Mrs. BOXER. Mr. President, I am saddened to inform you of the passing of Judge James DeAnda. I would like to take a few moments to recognize Judge DeAnda's many important accomplishments and the tremendous impact he made in protecting civil liberties.

James DeAnda was born in Houston, TX, in 1925. The son of Mexican immigrants, DeAnda fought bravely as a marine for his country during World War II. Shortly after returning from war, at a time when only a small number of Latino students were enrolled in higher education, he returned to his studies and graduated from Texas A&M University and the University of Texas Law School. As an attorney, DeAnda fought for the rights of all Latinos through his work on cases dealing with segregation and threats to civil liberties. He also was a cofounder of the Mexican American Legal Defense Fund, a nationwide nonprofit Latino litigation, advocacy and educational outreach institution.

DeAnda became the second Mexican-American judge appointed to the Federal bench when he was confirmed in 1979. During his tenure, he served for 13 years with the U.S. District and Bankruptcy Court's Southern District of Texas including four as chief judge until his retirement in 1992. In more than a half century of service to the law, Judge DeAnda was involved with many cases. He is, however, best known for his efforts as the youngest member of a 4-person legal team that argued the Hernandez v. Texas case which was ultimately decided by the Supreme Court. The 1954 decision overturned the murder conviction of Pete Hernandez by an all-White jury and held that Latinos deserved the same constitutional protections as other minorities including the right to serve as jurors.

I invite all of my colleagues to join me and the many mourning members of the legal, Latino, and civil liberties communities in recognizing and honoring Judge James DeAnda for his long

and distinguished service to our country. He is survived by his wife Joyce and 4 children.●

WILLIAM ''JOE'' HUDNALL: IN MEMORIAM

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated law enforcement officer, Deputy William ''Joe'' Hudnall of the Kern County Sheriff's Department. For the past 9 years, Deputy Hudnall worked tirelessly to provide the citizens of Kern County with safety and service. On the evening of November 14, 2006, Deputy Hudnall's life was tragically cut short in the line of duty when a vehicle driven by a suspected drunk driver struck his patrol vehicle on Highway 178 near Kernville.

Deputy Hudnall graduated from the Kern County Sheriff's Department Academy and began his career at the pretrial section of Lerdo Jail. In nearly a decade of service to the department, he also worked at the Frazier Park substation and Metro Patrol before moving to the Kern Valley substation. Throughout his career, Deputy Hudnall demonstrated a passion for law enforcement and commitment to helping others, qualities that enabled him to become a respected and model member of the Kern County Sheriff's Department. Deputy Hudnall's colleagues shall always remember him for his professionalism and devotion to serving the public.

Deputy Hudnall is survived by his wife Carrie and four children. When he was not on duty or spending time with his beloved family, Deputy Hudnall was an avid fisherman who also enjoyed working in his yard. Deputy Hudnall served Kern County with honor and dignity, and fulfilled his oath as deputy sheriff officer. His contributions to law enforcement and the many lives that he touched will serve as a shining example of his legacy.

We shall always be grateful for Deputy Hudnall's service and the valor that he displayed while serving and protecting the people of Kern County.●

JEFFREY MITCHELL: IN MEMORIAM

● Mrs. BOXER. Mr. President, today I ask my colleagues to join me as I honor the memory of a dedicated public servant, Sacramento County sheriff's deputy Jeffrey Mitchell. For 9 years, Deputy Mitchell devoted his life to protecting the citizens of Sacramento County. On October 27, 2006, Deputy Mitchell was tragically killed in the line of duty.

Upon graduation from Westmont High School in 1986, Jeffrey Mitchell joined the U.S. Air Force and served as a security officer for 5 years. After leaving the Air Force, he earned a teaching credential at California State University, Sacramento, and taught as a substitute teacher at local schools. His talent, passion, and humor dealing with students, coupled with his dedication to education, made him a natural teacher in the classroom.

In 1997, Jeffrey Mitchell chose to continue his public service and joined the Sacramento County Sheriff's Department. He brought with him the same good-natured spirit that he exhibited in his previous professions to his new career in law enforcement. Jeffrey Mitchell served as the recreational technician at Rio Cosumnes Correctional Center in Elk Grove and was promoted to deputy in 2002.

Deputy Mitchell's family, friends, and colleagues all remember his infectious smile and kind heart. He is survived by his wife Crystal, son Jake, and sister Kim Gervasoni. Deputy Mitchell was a devoted family man who chose to work the overnight shift so he could pick his son up from school and prepare dinner for his wife when she arrived home from work. He shared his love of sports with Jake and coached his T-ball team.

Deputy Jeffrey Mitchell served the County of Sacramento with honor and distinction and fulfilled his oath as a deputy sheriff. His contributions and dedication to public safety are greatly appreciated and will serve as a shining legacy to his service.

We will always be grateful for Deputy Mitchell's exemplary service and the sacrifices he made.●

IN MEMORY OF ELIZABETH TERWILLIGER

● Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of an extraordinary Californian, Elizabeth Terwilliger.

To the Marin County community, Elizabeth Terwilliger was a renowned naturalist and educator, beloved by school children and adults, who leaves an amazing environmental legacy. She died on November 27, 2006, at the age of 97. She is survived by her daughter Lynn, her son John, and several grandchildren.

Elizabeth Cooper was born in Hawaii in 1909. She moved to the mainland to pursue a master's degree in nutrition from Columbia University in New York and then attended Stanford nursing school. While at Stanford, she met her husband, Dr. Calvin Terwilliger. After World War II, the couple settled in Mill Valley, CA, where they raised two children.

Elizabeth took her children on nature walks throughout Marin County. Soon, she was leading nature walks for local Girl Scout and Boy Scout troops. Her unique hands-on style and storytelling ability became known throughout the community, and soon she began leading field trips for area schools and environmental organizations. Leading such trips 5 days a week became her life's work.

For the 50 years that followed, every child growing up in Marin County knew Mrs. Terwilliger. She was a famous and beloved educator who traveled across the county in her familiar van filled with life-like animal models to teach school children about nature. Upon sight of her characteristic floppy straw hat, children would come running and follow her through the woods with excitement and adoration. They would soak up her stories and bring them home to teach their parents.

Those who knew Mrs. Terwilliger well recount her mesmerizing personality, her passion for nature and wildlife, and her openhearted way with children and adults alike.

In 1984, President Ronald Reagan honored Mrs. Terwilliger as an outstanding volunteer. While accepting the award at the White House, she shared one of her famous stories about ''Mr. Vulture'' and had President Reagan holding his arms over his head in the ''V'' position, representing a vulture in flight.

In addition to leading nature education programs, Mrs. Terwilliger was an advocate for environmental conservation and open space. She campaigned for a monarch butterfly preserve, bicycle paths, wetlands, and open space preservation. She received numerous awards and has two preserves named after her: Terwilliger Marsh in Mill Valley and Terwilliger Grove in Muir Woods.

She founded the Elizabeth Terwilliger Nature Education Center, which later became known as WildCare. Using educational programs developed by Mrs. Terwilliger, the center provides nature programs for over 40,000 Bay Area school children each year. The center also treats thousands of wildlife each year, rehabilitating them and returning them to their natural environment.

Mrs. Terwilliger often said, ''While you're learning, you're living.'' Her life's passion was to teach people how to embrace and love nature. She was a local treasure and a wonderful, inspiring woman.

I knew Mrs. Terwilliger and respected and admired her greatly. She will be deeply missed.

For those of us who were fortunate to know her, we take comfort in knowing that school children will continue to learn from Mrs. Terwilliger's unique educational style at WildCare. Her vision, her passion, and her spirit will remain in the countless lives she touched.●

TRIBUTE TO THE RABBIT HASH GENERAL STORE

● Mr. BUNNING. Mr. President, today I pay tribute to the Rabbit Hash General Store on its 175th anniversary. The Rabbit Hash General Store has continuously operated relatively unchanged in the town of Rabbit Hash, KY, since 1831.

For 175 years, the Rabbit Hash General Store has been a meeting place for the local community where citizens of Rabbit Hash have come together. The

Rabbit Hash General Store has withstood ice jams and floods from the Ohio River. The establishment shows the true fortitude of the people who live in this great river town.

The Rabbit Hash General Store has been recognized as a landmark by the Commonwealth of Kentucky since the late 1970s. Nationally, the Rabbit Hash General Store was recognized by the Department of the Interior on the National Register of Historic Places, and the town of Rabbit Hash has been recently honored by First Lady Laura Bush as a Preserve America Community.

I ask my fellow colleagues to join me in congratulating the Rabbit Hash General Store on its 175th anniversary. The Rabbit Hash General Store is a true American treasure.●

TRIBUTE TO BRAYTON WILLIS

● Mr. CRAPO. Mr. President, in early 2007, the Army Corps of Engineers will see one of its finest employees retire after 28 years of exemplary service to individuals, communities, and agencies that the Corps serves.

Brayton Willis has lived in Idaho since 1999, serving as the project manager in the Walla Walla District's Boise office. He served in the U.S. Marine Corps and later graduated from Northeastern University with a degree in civil engineering. His career began in Massachusetts where he worked on one of the first environmental impact statements required under the Clean Air Act.

Brayton has worked for the Corps of Engineers in Arizona, Washington and South Carolina, in addition to his work in Idaho. Over the course of his career, he worked at two of the Nation's nuclear facilities providing environmental restoration support to the Department of Energy. He found time to use his expertise in a volunteer capacity as well, helping local communities in California and Puerto Rico assess damages after natural disasters. In Idaho, in particular, Brayton specialized in flood control and issues related to environmental improvement in urban and suburban flood-prone areas. He also worked with local communities to address the critical issues of water and wastewater management and actively sought to involve community stakeholders in flood control and environmental improvement. Brayton preferred to approach flooding and its implications in a preventive manner, before disaster happened. He worked under the firm belief that this method was the most effective and efficient use of taxpayer dollars.

Brayton's work reflects the complementary ideals of caring for communities and the environment. Increased population growth in the West means greater and more sensitive interface between the environment and people. If managed effectively and proactively, the result can be positive for the environment and hold far less risk of disaster for the residential population. Brayton understands this and implemented it in his almost three decades of employment in the Corps. I congratulate Brayton Willis on his retirement and wish him and his wife Debbie well in future endeavors.●

A FRIEND TO IDAHO FISH AND GAME

● Mr. CRAPO. Mr. President, on January 1, Idaho sportsmen and women and wildlife will lose a great agency friend in the Idaho Department of Fish and Game. Steve Huffaker, 22-year veteran of Fish and Game, and director since 2002, will be retiring after a full and successful career with this important agency.

Steve has been my great friend and supporter on many issues including wolves, elk, slick spot peppergrass, sage grouse, and cooperative conservation agreements with landowners. His enthusiasm for the Collaboration for the Recovery of the Endangered Species Act and the Owyhee Initiative has been instrumental as I seek the support of others on these important land management policy initiatives. Steve also provided expert advice and recommendations with regard to Federal implementation of these initiatives. He served as an invaluable resource for considerations of wildlife habitat in designations in several State and Federal conservation programs. Steve has been a staunch supporter of my Elk Collaborative; he has worked closely with my staff on these and many other issues over the years. He led the charge to delist grizzly bears, restored confidence and trust with agricultural interests, and remained determined to keep me informed of his activities, ideas, and beliefs. Steve's strengths include a positive demeanor and clear and tough but fair and reasonable stance when he was called upon to defend his position and decisions.

During his years at Fish and Game, Steve served as both Fisheries Bureau chief and Wildlife Bureau chief. He oversaw the agency during a time of constant and frequent change. State management of wolves, fee increases, access issues, conservation, and troubled agency relationships with sportspeople, farmers, and ranchers were some of the challenges that Steve met head-on, and today Idaho is better off with his years of leadership. Now, he will have the time to privately enjoy the fields, streams, and mountains of Idaho that he took such good care of over the years. The man who will be ''taking his grandkids fishing'' will be sorely missed, and his boots, hard to fill. I wish Steve health, success, and successful hunting and fishing, in his well-deserved retirement.●

MISSISSIPPI HEIGHTS ELEMENTARY SCHOOL, SAUK RAPIDS, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Mississippi Heights Elementary School, in Sauk Rapids, MN, which will soon earn an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Mississippi Heights Elementary School is truly a model of educational success. The school begins each school day by welcoming all staff and pupils in the gym with a unique ''Lift Off'' program, which is led by the children and is designed to recognize birthdays, make announcements, and strengthen the school's strong sense of community. Another special characteristic of Lift Off is its buddy system, which matches each child in the primary classes with a buddy from the intermediate classes to act as a mentor. The buddies sit together at Lift Off and read to each other before the program begins.

Mississippi Heights is dedicated to a successful literacy initiative, whose goals are: implementation of a balanced literacy program that will include independent shared, guided reading, writing, and read-alouds throughout the day; students' demonstration of individual improvement in reading levels; reading and writing throughout the day which aims toward raising RIGBY and Guided Reading levels for each student; and daily reading aloud by teachers, with 5,000 read-aloud books as a building goal.

Teachers at Mississippi Heights have made reading and writing a top priority, and it shows in their enthusiasm and passion in the classroom. The students' reading and writing scores have improved: More than 30 percent of the students scored in the top level of the Minnesota Comprehensive Assessment in 2006, and the school earned four stars from the Minnesota Department of Education in reading this year.

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

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

NEVIS PUBLIC SCHOOL, NEVIS, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Nevis Public School, in Nevis, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Nevis Public School is truly a model of educational success. It is a unique

school that utilizes the strengths of the teachers, community, and rural setting, as well as educational opportunities in the Twin Cities and elsewhere to provide its students with an exemplary learning environment.

The school's rural setting and connection to the local community offer many exceptional learning benefits for the students. The school is adjacent to an 80-acre school forest, which is often the classroom for the forest management class, while local rivers serve as the classroom for the aquatic management class. Each Earth Day, students plant trees in the school forest and throughout the community. Fourth-graders attend an annual Agriculture in the Classroom presentation, and sixth-graders learn about lakes and aquatic management at the Freshwater Festival.

The school is committed to a well-rounded education for its students and makes a strong effort to expose them to learning opportunities outside of the community, as well. Students have gone on ecological trips to Russia and Peru; the band and choir have traveled to Chicago; and students are given a variety of opportunities to travel to the Twin Cities for theatrical, sporting, and educational events. Students in the art program have been selected to display their work at the State capitol; and, for the past 3 years, Nevis School students have earned scholarships to attend the Minneapolis College of Art and Design.

In 2006, Nevis School was recognized as an ''outperformer'' by Standard & Poor's School Evaluation Services. Nevis School was one out of 22 schools in Minnesota to be recognized for having significantly higher percentages of students who scored proficient or above on State reading and math tests than other Minnesota school districts with similar levels of student poverty.

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

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

TRAILVIEW SCHOOL, MORA, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Trailview School, in Mora, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Trailview School is truly a model of educational success. The school has always had lofty expectations for the students. The highly qualified staff provides a challenging and enriching curriculum that encourages student success. The personnel at Trailview go above and beyond to connect with students by providing a variety of after-school enrichment programs. Respect for others and school pride are evident throughout the school.

Trailview School's afterschool programs were all suggested by the students and significantly enrich the students' learning experience. Some of the most popular programs are cake decorating, architectural drafting, Spanish, book club, chess club, Yu-Gi-Oh card club, quilt making, nutritious snacks, junior master gardener's club, and scrapbooking. There are also a variety of supplementary and enrichment programs offered during the day.

The Trailview School and its staff have received a variety of awards in recognition of the school's exceptional learning environment. In 2002, Trailview School received the Minnesota Elementary School Principals' Association School of Excellence award. In 2003, Principal Wendie Anderson was nominated to the Minnesota Alliance for Arts in Education by the local Collegiate Assessment of Academic Proficiency committee, and she received the honor of being named ''Minnesota's Leading School Administrator in Arts Education.'' In 2004, she was named ''MESPA's Minnesota National Distinguished Principal.'' Trailview School has also been recognized by the Minnesota Department of Education as a five-star school in reading in 2003 and 2004, and as a four-star school in reading in 2005.

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

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

LANCASTER PUBLIC SCHOOL, LANCASTER, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Lancaster Public School, in Lancaster, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Lancaster Public School is truly a model of educational success. Members of the staff, who understand that not all children learn the same way or at the same rate but that all children are capable of learning, work hard to personalize Lancaster's learning environment to ensure that every student's educational needs are met. To achieve this goal, the staff uses a variety of instructional strategies to accommodate individual learning styles. The result is a creative learning environment that is flexible, innovative, and highly successful.

Lancaster Public School has been recognized by Standard & Poor's School Evaluation Services as a district that outperformed demographically similar school districts in reading and math proficiency for 4 the past 4 school years. Lancaster Public School is 1 of only 10 school districts in Minnesota that have attained this status. This achievement is particularly impressive because Lancaster is the smallest school in the group, with only 212 students in grades kindergarten through grade 12, and the most economically disadvantaged with 59.9 percent of the students qualifying for free and reduced lunch.

Lancaster Public School District has been recognized by the Minnesota Department of Education for making adequate yearly progress for the past 3 years. The school's high achievement on the Minnesota Comprehensive Assessment tests has earned both the elementary and secondary schools a five-star rating from the State Department of Education in reading.

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

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

CHALLENGER ELEMENTARY SCHOOL, THIEF RIVER FALLS, MINNESOTA

● Mr. DAYTON. Mr. President, today I wish to honor Challenger Elementary School, in Thief River Falls, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Challenger Elementary School is truly a model of educational success. In 2002, the staff at Challenger initiated a grassroots effort to improve the quality of education at the school by implementing a successful literacy program. Their efforts resulted in the Literacy Collaborative, which is designed to improve reading for all children.

The school's framework for literacy lessons is based on providing multiple

opportunities to participate in reading and writing projects. Recently, Challenger Elementary pupils partnered with the Arctic Cat Corporation to create educational books about snowmobiles and all-terrain vehicles for elementary-age children. These books now are being sold nationwide.

Challenger Elementary has benefited greatly from the strong support of the school board, which backed the Literacy Collaborative financially, as well as the community, which donated more than $40,000 for the school's book room. To date, staff members and volunteers have given more than 1,160 hours of their time preparing the book room, which boasts more than 5,000 volumes. Clearly, the Literacy Collaborative is more than a school initiative; it is also a prized community initiative that has been embraced by many volunteers and generous donors.

The program's success is evident in the students' strong test scores. Minnesota Comprehensive Assessment scores have improved since the initiation of the Literacy Collaborative, and Northwest Evaluation Association scores are also on the rise. In 2006, Challenger Elementary received four stars in reading from the Minnesota Department of Education.

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

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

BAXTER ELEMENTARY SCHOOL, BAXTER, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Baxter Elementary School, in Baxter, MN, which will soon earn an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Baxter Elementary School is truly a model of educational success. Located in one of Minnesota's most rapidly growing communities, Baxter Elementary School is setting a high standard for academic achievement throughout the school district. Baxter Elementary is committed to continuous curriculum review and staff development. The school offers a variety of enrichment opportunities to children, such as the Junior Achievement Program and the Junior Great Books Program. An after-school program called Pals at Play is offered for children who need support in certain curricular areas.

Baxter Elementary has developed an innovative program called Teachers Needing Teachers, designed to assist pupils who are struggling in the classroom but who do not meet the criteria for special education services. The Teachers Needing Teachers Program is composed of an intervention team of experienced teaching professionals: a representative from each grade level at the school, the principal, a special education teacher, and the school's home-to-school collaborative liaison. The team has helped colleagues improve the classroom performance of children who are challenged academically and/or behaviorally.

Baxter Elementary has an active Parent-Teacher Organization that contributes greatly to the excellence of the school. The recent efforts of the PTO resulted in a significant expansion of the book collection in the library, as well as upgrades to the computer lab, playgrounds, and the Literacy Collaborative book room.

The success of Baxter Elementary is also reflected in its test scores. In 2005, the school was awarded five stars in reading and math from the Minnesota Department of Education.

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

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

BADGER SCHOOL DISTRICT, BADGER, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Badger School District, in Badger, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Badger School is truly a model of educational success. The school is dedicated to insuring that all students are prepared to function successfully and contribute to our ever-expanding world of technology and knowledge. Realizing that education is a multifaceted system involving the school, community, family, and governing bodies, Badger has developed an innovative curriculum that challenges students to achieve higher standards.

To prepare students to succeed in a global economy, Badger School recently received a grant to implement Project Lead the Way, a pre-engineering curriculum that promotes the integration of science, math, technology, and engineering. The district has also partnered with Humanitarian Services for Children of Vietnam and has a sister school in Hanoi. Through this partnership, the children are learning about cultural diversity and helping those less fortunate.

Badger School District serves 217 students in kindergarten through grade 12. The elementary school was recognized by the Minnesota Department of Education as a four-star school in reading and as a five-star school in math in 2003 and 2004. In 2005, the school received five stars in both subjects. Badger Secondary School received a three-star rating in math and reading in 2004 and improved to a four-star rating in math in 2005. As further testimony to the exemplary performance of Badger School District, the district was named an outperformer in math and reading based on academic achievement levels compared with the percentage of economically disadvantaged students in the district by Standard & Poor's School Evaluation Services.

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

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

LAKEVIEW ELEMENTARY SCHOOL, LAKEVILLE, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Lakeview Elementary School, in Lakeville, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Lakeview Elementary School is truly a model of educational success, and its staff is committed to the success of every child. The school has developed an early intervention program to identify children, early in their school career, who could have difficulties in reading and to provide intensive assistance in both kindergarten and first grade. This program has been extremely successful and has served as a model for other Lakeville schools and other school districts throughout the State.

Lakeview Elementary challenges all pupils to excel in reading through participation in an extensive, out-of-school reading program called ''Accelerated Reader.'' The AR program encourages children to read more and to increase comprehension through computer-based assessments, which the

children take after reading each book. For their efforts, pupils earn points, which they can then spend at the AR store twice a year.

Parents' involvement is another reason for Lakeview Elementary's exceptional performance. This fall, 99.6 percent of all parents attended their child's conferences. Parents are also very active in both the Lakeville Elementary Volunteer Organization and in the Parent Advisory Council. Last year, LEVO raised over $17,900 to improve the educational program, providing a poetry residency for all pupils, funding two assembly presentations, purchasing lap-top computers for the children's use, providing funds for transportation for all field trips, expanding the number of AR tests available, and funding the new art bulletin boards.

Lakeview Elementary stresses the importance of being a good citizen through service projects. Last year, the children adopted an elementary school in Louisiana in the aftermath of Hurricane Katrina and held a fundraiser to buy school supplies and coats for the displaced children. This service project created a strong bond between the two schools, and the children communicated with their counterparts throughout the school year. The children also held a fund drive for the Pennies for Patients Children's Leukemia Campaign for which they raised more than $2,600.

Lakeview Elementary School has consistently been ranked a Minnesota five-star school over the past few years, recognized for excellence by the Minnesota Department of Education.

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

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

SCHOOLCRAFT LEARNING COMMUNITY, BEMIDJI, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Schoolcraft Learning Community, in Bemidji, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Schoolcraft Learning Community is truly a model of educational success. The school, which is designed according to the principles of ''service and compassion,'' uses learning through service as a supplement to scholarly study to deepen intellectual growth, build character, and contribute to the community in a meaningful way. The school views combining service with study as a powerful motivator for giving young people a purpose to learn. In the context of service work, students writing a letter, making a brochure, or creating a book are encouraged to perform at a higher level because the audience is a real one and because students have an authentic reason to communicate.

An integral part of the Schoolcraft culture is the weekly conflict management/resolution class, which teaches peacekeeping skills. A group of 29 students, part of a Students Teaching Attitudes of Respect—STAR—team, visits other schools to promote conflict resolution skills.

Schoolcraft deepens educational opportunities through a half-year integrated unit of study during which a student conducts an in-depth investigation of a theme or topic through authentic research, projects, field work, service, and reflection.

The success of Schoolcraft Learning Community is reflected in the students' development into self-directed, lifelong learners who have the skills and knowledge to navigate confidently and compassionately in the world. The school's strong test scores have also been recognized by the Minnesota Department of Education; in 2006, Schoolcraft Learning Community received four stars in reading from the department.

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

I congratulate Schoolcraft Learning Community in Bemidji for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

TRIBUTE TO CAROLE KELL OF COBB COUNTY, GEORGIA

● Mr. ISAKSON. Mr. President, today I wish to pay tribute in the RECORD of the Senate to my friend Carole Kell, who is a great Georgian, a great American, and a great citizen of Cobb County. Next week Carole will be honored by the Cobb Chamber of Commerce as the East Cobb Citizen of the Year for her many contributions to the quality of life in Cobb County, GA.

Carole has a long and distinguished record as an educator in Cobb County, where she has lived for over 40 years. During her career, she served as the principal of Dickerson Middle School and Hightower Trail Middle School. I believe education is the most important thing we can provide for our children and for our country's future, and I commend Carole for her dedication to the success of her students over the years.

Carole also has a long history of community involvement in my hometown of Marietta, GA, where she is a well-respected and dedicated leader. Although Carole has retired from the workforce, she has not ''retired'' from her commitment to her community. Hopefully, she never will.

Carole is a longstanding member of the board of directors of the Cobb YMCA and the Business Education Steering Committee of the Cobb Chamber of Commerce. She is the chair of the Committee for Election of the Cobb County Commission and chair of the Wellstar Cancer Council.

Carole also serves on the advisory board for Johnson Ferry Community Bank of the South, the Cobb and Douglas Board of Health, and the Cobb and Douglas Community Services Board. In addition, she is a member of the Cobb County Republican Women's Club and a board member of the Cobb Boys and Girls Club as well as a member of the Citizens Advisory Committee for Kell High School, which is named after her late husband.

Carole was an active member of Marietta Baptist Church, where she taught Sunday School for children, sang in the adult choir, and helped with the children's choir. She is currently a member of Johnson Ferry Baptist Church. Carole has also raised funds over the years for the American Cancer Society, the Leukemia Society, and the American Heart Association.

It gives me a great deal of pleasure and it is a privilege to recognize on the floor of the U.S. Senate the contributions of Carole Kell to Cobb County and the State of Georgia.●

25TH ANNIVERSARY OF ORCHARD HOUSE

● Mr. LIEBERMAN. Mr. President, I speak today in honor of The Orchard House Adult Day Center and its hard-working and dedicated staff on the occasion of their 25th anniversary.

For the past 25 years, Orchard House has been serving the needs of the elderly and the disabled, with loving care. The center has provided medical monitoring, recreational therapeutic treatment, and innovative programs to the mentally and physically challenged adults of the Connecticut community. Hundreds of families from the greater New Haven area have been granted respite at the Orchard House and both the State and the Nation have recognized Orchard House with awards for service and humanitarianism.

The Orchard House's dedication and commitment to the citizens of Connecticut can be seen not only through

its continued efforts to provide clients and families with comfort and support but also in its Intergenerational Program, a program designed to involve children from various local schools in the area, in activities at the center. Considering this, it is no wonder that Governor M. Jodi Rell has called Orchard House ''a jewel of the Connecticut shoreline.''

I am confident that I speak for all the citizens of Connecticut in expressing pride and gratitude for the Orchard House Adult Day Center as it celebrates its 25th anniversary. The executive director, Thomas Russell Romano, and his staff have committed themselves to providing much needed care and treatment for the people of Connecticut.●

TRIBUTE TO BRIGADIER GENERAL BENJAMIN J. SPRAGGINS

● Mr. LOTT. Mr. President, I wish to take this opportunity to recognize and say farewell to an outstanding Air Force officer, BG Benjamin J. Spraggins, upon his retirement from the Air Force after more than 34 years of service. Throughout his career, Brigadier General Spraggins has served with distinction, and it is my privilege to recognize his many accomplishments and commend him for his service to the Air Force, the Congress, and our grateful Nation.

Brigadier General Spraggins is a longtime resident of my home State and devoted public servant of Harrison County, MS. He enlisted in the U.S. Air Force on March 17, 1972. After over 6 years of successful enlisted service, reaching the grade of technical sergeant, Brigadier General Spraggins received his commission from the Academy of Military Science, McGhee Tyson, TN. Following graduation from Officer Candidate School, Brigadier General Spraggins completed aviation school at Mather Air Force Base, CA, and RF–4C training at Shaw, Air Force Base, SC. Brigadier General Spraggins was then stationed with the 187th Transport Ready Group at Dannelly Field, AL, flying the RF–4C fighter aircraft. While stationed in 187th, Brigadier General Spraggins served in many critical positions including instructor, scheduling officer and assistant chief of standards and evaluations. He was a weapon systems officer in the RF–4C from 1979–1983 and a weapons system instructor in the F–4D from 1983–1988 at the 187th Fighter Wing. Brigadier General Spraggins completed his military flying career with over 2,500 hours in the T–37, T–43, RF–4C, and F–4D aircraft.

On September 23, 1987, Brigadier General Spraggins was assigned to the Combat Readiness Training Center, Gulfport, MS. During his tenure at the training center, he served in various positions including range control officer, director of operations, operations group commander, and finally as commander of the Combat Readiness Training Center. As commander, Brigadier General Spraggins was responsible for operations and training of over 20,000 military personnel annually and provided oversight for a $75 million dollar budget.

Concurrently, Brigadier General Spraggins was sent to Andrews Air Force Base, DC, in 2002 to run the Crisis Action Team for the Air National Guard. In 2003, he also served as the interim commander of the 186th Air Refueling Wing where he was responsible for operations of KC–135 aircraft wing, with over 1,000 personnel and oversight of a $48 million dollar annual budget. He was the first member of the Mississippi Air National Guard to simultaneously command two major units, the Combat Readiness Training Center and the 186th Air Refueling Wing.

Brigadier General Spraggins was assigned to the Tennessee Air National Guard in November 2005 as the chief of staff. In this capacity he was responsible to the adjutant general for readiness of Tennessee's three flying wings and three mission support units. In addition to duties as chief of staff, Brigadier General Spraggins also served as the air deputy commander, joint forces Headquarters, Tennessee National Guard. Brigadier General Spraggins was also attached as the battle commander for Air Force North, Tyndall AFB, FL. In this capacity he was responsible for ensuring the air sovereignty and air defense of the continental United States.

During his long and distinguished career, Brigadier General Spraggins successfully completed Squadron Officer School, Air Command and Staff, and the Air War College with the Air University. His decorations and awards include Legion of Merit, Meritorious Service Medal, Air Force Commendation Medal, Mississippi Magnolia Cross, Tennessee Meritorious Service Medal, Combat Readiness Medal, Air Reserve Forces Meritorious Service Medal, National Defense Service Medal, Air Force Longevity Service Medal, Armed Forces Reserve Medal and the Air Force Training Ribbon.

Upon the retirement of Brigadier General Spraggins after 34 years of dedicated service, I offer my congratulations to him and his wife Judy. Brigadier General Spraggins is a credit to both the Air Force and the United States of America. I know that I speak for all my colleagues in expressing heartfelt appreciation to him. I wish Brigadier General Spraggins blue skies and safe landings and congratulate him on completion of an outstanding and successful career.●

TRIBUTE TO BRIGADIER GENERAL DAVID K. (BOB) EDMONDS

● Mr. LOTT. Mr. President, today I wish to recognize an outstanding officer upon his retirement from the U.S. Air Force. Brigadier General David K. ''Bob'' Edmonds will retire on February 1, 2007, after almost 28 years of service. His successes and accomplishments have been significant and many. He has been recognized by his superiors and subordinates alike for his ability to motivate and lead teams and mentor future leaders. Today, it is my pleasure to recognize some of General Edmond's many accomplishments and commend his service to the Air Force, the Congress, and our grateful Nation.

Brigadier General Edmonds was born and raised in Charlotte, NC. He graduated from the U.S. Air Force Academy in 1979 as a distinguished graduate and the top cadet in the civil engineering major. He was selected for a Guggenheim Fellowship at Columbia University and graduated in May 1980 with a master of science degree in civil engineering. He began his Active Duty career at Columbus Air Force Base, Mississippi, where he completed undergraduate pilot training as a distinguished graduate and was selected to fly the F–15 Eagle. He has served in numerous flying positions throughout his career, both as an instructor pilot and a commander, and led 45 combat missions with the 53rd Tactical Fighter Squadron during Operation Desert Storm. He is a command pilot with over 2500 flight hours and 300 combat hours.

General Edmonds' last assignment was deputy director for operations, National Military Command Center, the Joint Staff, Pentagon, where he led a team that performed initial analysis of developing military and political situations worldwide for the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and President of the United States. He also performed nuclear watch in conjunction with the North American Aerospace Defense Command and U.S. Strategic Command and was ready to advise the President on available courses of action and transmit the President's nuclear decisions.

We especially remember General Edmonds' his service to the Congress as the Deputy Director for Air Force Legislative Liaison from 2003 to 2004 and as the Chief of Air Force Senate Liaison from 2001 to 2003. During these tours of duty, he was responsible for articulating Air Force priorities and programs to members and their staffs and responding to congressional inquiries regarding a broad range of issues.

From 1999 to 2001, General Edmonds was the 16th commander of the 131st Fighter Wing, St. Louis, MO, where he uniquely served as an Active Duty officer commanding an Air National Guard Wing. He had great success leading the Wing to achieve and maintain air superiority with the F–15 Eagle aircraft and, accordingly, was awarded the 2001 Executive of the Year for the St. Louis metropolitan region. Prior to assuming this command, he was the chief, Joint Requirements Division in the Directorate of Force Structure, Resources, and Assessments, J–8, Joint Staff, at the Pentagon. In June 1997, he graduated from the National War College as a Distinguished Graduate. From 1995 to

1996, he was a White House Fellow assigned as a Special Assistant to Philip Lader, a member of President Clinton's Cabinet, and the Administrator of the Small Business Administration.

In 1994, he served as commander of the 95th Fighter Squadron, Tyndall Air Force Base, Florida, where he commanded over 300 personnel and supervised the operation of 26 F–15 aircraft. Under his leadership, the squadron was recognized as the 325th Fighter Wing Squadron of the Year. Previously, he served in the Air Force Headquarters, with the Air Staff Training Program, and was an air officer commander, civil engineering instructor, motorglider instructor pilot, and women's rugby coach at the U.S. Air Force Academy.

On the eve of General Edmonds' retirement, I offer my congratulations to him, his wife Ann, his son Gregory, who is a freshman at the Air Force Academy, and daughter Katelyn. General Edmonds will be missed, and I know that I speak for all my colleagues in expressing my heartfelt appreciation to him. He is a credit to both the Air Force and the United States of America. We wish our friend the best of luck in his future endeavors and congratulate him on completion of an outstanding and successful active-duty career.●

TRIBUTE TO CAROL HAGEL

● Mr. LUGAR. Mr. President, today I wish to celebrate the important leadership of Carol Hagel upon her retirement from the Indiana Farm Bureau, Inc. Over the years, she has traveled tirelessly representing Indiana agriculture in her position as the second vice president and head of the Women's Division.

In 1985, the Indiana Farm Bureau and I conceived the idea of sponsoring a youth essay contest focusing on the importance of Indiana agriculture in their daily lives. Throughout the years, essay topics have focused on health and nutrition, global trade, and most recently, alternative energy consumption. The Indiana Farm Bureau Women's Division has generously given of its time to judge over 15,000 essays at the county, district, and State levels.

For the past several years, I have looked forward to visiting with Carol when she traveled to Washington, DC, with the State essay winners and their families.

Carol has been a true friend to Indiana agriculture, and I cherish our years of friendship. I hope that you will join me as we honor and celebrate her many contributions to the State of Indiana.●

TRIBUTE TO DR. JENNIFER RICHESON

● Mr. OBAMA. Mr. President, today I wish to acknowledge an extraordinary constituent of mine, Dr. Jennifer Richeson. An associate professor at Northwestern University, Jennifer has recently been named a MacArthur Fellow.

Each year, the MacArthur Fellows Program typically accepts our Nation's most ingenuous and diligent minds. The Program is highly selective; typically only 20 to 30 applicants are accepted. Moreover, although the fellowship grants a $500,000 stipend, it is not meant to be a reward. Rather, it is an investment in the creative potential of our Nation. To activate this potential, the stipend is free of stipulations; scholars spend their grant on whatever projects they choose.

In 1994, Dr. Richeson received a bachelor's degree in psychology from Brown University. Then, in 2000, Jennifer received a doctorate in social psychology from Harvard University. Now, at Northwestern, she has used innovative research techniques to study the effects of racial stereotyping and discrimination on cognition and behavior. With the stipend she receives from her fellowship, Dr. Richeson will surely make further contributions to our society's understanding of psychological and racial issues.

I congratulate Dr. Richeson on her accomplishments. She is a model of academic excellence and commitment, and I am proud to be her Senator.●

HONORING LIEUTENANT GENENERAL JOHN R. VINES

● Mr. SHELBY. Mr. President, today I honor LTG John R. Vines, the commanding general of the XVIII Airborne Corps and Fort Bragg.

General Vines, an outstanding American soldier from Alabama, will soon retire after more than 35 years of selfless service to this great Nation in the U.S. Army. General Vines' dedication to our soldiers, commitment to excellence, and performance of duty has been extraordinary throughout his career. General Vines' lifetime of service culminated in an assignment as the commanding general of the XVIII Airborne Corps and Fort Bragg, which he has held since 2003.

During his time in uniform, General Vines served in a succession of command and staff positions worldwide. The embodiment of an Army Ranger, General Vines has served all over the world, commanding paratroopers in combat during three separate conflicts. As a battalion commander in the 82nd Airborne Division, General Vines led a combat parachute assault in Operation Just Cause in Panama in 1989 and then led the same soldiers in Operation Desert Shield as the first ground combat unit in the gulf.

Soon after the United States went to war in 2001, General Vines, as commanding general of the 82nd Airborne Division, led his forces into Afghanistan as head of Coalition Task Force 82 and then assumed control of Combined/Joint Task Force 180 in Bagram. From January 2005 until January 2006, General Vines served as the joint forces commander of Multi-National Corps Iraq in Operation Iraqi Freedom, becoming the first general officer to command forces in both Iraq and Afghanistan.

LTG John Vines holds a B.S. degree in chemistry from the University of Alabama and an M.A. degree in National Security and Strategy from the Naval War College. His numerous awards and accolades include the Defense Distinguished Service Medal; Distinguished Service Medal; Defense Superior Service Medal, with Oak Leaf Cluster; Bronze Star Medal, with Oak Leaf Cluster; Legion of Merit, with Oak Leaf Cluster; Combat Infantryman Badge; Master Parachutist Badge, with Combat Star and the Ranger Tab.

During his distinguished Army career, General Vines earned a reputation as one of the Department of Defense's most forward-thinking and insightful leaders. Remembered by those who served under his command as both an extraordinary man and leader, General Vines wrote personal condolence letters to the families of each one of his soldiers killed in combat. General John Vines represents the epitome of what Army leaders, soldiers, and the country expect from our military officers. He is a sterling roll model for young soldiers. Well known as the ''Soldiers' General,'' his commitment to the troops he led was unparalleled, even being quoted as saying that success in combat is not about military hardware or technology. ''It boils down to the individual soldiers. It's about having people who have the commitment, the courage, the will, and the warrior values to confront the forces that threaten us. And only so long as we have those men and women who are able and willing to confront this will we be safe.''

His service to the Nation has been exceptional, and General Vines is more than deserving of this recognition. His sacrifices are appreciated and important to the freedom we enjoy every day. I hope my colleagues will join me in thanking LTG John Vines for his commendable service to our Nation and the U.S. Army. I thank his wife Pamela and his sons, Joshua and Jacob, for their steadfast support while he fulfilled this essential duty to our country. I personally wish the Vines' family all the best as they celebrate General Vines' richly deserved retirement.●

TRIBUTE TO SOUTHERN OREGON REHABILITATION CENTER AND CLINICS

● Mr. SMITH. Mr. President, it is my sincere pleasure to congratulate the Southern Oregon Rehabilitation Center and Clinics on being awarded the 15th Annual Secretary Robert W. Carey Performance Excellence Award. On November 16, 2006, the SORCC was honored with the Carey Award, an award given by the Department of Veterans Affairs acknowledging those VA organizations which exhibit performance and organizational excellence.

Nearly 400,000 of our Nation's veterans reside in the State of Oregon.

The service of these men and women makes me proud to be an Oregonian. Unfortunately, oftentimes with great heroism comes great risk. Mental impairments, along with a variety of contributing factors, have led to a large concentration of homeless veterans in Oregon, totaling roughly one-third of Oregon's homeless population.

The SORCC in White City, Oregon directly focuses on the needs of the homeless, mentally ill, and substance abusers. Serving for over 56 years, the SORCC is the VA's only freestanding rehabilitation center, carefully tailored to treat debilitating problems unaddressed by standard VA medical centers and clinics. White City pays special attention to Oregon's substantial Veterans homeless population, with 75 percent of all applicants stating that they are without a home.

While about one-fourth of the Veterans living within the general proximity of the facility receive some type of care from the SORCC, its exclusivity in Veteran specialty care has attracted patients from over 35 States. Potential patients are likely persuaded not solely by the specialized treatment and expertise of the staff, but because of the time invested in each patient's recovery. White City offers a variety of community activities which expedite patient development and growth, while forming valuable relationships with staffers. Perhaps most impressive of all, the SORCC retains consistently high outpatient scores between 80 and 90 percent.

Referred to by many as ''The Dom,'' in reference to its history and present role as a domiciliary, the SORCC is an important facility for Oregon veterans who need treatment outside of the home. Just over two years ago, the VA considered closing the White City facility. I was strongly against the potential closure and worked to ensure that its doors remained opened to our Nation's veterans. After careful deliberation, the Department of Veterans Affairs concluded that its success in treating difficult addiction cases is unheralded, and immediately implemented plans to repair and expand the existing facility.

The SORCC continues to operate and serve Oregon's veterans with high levels of professionalism and success. The population served by White City continues to expand, including more than 120 returning veterans from the global war on terrorism. I am privileged today to offer my congratulations to the SORCC. Their continued commitment to safety, compassion, and growth will serve as a model for VA organizations nationwide.●

TRIBUTE TO ROBERT COOK

● Mr. THUNE. Mr. President, today I recognize Robert Cook of Central High School in Rapid City, SD. Robert was named the 2006 Teacher of the Year by the National Indian Education Association.

As the English and social studies teacher at Central High School, Robert has played an integral and unique role in furthering the education of South Dakota's students. His initiative, expertise, and kind heart, has created an exceptional learning environment at Central High School. His selfless dedication to educating students for 17 years is truly commendable. I am proud to have such a fine teacher influencing our State's future leaders.

Robert is a graduate of Black Hills State University and he resides in Rapid City. Today I rise with Robert Cook's friends, family, and colleagues in honoring his selfless dedication and service to South Dakota's students.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on November 21, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. WOLF) has signed the following enrolled bills:

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

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

H.R. 2383. An act to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the ''C.W. 'Bill' Jones Pumping Plant''.

H.R. 3817. An act to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes.

H.R. 4000. An act to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and for other purposes.

H.R. 4559. An act to provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, and for other purposes.

H.R. 5061. An act to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia.

H.R. 5103. An act to provide for the conveyance of the former Konnarock Lutheran Girls School in Smyth County, Virginia, which is currently owned by the United States and administered by the Forest Service, to facilitate the restoration and reuse of the property, and for other purposes.

H.R. 5585. An act to improve the netting process for financial contracts, and for other purposes.

H.R. 5690. An act to adjust the boundaries of the Ouachita National Forest in the States of Oklahoma and Arkansas.

H.R. 6121. An act to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes.

Under authority of the order of the Senate of January 4, 2005, the enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS) during the adjournment of the Senate on November 28, 2006.

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on December 4, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. WOLF) has signed the following enrolled bills:

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

H.R. 4377. An act to extend the time required for construction of a hydroelectric project, and for other purposes.

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

MEASURES DISCHARGED

The following measure was discharged from the Committee on Banking, Housing, and Urban Affairs by unanimous consent, and referred as indicated:

S. 4048. A bill to prohibit Federal funding for the Organisation for Economic Co-operation and Development; to the Committee on Foreign Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 4080. A bill to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations.

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–9062. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Gypsy Moth Generally Infested Areas; Addition of Areas in Virginia'' (Docket No. APHIS–2006–0171) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9063. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oriental Fruit Fly; Add a Portion of San Bernardino County, CA, to the List of Quarantined Areas'' (Docket No. APHIS–2006–0151) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9064. A communication from the Under Secretary (Rural Development), Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amend the Business and Industry Guaranteed Loan Program Regulation to Implement the Debt Collection Improvement Act of 1996'' (RIN0570–AA54) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9065. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of Namibia with Regard to Foot-and-Mouth Disease and Rinderpest'' (Docket No. APHIS–2006–0037) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9066. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Shelled Garden Peas from Kenya'' (Docket No. APHIS–2006–0073) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9067. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Karnal Bunt; Regulated Areas'' (Docket No. APHIS–2006–0149) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9068. 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 ''Application of Pesticides to Waters of the United States in Compliance with FIFRA'' ((RIN2040–AE79)(FRL No. 8248–1)) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9069. 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 ''Diflubenzuron; Pesticide Tolerances'' (FRL No. 8103–8) received on November 16, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9070. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 05–03; to the Committee on Appropriations.

EC–9071. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 05–03; to the Committee on Appropriations.

EC–9072. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 04–06; to the Committee on Appropriations.

EC–9073. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Navy, case number 05–01; to the Committee on Appropriations.

EC–9074. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 05–02; to the Committee on Appropriations.

EC–9075. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of two violations of the Antideficiency Act by the Administration; to the Committee on Appropriations.

EC–9076. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Definition of Terrorist Country'' (DFARS Case 2006–D034) received on November 16, 2006; to the Committee on Armed Services.

EC–9077. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Foreign Acquisition Procedures'' (DFARS Case 2005–D012) received on November 16, 2006; to the Committee on Armed Services.

EC–9078. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''PAN Carbon Fiber—Deletion of Obsolete Restriction'' (DFARS Case 2006–D033) received on November 16, 2006; to the Committee on Armed Services.

EC–9079. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Combating Trafficking in Persons'' (DFARS Case 2004–D017) received on November 16, 2006; to the Committee on Armed Services.

EC–9080. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report relative to the Department's acceptance of contributions; to the Committee on Armed Services.

EC–9081. A communication from the Director of Defense Research and Engineering, transmitting, pursuant to law, a report relative to the Department's intent to fund Foreign Comparative Testing projects during fiscal year 2007; to the Committee on Armed Services.

EC–9082. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the approved retirement of Vice Admiral Charles L. Munns, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–9083. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on the approved retirement of Lieutenant General Edward Hanlon, Jr., United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–9084. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Assessment Dividends'' (RIN3064–AD07) received on November 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9085. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''One-Time Assessment Credit'' (RIN3064–AD08) received on November 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9086. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (71 FR 60919) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9087. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (71 FR 60871) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9088. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (71 FR 60866) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9089. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (71 FR 60869) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9090. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (71 FR 60870) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9091. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (71 FR 60917) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9092. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (71 FR 60884) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9093. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–9094. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (71 FR 60864) received on November 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9095. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''New PURPA 210(m) Regulations Applicable to Small Power Production and Cogeneration Facilities'' (Docket No. RM06–10–000) received on November 27, 2006; to the Committee on Energy and Natural Resources.

EC–9096. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulations Implementing the Regulatory Policy Act of 2005: Coordinating the Processing of Federal Authorizations for Applications under Sections 3 and 7 of the Natural Gas Act and Maintaining a Complete Consolidated Record'' (Docket No. RM06–1–000) received on November 27, 2006; to the Committee on Energy and Natural Resources.

EC–9097. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments: Transfer of Office Functions and Removal of Obsolete Regulations'' (RIN1901–AB22) received on November 16, 2006; to the Committee on Energy and Natural Resources.

EC–9098. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''National Source Tracking of Sealed Sources'' (RIN3150–AH48) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9099. 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 ''Final Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas'' ((RIN2060–AN90)(FRL No. 8249–4)) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9100. 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 ''National Emission Standards for Hazardous Air Pollutants: Site Remediation'' ((RIN2060–AM30)(FRL No. 8249–3)) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9101. 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 ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Reid Vapor Pressure Requirements for Gasoline'' (FRL No. 8248–3) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9102. 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 ''Approval and Promulgation of Implementation Plans; Georgia: Removal of Douglas County Transportation Control Measure'' (FRL No. 8248–9) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9103. 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 ''Approval of the Clean Air Act, Section 112(1), Authority for Hazardous Air Pollutants: Asbestos Management and Control; State of New Hampshire Department of Environmental Services'' (FRL No. 8238–1) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9104. 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 ''Export Notification; Change to Reporting Requirements; Technical Correction'' ((RIN2070–AJ01)(FRL No. 8104–9)) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9105. 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 ''Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Baton Rouge Ozone Nonattainment Area Vehicle Miles Traveled Offset Analysis'' (FRL No. 8244–6) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9106. 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 ''Approval and Promulgation of Implementation Plans; Florida: Lockheed Martin Aeronautics Company'' (FRL No. 8246–2) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9107. 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 ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Bernalillo County, New Mexico'' (FRL No. 8246–9) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9108. 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 ''Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units'' ((RIN2060–AN95)(FRL No. 8246–8)) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9109. 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 ''Draft Grant Guidelines for States Regarding: Inspection Provision and State Compliance Report on the Government Underground Storage Tanks Provision; Solid Waste Disposal Act, Subtitle I, as amended by Title XV, Subtitle B of the Energy Policy Act of 2005'' (FRL No. 8245–1) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9110. 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 ''Secondary Containment Grant Guidelines for States; Solid Waste Disposal Act, Subtitle I, as amended by Title XV, Subtitle B of the Energy Policy Act of 2005'' (FRL No. 8245–2) received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9111. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Agency, received on November 16, 2006; to the Committee on Environment and Public Works.

EC–9112. A communication from the Inspector General, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's commercial and inherently governmental activities inventories for fiscal year 2006; to the Committee on Environment and Public Works.

EC–9113. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to implementing the BEACH Act of 2000; to the Committee on Environment and Public Works.

EC–9114. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2006–104) received on November 27, 2006; to the Committee on Finance.

EC–9115. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Credit for Increasing Research Activities'' ((RIN1545–BD60)(TD 9296)) received on November 27, 2006; to the Committee on Finance.

EC–9116. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling: Excess Per Diem Allowances'' (Notice 2006–56) received on November 27, 2006; to the Committee on Finance.

EC–9117. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Residence Rules Involving U.S. Possessions'' ((RIN1545–BG02)(TD 9297)) received on November 27, 2006; to the Committee on Finance.

EC–9118. A communication from the Acting Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Medicare Part B Income-Related Monthly Adjustment Amount'' (RIN0960–AG11) received on November 27, 2006; to the Committee on Finance.

EC–9119. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Hospital Conditions of Participation: Requirements for History and Physical Examinations; Authentications of Verbal Orders; Securing Medications and Postanesthesia Evaluations'' (RIN0938–AM88) received on November 27, 2006; to the Committee on Finance.

EC–9120. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—September 2006'' (Rev. Rul. 2006–59) received on November 16, 2006; to the Committee on Finance.

EC–9121. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Debit Cards Used

to Provide Qualified Transportation Fringes Described Under Section 132(f) of the Internal Revenue Code'' (Rev. Rul. 2006–57) received on November 27, 2006; to the Committee on Finance.

EC–9122. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—December 2006'' (Rev. Rul. 2006-61) received on November 27, 2006; to the Committee on Finance.

EC–9123. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2007 Annual Covered Compensation Tables'' (Rev. Rul. 2006–60) received on November 27, 2006; to the Committee on Finance.

EC–9124. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice: Tier 2 Tax Rates for 2007'' received on November 16, 2006; to the Committee on Finance.

EC–9125. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Requesting Competent Authority Assistance Under Tax Treaties'' (Rev. Rul. 2006-54) received on November 27, 2006; to the Committee on Finance.

EC–9126. A communication from the Chief of the Border Security and Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Documents Required for Travelers Departing From or Arriving in the United States at Air Ports-of-Entry from within the Western Hemisphere'' ((RIN1651-AA66)(RIN1400–AC10)) received on November 27, 2006; to the Committee on Finance.

EC–9127. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Archaeological and Ethnological Material from Bolivia'' (RIN1505-AB74) received on November 27, 2006; to the Committee on Finance.

EC–9128. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Notification of Hospital Discharge Appeal Rights'' (RIN0938-A041) received on November 27, 2006; to the Committee on Finance.

EC–9129. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Phase-In of Full Concurrent Receipt of Military Retired Pay and Veterans Disability Compensation for Certain Military Retirees'' (RIN2900-AM13) received on November 27, 2006; to the Committee on Veterans' Affairs.

EC–9130. A communication from the Associate Chief Counsel for Import Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Importation of Supplies for Use in Emergency Relief Work'' (RIN0625–A71) received on November 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9131. A communication from the Assistant Administrator for Fisheries, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife; Sea Turtle Conservation'' (RIN0648–AS92) received on November 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9132. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands Management Area'' (ID No. 101906D) received on November 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9133. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure (Total Allowable Catch Harvested for Management Area 1A, Period 2)'' (ID No. 101706A) received on November 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9134. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs during fiscal year 2004; to the Committee on Commerce, Science, and Transportation.

EC–9135. A communication from the Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Occupational Exposure to Hexavalent Chromium'' (RIN1218–AB45) received on November 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9136. A communication from the Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Updating National Consensus Standards in OSHA's Standard for Fire Protection in Shipyard Employment'' (RIN1218–AC16) received on November 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9137. A communication from the Assistant Secretary, Office for Civil Rights, Department of Education, transmitting, pursuant to law, the Department's Annual Report for fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–9138. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of action on a nomination and discontinuation of service in acting role for the position of Assistant Secretary for Mine Safety and Health, received on November 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9139. A communication from the Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Regulations—Federal Student Aid Programs'' (RIN1840–AC87) received on November 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9140. A communication from the Assistant General Counsel, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Regulations—Student Assistance General Provisions; Federal Pell Grant Program; Academic Competitiveness Grant Program; and National Science and Mathematics Access to Retain Talent Grant Program'' (RIN1840–AC86) received on November 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9141. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the seventh annual report for the Temporary Assistance for Needy Families Program; to the Committee on Health, Education, Labor, and Pensions.

EC–9142. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's Strategic Plan for 2006–2011; to the Committee on Health, Education, Labor, and Pensions.

EC–9143. A communication from the Chairman, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled ''Description of Duties of the General Counsel'' (Release No. 34–53755) received on November 27, 2006; to the Committee on Indian Affairs.

EC–9144. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Technical Correction of Two Anabolic Steroid Names'' (RIN1117–AB02) received on November 27, 2006; to the Committee on the Judiciary.

EC–9145. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Control of Sodium Permanganate as a List II Chemical'' (RIN1117–AA90) received on November 27, 2006; to the Committee on the Judiciary.

EC–9146. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Exempt Anabolic Steroid Products'' (RIN1117–AA98) received on November 27, 2006; to the Committee on the Judiciary.

EC–9147. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Commission's Semiannual Report to Congress for the period from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9148. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–13'' (FAC 2005–13) received on November 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9149. A communication from the President, U.S. African Development Foundation, transmitting, pursuant to law, a report on the Foundation's activities during fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9150. A communication from the Deputy Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, a report relative to the Commission's Inventories of Commercial and Inherently Governmental Activities for 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9151. A communication from the Secretary, Department of Homeland Security, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9152. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's Performance and Accountability

Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9153. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations'' (RIN3206–AL05) received on November 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9154. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Allotments from Federal Employees'' (RIN3206–AJ88) received on November 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9155. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Enrollment in the Federal Employees Health Benefits Program for Peace Corps Volunteers'' (RIN3203–AK90) received on November 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9156. A communication from the Director, U.S. Office of Government Ethics, transmitting, pursuant to law, the Office's Performance Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9157. A communication from the Archivist, National Archives and Records Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9158. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9159. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's Inspector General's semiannual report for the period ending September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9160. A communication from the Chairman, U.S. Commission on Civil Rights, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9161. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9162. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9163. A communication from the Secretary, Judicial Conference of the United States, transmitting, a joint proposal to consolidate the clerks offices of the District and Bankruptcy Courts for the District of Columbia; to the Committee on the Judiciary.

EC–9164. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, the report of activities during the year ending December 31, 2005; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

POM—443. A resolution adopted by the Chicago City Council relative to the United Nations' Responsibility to Protect; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 1531. A bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls (Rept. No. 109–362).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2322. A bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly (Rept. No. 109–363).

By Mr. GRASSLEY, from the Committee on Finance:

Report to accompany S. 3569, a bill to implement the United States-Oman Free Trade Agreement (Rept. No. 109–364).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 3675. A bill to amend the Federal Trade Commission Act to increase civil penalties for violations involving unfair or deceptive acts or practices that exploit popular reaction to an emergency or major disaster, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Services.

Margaret A. Ryan, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

Scott Wallace Stucky, of Maryland, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

Army nomination of Col. Thomas J. Sellars to be Brigadier General.

Army nomination of Col. Donald C. Leins to be Brigadier General.

Army nominations beginning with Brigadier General Robert T. Bray and ending with Colonel Tony N. Wingo, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Navy nomination of Adm. Robert F. Willard to be Admiral.

Robert M. Gates, of Texas, to be Secretary of Defense.

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

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

Air Force nomination of Jeffrey C. Carstens to be Colonel.

Air Force nomination of Stephen R. Geringer to be Lieutenant Colonel.

Air Force nomination of Paul M. Roberts to be Major.

Air Force nominations beginning with Nevanna I. Koicheff and ending with Perlita K. Tam, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006.

Air Force nominations beginning with Jerzy J. Chachaj and ending with Greg Gordon, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2006.

Air Force nominations beginning with Norman B. Dimond and ending with Mark A. Deaton, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2006.

Army nomination of Willie G. Barnes to be Colonel.

Army nomination of Daniel P. Mc Lemore to be Colonel.

Army nominations beginning with Josef R. Smith and ending with Michael D. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Army nominations beginning with Robert M. Blackmon and ending with Bradley M. Voorhees, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Army nominations beginning with Nicholas C. Bakris and ending with Andrew D. Magnet, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Army nominations beginning with David E. Green and ending with Martin L. Ladwig, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Army nominations beginning with Moon H. Lee and ending with Phillip C. Zinni, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Army nominations beginning with Terrell W. Blanchard and ending with Robert L. Vogelsang III, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Army nomination of Victoria L. Smith to be Major.

Army nomination of Ira S. Derrick to be Major.

Army nomination of Joseph W. Brown to be Major.

Army nomination of Rebecca L. Blankenship to be Major.

Army nomination of Mark M. Kuba to be Colonel.

Army nomination of Craig H. Rhyne, Jr. to be Major.

Army nominations beginning with Lorraine T. Breen and ending with Thomas G. Sutlive, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Army nominations beginning with Debra L. Cohen and ending with Kyle J. Zablocki, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006.

Army nominations beginning with Norman F. Allen and ending with Daria P. Wollschlaeger, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006.

Army nominations beginning with Michael R. Aberle and ending with Marc L. Zuffa, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006. (minus 1 nominee: James B. Sayers)

Army nominations beginning with Robin B. Allen and ending with Arthur D. Wellman, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006.

Army nominations beginning with John G. Alvarez and ending with Tracy O. Wyatt, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006.

Army nominations beginning with Jeffrey S. Ashley and ending with Thomas G. Winthrop, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006.

Army nomination of Shelly M. Taylor to be Major.

Army nominations beginning with Omar L. Hamada and ending with Seth W. Wright, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2006.

Navy nominations beginning with Kimberly S. Evans and ending with John E. Lee III, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2006.

Navy nomination of David J. Allen to be Lieutenant Commander.

Navy nominations beginning with Harry T. Whelan and ending with William G. Rhea III, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2006.

Navy nominations beginning with Keith T. Adkins and ending with Dorsey Wisotski, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2006.

(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. SCHUMER:

S. 4075. A bill to amend the Internal Revenue Code of 1986 to apply the joint return limitation for capital gains exclusion to certain post-marriage sales of principal residences by surviving spouses; to the Committee on Finance.

By Mr. THOMAS:

S. 4076. A bill to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN:

S. 4077. A bill to require the United States Trade Representative to initiate a section 301 investigation into abuses by the Australian Wheat Board with respect to the United Nations Oil-for-Food Programme, and for other purposes; to the Committee on Finance.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 4078. A bill to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the ''Gale W. McGee Post Office'' to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH (for himself, Mr. ALLARD, Ms. CANTWELL, and Mrs. FEINSTEIN):

S. 4079. A bill to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself and Mr. ENSIGN):

S. 4080. A bill to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations; read the first time.

By Mr. SPECTER (for himself and Mr. LEAHY):

S. 4081. A bill to restore habeas corpus for those detained by the United States; to the Committee on the Judiciary.

By Mr. CRAPO:

S. 4082. A bill to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself and Mr. ALLEN):

S. Res. 622. A resolution supporting the goals and ideals of a ''National Children and Families Day'', as established by the National Children's Museum, on the fourth Saturday of June; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS:

S. Res. 623. A resolution honoring the life and achievements of Tom Carr, Congressional Research Service Analyst, and extending the condolences of the Senate on the occasion of his death; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. Con. Res. 122. A concurrent resolution urging the Commandant of the Coast Guard to name an appropriate Coast Guard vessel after Coast Guard Petty Officer Third Class Nathan Bruckenthal; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 228

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 228, a bill to amend the Public Health Service Act to establish an Office of Men's Health.

S. 408

At the request of Mr. DEWINE, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 438

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 445

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 445, a resolution to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

S. 828

At the request of Mr. HARKIN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 910

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

S. 1214

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1214, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 1283

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1283, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 1376

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1376, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 1508

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. OBAMA), the Senator from North Dakota (Mr. DORGAN), the Senator from Oregon (Mr. WYDEN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1508, a bill to require Senate candidates to file

designations, statements, and reports in electronic form.

S. 1534

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1534, a bill to reduce the risk to the food supply from intentional contamination, and for other purposes.

S. 1687

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1862

At the request of Mr. SMITH, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1862, a bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes.

S. 1934

At the request of Mr. SPECTER, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Maryland (Mr. SARBANES) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) 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. 2039

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2039, a bill to provide for loan repayment for prosecutors and public defenders.

S. 2071

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2071, a bill to amend title XVIII of the Social Security Act to clarify congressional intent regarding the counting of residents in the nonhospital setting under the medicare program.

S. 2653

At the request of Mr. STEVENS, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2653, a bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 3485

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3485, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 3500

At the request of Mr. THOMAS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3500, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 3543

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3543, a bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

S. 3545

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3545, a bill to amend title 38, United States Code, to improve services for homeless veterans, and for other purposes.

S. 3554

At the request of Mr. OBAMA, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 3554, a bill to establish an alternative diesel standard, and for other purposes.

S. 3657

At the request of Mr. SANTORUM, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3657, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 3707

At the request of Mr. LOTT, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 3707, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 3771

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3775

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3775, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 3795

At the request of Mr. SMITH, the names of the Senator from Maine (Ms. COLLINS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 3795, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 3837

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3837, a bill to authorize the establishment of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

S. 3873

At the request of Mr. INHOFE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3873, a bill to protect private property rights.

S. 3883

At the request of Mr. COLEMAN, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 3883, a bill to amend the Internal Revenue Code of 1986 to provide an alternate sulfur dioxide removal measurement for advanced coal-based generation technology units under the qualifying advanced coal project credit.

S. 3887

At the request of Mr. DORGAN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 3910

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3910, a bill to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol.

S. 3912

At the request of Mr. ENSIGN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3912, a bill to amend title XVIII of the Social Security Act to extend the exceptions process with respect to caps on payments for therapy services under the Medicare program.

S. 3915

At the request of Mr. LEAHY, his name was added as a cosponsor of S.

3915, a bill to amend title XIX of the Social Security Act to encourage States to provide pregnant women enrolled in the Medicaid program with access to comprehensive tobacco cessation services.

S. 3920

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3920, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare Program.

S. 3936

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 3936, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 3955

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3955, a bill to provide benefits to domestic partners of Federal employees.

S. 3963

At the request of Mr. THOMAS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 3963, a bill to amend title XVIII of the Social Security Act to provide for improved access to cost-effective, quality physical medicine and rehabilitation services under part B of the Medicare program, and for other purposes.

S. 4042

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 4042, a bill to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces.

S. 4060

At the request of Mr. DODD, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 4060, a bill to amend the Military Commissions Act of 2006 to improve and enhance due process and appellate procedures, and for other purposes.

S. 4067

At the request of Mr. LEAHY, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 4067, a bill to provide for secondary transmissions of distant network signals for private home viewing by certain satellite carriers.

S. 4069

At the request of Mr. OBAMA, the names of the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. BOXER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 4069, a bill to prohibit deceptive practices in Federal elections.

S. CON. RES. 97

At the request of Mr. SALAZAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 97, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 407

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 407, a resolution recognizing the African American Spiritual as a national treasure.

S. RES. 549

At the request of Mr. SANTORUM, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 549, a resolution expressing the sense of the Senate regarding modern-day slavery.

S. RES. 621

At the request of Mr. CRAPO, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 621, a resolution designating the week of February 5 through February 9, 2007, as ''National Teen Dating Violence Awareness and Prevention Week''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. ALLARD, Ms. CANTWELL, and Mrs. FEINSTEIN):

S. 4079. A bill to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to introduce the Water and Power Infrastructure Security bill, S. 4079. This legislation will amend the Reclamation Safety of Dams Act of 1978 to authorize improvement for the security of dams and other facilities.

On September 11, 2001, America's view of national security changed. The threat of terrorist attacks on our own soil became a reality for each and every one of us. This possibility forced Americans to rethink security in many different sectors including the need to secure infrastructure such as our Nation's dams.

As a result of the 9/11 attacks, the Bureau of Reclamation set up site security programs, implemented more complex surveillance systems, erected protection barriers, and devoted substantial funding in the process.

Initially, the Bureau covered these added security costs, recognizing that water and power infrastructure benefits the public generally. This was a pattern established after the Pearl Harbor attacks when the Federal Government covered the added security costs at these public facilities.

Indeed, all Americans benefit from stable power sources and improved flood control. Other universal benefits of public dams include recreation, water supply, and fish and wildlife.

However, in recent years the Bureau has begun to shift these costs onto the energy rate payers probably due to pressure from Office of Management and Budget. Thus, hard working American families, many of whom are family farmers with limited incomes, are forced to shoulder this large financial burden. Shifting the burden of national security to family farmers is patently unfair.

Our bill amends the Reclamation Safety of Dams Act to require to clarify that consumers of public power must contribute to site security at Federal dams. However, the bill would limit their contribution to 15 percent of total security costs. This provides a more equitable division of dam security costs between local and national beneficiaries. The bill also would require the Secretary of the Interior to involve project beneficiaries in the planning and building of site security. Finally, the bill requires the Bureau to provide Congress a five-year plan on dam security and an annual report of its expenditures.

There is no question we need to protect our critical infrastructure. It seems logical that the costs of these national and multi-purpose facilities should not be imposed on a concentrated group of energy consumers. However, customers who depend on the Bureau of Reclamation facilities are willing to pay their fair allotment of the security reflected in this legislation.

I believe this bill strikes a good balance between reasonable costs and a legitimate amount of transparency. Ultimately, its about working together as Americans to protect our critical infrastructure and provide a fair cost distribution system. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 4079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL AUTHORIZATION FOR IMPROVEMENTS TO SITE SECURITY.

The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 2 (43 U.S.C. 506), by inserting ''and site security'' after ''structural safety'';

(2) in section 3 (43 U.S.C. 507), by inserting ''and site security'' after ''dam safety''; and

(3) in section 4 (43 U.S.C. 508)—

(A) in subsection (c)—

(i) in the matter preceding paragraph (1), by inserting after ''safety purposes'' the following: ''and all costs incurred for building

and site security activities (including facility fortifications, operation, maintenance and replacement of the fortifications, and guards and patrols, as identified in the Bureau of Reclamation's Report to Congress dated February 2006)'';

(ii) by inserting after paragraph (2) the following:

''(3) In the case of the Central Valley Project of California—

''(A) the Secretary shall collect dam safety and site security costs allocated to irrigation and municipal and industrial water service exclusively through inclusion of the costs in the operation and maintenance rates, capital water rates, or a combination of operation and maintenance rates and capital water rates; and

''(B) dam safety and site security costs allocated to irrigation and municipal and industrial water service shall not be segregated from other project operation, maintenance, or capital costs for separate allocation or repayment.''; and

(iii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) in subsection (e)—

(i) in paragraph (1), by inserting ''or site security measure'' after ''modification''; and

(ii) in paragraph (2), by inserting ''or site security measure'' after ''modification''.

SEC. 2. REPORTS.

The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 5 (43 U.S.C. 509)—

(A) in the first sentence—

(i) by striking ''There are hereby'' and inserting the following:

''(a) IN GENERAL.—There are''; and

(ii) by striking ''Act:'' and inserting ''Act.'';

(B) in the proviso—

(i) by striking ''*Provided*, That no funds'' and inserting the following:

''(b) LIMITATION.—

''(1) IN GENERAL.—No funds''; and

(ii) by inserting after ''under authority of this Act'' the following: '', the cause of which results from new hydrologic or seismic data or changes in the state-of-the-art criteria determined to be necessary for site security or structural safety purposes,''; and

(iii) by striking ''The report required to be submitted by this section'' and inserting the following:

''(2) REPORT.—The report required under paragraph (1)''; and

(C) by adding at the end the following:

''(c) ANNUAL REPORT.—

''(1) IN GENERAL.—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee Energy and Natural Resources of the Senate an annual report on building and site security measures carried out under this Act during the applicable fiscal year.

''(2) COMPONENTS.—The report required under paragraph (1) shall include—

''(A) a summary of Federal and non-Federal expenditures for the fiscal year; and

''(B) information relating to a 5–year plan for building and site security measures carried out under this Act, which shall provide pre- and post-September 11, 2001, costs for the building and site security measures.''; and

(2) in section 5A (43 U.S.C. 509a)—

(A) in subsection (c)—

(i) in paragraph (1), by striking ''under section 5'' and inserting ''under section 5(b)''; and

(ii) in paragraph (3)—

(I) by striking ''The response'' and inserting ''If a modification is the result of new hydrologic or seismic data or changes in the state-of-the-art criteria determined to be necessary for structural safety purposes, the response''; and

(II) by striking ''by section 5'' and inserting ''under section 5(b)'';

(B) in subsection (d), by inserting ''site'' before ''security''; and

(C) by inserting ''or site security measure'' after ''modification'' each place it appears.

Mr. SPECTER (for himself and Mr. LEAHY):

S. 4081. A bill to restore habeas corpus for those detained by the United States; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I introduce legislation which is captioned ''Habeas Corpus Restoration Act of 2006'' which I introduced on behalf of myself and Senator LEAHY.

The legislation which was adopted earlier this year on war crimes struck out habeas corpus jurisdiction of the Federal courts, sought to limit jurisdiction of the Federal courts on habeas corpus for Guantanamo detainees and others detained on charges of being enemy combatants or war criminals.

There was very extended debate on the issue at that time. The bill reported by the Armed Services Committee and backed by the administration eliminated the jurisdiction of the Federal courts. I offered an amendment to reinstate habeas corpus. It was defeated 51 to 48. This legislation would reinstate habeas corpus jurisdiction of the Federal courts. It is my view that the Federal courts will strike down the provisions in the legislation eliminating Federal court jurisdiction for a number of reasons. One is that the Constitution of the United States is explicit that habeas corpus may be suspended only in time of rebellion or invasion. We are suffering neither of those alternatives at the present time. We have not been invaded, and there has not been a rebellion. That much is conceded.

There has been an effort made to contend that those constitutional rights are maintained with the very limited review which goes to the Court of Appeals for the District of Columbia.

In the limited time I have today I will not go into great detail during the course of the argument as it appears in the CONGRESSIONAL RECORD as to why that does not maintain the traditional constitutional right of habeas corpus, a right which has existed in Anglo Saxon jurisprudence since King John in 1215 at Runnymede. The Supreme Court of the United States in the Hamdi case made it plain that these habeas corpus rights apply to aliens as well as to citizens.

The administration has taken the position now that someone who is making a charge of having been tortured, which is a violation of U.S. law, may not be permitted to disclose the specifics of his interrogation which he says constituted torture because al-Qaida will find out what our interrogation techniques are and will move to train their operatives so they can withstand those interrogations.

It is unthinkable, in my opinion, to have a system of laws where someone who claims to have been tortured cannot describe what has happened to him to get judicial relief because al-Qaida may be able to educate or train their operatives to avoid those techniques.

I supported the ultimate legislation on war crimes tribunals because it provided for recognition of the Geneva Conventions. It also provided for confrontation. It also provided for limitations on interrogation techniques.

It was my view as I expressed it at the time that with the severability clause the Federal courts would eliminate the restriction on their jurisdiction. But as a precautionary matter, to put the matter in issue, this legislation is being introduced at this time.

I ask unanimous consent that the summary of the Habeas Corpus Restoration Act of 2006 be printed in the RECORD.

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

HABEAS CORPUS RESTORATION ACT OF 2006

The bill strikes the new limitations on habeas corpus created in the Military Commissions Act of 2006, Public Law 109–366, 2006 Stat. 3930.

The MCA added two new habeas provisions—

(1) A new paragraph in the federal habeas statute, 28 U.S.C. §2241(e), that would bar any alien detained by the United States as an enemy combatant from filing a writ of habeas corpus. The new paragraph was to apply to all pending cases ''without exception'' thereby barring all pending habeas corpus applications pending on behalf of Guantanamo Bay detainees.

(2) An entirely new habeas corpus limitation that barred any habeas review of military commission procedures. Had this bill been passed before the Hamdan v. Rumsfeld case was decided, the Supreme Court would not have had jurisdiction to review and reject the military commission procedures that were at issue. This new habeas limitation was added to federal law as 10 U.S.C. §950j(b).

The Habeas Corpus Restoration Act would strike these two provisions from the law in their entirety, thereby restoring the right of aliens detained within U.S. territorial jurisdiction (including at Gitmo) to challenge their detention via file writs of habeas corpus.

Because the Military Commissions Act already completely repealed and superseded the habeas limitations created by the Graham Amendment to the Detainee Treatment Act of 2005, the bill would restore the state of play before the DTA.

Actual effect—The MCA would deprive federal courts of jurisdiction to hear the 196 habeas corpus applications currently pending on behalf of the detainees at Guantanamo Bay, Cuba. This bill would restore jurisdiction and allow those cases to be decided on their merits. It would also allow habeas corpus challenges to military commission procedures.

ARTICLE 1, SECTION 9, CLAUSE 2 OF THE UNITED STATES CONSTITUTION

''The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.''

SELECT UNITED STATES SUPREME COURT DECISION QUOTES

Hamdi

In the 2004 Supreme Court decision of Hamdi v. Rumsfeld, Justice O'Connor stated,

''All agree that, absent suspension, the writ of habeas corpus remains available to every individual detained within the United States.''

Justice O'Connor was unequivocally in stating, ''[w]e have long since made clear that a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens.''

The Hamdi court made clear that ''[i]t is during our most challenging and uncertain moments that our Nation's commitment to due process is most severely tested; and it is in those times that we must preserve our commitment at home to the principles for which we fight abroad.''

Regarding habeas corpus, Justice O'Connor wrote, ''we have made clear that, unless Congress acts to suspend it, the Great Writ of habeas corpus allows the Judicial Branch to play a necessary role in maintaining this delicate balance of governance, serving as an important judicial check on the Executive's discretion in the realm of detentions.''

Korematsu

In 1949, Justice Murphy dissented in Korematsu v. United States: ''[i]ndividuals must not be left impoverished of their constitutional rights on a plea of military necessity that has neither substance nor support'' . . . ''[t]he judicial test of whether the Government, on a plea of military necessity, can validly deprive an individual of any of his constitutional rights is whether the deprivation is reasonably related to a public danger that is so 'immediate, imminent, and impending' as not to admit of delay and not to permit the intervention of ordinary constitutional processes to alleviate the danger.''

CSRTS ARE NOT AN ADEQUATE AND EFFECTIVE SUBSTITUTE FOR HABEAS CORPUS

Combatant Status Review Tribunals, commonly referred to as ''CSRTs,'' are not an adequate and effective means to challenge detention in accordance with the Supreme Court's decision in Swain v. Pressley (''the substitution of a collateral remedy which is neither inadequate nor ineffective to test the legality of a person's detention does not constitute a suspension of the writ of habeas corpus.'').

CSRTs are not adversarial, but consist of a one-sided interrogation of the detainee by the tribunal members. The proceedings do not comport with basic fairness because the individuals detained do not have the right to confront accusers, call witnesses, or know what evidence there is against them. As Justice O'Connor wrote in her plurality opinion in the Hamdi case, ''[a]n interrogation by one's captor, however effective an intelligence-gathering tool, hardly constitutes a constitutionally adequate factfinding before a neutral decisionmaker.''

According to the September 25, 2006 Judiciary Committee testimony of the former U.S. Attorney for the Northern District of Illinois, Thomas Sullivan, who has been to Guantanamo on many occasions and has represented many detainees. Mr. Sullivan cited hearings where individuals were summoned before the tribunal, but did not speak the language, did not have an attorney, did not have access to the information which was presented against them, and continued to be detained.

For example, in the case of Abdul Hadi al Siba'i, a Saudi Arabian police officer who came to Afghanistan in August 2001 to build schools and a mosque, Mr. Sullivan described how Mr. Siba'i had no lawyer, spoke through a translator, and was read the charges against him, but with no access to the underlying evidence. According to Mr. Sullivan, his client was returned to Saudi Arabia after a prolonged detention without a trial, compensation, or apology. Mr. Sullivan received no notice that his client was to be returned to Saudi Arabia.

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

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

S. 4081

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 ''Habeas Corpus Restoration Act of 2006''.

SEC. 2. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(b) TITLE 10.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28 or any other habeas corpus provision, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.''.

SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

The amendments made by this Act shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any case that is pending on or after the date of enactment of this Act.

Mr. LEAHY. Mr. President, I am pleased to join the chairman of the Judiciary Committee and cosponsor the Habeas Corpus Restoration Act of 2006. This bill would restore the great writ of habeas corpus, a cornerstone of American liberty for hundreds of years that Congress and the President rolled back in an unprecedented and unnecessary way with September's Military Commissions Act.

I am also pleased to join Senator DODD as a cosponsor of the Effective Terrorists Prosecution Act of 2006. That bill would likewise restore the liberties guaranteed by the writ of habeas corpus. It would also correct many of the other very disturbing provisions of the Military Commissions Act by narrowing that act's extremely broad definition of ''unlawful enemy combatants,'' excluding evidence obtained by coercion, and allowing defendants to review evidence used against them.

Habeas corpus provides a remedy against arbitrary detentions and constitutional violations. It guarantees an opportunity to go to court, with the aid of a lawyer, to prove one's innocence. As Justice Scalia stated in the Hamdi case: ''The very core of liberty secured by our Anglo-Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the Executive.'' The remedy that secures that most basic of freedoms is habeas corpus.

The Military Commissions Act eliminated that right, permanently, for any non-citizen determined to be an enemy combatant, or even ''awaiting'' such a determination. That includes the approximately 12 million lawful permanent residents in the United States today, people who work for American firms, raise American kids, and pay American taxes. This new law means that any of these people can be detained, forever, without any ability to challenge their detention in federal court—or anywhere else—simply on the Government's say-so that they are awaiting determination whether they are enemy combatants.

I regret that Chairman SPECTER and I were unsuccessful in our efforts to stop this injustice when the President and the Republican leadership insisted on rushing the Military Commissions Act through Congress in the lead-up to the elections. We supported an amendment which would have removed the habeas-stripping provision from the Military Commissions Act. It failed by just three votes. I was saddened that the bill passed even with this poisonous habeas provision. Since then, the American people have spoken against the administration's ''stay the course'' approach to national security and against a rubber stamp Congress that accommodated this administration's efforts to grab more and more power.

When we debated Chairman SPECTER's amendment to remove the habeas-stripping provision back in September, I spelled out a nightmare scenario about a hard-working legal permanent resident who makes an innocent donation to, among other charities, a Muslim charity that the Government thinks might be funneling money to terrorists. I suggested that, on the basis of this donation and perhaps a report of ''suspicious behavior'' from an overzealous neighbor based on visits from Muslim guests, the permanent resident could be brought in for questioning, denied a lawyer, confined, and even tortured. And this lawful permanent resident would have no recourse in the courts for years, for decades, forever.

Many people viewed this kind of nightmare scenario as fanciful, just the rhetoric of a politician. It was not. It is all spelled out clearly in the language of the law that this body passed. Last month, the scenario I spelled out was confirmed by the Department of Justice itself in a legal brief submitted in a Federal court in Virginia. The Justice Department, in a brief to dismiss a detainee's habeas case, said that the Military Commissions Act allows the Government to detain any noncitizen declared to be an enemy combatant without giving that person any ability to challenge his detention in court. This is true, the Justice Department said, even for someone arrested and imprisoned in the United States. The

Washington Post wrote that the brief ''raises the possibility that any of the millions of immigrants living in the United States could be subject to indefinite detention if they are accused of ties to terrorist groups.''

In fact, the situation is more stark even than the Washington Post story suggested. The Justice Department's brief says that the Government can detain any noncitizen declared to be an enemy combatant. But the law this Congress passed says the Government need not even make that declaration; they can hold people indefinitely who are just awaiting determination whether or not they are enemy combatants. It gets worse. Republican leaders in the Senate followed the White House's lead and greatly expanded the definition of ''enemy combatants'' in the dark of night in the final days before the bill's passage, so that enemy combatants need not be soldiers on battlefield. They can be people who give money, or people that any group of decision-makers selected by the President decides to call enemy combatants. The possibilities are chilling.

The administration has made it clear that they intend to use every expansive definition and unchecked power given to them by the new law. Last month's Justice Department brief made clear that any of our legal immigrants could be held indefinitely without recourse in court. Earlier in November, the Justice Department went to court to say that detainees who had been held in secret CIA prisons could not even meet with lawyers because they might tell their lawyers about the cruel interrogation techniques used against them. In other words, if our Government tortures somebody, that person loses his right to a lawyer because he might tell the lawyer about having been tortured. A law professor was quoted as saying about the government's position in that case: ''Kafka-esque doesn't do it justice. This is 'Alice in Wonderland.' '' We are not talking about nightmare scenarios here. We are talking about today's reality.

We have eliminated basic legal and human rights for the 12 million lawful permanent residents who live and work among us, to say nothing of the millions of other legal immigrants and visitors who we welcome to our shores each year. We have removed the check that our legal system provides against the Government arbitrarily detaining people for life without charge, and we may well have made many of our remaining limits against torture and cruel and inhuman treatment obsolete because they are unenforceable. We have removed the mechanism the Constitution provides to check Government overreaching and lawlessness.

This is wrong. It is unconstitutional. It is un-American. It is designed to ensure that the Bush-Cheney administration will never again be embarrassed by a U.S. Supreme Court decision reviewing its unlawful abuses of power. The conservative Supreme Court, with seven of its nine members appointed by Republican Presidents, has been the only check on the Bush-Cheney administration's lawlessness. Certainly the outgoing rubberstamp Republican Congress has not done it, or even investigated it. With passage of the Military Commissions Act, the Republican Congress completed the job of eviscerating its role as a check and balance on the administration.

Abolishing habeas corpus for anyone who the Government thinks might have assisted enemies of the United States is unnecessary and morally wrong. It is a betrayal of the most basic values of freedom for which America stands. It makes a mockery of the Bush-Cheney administration's lofty rhetoric about exporting freedom across the globe.

Admiral John Hutson testified before the Judiciary Committee that stripping the courts of habeas jurisdiction was inconsistent with American history and tradition. He concluded, ''We don't need to do this. America is too strong.'' Even Kenneth Starr, the former independent counsel and Solicitor General to the first President Bush, wrote that the Constitution's conditions for suspending habeas corpus have not been met, and that doing so would be problematic.

Under the Constitution, a suspension of the writ may only be justified during an invasion or a rebellion, when the public safety demands it. Six weeks after the deadliest attack on American soil in our history, the Congress that passed the PATRIOT Act rightly concluded that a suspension of the writ would not be justified. Yet 6 weeks before a midterm election, the Bush-Cheney administration and the Republican Congress deemed a complete abolition of the writ their highest priority. Notwithstanding the harm the administration has done to national security with its mismanaged misadventure in Iraq, there was no new national security crisis. There was only a Republican political crisis. The people have now spoken, and it is time to reverse the dangerous choices this Congress made.

Rolling back the Military Commissions Act's disastrous habeas provision will set the stage for us to approach that issue in a way consistent with our needs and our values. We should take steps to ensure that our enemies can be tried efficiently and quickly and to prevent our courts from being tied up with frivolous suits. But abolishing the writ of habeas corpus for millions of legal immigrants and others, denying their right to get into court to challenge indefinite detainment on the Government's say-so, is not the answer.

I hope that others will hear the call of the American people for a new direction and work to correct these and other problems with the new law, including the gutting of the War Crimes Act, which I was proud to help spearhead with strong bipartisan support in 1997.

I will keep working on these issues until we restore the checks and balances that make our country great. We can ensure our security without giving up our liberty.

By Mr. CRAPO:

S. 4082. A bill to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

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

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

S. 4082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.

Paragraph (10) of section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)(10)) is amended by striking ''$250,000,000'' and inserting ''$500,000,000''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 622—SUPPORTING THE GOALS AND IDEALS OF A ''NATIONAL CHILDREN AND FAMILIES DAY'', AS ESTABLISHED BY THE NATIONAL CHILDREN'S MUSEUM, ON THE FOURTH SATURDAY OF JUNE

Mr. WARNER (for himself and Mr. ALLEN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 622

Whereas research shows that spending time together as a family is critical to raising strong and resilient kids;

Whereas strong healthy families improve the quality of life and development of children;

Whereas it is essential to celebrate and reflect upon the important role that all families play in the lives of children and in the future of the United States; and

Whereas the country's greatest natural resource is its children: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of a ''National Children and Families Day'' on the fourth Saturday of June, as established by the National Children's Museum, to—

(1) encourage adults to support, listen to, and encourage children throughout the United States so that those children may achieve their hopes and dreams;

(2) reflect upon the important role that all families play in the lives of children; and

(3) recognize that strong, healthy families improve the quality of life and development of children.

SENATE RESOLUTION 623—HONORING THE LIFE AND ACHIEVEMENTS OF TOM CARR, CONGRESSIONAL RESEARCH SERVICE ANALYST, AND EXTENDING THE CONDOLENCES OF THE SENATE ON THE OCCASION OF HIS DEATH

Mr. STEVENS submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 623

Whereas Tom Carr served Congress with distinction for 31 years at the Library of Congress as an analyst for the Congressional Research Service;

Whereas Mr. Carr held a bachelor's degree in history from Catholic University in Washington, D.C., and a master's degree in information systems from Strayer University in Fredericksburg, Virginia;

Whereas Mr. Carr was born in Jacksonville, Illinois, and grew up in Atlanta, Georgia;

Whereas Mr. Carr was an expert on congressional committees, House and Senate floor procedure, and congressionally created commissions;

Whereas Mr. Carr was an enthusiastic teacher of congressional procedure to staff, helping them to do their jobs better;

Whereas Mr. Carr was an accomplished and entertaining public speaker who founded the Library of Congress chapter of the Toastmasters and was president of the Capitol Hill Toastmasters;

Whereas Mr. Carr worked tirelessly and cheerfully in service to Congress and set a high example for his colleagues;

Whereas Mr. Carr was distinguished for the generous enthusiasm with which he met the needs of colleagues and clients alike, as well as for his persistent and expansive good humor and wit; and

Whereas Mr. Carr faithfully discharged his duties and responsibilities in a wide variety of demanding positions in public life with honesty, integrity, loyalty, and humility: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and achievements of Congressional Research Service Analyst Tom Carr;

(2) expresses profound sorrow upon the occasion of Mr. Carr's death and extends heartful condolences to those who survive him: his wife Mary (Mimi), his sons Thomas and John, his mother Carswella, and his 9 brothers and sisters; and

(3) expresses its appreciation and respect for Mr. Carr's exemplary record as an analyst for Congress.

SENATE CONCURRENT RESOLUTION 122—URGING THE COMMANDANT OF THE COAST GUARD TO NAME AN APPROPRIATE COAST GUARD VESSEL AFTER COAST GUARD PETTY OFFICER THIRD CLASS NATHAN BRUCKENTHAL

Mr. SCHUMER submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 122

Whereas Coast Guard Petty Officer Third Class Nathan Bruckenthal was a proud member of the Coast Guard who willingly entered into harms way—

(1) to protect the United States and his fellow service members from terrorists; and

(2) to assist the people of Iraq in their pursuit of freedom and democracy;

Whereas, on April 25, 2004, Petty Officer Bruckenthal died of wounds that were inflicted during an attack that began when suicide bombers in boats attacked pumping stations in the Persian Gulf;

Whereas Petty Officer Bruckenthal was the first member of the Coast Guard to be killed in action since the Vietnam War;

Whereas, by his actions, Petty Officer Bruckenthal exemplified honor, respect, and devotion to duty; and

Whereas it is necessary to ensure that the legacy of that great citizen of the United States, like the many individuals who have served the United States and have fallen with him, is known and honored: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress urges the Commandant of the Coast Guard to name an appropriate Coast Guard vessel after Coast Guard Petty Officer Third Class Nathan Bruckenthal.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5194. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 5195. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5196. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5197. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5198. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5199. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5200. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5201. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5202. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5203. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5204. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5205. Mr. CONRAD (for himself, Mr. COLEMAN, Mr. DORGAN, Mr. ROBERTS, Mr. NELSON, of Nebraska, Mr. HAGEL, Mr. JOHNSON, Mr. THUNE, Mr. BAUCUS, Mr. BURNS, Mr. SALAZAR, Mr. BOND, Mr. HARKIN, Mr. REID, Mr. LEAHY, Mr. DAYTON, Mr. DURBIN, Ms. CANTWELL, Ms. LANDRIEU, Mr. INOUYE, Mrs. FEINSTEIN, Mrs. CLINTON, Mrs. BOXER, Mr. OBAMA, Mr. AKAKA, Mr. JEFFORDS, Mr. SCHUMER, and Mr. BIDEN) proposed an amendment to the bill H.R. 5384, supra.

SA 5206. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5207. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5208. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5209. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 5384, supra; which was ordered to lie on the table.

SA 5210. Mr. BURR (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 3678, to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

SA 5211. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3821, to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance; which was referred to the Committee on the Judiciary.

TEXT OF AMENDMENTS

SA 5194. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Bee Genetic Resources Research, and the total amount made available in this Act is reduced by $100,000.

SA 5195. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the Food Marketing Policy Center, and the total amount made available in this Act is reduced by $573,000.

SA 5196. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Berry research, and the total amount made available in this Act is reduced by $1,287,000.

SA 5197. Mr. COBURN submitted an amendment intended to be proposed by

him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Citrus Waste Utilization, and the total amount made available in this Act is reduced by $392,832.

SA 5198. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for a catfish grading system, and the total amount made available in this Act is reduced by $100,000.

SA 5199. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Illinois River Agricultural Water Conservation, and the total amount made available in this Act is reduced by $240,000.

SA 5200. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Urban horticulture, and the total amount made available in this Act is reduced by $809,000.

SA 5201. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for Pineapple Nematode Research, and the total amount made available in this Act is reduced by $283,707.

SA 5202. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for the construction of an entrance to the U.S. National Arboretum, and the total amount made available in this Act is reduced by $1,500,000.

SA 5203. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for beaver control activities, and the total amount made available in this Act is reduced by $623,000.

SA 5204. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7____. Notwithstanding any other provision of law, no national ambient air quality standard for particulate matter promulgated pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) shall be enforced by the Federal Government, or required by the Federal Government to be enforced by any State or local government, with respect to particulate matter deposited in the ambient air as a result of the conduct of an agricultural activity (as that term is defined by the Secretary of Agriculture).

SA 5205. Mr. CONRAD (for himself, Mr. COLEMAN, Mr. DORGAN, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. HAGEL, Mr. JOHNSON, Mr. THUNE, Mr. BAUCUS, Mr. BURNS, Mr. SALAZAR, Mr. BOND, Mr. HARKIN, Mr. REID, Mr. LEAHY, Mr. DAYTON, Mr. DURBIN, Ms. CANTWELL, Ms. LANDRIEU, Mr. INOUYE, Mrs. FEINSTEIN, Mrs. CLINTON, Mrs. BOXER, Mr. OBAMA, Mr. AKAKA, Mr. JEFFORDS, Mr. SCHUMER, and Mr. BIDEN) proposed an amendment to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Strike title VIII and insert the following:

TITLE VIII—EMERGENCY FARM RELIEF

SEC. 801. SHORT TITLE.

This title may be cited as the ''Emergency Farm Relief Act of 2006''.

SEC. 802. DEFINITIONS.

In this title:

(1) ADDITIONAL COVERAGE.—The term ''additional coverage'' has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) DISASTER COUNTY.—The term ''disaster county'' means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(3) HURRICANE-AFFECTED COUNTY.—The term ''hurricane-affected county'' means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(4) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) LIVESTOCK.—The term ''livestock'' includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) sheep;

(D) swine; and

(E) other livestock, as determined by the Secretary.

(6) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means a natural disaster declared by the Secretary during calendar year 2005 or 2006 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(7) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

Subtitle A—Agricultural Production Losses

SEC. 811. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 45 percent of the established price, instead of 65 percent.

(2) NONINSURED PRODUCERS.—For producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 20 percent of the established price, instead of 50 percent.

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of

sugar beets, that incurred qualifying quantity or quality losses for the 2005 or 2006 crop, or both, due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary.

(d) QUALITY LOSSES.—

(1) IN GENERAL.—In addition to any payment received under subsection (b), the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make payments to producers on a farm described in subsection (a) that incurred a quality loss for the 2005 or 2006 crop, or both, of a commodity in an amount equal to the product obtained by multiplying—

(A) the payment quantity determined under paragraph (2);

(B)(i) in the case of an insurable commodity, the coverage level elected by the insured under the policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the applicable coverage level for the payment quantity determined under paragraph (2); by

(C) 45 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B)(i) in the case of an insurable commodity, the actual production history for the commodity by the producers on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the established yield for the crop for the producers on the farm under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) PAYMENT RATE.—

(A) IN GENERAL.—For the purpose of paragraph (1)(B), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between (as determined by the applicable State committee of the Farm Service Agency)—

(i) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(ii) the per unit market value of the units of the crop affected by the quality loss.

(B) FACTORS.—In determining the payment rate for quality losses for a crop of a commodity on a farm, the applicable State committee of the Farm Service Agency shall take into account—

(i) the average local market quality discounts that purchasers applied to the commodity during the first 2 months following the normal harvest period for the commodity;

(ii) the loan rate and repayment rate established for the commodity under the marketing loan program established for the commodity under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.);

(iii) the market value of the commodity if sold into a secondary market; and

(iv) other factors determined appropriate by the committee.

(4) ELIGIBILITY.—

(A) IN GENERAL.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under this subsection—

(i) the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be reduced by the amount of any indemnification received by the producers on the farm for quality loss adjustment for the commodity under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(ii) the remainder shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(B) INELIGIBILITY.—If the amount of a quality loss payment for a commodity for the producers on a farm determined under this paragraph is equal to or less than zero, the producers on the farm shall be ineligible for assistance for the commodity under this subsection.

(5) ELIGIBLE PRODUCTION.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 812. DAIRY ASSISTANCE.

The Secretary shall use $95,000,000 of funds of the Commodity Credit Corporation to make payments to dairy producers for dairy production losses in disaster counties.

SEC. 813. ALTERNATIVE DISASTER ASSISTANCE.

(a) DEFINITIONS.—

(1) COVERED COMMODITY.—The term ''covered commodity'' has the meaning given the term in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901)).

(2) ELIGIBLE PRODUCER.—In this section, the term ''eligible producer'' means a producer on a farm (including a dairy producer) that elects not to apply for assistance for the 2005 or 2006 production year, or both, under section 811 or 812.

(3) PRODUCTION YEAR.—The term ''production year'' means—

(A) in the case of a covered commodity, a crop year; and

(B) in the case of milk, a calendar year.

(b) ALTERNATIVE DISASTER ASSISTANCE.—The Secretary shall use such funds of the Commodity Credit Corporation as are necessary to make direct payments to eligible producers for the 2005 production year to compensate the eligible producers for increased operating, marketing, and transportation costs related to rising energy prices due to hurricanes during the 2005 production year and other energy market factors.

(c) REQUIREMENT.—To be eligible to receive assistance under this section, an eligible producer shall demonstrate in accordance with conditions established by the Secretary that the eligible producer had a loss in net farm income in the 2005 production year as compared to the 2004 production year.

(d) PAYMENT RATE.—

(1) CROP PRODUCERS.—The Secretary shall make supplemental direct payments under this section to eligible producers of covered commodities in an amount equal to 25 percent of the direct payments the Secretary made to the producers for the 2005 crop year under sections 1103 and 1303 of that Act (7 U.S.C. 7913, 7953).

(2) DAIRY PRODUCERS.—The Secretary shall make direct payments under this section to eligible producers that were eligible for payments under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982) at a rate equal to $0.12 per hundredweight for all milk produced and marketed by the eligible producers during the 2005 calendar year.

(e) PAYMENT LIMITATIONS.—

(1) IN GENERAL.—The total amount of payments made to a person (as defined in section 1001(e) of the Food Security Act of 1985 (7 U.S.C. 1308(e)) under this section shall not exceed $10,000.

(2) RELATION TO LOST INCOME.—The total amount of payments to an eligible producer under this section may not exceed the loss of net farm income of the eligible producer during the 2005 production year, as determined by the Secretary.

SEC. 814. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during calendar years 2005 and 2006 for losses due to a disaster, as determined by the Secretary, except that the payment rate shall be 70 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant for livestock losses during calendar year 2005 or 2006, or both, that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) demonstrates to the Secretary that the applicant suffered a material loss of pasture or hay production, or experienced substantially increased feed costs, due to damaging weather or a related condition during the calendar year, as determined by the Secretary; and

(C) meets all other eligibility requirements established by the Secretary for the program.

(3) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, wildfires, and extreme heat.

(2) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30

percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) EWE LAMB REPLACEMENT AND RETENTION.—

(1) IN GENERAL.—The Secretary shall use $13,000,000 of funds of the Commodity Credit Corporation to make payments to producers located in disaster counties under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006, by the producers.

(2) INELIGIBILITY FOR OTHER ASSISTANCE.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

SEC. 815. FLOODED CROP AND GRAZING LAND.

(a) IN GENERAL.—The Secretary shall compensate eligible owners of flooded crop and grazing land in—

(1) the Devils Lake basin; and

(2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

(2) INCLUSIONS.—Land described in paragraph (1) shall include—

(A) land that has been flooded;

(B) land that has been rendered inaccessible due to flooding; and

(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) SIGN-UP.—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) COMPENSATION PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) USE OF LAND.—

(1) IN GENERAL.—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation for flooded land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to carry out this section.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

SEC. 816. SUGAR BEET AND SUGAR CANE DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use $24,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2005 or 2006 crop year.

(b) REQUIREMENT.—The Secretary shall make payments under subsection (a) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

(c) HAWAII.—The Secretary shall use $3,000,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)).

SEC. 817. NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(c) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(c)) is amended by adding at the end the following:

''(5) LOSS ASSESSMENT FOR GRAZING.—The Secretary shall permit the use of 1 claims adjustor certified by the Secretary to assess the quantity of loss on the acreage or allotment of a producer devoted to grazing for livestock under this section.''.

SEC. 818. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this subtitle shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) 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. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006;

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418); or

(4) the Livestock Assistance Grant Program announced by the Secretary on August 29, 2006.

Subtitle B—Small Business Economic Loss Grant Program

SEC. 821. SMALL BUSINESS ECONOMIC LOSS GRANT PROGRAM.

(a) DEFINITION OF QUALIFIED STATE.—In this section, the term ''qualified State'' means a State in which at least 50 percent of the counties of the State were declared to be primary agricultural disaster areas by the Secretary during the 2005 or 2006 crop year.

(b) GRANTS TO QUALIFIED STATES.—

(1) IN GENERAL.—The Secretary shall use $100,000,000 of funds of the Commodity Credit Corporation to make grants to State departments of agriculture or comparable State agencies in qualified States.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall allocate grants among qualified States described in paragraph (1) based on the average value of agricultural sector production in the qualified State, determined as a percentage of the gross domestic product of the qualified State.

(B) MINIMUM AMOUNT.—The minimum amount of a grant under this subsection shall be $500,000.

(3) REQUIREMENT.—To be eligible to receive a grant under this subsection, a qualified State shall agree to carry out an expedited disaster assistance program to provide direct payments to qualified small businesses in accordance with subsection (c).

(c) DIRECT PAYMENTS TO QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—In carrying out an expedited disaster assistance program described in subsection (b)(3), a qualified State shall provide direct payments to eligible small businesses in the qualified State that suffered material economic losses during the 2005 or 2006 crop year as a direct result of weather-related agricultural losses to the crop or livestock production sectors of the qualified State, as determined by the Secretary.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive a direct payment under paragraph (1), a small business shall—

(i) have less than $15,000,000 in average annual gross income from all business activities, at least 75 percent of which shall be directly related to production agriculture or agriculture support industries, as determined by the Secretary;

(ii) verify the amount of economic loss attributable to weather-related agricultural losses using such documentation as the Secretary and the head of the qualified State agency may require;

(iii) have suffered losses attributable to weather-related agricultural disasters that equal at least 50 percent of the total economic loss of the small business for each year a grant is requested; and

(iv) demonstrate that the grant will materially improve the likelihood the business will—

(I) recover from the disaster; and

(II) continue to service and support production agriculture.

(3) REQUIREMENTS.—A direct payment to small business under this subsection shall—

(A) be limited to not more than 2 years of documented losses; and

(B) be in an amount of not more than 75 percent of the documented average economic loss attributable to weather-related agriculture disasters for each eligible year in the qualified State.

(4) INSUFFICIENT FUNDING.—If the grant funds received by a qualified State agency under subsection (b) are insufficient to fund the direct payments of the qualified State agency under this subsection, the qualified State agency may apply a proportional reduction to all of the direct payments.

Subtitle C—Conservation

SEC. 831. EMERGENCY CONSERVATION PROGRAM.

(a) IN GENERAL.—The Secretary shall use an additional $35,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures, including wildfire recovery efforts in Montana and other States, identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), of which $3,000,000 shall be to repair broken irrigation pipelines and damaged and collapsed water tanks on the Big Island in the State of Hawaii, including $2,000,000 to repair stone fences on cattle ranches in the Kona and Kohala areas and $1,000,000 to provide emergency loans for losses of agricultural income due to the earthquake of October 15, 2006.

(b) KOHALA DITCH SYSTEM.—The Secretary shall use $2,000,000 of funds of the Commodity Credit Corporation to provide a grant to the Big Island Resource Conservation and Development Council, Incorporated, to repair the Kohala Ditch system.

SEC. 832. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional $70,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203), of which $10,000,000 shall be for emergency measures on the Big Island in the State of Hawaii, including $6,000,000 to repair the Lower Hamakua Ditch and $4,000,000 to repair the Waimea Irrigation System/Upper Hamakua Ditch.

SEC. 833. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

The Secretary shall use an additional $75,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Secretary through the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.), of which not less than $40,000,000 shall be used to carry out wildfire recovery efforts (including in Montana and other States).

Subtitle D—Farm Service Agency

SEC. 841. FUNDING FOR ADDITIONAL PERSONNEL.

The Secretary shall use $9,000,000 of funds of the Commodity Credit Corporation to hire additional County Farm Service Agency personnel—

(1) to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this title; and

(2) as the Secretary determines to be necessary to carry out other agriculture and disaster assistance programs.

Subtitle E—Miscellaneous

SEC. 851. CONTRACT WAIVER.

In carrying out section 101(a)(5) of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005 (Public Law 108–324; 118 Stat. 1233), the Secretary shall not require participation in a crop insurance pilot program relating to forage.

SEC. 852. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

SEC. 853. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle F—Emergency Designation

SEC. 871. EMERGENCY DESIGNATION.

The amounts provided under this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 5206. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

TITLE IX—PIGFORDS CLAIMS REMEDY ACT

SEC. 901. SHORT TITLE.

This title may be cited as the ''Pigford Claims Remedy Act of 2006''.

SEC. 902. DETERMINATION ON MERITS OF PIGFORD CLAIMS.

(a) IN GENERAL.—Any Pigford claimant who has not previously obtained a determination on the merits of a Pigford claim may, in a civil action, obtain that determination.

(b) INTENT OF CONGRESS AS TO REMEDIAL NATURE OF SECTION.—It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim denied that determination.

(c) DEFINITIONS.—In this title—

(1) the term ''Pigford claimant'' means an individual who previously submitted a late-filing request under section 5(g) of the consent decree in the case of Pigford v. Glickman, approved by the United States District Court for the District of Columbia on April 14, 1999; and

(2) the term ''Pigford claim'' means a discrimination complaint, as defined by section 1(h) of that consent decree and documented under section 5(b) of that consent decree.

SA 5207. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. _____. (a) Notwithstanding any other provision of law, the University of Missouri (referred to in this section as the ''University'') may expand the vivarium capacity of the University in the lower level of the National Plant Genetics Security Center (referred to in this section as the ''Center'') in Columbia, Missouri.

(b) Funds used for costs relating to the expansion of the vivarium capacity of the University under subsection (a) shall be derived from sources other than the Agricultural Research Service.

(c) The Agricultural Research Service shall complete the design of, and construct, the lower level of the Center to expand the vivarium capacity of the University under subsection (a).

(d) Title to the lower level of the Center made available to expand the vivarium capacity of the University under subsection (a) shall be held by the Agricultural Research Service.

SA 5208. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 9 and 10, insert the following:

SEC. 758. (a) Until receipt of the decennial census in the year 2010, the city of Perkins, Oklahoma shall be considered by the Secretary of Agriculture to be a rural area for purposes of eligibility for water or waste disposal grants and direct or guaranteed loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)).

(b) The city of Perkins, Oklahoma, including individuals and entities with projects in the city, shall be eligible for the grants and loans described in subsection (a) in an amount of 75 percent of the project cost regardless of calculated per capita income of the residents of the city.

SA 5209. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 144, line 25, after ''Affairs'' insert '', of which $1,000,000 is for the Center for Veterinary Medicine to conduct additional research and, not later than August 1, 2007, submit to the Subcommittee on Agriculture, Rural Development, and Related Agencies of the Committee on Appropriations of the Senate and the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations of the House of Representatives a report regarding the certain uses of penicillin in animal feeds as described in the document entitled 'Penicillin

Use in Animal Feeds' (42 Fed. Reg. 43769–43793) (August 30, 1977)''.

SA 5210. Mr. BURR (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 3678, to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pandemic and All-Hazards Preparedness Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

Sec. 101. Public health and medical preparedness and response functions of the Secretary of Health and Human Services.
Sec. 102. Assistant Secretary for Preparedness and Response.
Sec. 103. National Health Security Strategy.

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

Sec. 201. Improving State and local public health security.
Sec. 202. Using information technology to improve situational awareness in public health emergencies.
Sec. 203. Public health workforce enhancements.
Sec. 204. Vaccine tracking and distribution.
Sec. 205. National Science Advisory Board for Biosecurity.
Sec. 206. Revitalization of Commissioned Corps.

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

Sec. 301. National disaster medical system.
Sec. 302. Enhancing medical surge capacity.
Sec. 303. Encouraging health professional volunteers.
Sec. 304. Core education and training.
Sec. 305. Partnerships for state and regional hospital preparedness to improve surge capacity.
Sec. 306. Enhancing the role of the Department of Veterans Affairs.

TITLE IV—PANDEMIC AND BIODEFENSE VACCINE AND DRUG DEVELOPMENT

Sec. 401. Biomedical Advanced Research and Development Authority.
Sec. 402. National Biodefense Science Board.
Sec. 403. Clarification of countermeasures covered by Project BioShield.
Sec. 404. Technical assistance.
Sec. 405. Collaboration and coordination.
Sec. 406. Procurement.

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

SEC. 101. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

(1) by striking the title heading and inserting the following:

''TITLE XXVIII—NATIONAL ALL-HAZARDS PREPAREDNESS FOR PUBLIC HEALTH EMERGENCIES'';

and

(2) by amending subtitle A to read as follows:

''Subtitle A—National All-Hazards Preparedness and Response Planning, Coordinating, and Reporting

''SEC. 2801. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS.

''(a) IN GENERAL.—The Secretary of Health and Human Services shall lead all Federal public health and medical response to public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

''(b) INTERAGENCY AGREEMENT.—The Secretary, in collaboration with the Secretary of Veterans Affairs, the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the head of any other relevant Federal agency, shall establish an interagency agreement, consistent with the National Response Plan or any successor plan, under which agreement the Secretary of Health and Human Services shall assume operational control of emergency public health and medical response assets, as necessary, in the event of a public health emergency, except that members of the armed forces under the authority of the Secretary of Defense shall remain under the command and control of the Secretary of Defense, as shall any associated assets of the Department of Defense.''

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

(a) ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

(1) in the subtitle heading, by inserting ''All-Hazards'' before ''Emergency Preparedness'';

(2) by redesignating section 2811 as section 2812;

(3) by inserting after the subtitle heading the following new section:

''SEC. 2811. COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO ALL-HAZARDS PUBLIC HEALTH EMERGENCIES.

''(a) IN GENERAL.—There is established within the Department of Health and Human Services the position of the Assistant Secretary for Preparedness and Response. The President, with the advice and consent of the Senate, shall appoint an individual to serve in such position. Such Assistant Secretary shall report to the Secretary.

''(b) DUTIES.—Subject to the authority of the Secretary, the Assistant Secretary for Preparedness and Response shall carry out the following functions:

''(1) LEADERSHIP.—Serve as the principal advisor to the Secretary on all matters related to Federal public health and medical preparedness and response for public health emergencies.

''(2) PERSONNEL.—Register, credential, organize, train, equip, and have the authority to deploy Federal public health and medical personnel under the authority of the Secretary, including the National Disaster Medical System, and coordinate such personnel with the Medical Reserve Corps and the Emergency System for Advance Registration of Volunteer Health Professionals.

''(3) COUNTERMEASURES.—Oversee advanced research, development, and procurement of qualified countermeasures (as defined in section 319F–1) and qualified pandemic or epidemic products (as defined in section 319F–3).

''(4) COORDINATION.—

''(A) FEDERAL INTEGRATION.—Coordinate with relevant Federal officials to ensure integration of Federal preparedness and response activities for public health emergencies.

''(B) STATE, LOCAL, AND TRIBAL INTEGRATION.—Coordinate with State, local, and tribal public health officials, the Emergency Management Assistance Compact, health care systems, and emergency medical service systems to ensure effective integration of Federal public health and medical assets during a public health emergency.

''(C) EMERGENCY MEDICAL SERVICES.—Promote improved emergency medical services medical direction, system integration, research, and uniformity of data collection, treatment protocols, and policies with regard to public health emergencies.

''(5) LOGISTICS.—In coordination with the Secretary of Veterans Affairs, the Secretary of Homeland Security, the General Services Administration, and other public and private entities, provide logistical support for medical and public health aspects of Federal responses to public health emergencies.

''(6) LEADERSHIP.—Provide leadership in international programs, initiatives, and policies that deal with public health and medical emergency preparedness and response.

''(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

''(1) have authority over and responsibility for—

''(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act); and

''(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C-2;

''(2) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

''(A) the Medical Reserve Corps pursuant to section 2813;

''(B) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I;

''(C) the Strategic National Stockpile; and

''(D) the Cities Readiness Initiative; and

''(3) assume other duties as determined appropriate by the Secretary.''; and

(4) by striking ''Assistant Secretary for Public Health Emergency Preparedness'' each place it appears and inserting ''Assistant Secretary for Preparedness and Response''.

(b) TRANSFER OF FUNCTIONS; REFERENCES.—

(1) TRANSFER OF FUNCTIONS.—There shall be transferred to the Office of the Assistant Secretary for Preparedness and Response the functions, personnel, assets, and liabilities of the Assistant Secretary for Public Health Emergency Preparedness as in effect on the day before the date of enactment of this Act.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Assistant Secretary for Public Health Emergency Preparedness as in effect the day before the date of enactment of this Act, shall be deemed to be a reference to the Assistant Secretary for Preparedness and Response.

(c) STOCKPILE.—Section 319F-2(a)(1) of the Public Health Service Act (42 U.S.C. 247d–6b(a)(1)) is amended by—

(1) inserting ''in collaboration with the Director of the Centers for Disease Control and Prevention, and'' after ''Secretary,''; and

(2) inserting at the end the following: ''The Secretary shall conduct an annual review (taking into account at-risk individuals) of the contents of the stockpile, including nonpharmaceutical supplies, and make necessary additions or modifications to the contents based on such review.''.

(d) AT-RISK INDIVIDUALS.—Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.), as amended by section 303 of this Act, is amended by inserting after section 2813 the following:

"SEC. 2814. AT-RISK INDIVIDUALS.

''The Secretary, acting through such employee of the Department of Health and Human Services as determined by the Secretary and designated publicly (which may, at the discretion of the Secretary, involve the appointment or designation of an individual as the Director of At-Risk Individuals), shall—

''(1) oversee the implementation of the National Preparedness goal of taking into account the public health and medical needs of at-risk individuals in the event of a public health emergency, as described in section 2802(b)(4);

''(2) assist other Federal agencies responsible for planning for, responding to, and recovering from public health emergencies in addressing the needs of at-risk individuals;

''(3) provide guidance to and ensure that recipients of State and local public health grants include preparedness and response strategies and capabilities that take into account the medical and public health needs of at-risk individuals in the event of a public health emergency, as described in section 319C-1(b)(2)(A)(iii);

''(4) ensure that the contents of the strategic national stockpile take into account at-risk populations as described in section 2811(b)(3)(B);

''(5) oversee the progress of the Advisory Committee on At-Risk Individuals and Public Health Emergencies established under section 319F(b)(2) and make recommendations with a focus on opportunities for action based on the work of the Committee;

''(6) oversee curriculum development for the public health and medical response training program on medical management of casualties, as it concerns at-risk individuals as described in subparagraphs (A) through (C) of section 319F(a)(2);

''(7) disseminate novel and best practices of outreach to and care of at-risk individuals before, during, and following public health emergencies; and

''(8) not later than one year after the date of enactment of the Pandemic and All-Hazards Preparedness Act, prepare and submit to Congress a report describing the progress made on implementing the duties described in this section.''.

SEC. 103. NATIONAL HEALTH SECURITY STRATEGY.

Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 101, is amended by inserting after section 2801 the following:

"SEC. 2802. NATIONAL HEALTH SECURITY STRATEGY.

''(a) IN GENERAL.—

''(1) PREPAREDNESS AND RESPONSE REGARDING PUBLIC HEALTH EMERGENCIES.—Beginning in 2009 and every four years thereafter, the Secretary shall prepare and submit to the relevant committees of Congress a coordinated strategy (to be known as the National Health Security Strategy) and any revisions thereof, and an accompanying implementation plan for public health emergency preparedness and response. Such National Health Security Strategy shall identify the process for achieving the preparedness goals described in subsection (b) and shall be consistent with the National Preparedness Goal, the National Incident Management System, and the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

''(2) EVALUATION OF PROGRESS.—The National Health Security Strategy shall include an evaluation of the progress made by Federal, State, local, and tribal entities, based on the evidence-based benchmarks and objective standards that measure levels of preparedness established pursuant to section 319C–1(g). Such evaluation shall include aggregate and State-specific breakdowns of obligated funding spent by major category (as defined by the Secretary) for activities funded through awards pursuant to sections 319C–1 and 319C–2.

''(3) PUBLIC HEALTH WORKFORCE.—In 2009, the National Health Security Strategy shall include a national strategy for establishing an effective and prepared public health workforce, including defining the functions, capabilities, and gaps in such workforce, and identifying strategies to recruit, retain, and protect such workforce from workplace exposures during public health emergencies.

''(b) PREPAREDNESS GOALS.—The National Health Security Strategy shall include provisions in furtherance of the following:

''(1) INTEGRATION.—Integrating public health and public and private medical capabilities with other first responder systems, including through—

''(A) the periodic evaluation of Federal, State, local, and tribal preparedness and response capabilities through drills and exercises; and

''(B) integrating public and private sector public health and medical donations and volunteers.

''(2) PUBLIC HEALTH.—Developing and sustaining Federal, State, local, and tribal essential public health security capabilities, including the following:

''(A) Disease situational awareness domestically and abroad, including detection, identification, and investigation.

''(B) Disease containment including capabilities for isolation, quarantine, social distancing, and decontamination.

''(C) Risk communication and public preparedness.

''(D) Rapid distribution and administration of medical countermeasures.

''(3) MEDICAL.—Increasing the preparedness, response capabilities, and surge capacity of hospitals, other health care facilities (including mental health facilities), and trauma care and emergency medical service systems, with respect to public health emergencies, which shall include developing plans for the following:

''(A) Strengthening public health emergency medical management and treatment capabilities.

''(B) Medical evacuation and fatality management.

''(C) Rapid distribution and administration of medical countermeasures.

''(D) Effective utilization of any available public and private mobile medical assets and integration of other Federal assets.

''(E) Protecting health care workers and health care first responders from workplace exposures during a public health emergency.

''(4) AT-RISK INDIVIDUALS.—

''(A) Taking into account the public health and medical needs of at-risk individuals in the event of a public health emergency.

''(B) For purpose of this section and sections 319C–1, 319F, and 319L, the term 'at-risk individuals' means children, pregnant women, senior citizens and other individuals who have special needs in the event of a public health emergency, as determined by the Secretary.

''(5) COORDINATION.—Minimizing duplication of, and ensuring coordination between, Federal, State, local, and tribal planning, preparedness, and response activities (including the State Emergency Management Assistance Compact). Such planning shall be consistent with the National Response Plan, or any successor plan, and National Incident Management System and the National Preparedness Goal.

''(6) CONTINUITY OF OPERATIONS.—Maintaining vital public health and medical services to allow for optimal Federal, State, local, and tribal operations in the event of a public health emergency.''.

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) by amending the heading to read as follows: ''**IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.**'';

(2) by striking subsections (a) through (i) and inserting the following:

''(a) IN GENERAL.—To enhance the security of the United States with respect to public health emergencies, the Secretary shall award cooperative agreements to eligible entities to enable such entities to conduct the activities described in subsection (d).

''(b) ELIGIBLE ENTITIES.—To be eligible to receive an award under subsection (a), an entity shall—

''(1)(A) be a State;

''(B) be a political subdivision determined by the Secretary to be eligible for an award under this section (based on criteria described in subsection (i)(4)); or

''(C) be a consortium of entities described in subparagraph (A); and

''(2) prepare and submit to the Secretary an application at such time, and in such manner, and containing such information as the Secretary may require, including—

''(A) an All-Hazards Public Health Emergency Preparedness and Response Plan which shall include—

''(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802;

''(ii) a pandemic influenza plan consistent with the requirements of paragraphs (2) and (5) of subsection (g);

''(iii) preparedness and response strategies and capabilities that take into account the medical and public health needs of at-risk individuals in the event of a public health emergency;

''(iv) a description of the mechanism the entity will implement to utilize the Emergency Management Assistance Compact or other mutual aid agreements for medical and public health mutual aid; and

''(v) a description of how the entity will include the State Unit on Aging in public health emergency preparedness;

''(B) an assurance that the entity will report to the Secretary on an annual basis (or more frequently as determined by the Secretary) on the evidence-based benchmarks and objective standards established by the Secretary to evaluate the preparedness and response capabilities of such entity under subsection (g);

''(C) an assurance that the entity will conduct, on at least an annual basis, an exercise or drill that meets any criteria established by the Secretary to test the preparedness and response capabilities of such entity, and that the entity will report back to the Secretary within the application of the following year on the strengths and weaknesses identified through such exercise or drill, and corrective actions taken to address material weaknesses;

''(D) an assurance that the entity will provide to the Secretary the data described under section 319D(d)(3) as determined feasible by the Secretary;

''(E) an assurance that the entity will conduct activities to inform and educate the hospitals within the jurisdiction of such entity on the role of such hospitals in the plan required under subparagraph (A);

''(F) an assurance that the entity, with respect to the plan described under subparagraph (A), has developed and will implement an accountability system to ensure that

such entity make satisfactory annual improvement and describe such system in the plan under subparagraph (A);

''(G) a description of the means by which to obtain public comment and input on the plan described in subparagraph (A) and on the implementation of such plan, that shall include an advisory committee or other similar mechanism for obtaining comment from the public and from other State, local, and tribal stakeholders; and

''(H) as relevant, a description of the process used by the entity to consult with local departments of public health to reach consensus, approval, or concurrence on the relative distribution of amounts received under this section.

''(c) LIMITATION.—Beginning in fiscal year 2009, the Secretary may not award a cooperative agreement to a State unless such State is a participant in the Emergency System for Advance Registration of Volunteer Health Professionals described in section 319I.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (2), (4), (5), and (6) of section 2802(b).

''(2) EFFECT OF SECTION.—Nothing in this subsection may be construed as establishing new regulatory authority or as modifying any existing regulatory authority.

''(e) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant Metropolitan Medical Response Systems, local public health departments, the Cities Readiness Initiative, and local emergency plans.

''(f) CONSULTATION WITH HOMELAND SECURITY.—In making awards under subsection (a), the Secretary shall consult with the Secretary of Homeland Security to—

''(1) ensure maximum coordination of public health and medical preparedness and response activities with the Metropolitan Medical Response System, and other relevant activities;

''(2) minimize duplicative funding of programs and activities;

''(3) analyze activities, including exercises and drills, conducted under this section to develop recommendations and guidance on best practices for such activities; and

''(4) disseminate such recommendations and guidance, including through expanding existing lessons learned information systems to create a single Internet-based point of access for sharing and distributing medical and public health best practices and lessons learned from drills, exercises, disasters, and other emergencies.

''(g) ACHIEVEMENT OF MEASURABLE EVIDENCE-BASED BENCHMARKS AND OBJECTIVE STANDARDS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop or where appropriate adopt, and require the application of, measurable evidence-based benchmarks and objective standards that measure levels of preparedness with respect to the activities described in this section and with respect to activities described in section 319C-2. In developing such benchmarks and standards, the Secretary shall consult with and seek comments from State, local, and tribal officials and private entities, as appropriate. Where appropriate, the Secretary shall incorporate existing objective standards. Such benchmarks and standards shall—

''(A) include outcome goals representing operational achievement of the National Preparedness Goals developed under section 2802(b); and

''(B) at a minimum, require entities to—

''(i) measure progress toward achieving the outcome goals; and

''(ii) at least annually, test, exercise, and rigorously evaluate the public health and medical emergency preparedness and response capabilities of the entity, and report to the Secretary on such measured and tested capabilities and measured and tested progress toward achieving outcome goals, based on criteria established by the Secretary.

''(2) CRITERIA FOR PANDEMIC INFLUENZA PLANS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop and disseminate to the chief executive officer of each State criteria for an effective State plan for responding to pandemic influenza.

''(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the development of criteria or standards, without regard to whether such efforts were carried out prior to or after the date of enactment of this section.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall, as determined appropriate by the Secretary, provide to a State, upon request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality assessments, the setting of State objectives and assessment methods, the development of measures of satisfactory annual improvement that are valid and reliable, and other relevant areas.

''(4) NOTIFICATION OF FAILURES.—The Secretary shall develop and implement a process to notify entities that are determined by the Secretary to have failed to meet the requirements of paragraph (1) or (2). Such process shall provide such entities with the opportunity to correct such noncompliance. An entity that fails to correct such noncompliance shall be subject to paragraph (5).

''(5) WITHHOLDING OF AMOUNTS FROM ENTITIES THAT FAIL TO ACHIEVE BENCHMARKS OR SUBMIT INFLUENZA PLAN.—Beginning with fiscal year 2009, and in each succeeding fiscal year, the Secretary shall—

''(A) withhold from each entity that has failed substantially to meet the benchmarks and performance measures described in paragraph (1) for the immediately preceding fiscal year (beginning with fiscal year 2008), pursuant to the process developed under paragraph (4), the amount described in paragraph (6); and

''(B) withhold from each entity that has failed to submit to the Secretary a plan for responding to pandemic influenza that meets the criteria developed under paragraph (2), the amount described in paragraph (6).

''(6) AMOUNTS DESCRIBED.—

''(A) IN GENERAL.—The amounts described in this paragraph are the following amounts that are payable to an entity for activities described in section 319C-1 or 319C-2:

''(i) For the fiscal year immediately following a fiscal year in which an entity experienced a failure described in subparagraph (A) or (B) of paragraph (5) by the entity, an amount equal to 10 percent of the amount the entity was eligible to receive for such fiscal year.

''(ii) For the fiscal year immediately following two consecutive fiscal years in which an entity experienced such a failure, an amount equal to 15 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal year under clause (i).

''(iii) For the fiscal year immediately following three consecutive fiscal years in which an entity experienced such a failure, an amount equal to 20 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i) and (ii).

''(iv) For the fiscal year immediately following four consecutive fiscal years in which an entity experienced such a failure, an amount equal to 25 percent of the amount the entity was eligible to receive for such a fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i), (ii), and (iii).

''(B) SEPARATE ACCOUNTING.—Each failure described in subparagraph (A) or (B) of paragraph (5) shall be treated as a separate failure for purposes of calculating amounts withheld under subparagraph (A).

''(7) REALLOCATION OF AMOUNTS WITHHELD.—

''(A) IN GENERAL.—The Secretary shall make amounts withheld under paragraph (6) available for making awards under section 319C-2 to entities described in subsection (b)(1) of such section.

''(B) PREFERENCE IN REALLOCATION.—In making awards under section 319C-2 with amounts described in subparagraph (A), the Secretary shall give preference to eligible entities (as described in section 319C-2(b)(1)) that are located in whole or in part in States from which amounts have been withheld under paragraph (6).

''(8) WAIVE OR REDUCE WITHHOLDING.—The Secretary may waive or reduce the withholding described in paragraph (6), for a single entity or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.

''(h) GRANTS FOR REAL-TIME DISEASE DETECTION IMPROVEMENT.—

''(1) IN GENERAL.—The Secretary may award grants to eligible entities to carry out projects described under paragraph (4).

''(2) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means an entity that is—

''(A)(i) a hospital, clinical laboratory, university; or

''(ii) a poison control center or professional organization in the field of poison control; and

''(B) a participant in the network established under subsection 319D(d).

''(3) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible entity described in paragraph (2)(A)(i) that receives a grant under this subsection shall use the funds awarded pursuant to such grant to carry out a pilot demonstration project to purchase and implement the use of advanced diagnostic medical equipment to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance and report any results from such project to State, local, and tribal public health entities and the network established under section 319D(d).

''(B) OTHER ENTITIES.—An eligible entity described in paragraph (2)(A)(ii) that receives a grant under this section shall use the funds awarded pursuant to such grant to—

''(i) improve the early detection, surveillance, and investigative capabilities of poison control centers for chemical, biological, radiological, and nuclear events by training poison information personnel to improve the accuracy of surveillance data, improving the

definitions used by the poison control centers for surveillance, and enhancing timely and efficient investigation of data anomalies;

''(ii) improve the capabilities of poison control centers to provide information to health care providers and the public with regard to chemical, biological, radiological, or nuclear threats or exposures, in consultation with the appropriate State, local, and tribal public health entities; or

''(iii) provide surge capacity in the event of a chemical, biological, radiological, or nuclear event through the establishment of alternative poison control center worksites and the training of nontraditional personnel.'';

(3) by redesignating subsection (j) as subsection (i);

(4) in subsection (i), as so redesignated—

(A) by striking paragraphs (1) through (3)(A) and inserting the following:

''(1) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $824,000,000 for fiscal year 2007, of which $35,000,000 shall be used to carry out subsection (h), for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)), and such sums as may be necessary for each of fiscal years 2008 through 2011.

''(B) COORDINATION.—There are authorized to be appropriated, $10,000,000 for fiscal year 2007 to carry out subsection (f)(4) of this section and section 2814.

''(C) REQUIREMENT FOR STATE MATCHING FUNDS.—Beginning in fiscal year 2009, in the case of any State or consortium of two or more States, the Secretary may not award a cooperative agreement under this section unless the State or consortium of States agree that, with respect to the amount of the cooperative agreement awarded by the Secretary, the State or consortium of States will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to—

''(i) for the first fiscal year of the cooperative agreement, not less than 5 percent of such costs ($1 for each $20 of Federal funds provided in the cooperative agreement); and

''(ii) for any second fiscal year of the cooperative agreement, and for any subsequent fiscal year of such cooperative agreement, not less than 10 percent of such costs ($1 for each $10 of Federal funds provided in the cooperative agreement).

''(D) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.—As determined by the Secretary, non-Federal contributions required in subparagraph (C) may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment or services. Amounts provided by the Federal government, or services assisted or subsidized to any significant extent by the Federal government, may not be included in determining the amount of such non-Federal contributions.

''(2) MAINTAINING STATE FUNDING.—

''(A) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for public health security at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

''(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal public health agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

''(3) DETERMINATION OF AMOUNT.—

''(A) IN GENERAL.—The Secretary shall award cooperative agreements under subsection (a) to each State or consortium of 2 or more States that submits to the Secretary an application that meets the criteria of the Secretary for the receipt of such an award and that meets other implementation conditions established by the Secretary for such awards.'';

(B) in paragraph (4)(A)—

(i) by striking ''2003'' and inserting ''2007''; and

(ii) by striking ''(A)(i)(I)'';

(C) in paragraph (4)(D), by striking ''2002'' and inserting ''2006'';

(D) in paragraph (5)—

(i) by striking ''2003'' and inserting ''2007''; and

(ii) by striking ''(A)(i)(I)''; and

(E) by striking paragraph (6) and inserting the following:

''(6) FUNDING OF LOCAL ENTITIES.—The Secretary shall, in making awards under this section, ensure that with respect to the cooperative agreement awarded, the entity make available appropriate portions of such award to political subdivisions and local departments of public health through a process involving the consensus, approval or concurrence with such local entities.''; and

(5) by adding at the end the following:

''(j) ADMINISTRATIVE AND FISCAL RESPONSIBILITY.—

''(1) ANNUAL REPORTING REQUIREMENTS.—Each entity shall prepare and submit to the Secretary annual reports on its activities under this section and section 319C–2. Each such report shall be prepared by, or in consultation with, the health department. In order to properly evaluate and compare the performance of different entities assisted under this section and section 319C–2 and to assure the proper expenditure of funds under this section and section 319C–2, such reports shall be in such standardized form and contain such information as the Secretary determines and describes within 180 days of the date of enactment of the Pandemic and All-Hazards Preparedness Act (after consultation with the States) to be necessary to—

''(A) secure an accurate description of those activities;

''(B) secure a complete record of the purposes for which funds were spent, and of the recipients of such funds;

''(C) describe the extent to which the entity has met the goals and objectives it set forth under this section or section 319C–2;

''(D) determine the extent to which funds were expended consistent with the entity's application transmitted under this section or section 319C–2; and

''(E) publish such information on a Federal Internet website consistent with subsection (k).

''(2) AUDITS; IMPLEMENTATION.—

''(A) IN GENERAL.—Each entity receiving funds under this section or section 319C–2 shall, not less often than once every 2 years, audit its expenditures from amounts received under this section or section 319C–2. Such audits shall be conducted by an entity independent of the agency administering a program funded under this section or section 319C–2 in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions and generally accepted auditing standards. Within 30 days following the completion of each audit report, the entity shall submit a copy of that audit report to the Secretary.

''(B) REPAYMENT.—Each entity shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the entity, not to have been expended in accordance with this section or section 319C–2 and, if such repayment is not made, the Secretary may offset such amounts against the amount of any allotment to which the entity is or may become entitled under this section or section 319C–2 or may otherwise recover such amounts.

''(C) WITHHOLDING OF PAYMENT.—The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any entity which is not using its allotment under this section or section 319C–2 in accordance with such section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

''(3) MAXIMUM CARRYOVER AMOUNT.—

''(A) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the States and political subdivisions, shall determine the maximum percentage amount of an award under this section that an entity may carryover to the succeeding fiscal year.

''(B) AMOUNT EXCEEDED.—For each fiscal year, if the percentage amount of an award under this section unexpended by an entity exceeds the maximum percentage permitted by the Secretary under subparagraph (A), the entity shall return to the Secretary the portion of the unexpended amount that exceeds the maximum amount permitted to be carried over by the Secretary.

''(C) ACTION BY SECRETARY.—The Secretary shall make amounts returned to the Secretary under subparagraph (B) available for awards under section 319C–2(b)(1). In making awards under section 319C–2(b)(1) with amounts collected under this paragraph the Secretary shall give preference to entities that are located in whole or in part in States from which amounts have been returned under subparagraph (B).

''(D) WAIVER.—An entity may apply to the Secretary for a waiver of the maximum percentage amount under subparagraph (A). Such an application for a waiver shall include an explanation why such requirement should not apply to the entity and the steps taken by such entity to ensure that all funds under an award under this section will be expended appropriately.

''(E) WAIVE OR REDUCE WITHHOLDING.—The Secretary may waive the application of subparagraph (B), or reduce the amount determined under such subparagraph, for a single entity pursuant to subparagraph (D) or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.

''(k) COMPILATION AND AVAILABILITY OF DATA.—The Secretary shall compile the data submitted under this section and make such data available in a timely manner on an appropriate Internet website in a format that is useful to the public and to other entities and that provides information on what activities are best contributing to the achievement of the outcome goals described in subsection (g).''.

SEC. 202. USING INFORMATION TECHNOLOGY TO IMPROVE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in subsection (a)(1), by inserting ''domestically and abroad'' after ''public health threats''; and

(2) by adding at the end the following:

''(d) PUBLIC HEALTH SITUATIONAL AWARENESS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal public health officials, shall establish a near real-time electronic nationwide

public health situational awareness capability through an interoperable network of systems to share data and information to enhance early detection of rapid response to, and management of, potentially catastrophic infectious disease outbreaks and other public health emergencies that originate domestically or abroad. Such network shall be built on existing State situational awareness systems or enhanced systems that enable such connectivity.

''(2) STRATEGIC PLAN.—Not later than 180 days after the date of enactment the Pandemic and All-Hazards Preparedness Act, the Secretary shall submit to the appropriate committees of Congress, a strategic plan that demonstrates the steps the Secretary will undertake to develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3).

''(3) ELEMENTS.—The network described in paragraph (1) shall include data and information transmitted in a standardized format from—

''(A) State, local, and tribal public health entities, including public health laboratories;

''(B) Federal health agencies;

''(C) zoonotic disease monitoring systems;

''(D) public and private sector health care entities, hospitals, pharmacies, poison control centers or professional organizations in the field of poison control, and clinical laboratories, to the extent practicable and provided that such data are voluntarily provided simultaneously to the Secretary and appropriate State, local, and tribal public health agencies; and

''(E) such other sources as the Secretary may deem appropriate.

''(4) RULE OF CONSTRUCTION.—Paragraph (3) shall not be construed as requiring separate reporting of data and information from each source listed.

''(5) REQUIRED ACTIVITIES.—In establishing and operating the network described in paragraph (1), the Secretary shall—

''(A) utilize applicable interoperability standards as determined by the Secretary through a joint public and private sector process;

''(B) define minimal data elements for such network;

''(C) in collaboration with State, local, and tribal public health officials, integrate and build upon existing State, local, and tribal capabilities, ensuring simultaneous sharing of data, information, and analyses from the network described in paragraph (1) with State, local, and tribal public health agencies; and

''(D) in collaboration with State, local, and tribal public health officials, develop procedures and standards for the collection, analysis, and interpretation of data that States, regions, or other entities collect and report to the network described in paragraph (1).

''(e) STATE AND REGIONAL SYSTEMS TO ENHANCE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.—

''(1) IN GENERAL.—To implement the network described in subsection (d), the Secretary may award grants to States or consortia of States to enhance the ability of such States or consortia of States to establish or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies, in collaboration with appropriate public health agencies, sentinel hospitals, clinical laboratories, pharmacies, poison control centers, other health care organizations, and animal health organizations within such States.

''(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), the State or consortium of States shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State or consortium of States will submit to the Secretary—

''(A) reports of such data, information, and metrics as the Secretary may require;

''(B) a report on the effectiveness of the systems funded under the grant; and

''(C) a description of the manner in which grant funds will be used to enhance the timelines and comprehensiveness of efforts to detect, respond to, and manage potentially catastrophic infectious disease outbreaks and public health emergencies.

''(3) USE OF FUNDS.—A State or consortium of States that receives an award under this subsection—

''(A) shall establish, enhance, or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies;

''(B) may award grants or contracts to entities described in paragraph (1) within or serving such State to assist such entities in improving the operation of information technology systems, facilitating the secure exchange of data and information, and training personnel to enhance the operation of the system described in subparagraph (A); and

''(C) may conduct a pilot program for the development of multi-State telehealth network test beds that build on, enhance, and securely link existing State and local telehealth programs to prepare for, monitor, respond to, and manage the events of public health emergencies, facilitate coordination and communication among medical, public health, and emergency response agencies, and provide medical services through telehealth initiatives within the States that are involved in such a multi-State telehealth network test bed.

''(4) LIMITATION.—Information technology systems acquired or implemented using grants awarded under this section must be compliant with—

''(A) interoperability and other technological standards, as determined by the Secretary; and

''(B) data collection and reporting requirements for the network described in subsection (d).

''(5) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report concerning the activities conducted under this subsection and subsection (d).

''(f) TELEHEALTH ENHANCEMENTS FOR EMERGENCY RESPONSE.—

''(1) EVALUATION.—The Secretary, in consultation with the Federal Communications Commission and other relevant Federal agencies, shall—

''(A) conduct an inventory of telehealth initiatives in existence on the date of enactment of the Pandemic and All-Hazards Preparedness Act, including—

''(i) the specific location of network components;

''(ii) the medical, technological, and communications capabilities of such components;

''(iii) the functionality of such components; and

''(iv) the capacity and ability of such components to handle increased volume during the response to a public health emergency;

''(B) identify methods to expand and interconnect the regional health information networks funded by the Secretary, the State and regional broadband networks funded through the rural health care support mechanism pilot program funded by the Federal Communications Commission, and other telehealth networks;

''(C) evaluate ways to prepare for, monitor, respond rapidly to, or manage the events of, a public health emergency through the enhanced use of telehealth technologies, including mechanisms for payment or reimbursement for use of such technologies and personnel during public health emergencies;

''(D) identify methods for reducing legal barriers that deter health care professionals from providing telemedicine services, such as by utilizing State emergency health care professional credentialing verification systems, encouraging States to establish and implement mechanisms to improve interstate medical licensure cooperation, facilitating the exchange of information among States regarding investigations and adverse actions, and encouraging States to waive the application of licensing requirements during a public health emergency;

''(E) evaluate ways to integrate the practice of telemedicine within the National Disaster Medical System; and

''(F) promote greater coordination among existing Federal interagency telemedicine and health information technology initiatives.

''(2) REPORT.—Not later than 12 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding the findings and recommendations pursuant to subparagraphs (A) through (F) of paragraph (1).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary in each of fiscal years 2007 through 2011.''.

SEC. 203. PUBLIC HEALTH WORKFORCE ENHANCEMENTS.

(a) DEMONSTRATION PROJECT.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 2541) is amended by adding at the end the following:

''SEC. 338M. PUBLIC HEALTH DEPARTMENTS.

''(a) IN GENERAL.—To the extent that funds are appropriated under subsection (e), the Secretary shall establish a demonstration project to provide for the participation of individuals who are eligible for the Loan Repayment Program described in section 338B and who agree to complete their service obligation in a State health department that provides a significant amount of service to health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary, or in a local or tribal health department that serves a health professional shortage area or an area at risk of a public health emergency.

''(b) PROCEDURE.—To be eligible to receive assistance under subsection (a), with respect to the program described in section 338B, an individual shall—

''(1) comply with all rules and requirements described in such section (other than section 338B(f)(1)(B)(iv)); and

''(2) agree to serve for a time period equal to 2 years, or such longer period as the individual may agree to, in a State, local, or tribal health department, described in subsection (a).

''(c) DESIGNATIONS.—The demonstration project described in subsection (a), and any

healthcare providers who are selected to participate in such project, shall not be considered by the Secretary in the designation of health professional shortage areas under section 332 during fiscal years 2007 through 2010.

''(d) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit a report to the relevant committees of Congress that evaluates the participation of individuals in the demonstration project under subsection (a), the impact of such participation on State, local, and tribal health departments, and the benefit and feasibility of permanently allowing such placements in the Loan Repayment Program.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 through 2010.''.

(b) GRANTS FOR LOAN REPAYMENT PROGRAM.—Section 338I of the Public Health Service Act (42 U.S.C. 254q-1) is amended by adding at the end the following:

''(j) PUBLIC HEALTH LOAN REPAYMENT.—

''(1) IN GENERAL.—The Secretary may award grants to States for the purpose of assisting such States in operating loan repayment programs under which such States enter into contracts to repay all or part of the eligible loans borrowed by, or on behalf of, individuals who agree to serve in State, local, or tribal health departments that serve health professional shortage areas or other areas at risk of a public health emergency, as designated by the Secretary.

''(2) LOANS ELIGIBLE FOR REPAYMENT.—To be eligible for repayment under this subsection, a loan shall be a loan made, insured, or guaranteed by the Federal Government that is borrowed by, or on behalf of, an individual to pay the cost of attendance for a program of education leading to a degree appropriate for serving in a State, local, or tribal health department as determined by the Secretary and the chief executive officer of the State in which the grant is administered, at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965), including principal, interest, and related expenses on such loan.

''(3) APPLICABILITY OF EXISTING REQUIREMENTS.—With respect to awards made under paragraph (1)—

''(A) the requirements of subsections (b), (f), and (g) shall apply to such awards; and

''(B) the requirements of subsection (c) shall apply to such awards except that with respect to paragraph (1) of such subsection, the State involved may assign an individual only to public and nonprofit private entities that serve health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2010.''.

SEC. 204. VACCINE TRACKING AND DISTRIBUTION.

(a) IN GENERAL.—Section 319A of the Public Health Service Act (42 U.S.C. 247d-1) is amended to read as follows:

''SEC. 319A. VACCINE TRACKING AND DISTRIBUTION.

''(a) TRACKING.—The Secretary, together with relevant manufacturers, wholesalers, and distributors as may agree to cooperate, may track the initial distribution of federally purchased influenza vaccine in an influenza pandemic. Such tracking information shall be used to inform Federal, State, local, and tribal decision makers during an influenza pandemic.

''(b) DISTRIBUTION.—The Secretary shall promote communication between State, local, and tribal public health officials and such manufacturers, wholesalers, and distributors as agree to participate, regarding the effective distribution of seasonal influenza vaccine. Such communication shall include estimates of high priority populations, as determined by the Secretary, in State, local, and tribal jurisdictions in order to inform Federal, State, local, and tribal decision makers during vaccine shortages and supply disruptions.

''(c) CONFIDENTIALITY.—The information submitted to the Secretary or its contractors, if any, under this section or under any other section of this Act related to vaccine distribution information shall remain confidential in accordance with the exception from the public disclosure of trade secrets, commercial or financial information, and information obtained from an individual that is privileged and confidential, as provided for in section 552(b)(4) of title 5, United States Code, and subject to the penalties and exceptions under sections 1832 and 1833 of title 18, United States Code, relating to the protection and theft of trade secrets, and subject to privacy protections that are consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996. None of such information provided by a manufacturer, wholesaler, or distributor shall be disclosed without its consent to another manufacturer, wholesaler, or distributor, or shall be used in any manner to give a manufacturer, wholesaler, or distributor a proprietary advantage.

''(d) GUIDELINES.—The Secretary, in order to maintain the confidentiality of relevant information and ensure that none of the information contained in the systems involved may be used to provide proprietary advantage within the vaccine market, while allowing State, local, and tribal health officials access to such information to maximize the delivery and availability of vaccines to high priority populations, during times of influenza pandemics, vaccine shortages, and supply disruptions, in consultation with manufacturers, distributors, wholesalers and State, local, and tribal health departments, shall develop guidelines for subsections (a) and (b).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums for each of fiscal years 2007 through 2011.

''(f) REPORT TO CONGRESS.—As part of the National Health Security Strategy described in section 2802, the Secretary shall provide an update on the implementation of subsections (a) through (d).''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking sections 319B and 319C.

(2) TECHNICAL AMENDMENT.—Section 319D(a)(3) of the Public Health Service Act (42 U.S.C. 247d–4(a)(3)) is amended by striking '', taking into account evaluations under section 319B(a),''.

SEC. 205. NATIONAL SCIENCE ADVISORY BOARD FOR BIOSECURITY.

The National Science Advisory Board for Biosecurity shall, when requested by the Secretary of Health and Human Services, provide to relevant Federal departments and agencies, advice, guidance, or recommendations concerning—

(1) a core curriculum and training requirements for workers in maximum containment biological laboratories; and

(2) periodic evaluations of maximum containment biological laboratory capacity nationwide and assessments of the future need for increased laboratory capacity.

SEC. 206. REVITALIZATION OF COMMISSIONED CORPS.

(a) PURPOSE.—It is the purpose of this section to improve the force management and readiness of the Commissioned Corps to accomplish the following objectives:

(1) To ensure the Corps is ready to respond rapidly to urgent or emergency public health care needs and challenges.

(2) To ensure the availability of the Corps for assignments that address clinical and public health needs in isolated, hardship, and hazardous duty positions, and, when required, to address needs related to the well-being, security, and defense of the United States.

(3) To establish the Corps as a resource available to Federal and State Government agencies for assistance in meeting public health leadership and service roles.

(b) COMMISSIONED CORPS READINESS.—Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by inserting after section 203 the following:

''SEC. 203A. DEPLOYMENT READINESS.

''(a) READINESS REQUIREMENTS FOR COMMISSIONED CORPS OFFICERS.—

''(1) IN GENERAL.—The Secretary, with respect to members of the following Corps components, shall establish requirements, including training and medical examinations, to ensure the readiness of such components to respond to urgent or emergency public health care needs that cannot otherwise be met at the Federal, State, and local levels:

''(A) Active duty Regular Corps.

''(B) Active Reserves.

''(2) ANNUAL ASSESSMENT OF MEMBERS.—The Secretary shall annually determine whether each member of the Corps meets the applicable readiness requirements established under paragraph (1).

''(3) FAILURE TO MEET REQUIREMENTS.—A member of the Corps who fails to meet or maintain the readiness requirements established under paragraph (1) or who fails to comply with orders to respond to an urgent or emergency public health care need shall, except as provided in paragraph (4), in accordance with procedures established by the Secretary, be subject to disciplinary action as prescribed by the Secretary.

''(4) WAIVER OF REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary may waive one or more of the requirements established under paragraph (1) for an individual who is not able to meet such requirements because of—

''(i) a disability;

''(ii) a temporary medical condition; or

''(iii) any other extraordinary limitation as determined by the Secretary.

''(B) REGULATIONS.—The Secretary shall promulgate regulations under which a waiver described in subparagraph (A) may be granted.

''(5) URGENT OR EMERGENCY PUBLIC HEALTH CARE NEED.—For purposes of this section and section 214, the term 'urgent or emergency public health care need' means a health care need, as determined by the Secretary, arising as the result of—

''(A) a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.);

''(B) an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

''(C) a public health emergency declared by the Secretary under section 319 of this Act; or

''(D) any emergency that, in the judgment of the Secretary, is appropriate for the deployment of members of the Corps.

''(b) CORPS MANAGEMENT FOR DEPLOYMENT.—The Secretary shall—

''(1) organize members of the Corps into units for rapid deployment by the Secretary to respond to urgent or emergency public health care needs;

''(2) establish appropriate procedures for the command and control of units or individual members of the Corps that are deployed at the direction of the President or the Secretary in response to an urgent or emergency public health care need of national, State or local significance;

''(3) ensure that members of the Corps are trained, equipped and otherwise prepared to fulfill their public health and emergency response roles; and

''(4) ensure that deployment planning takes into account—

''(A) any deployment exemptions that may be granted by the Secretary based on the unique requirements of an agency and an individual's functional role in such agency; and

''(B) the nature of the urgent or emergency public health care need.

''(c) DEPLOYMENT OF DETAILED OR ASSIGNED OFFICERS.—For purposes of pay, allowances, and benefits of a Commissioned Corps officer who is detailed or assigned to a Federal entity, the deployment of such officer by the Secretary in response to an urgent or emergency public health care need shall be deemed to be an authorized activity of the Federal entity to which the officer is detailed or assigned.''.

(c) PERSONNEL DEPLOYMENT AUTHORITY.—

(1) PERSONNEL DETAILED.—Section 214 of the Public Health Service Act (42 U.S.C. 215) is amended by adding at the end the following:

''(e) Except with respect to the United States Coast Guard and the Department of Defense, and except as provided in agreements negotiated with officials at agencies where officers of the Commissioned Corps may be assigned, the Secretary shall have the sole authority to deploy any Commissioned Corps officer assigned under this section to an entity outside of the Department of Health and Human Services for service under the Secretary's direction in response to an urgent or emergency public health care need (as defined in section 203A(a)(5)).''.

(2) NATIONAL HEALTH SERVICE CORPS.—Section 331(f) of the Public Health Service Act (42 U.S.C. 254d(f)(1)) is amended by inserting before the period the following: '', except when such members are Commissioned Corps officers who entered into a contract with Secretary under section 338A or 338B after December 31, 2006 and when the Secretary determines that exercising the authority provided under section 214 or 216 with respect to any such officer to would not cause unreasonable disruption to health care services provided in the community in which such officer is providing health care services''.

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

SEC. 301. NATIONAL DISASTER MEDICAL SYSTEM.

(a) NATIONAL DISASTER MEDICAL SYSTEM.—Section 2812 of subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as redesignated by section 102, is amended—

(1) by striking the section heading and inserting ''**NATIONAL DISASTER MEDICAL SYSTEM**'';

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (h) as subsections (a) through (g);

(4) in subsection (a), as so redesignated—

(A) in paragraph (2)(B), by striking ''Federal Emergency Management Agency'' and inserting ''Department of Homeland Security''; and

(B) in paragraph (3)(C), by striking ''Public Health Security and Bioterrorism Preparedness and Response Act of 2002'' and inserting ''Pandemic and All-Hazards Preparedness Act'';

(5) in subsection (b), as so redesignated, by—

(A) striking the subsection heading and inserting ''MODIFICATIONS'';

(B) redesignating paragraph (2) as paragraph (3); and

(C) striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Taking into account the findings from the joint review described under paragraph (2), the Secretary shall modify the policies of the National Disaster Medical System as necessary.

''(2) JOINT REVIEW AND MEDICAL SURGE CAPACITY STRATEGIC PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Veterans Affairs, shall conduct a joint review of the National Disaster Medical System. Such review shall include an evaluation of medical surge capacity, as described by section 2803(a). As part of the National Health Security Strategy under section 2802, the Secretary shall update the findings from such review and further modify the policies of the National Disaster Medical System as necessary.'';

(6) by striking ''subsection (b)'' each place it appears and inserting ''subsection (a)'';

(7) by striking ''subsection (d)'' each place it appears and inserting ''subsection (c)''; and

(8) in subsection (g), as so redesignated, by striking ''2002 through 2006'' and inserting ''2007 through 2011''.

(b) TRANSFER OF NATIONAL DISASTER MEDICAL SYSTEM TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—There shall be transferred to the Secretary of Health and Human Services the functions, personnel, assets, and liabilities of the National Disaster Medical System of the Department of Homeland Security, including the functions of the Secretary of Homeland Security and the Under Secretary for Emergency Preparedness and Response relating thereto.

(c) CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 312(3)(B), 313(5))) is amended—

(1) in section 502(3)(B), by striking '', the National Disaster Medical System,''; and

(2) in section 503(5), by striking '', the National Disaster Medical System''.

(d) UPDATE OF CERTAIN PROVISION.—Section 319F(b)(2) of the Public Health Service Act (42 U.S.C. 247d–6(b)(2)) is amended—

(1) in the paragraph heading, by striking ''CHILDREN AND TERRORISM'' and inserting ''AT-RISK INDIVIDUALS AND PUBLIC HEALTH EMERGENCIES'';

(2) in subparagraph (A), by striking ''Children and Terrorism'' and inserting ''At-Risk Individuals and Public Health Emergencies'';

(3) in subparagraph (B)—

(A) in clause (i), by striking ''bioterrorism as it relates to children'' and inserting ''public health emergencies as they relate to at-risk individuals'';

(B) in clause (ii), by striking ''children'' and inserting ''at-risk individuals''; and

(C) in clause (iii), by striking ''children'' and inserting ''at-risk individuals'';

(4) in subparagraph (C), by striking ''children'' and all that follows through the period and inserting ''at-risk populations.''; and

(5) in subparagraph (D), by striking ''one year'' and inserting ''six years''.

(e) CONFORMING AMENDMENT.—Section 319F(b)(3)(B) of the Public Health Service Act (42 U.S.C. 247d–6(b)(3)(B)) is amended by striking ''and the working group under subsection (a)''.

(f) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall take effect on January 1, 2007.

SEC. 302. ENHANCING MEDICAL SURGE CAPACITY.

(a) IN GENERAL.—Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 103, is amended by inserting after section 2802 the following:

''SEC. 2803. ENHANCING MEDICAL SURGE CAPACITY.

''(a) STUDY OF ENHANCING MEDICAL SURGE CAPACITY.—As part of the joint review described in section 2812(b), the Secretary shall evaluate the benefits and feasibility of improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency. Such study shall include an assessment of the need for and feasibility of improving surge capacity through—

''(1) acquisition and operation of mobile medical assets by the Secretary to be deployed, on a contingency basis, to a community in the event of a public health emergency;

''(2) integrating the practice of telemedicine within the National Disaster Medical System; and

''(3) other strategies to improve such capacity as determined appropriate by the Secretary.

''(b) AUTHORITY TO ACQUIRE AND OPERATE MOBILE MEDICAL ASSETS.—In addition to any other authority to acquire, deploy, and operate mobile medical assets, the Secretary may acquire, deploy, and operate mobile medical assets if, taking into consideration the evaluation conducted under subsection (a), such acquisition, deployment, and operation is determined to be beneficial and feasible in improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency.

''(c) USING FEDERAL FACILITIES TO ENHANCE MEDICAL SURGE CAPACITY.—

''(1) ANALYSIS.—The Secretary shall conduct an analysis of whether there are Federal facilities which, in the event of a public health emergency, could practicably be used as facilities in which to provide health care.

''(2) MEMORANDA OF UNDERSTANDING.—If, based on the analysis conducted under paragraph (1), the Secretary determines that there are Federal facilities which, in the event of a public health emergency, could be used as facilities in which to provide health care, the Secretary shall, with respect to each such facility, seek to conclude a memorandum of understanding with the head of the Department or agency that operates such facility that permits the use of such facility to provide health care in the event of a public health emergency.''.

(b) EMTALA.—

(1) IN GENERAL.—Section 1135(b) of the Social Security Act (42 U.S.C. 1320b-5(b)) is amended—

(A) in paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) the direction or relocation of an individual to receive medical screening in an alternative location—

''(i) pursuant to an appropriate State emergency preparedness plan; or

''(ii) in the case of a public health emergency described in subsection (g)(1)(B) that involves a pandemic infectious disease, pursuant to a State pandemic preparedness plan or a plan referred to in clause (i), whichever is applicable in the State;'';

(B) in the third sentence, by striking ''and shall be limited to'' and inserting ''and, except in the case of a waiver or modification

to which the fifth sentence of this subsection applies, shall be limited to''; and

(C) by adding at the end the following: ''If a public health emergency described in subsection (g)(1)(B) involves a pandemic infectious disease (such as pandemic influenza), the duration of a waiver or modification under paragraph (3) shall be determined in accordance with subsection (e) as such subsection applies to public health emergencies.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to public health emergencies declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) on or after such date.

SEC. 303. ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.

(a) VOLUNTEER MEDICAL RESERVE CORPS.—Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as amended by this Act, is amended by inserting after section 2812 the following:

''SEC. 2813. VOLUNTEER MEDICAL RESERVE CORPS.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal officials, shall build on State, local, and tribal programs in existence on the date of enactment of such Act to establish and maintain a Medical Reserve Corps (referred to in this section as the 'Corps') to provide for an adequate supply of volunteers in the case of a Federal, State, local, or tribal public health emergency. The Corps shall be headed by a Director who shall be appointed by the Secretary and shall oversee the activities of the Corps chapters that exist at the State, local, and tribal levels.

''(b) STATE, LOCAL, AND TRIBAL COORDINATION.—The Corps shall be established using existing State, local, and tribal teams and shall not alter such teams.

''(c) COMPOSITION.—The Corps shall be composed of individuals who—

''(1)(A) are health professionals who have appropriate professional training and expertise as determined appropriate by the Director of the Corps; or

''(B) are non-health professionals who have an interest in serving in an auxiliary or support capacity to facilitate access to health care services in a public health emergency;

''(2) are certified in accordance with the certification program developed under subsection (d);

''(3) are geographically diverse in residence;

''(4) have registered and carry out training exercises with a local chapter of the Medical Reserve Corps; and

''(5) indicate whether they are willing to be deployed outside the area in which they reside in the event of a public health emergency.

''(d) CERTIFICATION; DRILLS.—

''(1) CERTIFICATION.—The Director, in collaboration with State, local, and tribal officials, shall establish a process for the periodic certification of individuals who volunteer for the Corps, as determined by the Secretary, which shall include the completion by each individual of the core training programs developed under section 319F, as required by the Director. Such certification shall not supercede State licensing or credentialing requirements.

''(2) DRILLS.—In conjunction with the core training programs referred to in paragraph (1), and in order to facilitate the integration of trained volunteers into the health care system at the local level, Corps members shall engage in periodic training exercises to be carried out at the local level.

''(e) DEPLOYMENT.—During a public health emergency, the Secretary shall have the authority to activate and deploy willing members of the Corps to areas of need, taking into consideration the public health and medical expertise required, with the concurrence of the State, local, or tribal officials from the area where the members reside.

''(f) EXPENSES AND TRANSPORTATION.—While engaged in performing duties as a member of the Corps pursuant to an assignment by the Secretary (including periods of travel to facilitate such assignment), members of the Corps who are not otherwise employed by the Federal Government shall be allowed travel or transportation expenses, including per diem in lieu of subsistence.

''(g) IDENTIFICATION.—The Secretary, in cooperation and consultation with the States, shall develop a Medical Reserve Corps Identification Card that describes the licensure and certification information of Corps members, as well as other identifying information determined necessary by the Secretary.

''(h) INTERMITTENT DISASTER-RESPONSE PERSONNEL.—

''(1) IN GENERAL.—For the purpose of assisting the Corps in carrying out duties under this section, during a public health emergency, the Secretary may appoint selected individuals to serve as intermittent personnel of such Corps in accordance with applicable civil service laws and regulations. In all other cases, members of the Corps are subject to the laws of the State in which the activities of the Corps are undertaken.

''(2) APPLICABLE PROTECTIONS.—Subsections (c)(2), (d), and (e) of section 2812 shall apply to an individual appointed under paragraph (1) in the same manner as such subsections apply to an individual appointed under section 2812(c).

''(3) LIMITATION.—State, local, and tribal officials shall have no authority to designate a member of the Corps as Federal intermittent disaster-response personnel, but may request the services of such members.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

(b) ENCOURAGING HEALTH PROFESSIONS VOLUNTEERS.—Section 319I of the Public Health Service Act (42 U.S.C. 247d–7b) is amended—

(1) by redesignating subsections (e) and (f) as subsections (j) and (k), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall link existing State verification systems to maintain a single national interoperable network of systems, each system being maintained by a State or group of States, for the purpose of verifying the credentials and licenses of health care professionals who volunteer to provide health services during a public health emergency.

''(b) REQUIREMENTS.—The interoperable network of systems established under subsection (a) (referred to in this section as the 'verification network') shall include—

''(1) with respect to each volunteer health professional included in the verification network—

''(A) information necessary for the rapid identification of, and communication with, such professionals; and

''(B) the credentials, certifications, licenses, and relevant training of such individuals; and

''(2) the name of each member of the Medical Reserve Corps, the National Disaster Medical System, and any other relevant federally-sponsored or administered programs determined necessary by the Secretary.'';

(3) in subsection (c), strike ''system'' and insert ''network''; and

(4) by striking subsection (d) and inserting the following:

''(d) ACCESSIBILITY.—The Secretary shall ensure that the verification network is electronically accessible by State, local, and tribal health departments and can be linked with the identification cards under section 2813.

''(e) CONFIDENTIALITY.—The Secretary shall establish and require the application of and compliance with measures to ensure the effective security of, integrity of, and access to the data included in the verification network.

''(f) COORDINATION.—The Secretary shall coordinate with the Secretary of Veterans Affairs and the Secretary of Homeland Security to assess the feasibility of integrating the verification network under this section with the VetPro system of the Department of Veterans Affairs and the National Emergency Responder Credentialing System of the Department of Homeland Security. The Secretary shall, if feasible, integrate the verification network under this section with such VetPro system and the National Emergency Responder Credentialing System.

''(g) UPDATING OF INFORMATION.—The States that are participants in the verification network shall, on at least a quarterly basis, work with the Director to provide for the updating of the information contained in the verification network.

''(h) CLARIFICATION.—Inclusion of a health professional in the verification network shall not constitute appointment of such individual as a Federal employee for any purpose, either under section 2812(c) or otherwise. Such appointment may only be made under section 2812 or 2813.

''(i) HEALTH CARE PROVIDER LICENSES.—The Secretary shall encourage States to establish and implement mechanisms to waive the application of licensing requirements applicable to health professionals, who are seeking to provide medical services (within their scope of practice), during a national, State, local, or tribal public health emergency upon verification that such health professionals are licensed and in good standing in another State and have not been disciplined by any State health licensing or disciplinary board.''; and

(5) in subsection (k) (as so redesignated), by striking ''2006'' and inserting ''2011''.

SEC. 304. CORE EDUCATION AND TRAINING.

Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by striking subsection (a) and inserting the following;

''(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—

''(1) IN GENERAL.—The Secretary, in collaboration with the Secretary of Defense, and in consultation with relevant public and private entities, shall develop core health and medical response curricula and trainings by adapting applicable existing curricula and training programs to improve responses to public health emergencies.

''(2) CURRICULUM.—The public health and medical response training program may include course work related to—

''(A) medical management of casualties, taking into account the needs of at-risk individuals;

''(B) public health aspects of public health emergencies;

''(C) mental health aspects of public health emergencies;

''(D) national incident management, including coordination among Federal, State, local, tribal, international agencies, and other entities; and

''(E) protecting health care workers and health care first responders from workplace exposures during a public health emergency.

''(3) PEER REVIEW.—On a periodic basis, products prepared as part of the program shall be rigorously tested and peer-reviewed by experts in the relevant fields.

''(4) CREDIT.—The Secretary and the Secretary of Defense shall—

''(A) take into account continuing professional education requirements of public health and healthcare professions; and

''(B) cooperate with State, local, and tribal accrediting agencies and with professional associations in arranging for students enrolled in the program to obtain continuing professional education credit for program courses.

''(5) DISSEMINATION AND TRAINING.—

''(A) IN GENERAL.—The Secretary may provide for the dissemination and teaching of the materials described in paragraphs (1) and (2) by appropriate means, as determined by the Secretary.

''(B) CERTAIN ENTITIES.—The education and training activities described in subparagraph (A) may be carried out by Federal public health or medical entities, appropriate educational entities, professional organizations and societies, private accrediting organizations, and other nonprofit institutions or entities meeting criteria established by the Secretary.

''(C) GRANTS AND CONTRACTS.—In carrying out this subsection, the Secretary may carry out activities directly or through the award of grants and contracts, and may enter into interagency agreements with other Federal agencies.''.

(2) by striking subsections (c) through (g) and inserting the following:

''(c) EXPANSION OF EPIDEMIC INTELLIGENCE SERVICE PROGRAM.—The Secretary may establish 20 officer positions in the Epidemic Intelligence Service Program, in addition to the number of the officer positions offered under such Program in 2006, for individuals who agree to participate, for a period of not less than 2 years, in the Career Epidemiology Field Officer program in a State, local, or tribal health department that serves a health professional shortage area (as defined under section 332(a)), a medically underserved population (as defined under section 330(b)(3)), or a medically underserved area or area at high risk of a public health emergency as designated by the Secretary.

''(d) CENTERS FOR PUBLIC HEALTH PREPAREDNESS; CORE CURRICULA AND TRAINING.—

''(1) IN GENERAL.—The Secretary may establish at accredited schools of public health, Centers for Public Health Preparedness (hereafter referred to in this section as the 'Centers').

''(2) ELIGIBILITY.—To be eligible to receive an award under this subsection to establish a Center, an accredited school of public health shall agree to conduct activities consistent with the requirements of this subsection.

''(3) CORE CURRICULA.—The Secretary, in collaboration with the Centers and other public or private entities shall establish core curricula based on established competencies leading to a 4-year bachelor's degree, a graduate degree, a combined bachelor and master's degree, or a certificate program, for use by each Center. The Secretary shall disseminate such curricula to other accredited schools of public health and other health professions schools determined appropriate by the Secretary, for voluntary use by such schools.

''(4) CORE COMPETENCY-BASED TRAINING PROGRAM.—The Secretary, in collaboration with the Centers and other public or private entities shall facilitate the development of a competency-based training program to train public health practitioners. The Centers shall use such training program to train public health practitioners. The Secretary shall disseminate such training program to other accredited schools of public health, health professions schools, and other public or private entities as determined by the Secretary, for voluntary use by such entities.

''(5) CONTENT OF CORE CURRICULA AND TRAINING PROGRAM.—The Secretary shall ensure that the core curricula and training program established pursuant to this subsection respond to the needs of State, local, and tribal public health authorities and integrate and emphasize essential public health security capabilities consistent with section 2802(b)(2).

''(6) ACADEMIC-WORKFORCE COMMUNICATION.—As a condition of receiving funding from the Secretary under this subsection, a Center shall collaborate with a State, local, or tribal public health department to—

''(A) define the public health preparedness and response needs of the community involved;

''(B) assess the extent to which such needs are fulfilled by existing preparedness and response activities of such school or health department, and how such activities may be improved;

''(C) prior to developing new materials or trainings, evaluate and utilize relevant materials and trainings developed by others Centers; and

''(D) evaluate community impact and the effectiveness of any newly developed materials or trainings.

''(7) PUBLIC HEALTH SYSTEMS RESEARCH.—In consultation with relevant public and private entities, the Secretary shall define the existing knowledge base for public health preparedness and response systems, and establish a research agenda based on Federal, State, local, and tribal public health preparedness priorities. As a condition of receiving funding from the Secretary under this subsection, a Center shall conduct public health systems research that is consistent with the agenda described under this paragraph.'';

(3) by redesignating subsection (h) as subsection (e);

(4) by inserting after subsection (e) (as so redesignated), the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FISCAL YEAR 2007.—There are authorized to be appropriated to carry out this section for fiscal year 2007—

''(A) to carry out subsection (a)—

''(i) $5,000,000 to carry out paragraphs (1) through (4); and

''(ii) $7,000,000 to carry out paragraph (5);

''(B) to carry out subsection (c), $3,000,000; and

''(C) to carry out subsection (d), $31,000,000, of which $5,000,000 shall be used to carry out paragraphs (3) through (5) of such subsection.

''(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2008 and each subsequent fiscal year.''; and

(5) by striking subsections (i) and (j).

SEC. 305. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended to read as follows:

''SEC. 319C–2. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

''(a) IN GENERAL.—The Secretary shall award competitive grants or cooperative agreements to eligible entities to enable such entities to improve surge capacity and enhance community and hospital preparedness for public health emergencies.

''(b) ELIGIBILITY.—To be eligible for an award under subsection (a), an entity shall—

''(1)(A) be a partnership consisting of—

''(i) one or more hospitals, at least one of which shall be a designated trauma center, consistent with section 1213(c);

''(ii) one or more other local health care facilities, including clinics, health centers, primary care facilities, mental health centers, mobile medical assets, or nursing homes; and

''(iii)(I) one or more political subdivisions;

''(II) one or more States; or

''(III) one or more States and one or more political subdivisions; and

''(B) prepare, in consultation with the Chief Executive Officer and the lead health officials of the State, District, or territory in which the hospital and health care facilities described in subparagraph (A) are located, and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary may require; or

''(2)(A) be an entity described in section 319C–1(b)(1); and

''(B) submit an application at such time, in such manner, and containing such information as the Secretary may require, including the information or assurances required under section 319C-1(b)(2) and an assurance that the State will adhere to any applicable guidelines established by the Secretary.

''(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).

''(d) PREFERENCES.—

''(1) REGIONAL COORDINATION.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that submit applications that, in the determination of the Secretary—

''(A) will enhance coordination—

''(i) among the entities described in subsection (b)(1)(A)(i); and

''(ii) between such entities and the entities described in subsection (b)(1)(A)(ii); and

''(B) include, in the partnership described in subsection (b)(1)(A), a significant percentage of the hospitals and health care facilities within the geographic area served by such partnership.

''(2) OTHER PREFERENCES.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that, in the determination of the Secretary—

''(A) include one or more hospitals that are participants in the National Disaster Medical System;

''(B) are located in a geographic area that faces a high degree of risk, as determined by the Secretary in consultation with the Secretary of Homeland Security; or

''(C) have a significant need for funds to achieve the medical preparedness goals described in section 2802(b)(3).

''(e) CONSISTENCY OF PLANNED ACTIVITIES.—The Secretary may not award a cooperative agreement to an eligible entity described in subsection (b)(1) unless the application submitted by the entity is coordinated and consistent with an applicable State All-Hazards Public Health Emergency Preparedness and Response Plan and relevant local plans, as determined by the Secretary in consultation with relevant State health officials..

''(f) LIMITATION ON AWARDS.—A political subdivision shall not participate in more than one partnership described in subsection (b)(1).

''(g) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the

Cities Readiness Initiative, and local emergency plans.

''(h) MAINTENANCE OF FUNDING.—

''(1) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for health care preparedness at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

''(i) PERFORMANCE AND ACCOUNTABILITY.—The requirements of section 319C-1(g), (j), and (k) shall apply to entities receiving awards under this section (regardless of whether such entities are described under subsection (b)(1)(A) or (b)(2)(A)) in the same manner as such requirements apply to entities under section 319C-1. An entity described in subsection (b)(1)(A) shall make such reports available to the lead health official of the State in which such partnership is located.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.

''(2) RESERVATION OF AMOUNTS FOR PARTNERSHIPS.—Prior to making awards described in paragraph (3), the Secretary may reserve from the amount appropriated under paragraph (1) for a fiscal year, an amount determined appropriate by the Secretary for making awards to entities described in subsection (b)(1)(A).

''(3) AWARDS TO STATES AND POLITICAL SUBDIVISIONS.—

''(A) IN GENERAL.—From amounts appropriated for a fiscal year under paragraph (1) and not reserved under paragraph (2), the Secretary shall make awards to entities described in subsection (b)(2)(A) that have completed an application as described in subsection (b)(2)(B).

''(B) AMOUNT.—The Secretary shall determine the amount of an award to each entity described in subparagraph (A) in the same manner as such amounts are determined under section 319C–1(h).''.

SEC. 306. ENHANCING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 8117 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by—

(i) striking ''chemical or biological attack'' and inserting ''a public health emergency (as defined in section 2801 of the Public Health Service Act)'';

(ii) striking ''an attack'' and inserting ''such an emergency''; and

(iii) striking ''public health emergencies'' and inserting ''such emergencies''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

''(C) organizing, training, and equipping the staff of such centers to support the activities carried out by the Secretary of Health and Human Services under section 2801 of the Public Health Service Act in the event of a public health emergency and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan; and

''(D) providing medical logistical support to the National Disaster Medical System and the Secretary of Health and Human Services as necessary, on a reimbursable basis, and in coordination with other designated Federal agencies.'';

(2) in subsection (c), by striking ''a chemical or biological attack or other terrorist attack.'' and inserting ''a public health emergency. The Secretary shall, through existing medical procurement contracts, and on a reimbursable basis, make available as necessary, medical supplies, equipment, and pharmaceuticals in response to a public health emergency in support of the Secretary of Health and Human Services.'';

(3) in subsection (d), by—

(A) striking ''develop and'';

(B) striking ''biological, chemical, or radiological attacks'' and inserting ''public health emergencies''; and

(C) by inserting ''consistent with section 319F(a) of the Public Health Service Act'' before the period; and

(4) in subsection (e)—

(A) in paragraph (1), by striking ''2811(b)'' and inserting ''2812''; and

(B) in paragraph (2)—

(i) by striking ''bioterrorism and other''; and

(ii) by striking ''319F(a)'' and inserting ''319F''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 8117 of title 38, United States Code, is amended by adding at the end the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.''.

TITLE IV—PANDEMIC AND BIODEFENSE VACCINE AND DRUG DEVELOPMENT

SEC. 401. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319K the following:

''SEC. 319L. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

''(a) DEFINITIONS.—In this section:

''(1) BARDA.—The term 'BARDA' means the Biomedical Advanced Research and Development Authority.

''(2) FUND.—The term 'Fund' means the Biodefense Medical Countermeasure Development Fund established under subsection (d).

''(3) OTHER TRANSACTIONS.—The term 'other transactions' means transactions, other than procurement contracts, grants, and cooperative agreements, such as the Secretary of Defense may enter into under section 2371 of title 10, United States Code.

''(4) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' has the meaning given such term in section 319F–1.

''(5) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—The term 'qualified pandemic or epidemic product' has the meaning given the term in section 319F–3.

''(6) ADVANCED RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—The term 'advanced research and development' means, with respect to a product that is or may become a qualified countermeasure or a qualified pandemic or epidemic product, activities that predominantly—

''(i) are conducted after basic research and preclinical development of the product; and

''(ii) are related to manufacturing the product on a commercial scale and in a form that satisfies the regulatory requirements under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act.

''(B) ACTIVITIES INCLUDED.—The term under subparagraph (A) includes—

''(i) testing of the product to determine whether the product may be approved, cleared, or licensed under the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act for a use that is or may be the basis for such product becoming a qualified countermeasure or qualified pandemic or epidemic product, or to help obtain such approval, clearance, or license;

''(ii) design and development of tests or models, including animal models, for such testing;

''(iii) activities to facilitate manufacture of the product on a commercial scale with consistently high quality, as well as to improve and make available new technologies to increase manufacturing surge capacity;

''(iv) activities to improve the shelf-life of the product or technologies for administering the product; and

''(v) such other activities as are part of the advanced stages of testing, refinement, improvement, or preparation of the product for such use and as are specified by the Secretary.

''(7) SECURITY COUNTERMEASURE.—The term 'security countermeasure' has the meaning given such term in section 319F–2.

''(8) RESEARCH TOOL.—The term 'research tool' means a device, technology, biological material (including a cell line or an antibody), reagent, animal model, computer system, computer software, or analytical technique that is developed to assist in the discovery, development, or manufacture of qualified countermeasures or qualified pandemic or epidemic products.

''(9) PROGRAM MANAGER.—The term 'program manager' means an individual appointed to carry out functions under this section and authorized to provide project oversight and management of strategic initiatives.

''(10) PERSON.—The term 'person' includes an individual, partnership, corporation, association, entity, or public or private corporation, and a Federal, State, or local government agency or department.

''(b) STRATEGIC PLAN FOR COUNTERMEASURE RESEARCH, DEVELOPMENT, AND PROCUREMENT.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop and make public a strategic plan to integrate biodefense and emerging infectious disease requirements with the advanced research and development, strategic initiatives for innovation, and the procurement of qualified countermeasures and qualified pandemic or epidemic products. The Secretary shall carry out such activities as may be practicable to disseminate the information contained in such plan to persons who may have the capacity to substantially contribute to the activities described in such strategic plan. The Secretary shall update and incorporate such plan as part of the National Health Security Strategy described in section 2802.

''(2) CONTENT.—The strategic plan under paragraph (1) shall guide—

''(A) research and development, conducted or supported by the Department of Health and Human Services, of qualified countermeasures and qualified pandemic or epidemic products against possible biological, chemical, radiological, and nuclear agents and to emerging infectious diseases;

''(B) innovation in technologies that may assist advanced research and development of qualified countermeasures and qualified pandemic or epidemic products (such research and development referred to in this section as 'countermeasure and product advanced research and development'); and

''(C) procurement of such qualified countermeasures and qualified pandemic or epidemic products by such Department.

''(c) BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.—

''(1) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Biomedical Advanced Research and Development Authority.

''(2) IN GENERAL.—Based upon the strategic plan described in subsection (b), the Secretary shall coordinate the acceleration of countermeasure and product advanced research and development by—

''(A) facilitating collaboration between the Department of Health and Human Services and other Federal agencies, relevant industries, academia, and other persons, with respect to such advanced research and development;

''(B) promoting countermeasure and product advanced research and development;

''(C) facilitating contacts between interested persons and the offices or employees authorized by the Secretary to advise such persons regarding requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act; and

''(D) promoting innovation to reduce the time and cost of countermeasure and product advanced research and development.

''(3) DIRECTOR.—The BARDA shall be headed by a Director (referred to in this section as the 'Director') who shall be appointed by the Secretary and to whom the Secretary shall delegate such functions and authorities as necessary to implement this section.

''(4) DUTIES.—

''(A) COLLABORATION.—To carry out the purpose described in paragraph (2)(A), the Secretary shall—

''(i) facilitate and increase the expeditious and direct communication between the Department of Health and Human Services and relevant persons with respect to countermeasure and product advanced research and development, including by—

''(I) facilitating such communication regarding the processes for procuring such advanced research and development with respect to qualified countermeasures and qualified pandemic or epidemic products of interest; and

''(II) soliciting information about and data from research on potential qualified countermeasures and qualified pandemic or epidemic products and related technologies;

''(ii) at least annually—

''(I) convene meetings with representatives from relevant industries, academia, other Federal agencies, international agencies as appropriate, and other interested persons;

''(II) sponsor opportunities to demonstrate the operation and effectiveness of relevant biodefense countermeasure technologies; and

''(III) convene such working groups on countermeasure and product advanced research and development as the Secretary may determine are necessary to carry out this section; and

''(iii) carry out the activities described in section 405 of the Pandemic and All-Hazards Preparedness Act.

''(B) SUPPORT ADVANCED RESEARCH AND DEVELOPMENT.—To carry out the purpose described in paragraph (2)(B), the Secretary shall—

''(i) conduct ongoing searches for, and support calls for, potential qualified countermeasures and qualified pandemic or epidemic products;

''(ii) direct and coordinate the countermeasure and product advanced research and development activities of the Department of Health and Human Services;

''(iii) establish strategic initiatives to accelerate countermeasure and product advanced research and development and innovation in such areas as the Secretary may identify as priority unmet need areas; and

''(iv) award contracts, grants, cooperative agreements, and enter into other transactions, for countermeasure and product advanced research and development.

''(C) FACILITATING ADVICE.—To carry out the purpose described in paragraph (2)(C) the Secretary shall—

''(i) connect interested persons with the offices or employees authorized by the Secretary to advise such persons regarding the regulatory requirements under the Federal Food, Drug, and Cosmetic Act and under section 351 of this Act related to the approval, clearance, or licensure of qualified countermeasures or qualified pandemic or epidemic products; and

''(ii) with respect to persons performing countermeasure and product advanced research and development funded under this section, enable such offices or employees to provide to the extent practicable such advice in a manner that is ongoing and that is otherwise designed to facilitate expeditious development of qualified countermeasures and qualified pandemic or epidemic products that may achieve such approval, clearance, or licensure.

''(D) SUPPORTING INNOVATION.—To carry out the purpose described in paragraph (2)(D), the Secretary may award contracts, grants, and cooperative agreements, or enter into other transactions, such as prize payments, to promote—

''(i) innovation in technologies that may assist countermeasure and product advanced research and development;

''(ii) research on and development of research tools and other devices and technologies; and

''(iii) research to promote strategic initiatives, such as rapid diagnostics, broad spectrum antimicrobials, and vaccine manufacturing technologies.

''(5) TRANSACTION AUTHORITIES.—

''(A) OTHER TRANSACTIONS.—

''(i) IN GENERAL.—The Secretary shall have the authority to enter into other transactions under this subsection in the same manner as the Secretary of Defense enters into such transactions under section 2371 of title 10, United States Code.

''(ii) LIMITATIONS ON AUTHORITY.—

''(I) IN GENERAL.—Subsections (b), (c), and (h) of section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) shall apply to other transactions under this subparagraph as if such transactions were for prototype projects described by subsection (a) of such section 845.

''(II) WRITTEN DETERMINATIONS REQUIRED.—The authority of this subparagraph may be exercised for a project that is expected to cost the Department of Health and Human Services in excess of $20,000,000 only upon a written determination by the senior procurement executive for the Department (as designated for purpose of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))), that the use of such authority is essential to promoting the success of the project. The authority of the senior procurement executive under this subclause may not be delegated.

''(iii) GUIDELINES.—The Secretary shall establish guidelines regarding the use of the authority under clause (i). Such guidelines shall include auditing requirements.

''(B) EXPEDITED AUTHORITIES.—

''(i) IN GENERAL.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions under subparagraph (B) or (D) of paragraph (4), the Secretary shall have the expedited procurement authorities, the authority to expedite peer review, and the authority for personal services contracts, supplied by subsections (b), (c), and (d) of section 319F–1.

''(ii) APPLICATION OF PROVISIONS.—Provisions in such section 319F–1 that apply to such authorities and that require institution of internal controls, limit review, provide for Federal Tort Claims Act coverage of personal services contractors, and commit decisions to the discretion of the Secretary shall apply to the authorities as exercised pursuant to this paragraph.

''(iii) AUTHORITY TO LIMIT COMPETITION.—For purposes of applying section 319F–1(b)(1)(D) to this paragraph, the phrase 'BioShield Program under the Project BioShield Act of 2004' shall be deemed to mean the countermeasure and product advanced research and development program under this section.

''(iv) AVAILABILITY OF DATA.—The Secretary shall require that, as a condition of being awarded a contract, grant, cooperative agreement, or other transaction under subparagraph (B) or (D) of paragraph (4), a person make available to the Secretary on an ongoing basis, and submit upon request to the Secretary, all data related to or resulting from countermeasure and product advanced research and development carried out pursuant to this section.

''(C) ADVANCE PAYMENTS; ADVERTISING.—The Secretary may waive the requirements of section 3324(a) of title 31, United States Code, or section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) upon the determination by the Secretary that such waiver is necessary to obtain countermeasures or products under this section.

''(D) MILESTONE-BASED PAYMENTS ALLOWED.—In awarding contracts, grants, and cooperative agreements, and in entering into other transactions, under this section, the Secretary may use milestone-based awards and payments.

''(E) FOREIGN NATIONALS ELIGIBLE.—The Secretary may under this section award contracts, grants, and cooperative agreements to, and may enter into other transactions with, highly qualified foreign national persons outside the United States, alone or in collaboration with American participants, when such transactions may inure to the benefit of the American people.

''(F) ESTABLISHMENT OF RESEARCH CENTERS.—The Secretary may assess the feasibility and appropriateness of establishing, through contract, grant, cooperative agreement, or other transaction, an arrangement with an existing research center in order to achieve the goals of this section. If such an agreement is not feasible and appropriate, the Secretary may establish one or more federally-funded research and development centers, or university-affiliated research centers, in accordance with section 303(c)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)).

''(6) AT-RISK INDIVIDUALS.—In carrying out the functions under this section, the Secretary may give priority to the advanced research and development of qualified countermeasures and qualified pandemic or epidemic products that are likely to be safe and effective with respect to children, pregnant women, elderly, and other at-risk individuals.

''(7) PERSONNEL AUTHORITIES.—

''(A) SPECIALLY QUALIFIED SCIENTIFIC AND PROFESSIONAL PERSONNEL.—

''(i) IN GENERAL.—In addition to any other personnel authorities, the Secretary may—

''(I) without regard to those provisions of title 5, United States Code, governing appointments in the competitive service, appoint highly qualified individuals to scientific or professional positions in BARDA, such as program managers, to carry out this section; and

''(II) compensate them in the same manner and subject to the same terms and conditions in which individuals appointed under section 9903 of such title are compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

''(ii) MANNER OF EXERCISE OF AUTHORITY.—The authority provided for in this subparagraph shall be exercised subject to the same limitations described in section 319F–1(e)(2).

''(iii) TERM OF APPOINTMENT.—The term limitations described in section 9903(c) of title 5, United States Code, shall apply to appointments under this subparagraph, except that the references to the 'Secretary' and to the 'Department of Defense's national security missions' shall be deemed to be to the Secretary of Health and Human Services and to the mission of the Department of Health and Human Services under this section.

''(B) SPECIAL CONSULTANTS.—In carrying out this section, the Secretary may appoint special consultants pursuant to section 207(f).

''(C) LIMITATION.—

''(i) IN GENERAL.—The Secretary may hire up to 100 highly qualified individuals, or up to 50 percent of the total number of employees, whichever is less, under the authorities provided for in subparagraphs (A) and (B).

''(ii) REPORT.—The Secretary shall report to Congress on a biennial basis on the implementation of this subparagraph.

''(d) FUND.—

''(1) ESTABLISHMENT.—There is established the Biodefense Medical Countermeasure Development Fund, which shall be available to carry out this section in addition to such amounts as are otherwise available for this purpose.

''(2) FUNDING.—To carry out the purposes of this section, there are authorized to be appropriated to the Fund—

''(A) $1,070,000,000 for fiscal years 2006 through 2008, the amounts to remain available until expended; and

''(B) such sums as may be necessary for subsequent fiscal years, the amounts to remain available until expended.

''(e) INAPPLICABILITY OF CERTAIN PROVISIONS.—

''(1) DISCLOSURE.—

''(A) IN GENERAL.—The Secretary shall withhold from disclosure under section 552 of title 5, United States Code, specific technical data or scientific information that is created or obtained during the countermeasure and product advanced research and development carried out under subsection (c) that reveals significant and not otherwise publicly known vulnerabilities of existing medical or public health defenses against biological, chemical, nuclear, or radiological threats. Such information shall be deemed to be information described in section 552(b)(3) of title 5, United States Code.

''(B) REVIEW.—Information subject to nondisclosure under subparagraph (A) shall be reviewed by the Secretary every 5 years, or more frequently as determined necessary by the Secretary, to determine the relevance or necessity of continued nondisclosure.

''(C) SUNSET.—This paragraph shall cease to have force or effect on the date that is 7 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act.

''(2) REVIEW.—Notwithstanding section 14 of the Federal Advisory Committee Act, a working group of BARDA under this section and the National Biodefense Science Board under section 319M shall each terminate on the date that is 5 years after the date on which each such group or Board, as applicable, was established. Such 5-year period may be extended by the Secretary for one or more additional 5-year periods if the Secretary determines that any such extension is appropriate.''.

SEC. 402. NATIONAL BIODEFENSE SCIENCE BOARD.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 401, is further amended by inserting after section 319L the following:

''SEC. 319M. NATIONAL BIODEFENSE SCIENCE BOARD AND WORKING GROUPS.

''(a) IN GENERAL.—

''(1) ESTABLISHMENT AND FUNCTION.—The Secretary shall establish the National Biodefense Science Board (referred to in this section as the 'Board') to provide expert advice and guidance to the Secretary on scientific, technical and other matters of special interest to the Department of Health and Human Services regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate.

''(2) MEMBERSHIP.—The membership of the Board shall be comprised of individuals who represent the Nation's preeminent scientific, public health, and medical experts, as follows—

''(A) such Federal officials as the Secretary may determine are necessary to support the functions of the Board;

''(B) four individuals representing the pharmaceutical, biotechnology, and device industries;

''(C) four individuals representing academia; and

''(D) five other members as determined appropriate by the Secretary, of whom—

''(i) one such member shall be a practicing healthcare professional; and

''(ii) one such member shall be an individual from an organization representing healthcare consumers.

''(3) TERM OF APPOINTMENT.—A member of the Board described in subparagraph (B), (C), or (D) of paragraph (2) shall serve for a term of 3 years, except that the Secretary may adjust the terms of the initial Board appointees in order to provide for a staggered term of appointment for all members.

''(4) CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.—A member may be appointed to serve not more than 3 terms on the Board and may serve not more than 2 consecutive terms.

''(5) DUTIES.—The Board shall—

''(A) advise the Secretary on current and future trends, challenges, and opportunities presented by advances in biological and life sciences, biotechnology, and genetic engineering with respect to threats posed by naturally occurring infectious diseases and chemical, biological, radiological, and nuclear agents;

''(B) at the request of the Secretary, review and consider any information and findings received from the working groups established under subsection (b); and

''(C) at the request of the Secretary, provide recommendations and findings for expanded, intensified, and coordinated biodefense research and development activities.

''(6) MEETINGS.—

''(A) INITIAL MEETING.—Not later than one year after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall hold the first meeting of the Board.

''(B) SUBSEQUENT MEETINGS.—The Board shall meet at the call of the Secretary, but in no case less than twice annually.

''(7) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

''(8) CHAIRPERSON.—The Secretary shall appoint a chairperson from among the members of the Board.

''(9) POWERS.—

''(A) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this subsection.

''(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(10) PERSONNEL.—

''(A) EMPLOYEES OF THE FEDERAL GOVERNMENT.—A member of the Board that is an employee of the Federal Government may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

''(B) OTHER MEMBERS.—A member of the Board that is not an employee of the Federal Government may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board.

''(C) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board with the approval for the contributing agency without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(b) OTHER WORKING GROUPS.—The Secretary may establish a working group of experts, or may use an existing working group or advisory committee, to—

''(1) identify innovative research with the potential to be developed as a qualified countermeasure or a qualified pandemic or epidemic product;

''(2) identify accepted animal models for particular diseases and conditions associated with any biological, chemical, radiological, or nuclear agent, any toxin, or any potential pandemic infectious disease, and identify strategies to accelerate animal model and research tool development and validation; and

''(3) obtain advice regarding supporting and facilitating advanced research and development related to qualified countermeasures and qualified pandemic or epidemic products that are likely to be safe and effective with respect to children, pregnant women, and other vulnerable populations, and other issues regarding activities under this section that affect such populations.

''(c) DEFINITIONS.—Any term that is defined in section 319L and that is used in this section shall have the same meaning in this section as such term is given in section 319L.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this section for fiscal year 2007 and each fiscal year thereafter.''.

SEC. 403. CLARIFICATION OF COUNTERMEASURES COVERED BY PROJECT BIOSHIELD.

(a) QUALIFIED COUNTERMEASURE.—Section 319F–1(a) of the Public Health Service Act (42 U.S.C. 247d–6a(a)) is amended by striking paragraph (2) and inserting the following:

''(2) DEFINITIONS.—In this section:

''(A) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' means a drug (as that term is defined by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as that term is defined by section

351(i) of this Act (42 U.S.C. 262(i))), or device (as that term is defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))), that the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to—

''(i) diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxin, chemical, radiological, or nuclear agent that may cause a public health emergency affecting national security; or

''(ii) diagnose, mitigate, prevent, or treat 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 that is used as described in this subparagraph.

''(B) INFECTIOUS DISEASE.—The term 'infectious disease' means a disease potentially caused by a pathogenic organism (including a bacteria, virus, fungus, or parasite) that is acquired by a person and that reproduces in that person.''.

(b) SECURITY COUNTERMEASURE.—Section 319F–2(c)(1)(B) is amended by striking ''treat, identify, or prevent'' each place it appears and inserting ''diagnose, mitigate, prevent, or treat''.

(c) LIMITATION ON USE OF FUNDS.—Section 510(a) of the Homeland Security Act of 2002 (6 U.S.C. 320(a)) is amended by adding at the end the following: ''None of the funds made available under this subsection shall be used to procure countermeasures to diagnose, mitigate, prevent, or treat harm resulting from any naturally occurring infectious disease or other public health threat that are not security countermeasures under section 319F–2(c)(1)(B).''.

SEC. 404. TECHNICAL ASSISTANCE.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

''SEC. 565. TECHNICAL ASSISTANCE.

''The Secretary, in consultation with the Commissioner of Food and Drugs, shall establish within the Food and Drug Administration a team of experts on manufacturing and regulatory activities (including compliance with current Good Manufacturing Practice) to provide both off-site and on-site technical assistance to the manufacturers of qualified countermeasures (as defined in section 319F–1 of the Public Health Service Act), security countermeasures (as defined in section 319F–2 of such Act), or vaccines, at the request of such a manufacturer and at the discretion of the Secretary, if the Secretary determines that a shortage or potential shortage may occur in the United States in the supply of such vaccines or countermeasures and that the provision of such assistance would be beneficial in helping alleviate or avert such shortage.''.

SEC. 405. COLLABORATION AND COORDINATION.

(a) LIMITED ANTITRUST EXEMPTION.—

(1) MEETINGS AND CONSULTATIONS TO DISCUSS SECURITY COUNTERMEASURES, QUALIFIED COUNTERMEASURES, OR QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT DEVELOPMENT.—

(A) AUTHORITY TO CONDUCT MEETINGS AND CONSULTATIONS.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary''), in coordination with the Attorney General and the Secretary of Homeland Security, may conduct meetings and consultations with persons engaged in the development of a security countermeasure (as defined in section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b)) (as amended by this Act), a qualified countermeasure (as defined in section 319F–1 of the Public Health Service Act (42 U.S.C. 247d–6a)) (as amended by this Act), or a qualified pandemic or epidemic product (as defined in section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d)) for the purpose of the development, manufacture, distribution, purchase, or storage of a countermeasure or product. The Secretary may convene such meeting or consultation at the request of the Secretary of Homeland Security, the Attorney General, the Chairman of the Federal Trade Commission (referred to in this section as the ''Chairman''), or any interested person, or upon initiation by the Secretary. The Secretary shall give prior notice of any such meeting or consultation, and the topics to be discussed, to the Attorney General, the Chairman, and the Secretary of Homeland Security.

(B) MEETING AND CONSULTATION CONDITIONS.—A meeting or consultation conducted under subparagraph (A) shall—

(i) be chaired or, in the case of a consultation, facilitated by the Secretary;

(ii) be open to persons involved in the development, manufacture, distribution, purchase, or storage of a countermeasure or product, as determined by the Secretary;

(iii) be open to the Attorney General, the Secretary of Homeland Security, and the Chairman;

(iv) be limited to discussions involving covered activities; and

(v) be conducted in such manner as to ensure that no national security, confidential commercial, or proprietary information is disclosed outside the meeting or consultation.

(C) LIMITATION.—The Secretary may not require participants to disclose confidential commercial or proprietary information.

(D) TRANSCRIPT.—The Secretary shall maintain a complete verbatim transcript of each meeting or consultation conducted under this subsection. Such transcript (or a portion thereof) shall not be disclosed under section 552 of title 5, United States Code, to the extent that the Secretary, in consultation with the Attorney General and the Secretary of Homeland Security, determines that disclosure of such transcript (or portion thereof) would pose a threat to national security. The transcript (or portion thereof) with respect to which the Secretary has made such a determination shall be deemed to be information described in subsection (b)(3) of such section 552.

(E) EXEMPTION.—

(i) IN GENERAL.—Subject to clause (ii), it shall not be a violation of the antitrust laws for any person to participate in a meeting or consultation conducted in accordance with this paragraph.

(ii) LIMITATION.—Clause (i) shall not apply to any agreement or conduct that results from a meeting or consultation and that is not covered by an exemption granted under paragraph (4).

(2) SUBMISSION OF WRITTEN AGREEMENTS.—The Secretary shall submit each written agreement regarding covered activities that is made pursuant to meetings or consultations conducted under paragraph (1) to the Attorney General and the Chairman for consideration. In addition to the proposed agreement itself, any submission shall include—

(A) an explanation of the intended purpose of the agreement;

(B) a specific statement of the substance of the agreement;

(C) a description of the methods that will be utilized to achieve the objectives of the agreement;

(D) an explanation of the necessity for a cooperative effort among the particular participating persons to achieve the objectives of the agreement; and

(E) any other relevant information determined necessary by the Attorney General, in consultation with the Chairman and the Secretary.

(3) EXEMPTION FOR CONDUCT UNDER APPROVED AGREEMENT.—It shall not be a violation of the antitrust laws for a person to engage in conduct in accordance with a written agreement to the extent that such agreement has been granted an exemption under paragraph (4), during the period for which the exemption is in effect.

(4) ACTION ON WRITTEN AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, in consultation with the Chairman, shall grant, deny, grant in part and deny in part, or propose modifications to an exemption request regarding a written agreement submitted under paragraph (2), in a written statement to the Secretary, within 15 business days of the receipt of such request. An exemption granted under this paragraph shall take effect immediately.

(B) EXTENSION.—The Attorney General may extend the 15-day period referred to in subparagraph (A) for an additional period of not to exceed 10 business days.

(C) DETERMINATION.—An exemption shall be granted regarding a written agreement submitted in accordance with paragraph (2) only to the extent that the Attorney General, in consultation with the Chairman and the Secretary, finds that the conduct that will be exempted will not have any substantial anticompetitive effect that is not reasonably necessary for ensuring the availability of the countermeasure or product involved.

(5) LIMITATION ON AND RENEWAL OF EXEMPTIONS.—An exemption granted under paragraph (4) shall be limited to covered activities, and such exemption shall be renewed (with modifications, as appropriate, consistent with the finding described in paragraph (4)(C)), on the date that is 3 years after the date on which the exemption is granted unless the Attorney General in consultation with the Chairman determines that the exemption should not be renewed (with modifications, as appropriate) considering the factors described in paragraph (4).

(6) AUTHORITY TO OBTAIN INFORMATION.—Consideration by the Attorney General for granting or renewing an exemption submitted under this section shall be considered an antitrust investigation for purposes of the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.).

(7) LIMITATION ON PARTIES.—The use of any information acquired under an agreement for which an exemption has been granted under paragraph (4), for any purpose other than specified in the exemption, shall be subject to the antitrust laws and any other applicable laws.

(8) REPORT.—Not later than one year after the date of enactment of this Act and biannually thereafter, the Attorney General and the Chairman shall report to Congress on the use of the exemption from the antitrust laws provided by this subsection.

(b) SUNSET.—The applicability of this section shall expire at the end of the 6-year period that begins on the date of enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) COUNTERMEASURE OR PRODUCT.—The term ''countermeasure or product'' refers to

a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product (as those terms are defined in subsection (a)(1)).

(3) COVERED ACTIVITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''covered activities'' includes any activity relating to the development, manufacture, distribution, purchase, or storage of a countermeasure or product.

(B) EXCEPTION.—The term ''covered activities'' shall not include, with respect to a meeting or consultation conducted under subsection (a)(1) or an agreement for which an exemption has been granted under subsection (a)(4), the following activities involving 2 or more persons:

(i) Exchanging information among competitors relating to costs, profitability, or distribution of any product, process, or service if such information is not reasonably necessary to carry out covered activities—

(I) with respect to a countermeasure or product regarding which such meeting or consultation is being conducted; or

(II) that are described in the agreement as exempted.

(ii) Entering into any agreement or engaging in any other conduct—

(I) to restrict or require the sale, licensing, or sharing of inventions, developments, products, processes, or services not developed through, produced by, or distributed or sold through such covered activities; or

(II) to restrict or require participation, by any person participating in such covered activities, in other research and development activities, except as reasonably necessary to prevent the misappropriation of proprietary information contributed by any person participating in such covered activities or of the results of such covered activities.

(iii) Entering into any agreement or engaging in any other conduct allocating a market with a competitor that is not expressly exempted from the antitrust laws under subsection (a)(4).

(iv) Exchanging information among competitors relating to production (other than production by such covered activities) of a product, process, or service if such information is not reasonably necessary to carry out such covered activities.

(v) Entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production of a product, process, or service that is not expressly exempted from the antitrust laws under subsection (a)(4).

(vi) Except as otherwise provided in this subsection, entering into any agreement or engaging in any other conduct to restrict or require participation by any person participating in such covered activities, in any unilateral or joint activity that is not reasonably necessary to carry out such covered activities.

(vii) Entering into any agreement or engaging in any other conduct restricting or setting the price at which a countermeasure or product is offered for sale, whether by bid or otherwise.

SEC. 406. PROCUREMENT.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in the section heading, by inserting ''**AND SECURITY COUNTERMEASURE PROCUREMENTS**'' before the period; and

(2) in subsection (c)—

(A) in the subsection heading, by striking ''BIOMEDICAL'';

(B) in paragraph (3)—

(i) by striking ''COUNTERMEASURES.—The Secretary'' and inserting the following: ''COUNTERMEASURES.—

''(A) IN GENERAL.—The Secretary''; and

(ii) by adding at the end the following:

''(B) INFORMATION.—The Secretary shall institute a process for making publicly available the results of assessments under subparagraph (A) while withholding such information as—

''(i) would, in the judgment of the Secretary, tend to reveal public health vulnerabilities; or

''(ii) would otherwise be exempt from disclosure under section 552 of title 5, United States Code.'';

(C) in paragraph (4)(A), by inserting ''not developed or'' after ''currently'';

(D) in paragraph (5)(B)(i), by striking ''to meet the needs of the stockpile'' and inserting ''to meet the stockpile needs'';

(E) in paragraph (7)(B)—

(i) by striking the subparagraph heading and all that follows through ''Homeland Security Secretary'' and inserting the following: ''INTERAGENCY AGREEMENT; COST.—The Homeland Security Secretary''; and

(ii) by striking clause (ii);

(F) in paragraph (7)(C)(ii)—

(i) by amending subclause (I) to read as follows:

''(I) PAYMENT CONDITIONED ON DELIVERY.—The contract shall provide that no payment may be made until delivery of a portion, acceptable to the Secretary, of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment, partial payment for significant milestones, or payment to increase manufacturing capacity is necessary to ensure success of a project, the Secretary shall pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The Secretary shall, to the extent practicable, make the determination of advance payment at the same time as the issuance of a solicitation. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform by the vendor under the contract. The contract may also provide for additional advance payments of 5 percent each for meeting the milestones specified in such contract, except that such payments shall not exceed 50 percent of the total contract amount. If the specified milestones are reached, the advanced payments of 5 percent shall not be required to be repaid. Nothing in this subclause shall be construed as affecting the rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to the termination of contracts for the convenience of the Government.''; and

(ii) by adding at the end the following:

''(VII) SALES EXCLUSIVITY.—The contract may provide that the vendor is the exclusive supplier of the product to the Federal Government for a specified period of time, not to exceed the term of the contract, on the condition that the vendor is able to satisfy the needs of the Government. During the agreed period of sales exclusivity, the vendor shall not assign its rights of sales exclusivity to another entity or entities without approval by the Secretary. Such a sales exclusivity provision in such a contract shall constitute a valid basis for a sole source procurement under section 303(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)).

''(VIII) WARM BASED SURGE CAPACITY.—The contract may provide that the vendor establish domestic manufacturing capacity of the product to ensure that additional production of the product is available in the event that the Secretary determines that there is a need to quickly purchase additional quantities of the product. Such contract may provide a fee to the vendor for establishing and maintaining such capacity in excess of the initial requirement for the purchase of the product. Additionally, the cost of maintaining the domestic manufacturing capacity shall be an allowable and allocable direct cost of the contract.

''(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section, may specify—

''(aa) the dosing and administration requirements for countermeasures to be developed and procured;

''(bb) the amount of funding that will be dedicated by the Secretary for development and acquisition of the countermeasure; and

''(cc) the specifications the countermeasure must meet to qualify for procurement under a contract under this section.''; and

(G) in paragraph (8)(A), by adding at the end the following: ''Such agreements may allow other executive agencies to order qualified and security countermeasures under procurement contracts or other agreements established by the Secretary. Such ordering process (including transfers of appropriated funds between an agency and the Department of Health and Human Services as reimbursements for such orders for countermeasures) may be conducted under the authority of section 1535 of title 31, United States Code, except that all such orders shall be processed under the terms established under this subsection for the procurement of countermeasures.''.

SA 5211. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3821, to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance; which was referred to the Committee on the Judiciary; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as either the ''Creating Opportunities for Minor League Professionals, Entertainers, and Teams through Legal Entry Act of 2006'' or the ''COMPETE Act of 2006''.

SEC. 2. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) IN GENERAL.—Section 214(c)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance;

''(II) is a professional athlete, as defined in section 204(i)(2);

''(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

''(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country;

''(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association; and

''(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league; or

''(IV) is a professional athlete or amateur athlete who performs individually or as part

of a group in a theatrical ice skating production; and

''(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

''(I) as such an athlete with respect to a specific athletic competition; or

''(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.''.

(b) LIMITATION.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following:

''(F)(i) No nonimmigrant visa under section 101(a)(15)(P)(i)(a) shall be issued to any alien who is a national of a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety, national security, or national interest of the United States. In making a determination under this subparagraph, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

''(ii) In this subparagraph, the term 'state sponsor of international terrorism' means any country the government of which has been determined by the Secretary of State under any of the laws specified in clause (iii) to have repeatedly provided support for acts of international terrorism.

''(iii) The laws specified in this clause are the following:

''(I) Section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or successor statute).

''(II) Section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

''(III) Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).''.

(c) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsection (b), is further amended by adding at the end the following:

''(G) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than 1 alien as a nonimmigrant under section 101(a)(15)(P)(i)(a).''.

(d) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsections (b) and (c), is further amended by adding at the end the following:

''(H) The Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i) if the athlete is eligible under such other provision.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 5, 2006, at 9:30 a.m., to consider the nomination of Robert M. Gates to be Secretary of Defense.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURR. Mr. President. I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a Full Committee hearing on Nominations on Tuesday, December 5, 2006 at 10 a.m. in room 253 of the Russell Senate Office Building. Nominees to be considered are Steven Chealander to be a Member of the NTSB and Charles Dorkey to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

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

COMMITTEE ON FINANCE

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, December 5, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Report Card on Tax Exemptions and Incentives for Higher Education: Pass, Fail, or Need Improvement?''

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

COMMITTEE ON FINANCE

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Finance on Tuesday, December 5, 2006, at 12 noon, in 215 Dirksen Senate Office Building, to hear testimony on the nominations of Mr. Anthony Ryan to be Assistant Secretary for Financial Markets, U.S. Department of the Treasury, Washington, DC; Dr. Phillip Swagel to be Assistant Secretary for Economic Policy, U.S. Department of the Treasury, Washington, DC; Mr. Dean Pinkert to be Member of the U.S. International Trade Commission, Washington, DC; Mr. Irving Williamson to be Member of the U.S. International Trade Commission, Washington, DC; Ms. Dana Bilyeu to be Member of the Social Security Advisory Board, Social Security Administration, Baltimore, MD; and, The Honorable Mark Warshawsky to be Member of the Social Security Advisory Board, Social Security Administration, Baltimore, MD.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Tuesday, December 5, 2006 at 5 p.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Examining Enforcement of Criminal Insider Trading and Hedge Fund Activity'' on Tuesday, December 5, 2006 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: Mr. Ronald J. Tenpas, Associate Deputy Attorney General, United States Department of Justice, Washington, DC; The Honorable Richard Blumenthal, Attorney General, State of Connecticut, Hartford, CT; Ms. Linda C. Thomsen, Director of Enforcement, U.S. Securities and Exchange Commission, Washington, DC;

Panel II: Mr. Gary J. Aguirre, Former Investigator, U.S. Securities and Exchange Commission, Washington, DC; Mr. Walter J. Stachnik, Inspector General, U.S. Securities and Exchange Commission, Washington, DC; Mr. Robert B. Hanson, Branch Chief, Division of Enforcement, U.S. Securities and Exchange Commission, Washington, DC; Mr. Mark Kreitman, Assistant Director, Division of Enforcement, U.S. Securities and Exchange Commission, Washington, DC; Mr. Paul R. Berger, Former Associate Director, Division of Enforcement, U.S. Securities and Exchange Commission, Washington, DC; Mr. Eric Ribelin, Branch Chief, Office of Market Surveillance, U.S. Securities and Exchange Commission, Washington, DC.

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

COMMITTEE ON THE JUDICIARY

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Tuesday, December 5, 2006 at 2:30 p.m. in Dirksen Senate Office Building Room 226.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. BURR. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, December 5, 2006, at 10:30 a.m. for a hearing regarding ''An Assessment of Improper Payments Information Act of 2002''.

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

PRIVILEGES OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that the following staff members be accorded the privilege of the floor during debate and all votes on H.R. 5384, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 2007: Fitzhugh Elder, Dianne Preece, Stacy McBride, Graham Harper, Galen Fountain, Jessica Frederick, Tom Gonzales, Tyler Owens, Amber Sechrist, Phil Karsting, and West Higginbothom.

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

PANDEMIC AND ALL-HAZARDS PREPAREDNESS ACT

Mr. BURR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 583, S.3678.

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

The legislative clerk read as follows:

A bill (S. 3678) to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 3678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the ''Pandemic and All-Hazards Preparedness Act''.

[(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

[Sec. 1. Short title; table of contents.

[TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

[Sec. 101. Public health and medical preparedness and response functions of the Secretary of Health and Human Services.

[Sec. 102. Assistant Secretary for Preparedness and Response.

[Sec. 103. National Health Security Strategy.

[TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

[Sec. 201. Improving State and local public health security.

[Sec. 202. Using information technology to improve situational awareness in public health emergencies.

[Sec. 203. Public health workforce enhancements.

[Sec. 204. Vaccine tracking and distribution.

[Sec. 205. National Science Advisory Board for Biosecurity.

[TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

[Sec. 301. National Disaster Medical System.

[Sec. 302. Enhancing medical surge capacity.

[Sec. 303. Encouraging health professional volunteers.

[Sec. 304. Core education and training.

[Sec. 305. Partnerships for state and regional hospital preparedness to improve surge capacity.

[Sec. 306. Enhancing the role of the Department of Veterans Affairs.

[TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

[SEC. 101. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

[Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

[(1) by striking the title heading and inserting the following:

[''TITLE XXVIII—NATIONAL ALL-HAZARDS PREPAREDNESS FOR PUBLIC HEALTH EMERGENCIES'';

[(2) by amending subtitle A to read as follows:

[''Subtitle A—National All-Hazards Preparedness and Response Planning, Coordinating, and Reporting

[''SEC. 2801. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS.

[''(a) IN GENERAL.—The Secretary of Health and Human Services shall lead all Federal public health and medical response to public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

[''(b) INTERAGENCY AGREEMENT.—The Secretary, in collaboration with the Secretary of Veterans Affairs, the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the head of any other relevant Federal agency, shall establish an interagency agreement, consistent with the National Response Plan or any successor plan, under which agreement the Secretary of Health and Human Services shall assume operational control of emergency public health and medical response assets, as necessary, in the event of a public health emergency.''.

[SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

[(a) ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

[(1) in the subtitle heading, by inserting ''All-Hazards'' before ''Emergency Preparedness'';

[(2) by redesignating section 2811 as section 2812;

[(3) by inserting after the subtitle heading the following new section:

[''SEC. 2811. COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO ALL-HAZARDS PUBLIC HEALTH EMERGENCIES.

[''(a) IN GENERAL.—There is established within the Department of Health and Human Services the position of the Assistant Secretary for Preparedness and Response. The President, with the advice and consent of the Senate, shall appoint an individual to serve in such position. Such Assistant Secretary shall report to the Secretary.

[''(b) DUTIES.—Subject to the authority of the Secretary, the Assistant Secretary for Preparedness and Response shall carry out the following functions:

[''(1) LEADERSHIP.—Serve as the principal advisor to the Secretary on all matters related to Federal public health and medical preparedness and response for public health emergencies.

[''(2) PERSONNEL.—Register, credential, organize, train, equip, and have the authority to deploy Federal public health and medical personnel under the authority of the Secretary, including the National Disaster Medical System, and coordinate such personnel with the Medical Reserve Corps and the Emergency System for Advance Registration of Volunteer Health Professionals.

[''(3) COUNTERMEASURES.—

[''(A) OVERSIGHT.—Oversee advanced research, development, and procurement of qualified countermeasures (as defined in section 319F–1) and qualified pandemic or epidemic products (as defined in section 319F–3).

[''(B) STRATEGIC NATIONAL STOCKPILE.—Maintain the Strategic National Stockpile in accordance with section 319F–2, including conducting an annual review (taking into account at-risk individuals) of the contents of the stockpile, including non-pharmaceutical supplies, and make necessary additions or modifications to the contents based on such review.

[''(4) COORDINATION.—

[''(A) FEDERAL INTEGRATION.—Coordinate with relevant Federal officials to ensure integration of Federal preparedness and response activities for public health emergencies.

[''(B) STATE, LOCAL, AND TRIBAL INTEGRATION.—Coordinate with State, local, and tribal public health officials, the Emergency Management Assistance Compact, health care systems, and emergency medical service systems to ensure effective integration of Federal public health and medical assets during a public health emergency.

[''(C) EMERGENCY MEDICAL SERVICES.—Promote improved emergency medical services medical direction, system integration, research, and uniformity of data collection, treatment protocols, and policies with regard to public health emergencies.

[''(5) LOGISTICS.—In coordination with the Secretary of Veterans Affairs, the Secretary of Homeland Security, the General Services Administration, and other public and private entities, provide logistical support for medical and public health aspects of Federal responses to public health emergencies.

[''(6) LEADERSHIP.—Provide leadership in international programs, initiatives, and policies that deal with public health and medical emergency preparedness and response.

[''(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

[''(1) have authority over and responsibility for the functions, personnel, assets, and liabilities of the following—

[''(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act);

[''(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C–2; and

[''(C) the Public Health Preparedness Cooperative Agreement Program pursuant to section 319C–1;

[''(2) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

[''(A) the Medical Reserve Corps pursuant to section 2813 as added by the Pandemic and All-Hazards Preparedness Act;

[''(B) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I;

[''(C) the Strategic National Stockpile; and

[''(D) the Cities Readiness Initiative; and

[''(3) assume other duties as determined appropriate by the Secretary.''; and

[(4) by striking ''Assistant Secretary for Public Health Emergency Preparedness'' each place it appears and inserting ''Assistant Secretary for Preparedness and Response''.

[(b) TRANSFER OF FUNCTIONS; REFERENCES.—

[(1) TRANSFER OF FUNCTIONS.—There shall be transferred to the Office of the Assistant Secretary for Preparedness and Response the functions, personnel, assets, and liabilities of the Assistant Secretary for Public Health Emergency Preparedness as in effect on the day before the date of enactment of this Act.

[(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Assistant Secretary for Public Health Emergency Preparedness as in effect the day before the date of enactment of this Act, shall be deemed to be a reference to the Assistant Secretary for Preparedness and Response.

[SEC. 103. NATIONAL HEALTH SECURITY STRATEGY.

[Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 101, is amended by inserting after section 2801 the following:

[''SEC. 2802. NATIONAL HEALTH SECURITY STRATEGY.

[''(a) IN GENERAL.—

[''(1) PREPAREDNESS AND RESPONSE REGARDING PUBLIC HEALTH EMERGENCIES.—Beginning in 2009 and every 4 years thereafter, the Secretary shall prepare and submit to the relevant Committees of Congress a coordinated strategy and any revisions thereof, and an accompanying implementation plan for public health emergency preparedness and response. The strategy shall identify the process for achieving the preparedness goals described in subsection (b) and shall be consistent with the National Preparedness Goal, the National Incident Management System, and the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

[''(2) EVALUATION OF PROGRESS.—The National Health Security Strategy shall include an evaluation of the progress made by Federal, State, local, and tribal entities, based on the evidence-based benchmarks and objective standards that measure levels of preparedness established pursuant to section 319C–1(g). Such evaluation shall include aggregate and State-specific breakdowns of obligated funding spent by major category (as defined by the Secretary) for activities funded through awards pursuant to sections 319C–1 and 319C–2.

[''(3) PUBLIC HEALTH WORKFORCE.—In 2009, the National Health Security Strategy shall include a national strategy for establishing an effective and prepared public health workforce, including defining the functions, capabilities, and gaps in such workforce, and identifying strategies to recruit, retain, and protect such workforce from workplace exposures during public health emergencies.

[''(b) PREPAREDNESS GOALS.—The strategy under subsection (a) shall include provisions in furtherance of the following:

[''(1) INTEGRATION.—Integrating public health and public and private medical capabilities with other first responder systems, including through—

[''(A) the periodic evaluation of Federal, State, local, and tribal preparedness and response capabilities through drills and exercises; and

[''(B) integrating public and private sector public health and medical donations and volunteers.

[''(2) PUBLIC HEALTH.—Developing and sustaining Federal, State, local, and tribal essential public health security capabilities, including the following:

[''(A) Disease situational awareness domestically and abroad, including detection, identification, and investigation.

[''(B) Disease containment including capabilities for isolation, quarantine, social distancing, and decontamination.

[''(C) Risk communication and public preparedness.

[''(D) Rapid distribution and administration of medical countermeasures.

[''(3) MEDICAL.—Increasing the preparedness, response capabilities, and surge capacity of hospitals, other health care facilities (including mental health facilities), and trauma care and emergency medical service systems with respect to public health emergencies, which shall include developing plans for the following:

[''(A) Strengthening public health emergency medical management and treatment capabilities.

[''(B) Medical evacuation and fatality management.

[''(C) Rapid distribution and administration of medical countermeasures.

[''(D) Effective utilization of any available public and private mobile medical assets and integration of other Federal assets.

[''(E) Protecting health care workers and health care first responders from workplace exposures during a public health emergency.

[''(4) AT-RISK INDIVIDUALS.—

[''(A) Taking into account the public health and medical needs of at-risk individuals in the event of a public health emergency.

[''(B) For purpose of this title and section 319, the term 'at-risk individuals' means children, pregnant women, senior citizens and other individuals who have special needs in the event of a public health emergency, as determined by the Secretary.

[''(5) COORDINATION.—Minimizing duplication of, and ensuring coordination between Federal, State, local, and tribal planning, preparedness, and response activities (including the State Emergency Management Assistance Compact). Such planning shall be consistent with the National Response Plan, or any successor plan, and National Incident Management System and the National Preparedness Goal.

[''(6) CONTINUITY OF OPERATIONS.—Maintaining vital public health and medical services to allow for optimal Federal, State, local, and tribal operations in the event of a public health emergency.''.

[TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

[SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

[Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

[(1) by amending the heading to read as follows: ''**IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.**'';

[(2) by striking subsections (a) through (i) and inserting the following:

[''(a) IN GENERAL.—To enhance the security of the United States with respect to public health emergencies, the Secretary shall award cooperative agreements to eligible entities to enable such entities to conduct the activities described in subsection (d).

[''(b) ELIGIBLE ENTITIES.—To be eligible to receive an award under subsection (a), an entity shall—

[''(1)(A) be a State;

[''(B) be a political subdivision determined by the Secretary to be eligible for an award under this section (based on criteria described in subsection (h)(4); or

[''(C) be a consortium of entities described in subparagraph (A); and

[''(2) prepare and submit to the Secretary an application at such time, and in such manner, and containing such information as the Secretary may require, including—

[''(A) an All-Hazards Public Health Emergency Preparedness and Response Plan which shall include—

[''(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802;

[''(ii) a pandemic influenza plan consistent with the requirements of paragraphs (2) and (5) of subsection (g);

[''(iii) preparedness and response strategies and capabilities that take into account the medical and public health needs of at-risk individuals in the event of a public health emergency;

[''(iv) a description of the mechanism the entity will implement to utilize the Emergency Management Assistance Compact or other mutual aid agreements for medical and public health mutual aid; and

[''(v) a description of how the entity will include the State Area Agency on Aging in public health emergency preparedness;

[''(B) an assurance that the entity will report to the Secretary on an annual basis (or more frequently as determined by the Secretary) on the evidence-based benchmarks and objective standards established by the Secretary to evaluate the preparedness and response capabilities of such entity;

[''(C) an assurance that the entity will conduct, on at least an annual basis, an exercise or drill that meets any criteria established by the Secretary to test the preparedness and response capabilities of such entity, and that the entity will report back to the Secretary within the application of the following year on the strengths and weaknesses identified through such exercise or drill, and corrective actions taken to address material weaknesses;

[''(D) an assurance that the entity will provide to the Secretary the data described under section 319D(d)(3) as determined feasible by the Secretary;

[''(E) an assurance that the entity will conduct activities to inform and educate the hospitals within the jurisdiction of such entity on the role of such hospitals in the plan required under subparagraph (A);

[''(F) an assurance that the entity, with respect to the plan described under subparagraph (A), has developed and will implement an accountability system to ensure that such entity make satisfactory annual improvement and describe such system in the plan under subparagraph (A);

[''(G) a description of the means by which to obtain public comment and input on the plan described in subparagraph (A) and on the implementation of such plan, that shall include an advisory committee or other similar mechanism for obtaining comment from the public and from other State, local, and tribal stakeholders; and

[''(H) as relevant, a description of the process used by the entity to consult with local departments of public health to reach consensus, approval, or concurrence on the relative distribution of amounts received under this section.

[''(c) LIMITATION.—Beginning in fiscal year 2009, the Secretary may not award a cooperative agreement to a State unless such State is a participant in the Emergency System for Advance Registration of Volunteer Health Professionals described in section 319I.

[''(d) USE OF FUNDS.—

[''(1) IN GENERAL.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (2), (4), (5), and (6) of section 2802(b).

[''(2) EFFECT OF SECTION.—Nothing in this subsection may be construed as establishing new regulatory authority or as modifying any existing regulatory authority.

[''(e) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant Metropolitan Medical Response Systems, local public health departments, the Cities Readiness Initiative, and local emergency plans.

[''(f) CONSULTATION WITH HOMELAND SECURITY.—In making awards under subsection (a), the Secretary shall consult with the Secretary of Homeland Security to—

[''(1) ensure maximum coordination of public health and medical preparedness and response activities with the Metropolitan Medical Response System, and other relevant activities;

[''(2) minimize duplicative funding of programs and activities;

[''(3) analyze activities, including exercises and drills, conducted under this section to develop recommendations and guidance on best practices for such activities, and

[''(4) disseminate such recommendations and guidance, including through expanding existing lessons learned information system to create a single Internet-based point of access for sharing and distributing medical and

public health best practices and lessons learned from drills, exercises, disasters, and other emergencies.

[''(g) ACHIEVEMENT OF MEASURABLE EVIDENCE-BASED BENCHMARKS AND OBJECTIVE STANDARDS.—

[''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop or where appropriate adopt, and require the application of measurable evidence-based benchmarks and objective standards that measure levels of preparedness with respect to the activities described in this section and with respect to activities described in section 319C–2. In developing such benchmarks and standards, the Secretary shall consult with and seek comments from State, local, and tribal officials and private entities, as appropriate. Where appropriate, the Secretary shall incorporate existing objective standards. Such benchmarks and standards shall, at a minimum, require entities to—

[''(A) demonstrate progress toward achieving the preparedness goals described in section 2802 in a reasonable timeframe determined by the Secretary;

[''(B) annually report grant expenditures to the Secretary (in a form prescribed by the Secretary) who shall ensure that such information is included on the Federal Internet-based point of access developed under subsection (f); and

[''(C) at least annually, test and exercise the public health and medical emergency preparedness and response capabilities of the grantee, based on criteria established by the Secretary.

[''(2) CRITERIA FOR PANDEMIC INFLUENZA PLANS.—

[''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop and disseminate to the chief executive officer of each State criteria for an effective State plan for responding to pandemic influenza.

[''(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the development of criteria or standards, without regard to whether such efforts were carried out prior to or after the date of enactment of this section.

[''(3) TECHNICAL ASSISTANCE.—The Secretary shall, as determined appropriate by the Secretary, provide to a State, upon request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality assessments, the setting of State objectives and assessment methods, the development of measures of satisfactory annual improvement that are valid and reliable, and other relevant areas.

[''(4) NOTIFICATION OF FAILURES.—The Secretary shall develop and implement a process to notify entities that are determined by the Secretary to have failed to meet the requirements of paragraph (1) or (2). Such process shall provide such entities with the opportunity to correct such noncompliance. An entity that fails to correct such noncompliance shall be subject to paragraph (5).

[''(5) WITHHOLDING OF AMOUNTS FROM ENTITIES THAT FAIL TO ACHIEVE BENCHMARKS OR SUBMIT INFLUENZA PLAN.—Beginning with fiscal year 2009, and in each succeeding fiscal year, the Secretary shall—

[''(A) withhold from each entity that has failed substantially to meet the benchmarks and performance measures described in paragraph (1) for a previous fiscal year (beginning with fiscal year 2008), pursuant to the process developed under paragraph (4), the amount described in paragraph (6); and

[''(B) withhold from each entity that has failed to submit to the Secretary a plan for responding to pandemic influenza that meets the criteria developed under paragraph (2), the amount described in paragraph (6).

[''(6) AMOUNTS DESCRIBED.—

[''(A) IN GENERAL.—The amounts described in this paragraph are the following amounts that are payable to an entity for activities described in section 319C–1 or 319C–2:

[''(i) For the fiscal year immediately following a fiscal year in which an entity experienced a failure described in subparagraph (A) or (B) of paragraph (5) by the entity, an amount equal to 10 percent of the amount the entity was eligible to receive for such fiscal year.

[''(ii) For the fiscal year immediately following two consecutive fiscal years in which an entity experienced such a failure, an amount equal to 15 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal year under clause (i).

[''(iii) For the fiscal year immediately following three consecutive fiscal years in which an entity experienced such a failure, an amount equal to 20 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i) and (ii).

[''(iv) For the fiscal year immediately following four consecutive fiscal years in which an entity experienced such a failure, an amount equal to 25 percent of the amount the entity was eligible to receive for such a fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i), (ii), and (iii).

[''(B) SEPARATE ACCOUNTING.—Each failure described in subparagraph (A) or (B) of paragraph (5) shall be treated as a separate failure for purposes of calculating amounts withheld under subparagraph (A).

[''(7) REALLOCATION OF AMOUNTS WITHHELD.—

[''(A) IN GENERAL.—The Secretary shall make amounts withheld under paragraph (6) available for making awards under section 319C–2 to entities described in subsection (b)(1) of such section.

[''(B) PREFERENCE IN REALLOCATION.—In making awards under section 319C–2 with amounts described in subparagraph (A), the Secretary shall give preference to eligible entities (as described in section 319C–2(b)(1)) that are located in whole or in part in States from which amounts have been withheld under paragraph (6).

[''(8) WAIVER OR REDUCE WITHHOLDING.—The Secretary may waive or reduce the withholding described in paragraph (6), for a single entity or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.'';

[(3) by redesignating subsection (j) as subsection (h);

[(4) in subsection (h), as so redesignated—

[(A) by striking paragraphs (1) through (3)(A) and inserting the following:

[''(1) AUTHORIZATION OF APPROPRIATIONS.—

[''(A) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $824,000,000 fiscal year 2007 for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)), and such sums as may be necessary for each of fiscal years 2008 through 2011.

[''(B) COORDINATION.—There are authorized to be appropriated, $10,000,000 for fiscal year 2007 to carry out subsection (f)(3).

[''(C) REQUIREMENT FOR STATE MATCHING FUNDS.—Beginning in fiscal year 2009, in the case of any State or consortium of two or more States, the Secretary may not award a cooperative agreement under this section unless the State or consortium of States agree that, with respect to the amount of the cooperative agreement awarded by the Secretary, the State or consortium of States will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to—

[''(i) for the first fiscal year of the cooperative agreement, not less than 5 percent of such costs ($1 for each $20 of Federal funds provided in the cooperative agreement); and

[''(ii) for any second fiscal year of the cooperative agreement, and for any subsequent fiscal year of such cooperative agreement, not less than 10 percent of such costs ($1 for each $10 of Federal funds provided in the cooperative agreement).

[''(D) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.—As determined by the Secretary, non-Federal contributions required in subparagraph (C) may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment or services. Amounts provided by the Federal government, or services assisted or subsidized to any significant extent by the Federal government, may not be included in determining the amount of such non-Federal contributions.

[''(2) MAINTAINING STATE FUNDING.—

[''(A) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for public health security at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

[''(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal public health agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

[''(3) DETERMINATION OF AMOUNT.—

[''(A) IN GENERAL.—The Secretary shall award cooperative agreements under subsection (a) to each State or consortium of 2 or more States that submits to the Secretary an application that meets the criteria of the Secretary for the receipt of such an award and that meets other implementation conditions established by the Secretary for such awards.'';

[(B) in paragraph (4)(A)—

[(i) by striking ''2003'' and inserting ''2007''; and

[(ii) by striking ''(A)(i)(I)'';

[(C) in paragraph (4)(D), by striking ''2002'' and inserting ''2006'';

[(D) in paragraph (5), by striking ''2003'' and inserting ''2007''; and

[(E) by striking paragraph (6) and inserting the following:

[''(6) FUNDING OF LOCAL ENTITIES.—The Secretary shall, in making awards under this section, ensure that with respect to the cooperative agreement awarded, the entity make available appropriate portions of such award to political subdivisions and local departments of public health through a process involving the consensus, approval or concurrence with such local entities.''; and

[(5) by adding at the end the following:

[''(i) ADMINISTRATIVE AND FISCAL RESPONSIBILITY.—

[''(1) ANNUAL REPORTING REQUIREMENTS.—Each entity shall prepare and submit to the Secretary annual reports on its activities under this section and section 319C–2. Each

such report shall be prepared by, or in consultation with, the health department. In order to properly evaluate and compare the performance of different entities assisted under this section and section 319C–2 and to assure the proper expenditure of funds under this section and section 319C–2, such reports shall be in such standardized form and contain such information as the Secretary determines (after consultation with the States) to be necessary to—

[''(A) secure an accurate description of those activities;

[''(B) secure a complete record of the purposes for which funds were spent, and of the recipients of such funds;

[''(C) describe the extent to which the entity has met the goals and objectives it set forth under this section or section 319C–2; and

[''(D) determine the extent to which funds were expended consistent with the entity's application transmitted under this section or section 319C–2.

[''(2) AUDITS; IMPLEMENTATION.—

[''(A) IN GENERAL.—Each entity receiving funds under this section or section 319C–2 shall, not less often than once every 2 years, audit its expenditures from amounts received under this section or section 319C–2. Such audits shall be conducted by an entity independent of the agency administering a program funded under this section or section 319C–2 in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions and generally accepted auditing standards. Within 30 days following the completion of each audit report, the entity shall submit a copy of that audit report to the Secretary.

[''(B) REPAYMENT.—Each entity shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the entity, not to have been expended in accordance with this section or section 319C–2 and, if such repayment is not made, the Secretary may offset such amounts against the amount of any allotment to which the entity is or may become entitled under this section or section 319C–2 or may otherwise recover such amounts.

[''(C) WITHHOLDING OF PAYMENT.—The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any entity which is not using its allotment under this section or section 319C–2 in accordance with such section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

[''(3) MAXIMUM CARRYOVER AMOUNT.—

[''(A) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the States and political subdivisions, shall determine the maximum percentage amount of an award under this section that an entity may carryover to the succeeding fiscal year.

[''(B) AMOUNT EXCEEDED.—For each fiscal year, if the percentage amount of an award under this section unexpended by an entity exceeds the maximum percentage permitted by the Secretary under subparagraph (A), the entity shall return to the Secretary the portion of the unexpended amount that exceeds the maximum amount permitted to be carried over by the Secretary.

[''(C) ACTION BY SECRETARY.—The Secretary shall make amounts returned to the Secretary under subparagraph (B) available for awards under section 319C–2(b)(1). In making awards under section 319C–2(b)(1) with amounts collected under this paragraph the Secretary shall give preference to entities that are located in whole or in part in States from which amounts have been returned under subparagraph (B).

[''(D) WAIVER.—An entity may apply to the Secretary for a waiver of the maximum percentage amount under subparagraph (A). Such an application for a waiver shall include an explanation why such requirement should not apply to the entity and the steps taken by such entity to ensure that all funds under an award under this section will be expended appropriately.

[''(E) WAIVE OR REDUCE WITHHOLDING.—The Secretary may waive the application of subparagraph (B) for a single entity pursuant to subparagraph (D) or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.''.

[SEC. 202. USING INFORMATION TECHNOLOGY TO IMPROVE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.

[Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

[(1) in subsection (a)(1), by inserting ''domestically and abroad'' after ''public health threats''; and

[(2) by adding at the end the following:

[''(d) PUBLIC HEALTH SITUATIONAL AWARENESS.—

[''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal public health officials, shall establish a near real-time electronic nationwide public health situational awareness capability through an interoperable network of systems to share data and information to enhance early detection of rapid response to, and management of, potentially catastrophic infectious disease outbreaks and other public health emergencies that originate domestically or abroad. Such network shall be built on existing State situational awareness systems or enhanced systems that enable such connectivity.

[''(2) STRATEGIC PLAN.—Not later than 180 days after the date of enactment the Pandemic and All-Hazards Preparedness Act, the Secretary shall submit to the appropriate committees of Congress, a strategic plan that demonstrates the steps the Secretary will undertake to develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3).

[''(3) ELEMENTS.—The network described in paragraph (1) shall include data and information transmitted in a standardized format from—

[''(A) State, local, and tribal public health entities, including public health laboratories;

[''(B) Federal health agencies;

[''(C) zoonotic disease monitoring systems;

[''(D) public and private sector health care entities, hospitals, pharmacies, poison control centers or professional organizations in the field of poison control, and clinical laboratories, to the extent practicable and provided that such data are voluntarily provided simultaneously to the Secretary and appropriate State, local, and tribal public health agencies; and

[''(E) such other sources as the Secretary may deem appropriate.

[''(4) RULE OF CONSTRUCTION.—Paragraph (3) shall not be construed as requiring separate reporting of data and information from each source listed.

[''(5) REQUIRED ACTIVITIES.—In establishing and operating the network described in paragraph (1), the Secretary shall—

[''(A) utilize applicable interoperability standards as determined by the Secretary through a joint public and private sector process;

[''(B) define minimal data elements for such network;

[''(C) in collaboration with State, local, and tribal public health officials, integrate and build upon existing State, local, and tribal capabilities, ensuring simultaneous sharing of data, information, and analyses from the network described in paragraph (1) with State, local, and tribal public health agencies; and

[''(D) in collaboration with State, local, and tribal public health officials, develop procedures and standards for the collection, analysis, and interpretation of data that States, regions, or other entities collect and report to the network described in paragraph (1).

[''(e) STATE AND REGIONAL SYSTEMS TO ENHANCE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.—

[''(1) IN GENERAL.—To implement the network described in section (d), the Secretary may award grants to States to enhance the ability of such States to establish or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies, in collaboration with public health agencies, sentinel hospitals, clinical laboratories, pharmacies, poison control centers, other health care organizations, or animal health organizations within such States.

[''(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), the State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State will submit to the Secretary—

[''(A) reports of such data, information, and metrics as the Secretary may require;

[''(B) a report on the effectiveness of the systems funded under the grant; and

[''(C) a description of the manner in which grant funds will be used to enhance the timelines and comprehensiveness of efforts to detect, respond to, and manage potentially catastrophic infectious disease outbreaks and public health emergencies.

[''(3) USE OF FUNDS.—A State that receives an award under this subsection—

[''(A) shall establish, enhance, or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies; and

[''(B) may award grants or contracts to entities described in paragraph (1) within or serving such State to assist such entities in improving the operation of information technology systems, facilitating the secure exchange of data and information, and training personnel to enhance the operation of the system described in paragraph (A).

[''(4) LIMITATION.—Information technology systems acquired or implemented using grants awarded under this section must be compliant with—

[''(A) interoperability and other technological standards, as determined by the Secretary; and

[''(B) data collection and reporting requirements for the network described in subsection (d).

[''(5) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report, concerning the activities conducted under this subsection and subsection (d).

[''(f) GRANTS FOR REAL-TIME SURVEILLANCE IMPROVEMENT.—

[''(1) IN GENERAL.—The Secretary may award grants to eligible entities to carry out projects described under paragraph (4).

[''(2) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means an entity that is—

[''(A)(i) a hospital, clinical laboratory, university; or

[''(ii) poison control center or professional organization in the field of poison control; and

[''(B) a participant in the network established under subsection (d).

[''(3) APPLICATION.—Each eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

[''(4) USE OF FUNDS.—

[''(A) IN GENERAL.—An eligible entity described in paragraph (2)(A)(i) that receives a grant under this section shall use the funds awarded pursuant to such grant to carry out a pilot demonstration project to purchase and implement the use of advanced diagnostic medical equipment to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance and report any results from such project to State, local, and tribal public health entities and the network established under subsection (d).

[''(B) OTHER ENTITIES.—An eligible entity described in paragraph (2)(A)(ii) that receives a grant under this section shall use the funds awarded pursuant to such grant to—

[''(i) improve the early detection, surveillance, and investigative capabilities of poison control centers for chemical, biological, radiological, and nuclear events by training poison information personnel to improve the accuracy of surveillance data, improving the definitions used by the poison control centers for surveillance, and enhancing timely and efficient investigation of data anomalies;

[''(ii) improve the capabilities of poison control centers to provide information to health care providers and the public with regard to chemical, biological, radiological, or nuclear threats or exposures, in consultation with the appropriate State, local, and tribal public health entities; or

[''(iii) provide surge capacity in the event of a chemical, biological, radiological, or nuclear event through the establishment of alternative poison control center worksites and the training of nontraditional personnel.

[''(g) AUTHORIZATION OF APPROPRIATIONS.—

[''(1) FISCAL YEAR 2007.—There are authorized to be appropriated to carry out subsections (d), (e), and (f) $102,000,000 for fiscal year 2007, of which $35,000,000 is authorized to be appropriated to carry out subsection (f).

[''(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated such sums as may be necessary to carry out subsections (d), (e), and (f) for each of fiscal years 2008 through 2011.''.

[SEC. 203. PUBLIC HEALTH WORKFORCE ENHANCEMENTS.

[(a) DEMONSTRATION PROJECT.—Section 338L of the Public Health Service Act (42 U.S.C. 254t) is amended by adding at the end the following:

[''(h) PUBLIC HEALTH DEPARTMENTS.—

[''(1) IN GENERAL.—To the extent that funds are appropriated under paragraph (5), the Secretary shall establish a demonstration project to provide for the participation of individuals who are eligible for the Loan Repayment Program described in section 338B and who agree to complete their service obligation in a State health department that serves a significant number of health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary, or in a local health department that serves a health professional shortage area or an area at risk of a public health emergency.

[''(2) PROCEDURE.—To be eligible to receive assistance under paragraph (1), with respect to the program described in section 338B, an individual shall—

[''(A) comply with all rules and requirements described in such section (other than section 338B(f)(1)(B)(iv)); and

[''(B) agree to serve for a time period equal to 2 years, or such longer period as the individual may agree to, in a State, local, or tribal health department, consistent with paragraph (1).

[''(3) DESIGNATIONS.—The demonstration project described in paragraph (1), and any healthcare providers who are selected to participate in such project, shall not be considered by the Secretary in the designation of health professional shortage areas under section 332 during fiscal years 2007 through 2010.

[''(4) REPORT.—Not later than 3 years after the date of enactment of this subsection, the Secretary shall submit a report to the relevant committees of Congress that evaluates the participation of individuals in the demonstration project under paragraph (1), the impact of such participation on State, local, and tribal health departments, and the benefit and feasibility of permanently allowing such placements in the Loan Repayment Program.

[''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2010.''.

[(b) GRANTS FOR LOAN REPAYMENT PROGRAM.—Section 338I of the Public Health Service Act (42 U.S.C. 254q–1) is amended by adding at the end the following:

[''(i) PUBLIC HEALTH LOAN REPAYMENT.—

[''(1) IN GENERAL.—The Secretary may award grants to States for the purpose of assisting such States in operating loan repayment programs under which such States enter into contracts to repay all or part of the eligible loans borrowed by, or on behalf of, individuals who agree to serve in State, local, or tribal health departments that serve health professional shortage areas or other areas at risk of a public health emergency, as designated by the Secretary.

[''(2) LOANS ELIGIBLE FOR REPAYMENT.—To be eligible for repayment under this subsection, a loan shall be a loan made, insured, or guaranteed by the Federal Government that is borrowed by, or on behalf of, an individual to pay the cost of attendance for a program of education leading to a degree appropriate for serving in a State, local, or tribal health department as determined by the Secretary and the chief executive officer of the State in which the grant is administered, at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965), including principal, interest, and related expenses on such loan.

[''(3) APPLICABILITY OF EXISTING REQUIREMENTS.—With respect to awards made under paragraph (1)—

[''(A) the requirements of subsections (b), (f), and (g) shall apply to such awards; and

[''(B) the requirements of subsection (c) shall apply to such awards except that with respect to paragraph (1) of such subsection, the State involved may assign an individual only to public and nonprofit private entities that serve health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary.

[''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2010.''.

[SEC. 204. VACCINE TRACKING AND DISTRIBUTION.

[Section 319A of the Public Health Service Act (42 U.S.C. 247d–1) is amended to read as follows:

["SEC. 319A. VACCINE TRACKING AND DISTRIBUTION.

[''(a) TRACKING.—The Secretary, together with relevant manufacturers, wholesalers, and distributors as may agree to cooperate, may track the initial distribution of federally purchased influenza vaccine in an influenza pandemic. Such tracking information shall be used to inform Federal, State, local, and tribal decision makers during an influenza pandemic.

[''(b) DISTRIBUTION.—The Secretary shall promote communication between State, local, and tribal public health officials and such manufacturers, wholesalers, and distributors as agree to participate, regarding the effective distribution of seasonal influenza vaccine. Such communication shall include estimates of high priority populations, as determined by the Secretary, in State, local, and tribal jurisdictions in order to inform Federal, State, local, and tribal decision makers during vaccine shortages and supply disruptions.

[''(c) CONFIDENTIALITY.—The information submitted to the Secretary or its contractors, if any, under this section or under any other section of this Act related to vaccine distribution information shall remain confidential in accordance with the exception from the public disclosure of trade secrets, commercial or financial information, and information obtained from an individual that is privileged and confidential, as provided for in section 552(b)(4) of title 5, United States Code, and subject to the penalties and exceptions under sections 1832 and 1833 of title 18, United States Code, relating to the protection and theft of trade secrets, and subject to privacy protections that are consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996. None of such information provided by a manufacturer, wholesaler, or distributor shall be disclosed without its consent to another manufacturer, wholesaler, or distributor, or shall be used in any manner to give a manufacturer, wholesaler, or distributor a proprietary advantage.

[''(d) GUIDELINES.—The Secretary, in order to maintain the confidentiality of relevant information and ensure that none of the information contained in the systems involved may be used to provide proprietary advantage within the vaccine market, while allowing State, local, and tribal health officials access to such information to maximize the delivery and availability of vaccines to high priority populations, during times of influenza pandemics, vaccine shortages, and supply disruptions, in consultation with manufacturers, distributors, wholesalers and State, local, and tribal health departments, shall develop guidelines for subsections (a) and (b).

[''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums for each of fiscal years 2007 through 2011.

[''(f) REPORT TO CONGRESS.—As part of the National Health Security Strategy described in section 2802, the Secretary shall provide an update on the implementation of subsections (a) through (d).''.

[SEC. 205. NATIONAL SCIENCE ADVISORY BOARD FOR BIOSECURITY.

[The National Science Advisory Board for Biosecurity shall, when requested by the Secretary of Health and Human Services, provide to relevant Federal departments and agencies, advice, guidance, or recommendations concerning—

[(1) a core curriculum and training requirements for workers in maximum containment biological laboratories; and

[(2) periodic evaluations of maximum containment biological laboratory capacity nationwide and assessments of the future need for increased laboratory capacity;

[TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

[SEC. 301. NATIONAL DISASTER MEDICAL SYSTEM.

[(a) NATIONAL DISASTER MEDICAL SYSTEM.—Section 2812 of subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as redesignated by section 102, is amended—

[(1) by striking the section heading and inserting ''**NATIONAL DISASTER MEDICAL SYSTEM**'';

[(2) by striking subsection (a);

[(3) by redesignating subsections (b) through (h) as subsections (a) through (g);

[(4) in subsection (a), as so redesignated—

[(A) in paragraph (2)(B), by striking ''Federal Emergency Management Agency'' and inserting ''Department of Homeland Security''; and

[(B) in paragraph (3)(C), by striking ''Public Health Security and Bioterrorism Preparedness and Response Act of 2002'' and inserting ''Pandemic and All-Hazards Preparedness Act'';

[(5) in subsection (b), as so redesignated, by—

[(A) striking the subsection heading and inserting ''MODIFICATIONS'';

[(B) redesignating paragraph (2) as paragraph (3); and

[(C) striking paragraph (1) and inserting the following:

[''(1) IN GENERAL.—Taking into account the findings from the joint review described under paragraph (2), the Secretary shall modify the policies of the National Disaster Medical System as necessary.

[''(2) JOINT REVIEW AND MEDICAL SURGE CAPACITY STRATEGIC PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Veterans Affairs, shall conduct a joint review of the National Disaster Medical System. Such review shall include an evaluation of medical surge capacity, as described by section 2804(a). As part of the National Health Security Strategy under section 2802, the Secretary shall update the findings from such review and further modify the policies of the National Disaster Medical System as necessary.'';

[(6) by striking ''subsection (b)'' each place it appears and inserting ''subsection (a)'';

[(7) by striking ''subsection (d)'' each place it appears and inserting ''subsection (c)''; and

[(8) in subsection (g), as so redesignated, by striking ''2002 through 2006'' and inserting ''2007 through 2011''.

[(b) TRANSFER OF NATIONAL DISASTER MEDICAL SYSTEM TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—There shall be transferred to the Secretary of Health and Human Services the functions, personnel, assets, and liabilities of the National Disaster Medical System of the Department of Homeland Security, including the functions of the Secretary of Homeland Security and the Under Secretary for Emergency Preparedness and Response relating thereto.

[(c) CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 312(3)(B), 313(5))) is amended—

[(1) in section 502(3)(B), by striking '', the National Disaster Medical System,''; and

[(2) in section 503(5), by striking '', the National Disaster Medical System''.

[(d) UPDATE OF CERTAIN PROVISION.—Section 319F(b)(2) of the Public Health Service Act (42 U.S.C. 247d–6(b)(2)) is amended—

[(1) in the paragraph heading, by striking ''CHILDREN AND TERRORISM'' and inserting ''AT-RISK INDIVIDUALS AND PUBLIC HEALTH EMERGENCIES'';

[(2) in subparagraph (A), by striking ''Children and Terrorism'' and inserting ''At-Risk Individuals and Public Health Emergencies'';

[(3) in subparagraph (B)—

[(A) in clause (i), by striking ''bioterrorism as it relates to children'' and inserting ''public health emergencies as they relate to at-risk individuals'';

[(B) in clause (ii), by striking ''children'' and inserting ''at-risk individuals''; and

[(C) in clause (iii), by striking ''children'' and inserting ''at-risk individuals'';

[(4) in subparagraph (C), by striking ''children'' and all that follows through the period and inserting ''at-risk populations.''; and

[(5) in subparagraph (D), by striking ''one year'' and inserting ''six years''.

[(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall take effect on January 1, 2007.

[SEC. 302. ENHANCING MEDICAL SURGE CAPACITY.

[(a) IN GENERAL.—Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 103, is amended by inserting after section 2802 the following:

[''SEC. 2804. ENHANCING MEDICAL SURGE CAPACITY.

[''(a) STUDY OF ENHANCING MEDICAL SURGE CAPACITY.—As part of the joint review described in section 2812(b), the Secretary shall evaluate the benefits and feasibility of improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency. Such study shall include an assessment of the need for and feasibility of improving surge capacity through—

[''(1) acquisition and operation of mobile medical assets by the Secretary to be deployed, on a contingency basis, to a community in the event of a public health emergency; and

[''(2) other strategies to improve such capacity as determined appropriate by the Secretary.

[''(b) AUTHORITY TO ACQUIRE AND OPERATE MOBILE MEDICAL ASSETS.—In addition to any other authority to acquire, deploy, and operate mobile medical assets, the Secretary may acquire, deploy, and operate mobile medical assets if, taking into consideration the evaluation conducted under subsection (a), such acquisition, deployment, and operation is determined to be beneficial and feasible in improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency.

[''(c) USING FEDERAL FACILITIES TO ENHANCE MEDICAL SURGE CAPACITY.—

[''(1) ANALYSIS.—The Secretary shall conduct an analysis of whether there are Federal facilities which, in the event of a public health emergency, could practicably be used as facilities in which to provide health care.

[''(2) MEMORANDA OF UNDERSTANDING.—If, based on the analysis conducted under paragraph (1), the Secretary determines that there are Federal facilities which, in the event of a public health emergency, could be used as facilities in which to provide health care, the Secretary shall, with respect to each such facility, seek to conclude a memorandum of understanding with the head of the Department or agency that operates such facility that permits the use of such facility to provide health care in the event of a public health emergency.''.

[(b) EMTALA.—

[(1) IN GENERAL.—Section 1135(b) of the Social Security Act (42 U.S.C. 1320b–5(b)) is amended—

[(A) in paragraph (3), by striking subparagraph (B) and inserting the following:

[''(B) the direction or relocation of an individual to receive medical screening in an alternative location—

''(i) pursuant to an appropriate State emergency preparedness plan; or

''(ii) in the case of a public health emergency described in subsection (g)(1)(B) that involves a pandemic infectious disease, pursuant to a State pandemic preparedness plan or a plan referred to in clause (i), whichever is applicable in the State;'';

[(B) in the third sentence, by striking ''and shall be limited to'' and inserting ''and, except in the case of a waiver or modification to which the fifth sentence of this subsection applies, shall be limited to''; and

[(C) by adding at the end the following: ''If a public health emergency described in subsection (g)(1)(B) involves a pandemic infectious disease (such as pandemic influenza), the duration of a waiver or modification under paragraph (3) shall be determined in accordance with subsection (e) as such subsection applies to public health emergencies.''.

[(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to public health emergencies declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) on or after such date.

[SEC. 303. ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.

[(a) VOLUNTEER MEDICAL RESERVE CORPS.—Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as amended by this Act, is amended by inserting after section 2812 the following:

[''SEC. 2813. VOLUNTEER MEDICAL RESERVE CORPS.

[''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal officials, shall build on State, local, and tribal programs in existence on the date of enactment of such Act to establish and maintain a Medical Reserve Corps (referred to in this section as the 'Corps') to provide for an adequate supply of volunteers in the case of a Federal, State, local, or tribal public health emergency. The Corps shall be headed by a Director who shall be appointed by the Secretary and shall oversee the activities of the Corps chapters that exist at the State, local, and tribal levels.

[''(b) STATE, LOCAL, AND TRIBAL COORDINATION.—The Corps shall be established using existing State, local, and tribal teams and shall not alter such teams.

[''(c) COMPOSITION.—The Corps shall be composed of individuals who—

[''(1)(A) are health professionals who have appropriate professional training and expertise as determined appropriate by the Director of the Corps; or

[''(B) are non-health professionals who have an interest in serving in an auxiliary or support capacity to facilitate access to health care services in a public health emergency;

[''(2) are certified in accordance with the certification program developed under subsection (d);

[''(3) are geographically diverse in residence;

[''(4) have registered and carry out training exercises with a local chapter of the Medical Reserve Corps; and

[''(5) indicate whether they are willing to be deployed outside the area in which they

reside in the event of a public health emergency.

[''(d) CERTIFICATION; DRILLS.—

[''(1) CERTIFICATION.—The Director, in collaboration with State, local, and tribal officials, shall establish a process for the periodic certification of individuals who volunteer for the Corps, as determined by the Secretary, which shall include the completion by each individual of the core training programs developed under section 319F, as required by the Director. Such certification shall not supercede State licensing or credentialing requirements.

[''(2) DRILLS.—In conjunction with the core training programs referred to in paragraph (1), and in order to facilitate the integration of trained volunteers into the health care system at the local level, Corps members shall engage in periodic training exercises to be carried out at the local level.

[''(e) DEPLOYMENT.—During a public health emergency, the Secretary shall have the authority to activate and deploy willing members of the Corps to areas of need, taking into consideration the public health and medical expertise required, with the concurrence of the State, local, or tribal officials from the area where the members reside.

[''(f) EXPENSES AND TRANSPORTATION.—While engaged in performing duties as a member of the Corps pursuant to an assignment by the Secretary (including periods of travel to facilitate such assignment), members of the Corps who are not otherwise employed by the Federal Government shall be allowed travel or transportation expenses, including per diem in lieu of subsistence.

[''(g) IDENTIFICATION.—The Secretary, in cooperation and consultation with the States, shall develop a Medical Reserve Corps Identification Card that describes the licensure and certification information of Corps members, as well as other identifying information determined necessary by the Secretary.

[''(h) INTERMITTENT DISASTER-RESPONSE PERSONNEL.—

[''(1) IN GENERAL.—For the purpose of assisting the Corps in carrying out duties under this section, during a public health emergency, the Secretary may appoint selected individuals to serve as intermittent personnel of such Corps in accordance with applicable civil service laws and regulations. In all other cases, members of the Corps are subject to the laws of the State in which the activities of the Corps are undertaken.

[''(2) APPLICABLE PROTECTIONS.—Subsections (c)(2), (d), and (e) of section 2812 shall apply to an individual appointed under paragraph (1) in the same manner as such subsections apply to an individual appointed under section 2812(c).

[''(3) LIMITATION.—State, local, and tribal officials shall have no authority to designate a member of the Corps as Federal intermittent disaster-response personnel, but may request the services of such members.

[''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

[(b) ENCOURAGING HEALTH PROFESSIONS VOLUNTEERS.—Section 319I of the Public Health Service Act (42 U.S.C. 247d–7b) is amended—

[(1) by redesignating subsections (e) and (f) as subsections (j) and (k), respectively;

[(2) by striking subsections (a) and (b) and inserting the following:

[''(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall link existing State verification systems to maintain a single national interoperable network of systems, each system being maintained by a State or group of States, for the purpose of verifying the credentials and licenses of health care professionals who volunteer to provide health services during a public health emergency (such network shall be referred to in this section as the 'verification network').

[''(b) REQUIREMENTS.—The interoperable network of systems established under subsection (a) shall include—

[''(1) with respect to each volunteer health professional included in the system—

[''(A) information necessary for the rapid identification of, and communication with, such professionals; and

[''(B) the credentials, certifications, licenses, and relevant training of such individuals; and

[''(2) the name of each member of the Medical Reserve Corps, the National Disaster Medical System, and any other relevant federally-sponsored or administered programs determined necessary by the Secretary.'';

[(3) by striking subsection (d) and inserting the following:

[''(d) ACCESSIBILITY.—The Secretary shall ensure that the network established under subsection (a) is electronically accessible by State, local, and tribal health departments and can be linked with the identification cards under section 2813.

[''(e) CONFIDENTIALITY.—The Secretary shall establish and require the application of and compliance with measures to ensure the effective security of, integrity of, and access to the data included in the network.

[''(f) COORDINATION.—The Secretary shall coordinate with the Secretary of Veterans Affairs and the Secretary of Homeland Security to assess the feasibility of integrating the verification network under this section with the VetPro system of the Department of Veterans Affairs and the National Emergency Responder Credentialing System of the Department of Homeland Security. The Secretary shall, if feasible, integrate the verification network under this section with such VetPro system and the National Emergency Responder Credentialing System.

[''(g) UPDATING OF INFORMATION.—The States that are participants in the network established under subsection (a) shall, on at least a quarterly basis, work with the Director to provide for the updating of the information contained in such network.

[''(h) CLARIFICATION.—Inclusion of a health professional in the verification network established pursuant to this section shall not constitute appointment of such individual as a Federal employee for any purpose, either under section 2812(c) or otherwise. Such appointment may only be made under section 2812 or 2813.

[''(i) HEALTH CARE PROVIDER LICENSES.—The Secretary shall encourage States to establish and implement mechanisms to waive the application of licensing requirements applicable to health professionals, who are seeking to provide medical services (within their scope of practice), during a national, State, local, or tribal public health emergency upon verification that such health professionals are licensed and in good standing in another State and have not been disciplined by any State health licensing or disciplinary board.''; and

[(4) in subsection (k) (as so redesignated), by striking ''2006'' and inserting ''2011''.

[SEC. 304. CORE EDUCATION AND TRAINING.

[Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

[(1) by striking subsections (a) through (g) and inserting the following;

[''(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—

[''(1) IN GENERAL.—The Secretary, in collaboration with the Secretary of Defense, and in consultation with relevant public and private entities, shall develop core health and medical response curricula and trainings by adapting applicable existing curricula and training programs to improve responses to public health emergencies.

[''(2) CURRICULUM.—The public health and medical response training program may include course work related to—

[''(A) medical management of casualties, taking into account the needs of at-risk individuals;

[''(B) public health aspects of public health emergencies;

[''(C) mental health aspects of public health emergencies;

[''(D) national incident management, including coordination among Federal, State, local, tribal, international agencies, and other entities; and

[''(E) protecting health care workers and health care first responders from workplace exposures during a public health emergency.

[''(3) PEER REVIEW.—On a periodic basis, products prepared as part of the program shall be rigorously tested and peer-reviewed by experts in the relevant fields.

[''(4) CREDIT.—The Secretary and the Secretary of Defense shall—

[''(A) take into account continuing professional education requirements of public health and healthcare professions; and

[''(B) cooperate with State, local, and tribal accrediting agencies and with professional associations in arranging for students enrolled in the program to obtain continuing professional education credit for program courses.

[''(5) DISSEMINATION AND TRAINING.—

[''(A) IN GENERAL.—The Secretary may provide for the dissemination and teaching of the materials described in paragraphs (1) and (2) by appropriate means, as determined by the Secretary.

[''(B) CERTAIN ENTITIES.—The education and training activities described in subparagraph (A) may be carried out by Federal public health or medical entities, appropriate educational entities, professional organizations and societies, private accrediting organizations, and other nonprofit institutions or entities meeting criteria established by the Secretary.

[''(C) GRANTS AND CONTRACTS.—In carrying out this subsection, the Secretary may carry out activities directly or through the award of grants and contracts, and may enter into interagency agreements with other Federal agencies.

[''(b) EXPANSION OF EPIDEMIC INTELLIGENCE SERVICE PROGRAM.—The Secretary may establish 20 officer positions in the Epidemic Intelligence Service Program, in addition to the number of the officer positions offered under such Program in 2006 for individuals who agree to participate, for a period of not less than 2 years, in the Career Epidemiology Field Officer program in a State, local, or tribal health department that serves a health professional shortage area (as defined under section 332(a)), a medically underserved population (as defined under section 330(b)(3)), or a medically underserved area or area at high risk of a public health emergency as designated by the Secretary.

[''(c) CENTERS FOR PUBLIC HEALTH PREPAREDNESS; CORE CURRICULA AND TRAINING.—

[''(1) IN GENERAL.—The Secretary may establish at accredited schools of public health, Centers for Public Health Preparedness (hereafter referred to in this section as the 'Centers').

[''(2) ELIGIBILITY.—To be eligible to receive an award under this subsection to establish a Center, an accredited school of public health shall agree to conduct activities consistent with the requirements of this subsection.

[''(3) CORE CURRICULA.—The Secretary, in collaboration with the Centers and other public or private entities shall establish core curricula based on established competencies leading to a 4-year bachelor's degree, a graduate degree, a combined bachelor and master's degree, or a certificate program, for use by each Center. The Secretary shall disseminate such curricula to other accredited schools of public health and other health professions schools determined appropriate by the Secretary, for voluntary use by such schools.

[''(4) CORE COMPETENCY-BASED TRAINING PROGRAM.—The Secretary, in collaboration with the Centers and other public or private entities shall facilitate the development of a competency-based training program to train public health practitioners. The Centers shall use such training program to train public health practitioners. The Secretary shall disseminate such training program to other accredited schools of public health, and other health professions schools as determined by the Secretary, for voluntary use by such schools.

[''(5) CONTENT OF CORE CURRICULA AND TRAINING PROGRAM.—The Secretary shall ensure that the core curricula and training program established pursuant to this subsection respond to the needs of State, local, and tribal public health authorities and integrate and emphasize essential public health security capabilities consistent with section 2802(b)(2).

[''(6) ACADEMIC-WORKFORCE COMMUNICATION.—As a condition of receiving funding from the Secretary under this subsection, a Center shall collaborate with a State, local, or tribal public health department to—

[''(A) define the public health preparedness and response needs of the community involved;

[''(B) assess the extent to which such needs are fulfilled by existing preparedness and response activities of such school or health department, and how such activities may be improved;

[''(C) prior to developing new materials or trainings, evaluate and utilize relevant materials and trainings developed by others Centers; and

[''(D) evaluate community impact and the effectiveness of any newly developed materials or trainings.

[''(7) PUBLIC HEALTH SYSTEMS RESEARCH.—In consultation with relevant public and private entities, the Secretary shall define the existing knowledge base for public health preparedness and response systems, and establish a research agenda based on Federal, State, local, and tribal public health preparedness priorities. As a condition of receiving funding from the Secretary under this subsection, a Center shall conduct public health systems research that is consistent with the agenda described under this paragraph.'';

[(2) by redesignating subsection (h) as subsection (d);

[(3) by inserting after subsection (d) (as so redesignated), the following:

[''(e) AUTHORIZATION OF APPROPRIATIONS.—

[''(1) FISCAL YEAR 2007.—There are authorized to be appropriated to carry out this section for fiscal year 2007—

[''(A) to carry out subsection (a), $12,000,000, of which $5,000,000 shall be used to carry out paragraphs (1) through (4) of such subsection, and $7,000,000 shall be used to carry out paragraph (5) of such subsection;

[''(B) to carry out subsection (b), $3,000,000; and

[''(C) to carry out subsection (c), $31,000,000, of which $5,000,000 shall be used to carry out paragraphs (3) through (5) of such subsection.

[''(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2008 and each subsequent fiscal year.''; and

[(4) by striking subsections (i) and (j).

[SEC. 305. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

[Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended to read as follows:

[''SEC. 319C–2. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

[''(a) IN GENERAL.—The Secretary shall award competitive grants or cooperative agreements to eligible entities to enable such entities to improve surge capacity and enhance community and hospital preparedness for public health emergencies.

[''(b) ELIGIBILITY.—To be eligible for an award under subsection (a), an entity shall—

[''(1)(A) be a partnership consisting of—

[''(i) one or more hospitals, at least one of which shall be a designated trauma center, consistent with section 1213(c);

[''(ii) one or more other local health care facilities, including clinics, health centers, primary care facilities, mental health centers, mobile medical assets, or nursing homes; and

[''(iii)(I) one or more political subdivisions;

[''(II) one or more States; or

[''(III) one or more States and one or more political subdivisions; and

[''(B) prepare, in consultation with the Chief Executive Officer and the lead health officials of the State, District, or territory in which the hospital and health care facilities described in subparagraph (A) are located, and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary may require; or

[''(2)(A) be an entity described in section 319C–1(b)(1); and

[''(B) submit an application at such time, in such manner, and containing such information as the Secretary may require, including the information or assurances required under section 319C–1(b)(2) and an assurance that the State will retain not more than 25 percent of the funds awarded for administrative and other support functions.

[''(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).

[''(d) PREFERENCES.—

[''(1) REGIONAL COORDINATION.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that submit applications that, in the determination of the Secretary—

[''(A) will enhance coordination—

''(i) among the entities described in subsection (b)(1)(A)(i); and

''(ii) between such entities and the entities described in subsection (b)(1)(A)(ii); and

[''(B) include, in the partnership described in subsection (b)(1)(A), a significant percentage of the hospitals and health care facilities within the geographic area served by such partnership.

[''(2) OTHER PREFERENCES.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that, in the determination of the Secretary—

[''(A) include one or more hospitals that are participants in the National Disaster Medical System;

[''(B) are located in a geographic area that faces a high degree of risk, as determined by the Secretary in consultation with the Secretary of Homeland Security; or

[''(C) have a significant need for funds to achieve the medical preparedness goals described in section 2802(b)(2).

[''(e) CONSISTENCY OF PLANNED ACTIVITIES.—The Secretary may not award a cooperative agreement to an eligible entity described in subsection (b)(1) unless the application submitted by the entity is coordinated and consistent with an applicable State All-Hazards Public Health Emergency Preparedness and Response Plan and relevant local plans, as determined by the Secretary in consultation with relevant State health officials.

[''(f) LIMITATION ON AWARDS.—A political subdivision shall not participate in more than one partnership described in subsection (b)(1).

[''(g) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the Cities Readiness Initiative, and local emergency plans.

[''(h) MAINTENANCE OF STATE FUNDING.—

[''(1) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for health care preparedness at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

[''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

[''(i) PERFORMANCE AND ACCOUNTABILITY.—The requirements of section 319C–1(g) and (i) shall apply to entities receiving awards under this section (regardless of whether such entities are described under subsection (b)(1)(A) or (b)(2)(A)) in the same manner as such requirements apply to entities under section 319C–1.

[''(j) AUTHORIZATION OF APPROPRIATIONS.—

[''(1) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.

[''(2) RESERVATION OF AMOUNTS FOR PARTNERSHIPS.—Prior to making awards described in paragraph (3), the Secretary may reserve from the amount appropriated under paragraph (1) for a fiscal year, an amount determined appropriate by the Secretary for making awards to entities described in subsection (b)(1)(A).

[''(3) AWARDS TO STATES AND POLITICAL SUBDIVISIONS.—

[''(A) IN GENERAL.—From amounts appropriated for a fiscal year under paragraph (1) and not reserved under paragraph (2), the Secretary shall make awards to entities described in subsection (b)(2)(A) that have completed an application as described in subsection (b)(2)(B).

[''(B) AMOUNT.—The Secretary shall determine the amount of an award to each entity described in subparagraph (A) in the same manner as such amounts are determined under section 319C–1(h).''.

[SEC. 306. ENHANCING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

[(a) IN GENERAL.—Section 8117 of title 38, United States Code, is amended—

[(1) in subsection (a)—

[(A) in paragraph (1), by—

(i) striking ''chemical or biological attack'' and inserting ''a public health emergency (as defined in section 2801 of the Public Health Service Act)'';

(ii) striking ''an attack'' and inserting ''such an emergency''; and

(iii) striking ''public health emergencies'' and inserting ''such emergencies''; and

[(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

[''(C) organizing, training, and equipping the staff of such centers to support the activities carried out by the Secretary of Health and Human Services under section 2801 of the Public Health Service Act in the event of a public health emergency and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan; and

[''(D) providing medical logistical support to the National Disaster Medical System and the Secretary of Health and Human Services as necessary, on a reimbursable basis, and in coordination with other designated Federal agencies.'';

[(2) in subsection (c), by striking ''a chemical or biological attack or other terrorist attack.'' and inserting ''a public health emergency. The Secretary shall, through existing medical procurement contracts, and on a reimbursable basis, make available as necessary, medical supplies, equipment, and pharmaceuticals in response to a public health emergency in support of the Secretary of Health and Human Services.'';

[(3) in subsection (d), by—

[(A) striking ''develop and'';

[(B) striking ''biological, chemical, or radiological attacks'' and inserting ''public health emergencies''; and

[(C) by inserting ''consistent with section 319F(a) of the Public Health Service Act'' before the period; and

[(4) in subsection (e)—

[(A) in paragraph (1), by striking ''2811(b)'' and inserting ''2812''; and

[(B) in paragraph (2)—

[(i) by striking ''bioterrorism and other''; and

[(ii) by striking ''319F(a)'' and inserting ''319F''.

[(b) AUTHORIZATION OF APPROPRIATIONS.—Section 8117 of title 38, United States Code, is amended by adding at the end the following:

[''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.''.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pandemic and All-Hazards Preparedness Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

Sec. 101. Public health and medical preparedness and response functions of the Secretary of Health and Human Services.

Sec. 102. Assistant Secretary for Preparedness and Response.

Sec. 103. National Health Security Strategy.

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

Sec. 201. Improving State and local public health security.

Sec. 202. Using information technology to improve situational awareness in public health emergencies.

Sec. 203. Public health workforce enhancements.

Sec. 204. Vaccine tracking and distribution.

Sec. 205. National Science Advisory Board for Biosecurity.

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

Sec. 301. National Disaster Medical System.

Sec. 302. Enhancing medical surge capacity.

Sec. 303. Encouraging health professional volunteers.

Sec. 304. Core education and training.

Sec. 305. Partnerships for state and regional hospital preparedness to improve surge capacity.

Sec. 306. Enhancing the role of the Department of Veterans Affairs.

TITLE I—NATIONAL PREPAREDNESS AND RESPONSE, LEADERSHIP, ORGANIZATION, AND PLANNING

SEC. 101. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

(1) by striking the title heading and inserting the following:

"TITLE XXVIII—NATIONAL ALL-HAZARDS PREPAREDNESS FOR PUBLIC HEALTH EMERGENCIES";

(2) by amending subtitle A to read as follows:

"Subtitle A—National All-Hazards Preparedness and Response Planning, Coordinating, and Reporting

"SEC. 2801. PUBLIC HEALTH AND MEDICAL PREPAREDNESS AND RESPONSE FUNCTIONS.

''(a) IN GENERAL.—The Secretary of Health and Human Services shall lead all Federal public health and medical response to public health emergencies and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

''(b) INTERAGENCY AGREEMENT.—The Secretary, in collaboration with the Secretary of Veterans Affairs, the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the head of any other relevant Federal agency, shall establish an interagency agreement, consistent with the National Response Plan or any successor plan, under which agreement the Secretary of Health and Human Services shall assume operational control of emergency public health and medical response assets, as necessary, in the event of a public health emergency.''.

SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.

(a) ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.—Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended—

(1) in the subtitle heading, by inserting ''All-Hazards'' before ''Emergency Preparedness'';

(2) by redesignating section 2811 as section 2812;

(3) by inserting after the subtitle heading the following new section:

"SEC. 2811. COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO ALL-HAZARDS PUBLIC HEALTH EMERGENCIES.

''(a) IN GENERAL.—There is established within the Department of Health and Human Services the position of the Assistant Secretary for Preparedness and Response. The President, with the advice and consent of the Senate, shall appoint an individual to serve in such position. Such Assistant Secretary shall report to the Secretary.

''(b) DUTIES.—Subject to the authority of the Secretary, the Assistant Secretary for Preparedness and Response shall carry out the following functions:

''(1) LEADERSHIP.—Serve as the principal advisor to the Secretary on all matters related to Federal public health and medical preparedness and response for public health emergencies.

''(2) PERSONNEL.—Register, credential, organize, train, equip, and have the authority to deploy Federal public health and medical personnel under the authority of the Secretary, including the National Disaster Medical System, and coordinate such personnel with the Medical Reserve Corps and the Emergency System for Advance Registration of Volunteer Health Professionals.

''(3) COUNTERMEASURES.—

''(A) OVERSIGHT.—Oversee advanced research, development, and procurement of qualified countermeasures (as defined in section 319F–1) and qualified pandemic or epidemic products (as defined in section 319F–3).

''(B) STRATEGIC NATIONAL STOCKPILE.—Maintain the Strategic National Stockpile in accordance with section 319F–2, including conducting an annual review (taking into account at-risk individuals) of the contents of the stockpile, including non-pharmaceutical supplies, and make necessary additions or modifications to the contents based on such review.

''(4) COORDINATION.—

''(A) FEDERAL INTEGRATION.—Coordinate with relevant Federal officials to ensure integration of Federal preparedness and response activities for public health emergencies.

''(B) STATE, LOCAL, AND TRIBAL INTEGRATION.—Coordinate with State, local, and tribal public health officials, the Emergency Management Assistance Compact, health care systems, and emergency medical service systems to ensure effective integration of Federal public health and medical assets during a public health emergency.

''(C) EMERGENCY MEDICAL SERVICES.—Promote improved emergency medical services medical direction, system integration, research, and uniformity of data collection, treatment protocols, and policies with regard to public health emergencies.

''(5) LOGISTICS.—In coordination with the Secretary of Veterans Affairs, the Secretary of Homeland Security, the General Services Administration, and other public and private entities, provide logistical support for medical and public health aspects of Federal responses to public health emergencies.

''(6) LEADERSHIP.—Provide leadership in international programs, initiatives, and policies that deal with public health and medical emergency preparedness and response.

''(c) FUNCTIONS.—The Assistant Secretary for Preparedness and Response shall—

''(1) have authority over and responsibility for the functions, personnel, assets, and liabilities of the following—

''(A) the National Disaster Medical System (in accordance with section 301 of the Pandemic and All-Hazards Preparedness Act);

''(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C–2; and

''(C) the Public Health Preparedness Cooperative Agreement Program pursuant to section 319C–1;

''(2) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

''(A) the Medical Reserve Corps pursuant to section 2813;

''(B) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I;

''(C) the Strategic National Stockpile; and

''(D) the Cities Readiness Initiative; and

''(3) assume other duties as determined appropriate by the Secretary.''; and

(4) by striking ''Assistant Secretary for Public Health Emergency Preparedness'' each place it appears and inserting ''Assistant Secretary for Preparedness and Response''.

(b) TRANSFER OF FUNCTIONS; REFERENCES.—

(1) TRANSFER OF FUNCTIONS.—There shall be transferred to the Office of the Assistant Secretary for Preparedness and Response the functions, personnel, assets, and liabilities of the Assistant Secretary for Public Health Emergency Preparedness as in effect on the day before the date of enactment of this Act.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Assistant Secretary for Public Health Emergency Preparedness as in effect the day before the date of enactment of this Act, shall be deemed to be a reference to the Assistant Secretary for Preparedness and Response.

SEC. 103. NATIONAL HEALTH SECURITY STRATEGY.

Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 101, is amended by inserting after section 2801 the following:

"SEC. 2802. NATIONAL HEALTH SECURITY STRATEGY.

''(a) IN GENERAL.—

''(1) PREPAREDNESS AND RESPONSE REGARDING PUBLIC HEALTH EMERGENCIES.—Beginning in 2009 and every four years thereafter, the Secretary shall prepare and submit to the relevant Committees of Congress a coordinated strategy and any revisions thereof, and an accompanying implementation plan for public health emergency preparedness and response. The strategy shall identify the process for achieving the preparedness goals described in subsection (b) and shall be consistent with the National Preparedness Goal, the National Incident Management System, and the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan.

''(2) EVALUATION OF PROGRESS.—The National Health Security Strategy shall include an evaluation of the progress made by Federal, State, local, and tribal entities, based on the evidence-based benchmarks and objective standards that measure levels of preparedness established pursuant to section 319C–1(g). Such evaluation shall include aggregate and State-specific breakdowns of obligated funding spent by major category (as defined by the Secretary) for activities funded through awards pursuant to sections 319C–1 and 319C–2.

''(3) PUBLIC HEALTH WORKFORCE.—In 2009, the National Health Security Strategy shall include a national strategy for establishing an effective and prepared public health workforce, including defining the functions, capabilities, and gaps in such workforce, and identifying strategies to recruit, retain, and protect such workforce from workplace exposures during public health emergencies.

''(b) PREPAREDNESS GOALS.—The strategy under subsection (a) shall include provisions in furtherance of the following:

''(1) INTEGRATION.—Integrating public health and public and private medical capabilities with other first responder systems, including through—

''(A) the periodic evaluation of Federal, State, local, and tribal preparedness and response capabilities through drills and exercises; and

''(B) integrating public and private sector public health and medical donations and volunteers.

''(2) PUBLIC HEALTH.—Developing and sustaining Federal, State, local, and tribal essential public health security capabilities, including the following:

''(A) Disease situational awareness domestically and abroad, including detection, identification, and investigation.

''(B) Disease containment including capabilities for isolation, quarantine, social distancing, and decontamination.

''(C) Risk communication and public preparedness.

''(D) Rapid distribution and administration of medical countermeasures.

''(3) MEDICAL.—Increasing the preparedness, response capabilities, and surge capacity of hospitals, other health care facilities (including mental health facilities), and trauma care and emergency medical service systems with respect to public health emergencies, which shall include developing plans for the following:

''(A) Strengthening public health emergency medical management and treatment capabilities.

''(B) Medical evacuation and fatality management.

''(C) Rapid distribution and administration of medical countermeasures.

''(D) Effective utilization of any available public and private mobile medical assets and integration of other Federal assets.

''(E) Protecting health care workers and health care first responders from workplace exposures during a public health emergency.

''(4) AT-RISK INDIVIDUALS.—

''(A) Taking into account the public health and medical needs of at-risk individuals in the event of a public health emergency.

''(B) For purpose of the Pandemic and All-Hazards Preparedness Act, the term 'at-risk individuals' means children, pregnant women, senior citizens and other individuals who have special needs in the event of a public health emergency, as determined by the Secretary.

''(5) COORDINATION.—Minimizing duplication of, and ensuring coordination between Federal, State, local, and tribal planning, preparedness, and response activities (including the State Emergency Management Assistance Compact). Such planning shall be consistent with the National Response Plan, or any successor plan, and National Incident Management System and the National Preparedness Goal.

''(6) CONTINUITY OF OPERATIONS.—Maintaining vital public health and medical services to allow for optimal Federal, State, local, and tribal operations in the event of a public health emergency.''.

TITLE II—PUBLIC HEALTH SECURITY PREPAREDNESS

SEC. 201. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

Section 319C–1 of the Public Health Service Act (42 U.S.C. 247d–3a) is amended—

(1) by amending the heading to read as follows:

"IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.";

(2) by striking subsections (a) through (i) and inserting the following:

''(a) IN GENERAL.—To enhance the security of the United States with respect to public health emergencies, the Secretary shall award cooperative agreements to eligible entities to enable such entities to conduct the activities described in subsection (d).

''(b) ELIGIBLE ENTITIES.—To be eligible to receive an award under subsection (a), an entity shall—

''(1)(A) be a State;

''(B) be a political subdivision determined by the Secretary to be eligible for an award under this section (based on criteria described in subsection (h)(4)); or

''(C) be a consortium of entities described in subparagraph (A); and

''(2) prepare and submit to the Secretary an application at such time, and in such manner, and containing such information as the Secretary may require, including—

''(A) an All-Hazards Public Health Emergency Preparedness and Response Plan which shall include—

''(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802;

''(ii) a pandemic influenza plan consistent with the requirements of paragraphs (2) and (5) of subsection (g);

''(iii) preparedness and response strategies and capabilities that take into account the medical and public health needs of at-risk individuals in the event of a public health emergency;

''(iv) a description of the mechanism the entity will implement to utilize the Emergency Management Assistance Compact or other mutual aid agreements for medical and public health mutual aid; and

''(v) a description of how the entity will include the State Area Agency on Aging in public health emergency preparedness;

''(B) an assurance that the entity will report to the Secretary on an annual basis (or more frequently as determined by the Secretary) on the evidence-based benchmarks and objective standards established by the Secretary to evaluate the preparedness and response capabilities of such entity;

''(C) an assurance that the entity will conduct, on at least an annual basis, an exercise or drill that meets any criteria established by the Secretary to test the preparedness and response capabilities of such entity, and that the entity will report back to the Secretary within the application of the following year on the strengths and weaknesses identified through such exercise or drill, and corrective actions taken to address material weaknesses;

''(D) an assurance that the entity will provide to the Secretary the data described under section 319D(d)(3) as determined feasible by the Secretary;

''(E) an assurance that the entity will conduct activities to inform and educate the hospitals within the jurisdiction of such entity on the role of such hospitals in the plan required under subparagraph (A);

''(F) an assurance that the entity, with respect to the plan described under subparagraph (A), has developed and will implement an accountability system to ensure that such entity make satisfactory annual improvement and describe such system in the plan under subparagraph (A);

''(G) a description of the means by which to obtain public comment and input on the plan described in subparagraph (A) and on the implementation of such plan, that shall include an advisory committee or other similar mechanism for obtaining comment from the public and from other State, local, and tribal stakeholders; and

''(H) as relevant, a description of the process used by the entity to consult with local departments of public health to reach consensus, approval, or concurrence on the relative distribution of amounts received under this section.

''(c) LIMITATION.—Beginning in fiscal year 2009, the Secretary may not award a cooperative agreement to a State unless such State is a participant in the Emergency System for Advance Registration of Volunteer Health Professionals described in section 319I.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (2), (4), (5), and (6) of section 2802(b).

''(2) EFFECT OF SECTION.—Nothing in this subsection may be construed as establishing new regulatory authority or as modifying any existing regulatory authority.

''(e) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant Metropolitan Medical Response Systems, local public health departments, the Cities Readiness Initiative, and local emergency plans.

''(f) CONSULTATION WITH HOMELAND SECURITY.—In making awards under subsection (a), the Secretary shall consult with the Secretary of Homeland Security to—

''(1) ensure maximum coordination of public health and medical preparedness and response activities with the Metropolitan Medical Response System, and other relevant activities;

''(2) minimize duplicative funding of programs and activities;

''(3) analyze activities, including exercises and drills, conducted under this section to develop recommendations and guidance on best practices for such activities, and

''(4) disseminate such recommendations and guidance, including through expanding existing lessons learned information systems to create a single Internet-based point of access for sharing and distributing medical and public health best practices and lessons learned from drills, exercises, disasters, and other emergencies.

''(g) ACHIEVEMENT OF MEASURABLE EVIDENCE-BASED BENCHMARKS AND OBJECTIVE STANDARDS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop or where appropriate adopt, and require the application of measurable evidence-based benchmarks and objective standards that measure levels of preparedness with respect to the activities described in this section and with respect to activities described in section 319C–2. In developing such benchmarks and standards, the Secretary shall consult with and seek comments from State, local, and tribal officials and private entities, as appropriate. Where appropriate, the Secretary shall incorporate existing objective standards. Such benchmarks and standards shall, at a minimum, require entities to—

''(A) demonstrate progress toward achieving the preparedness goals described in section 2802 in a reasonable timeframe determined by the Secretary;

''(B) annually report grant expenditures to the Secretary (in a form prescribed by the Secretary) who shall ensure that such information is included on the Federal Internet-based point of access developed under subsection (f); and

''(C) at least annually, test and exercise the public health and medical emergency preparedness and response capabilities of the grantee, based on criteria established by the Secretary.

''(2) CRITERIA FOR PANDEMIC INFLUENZA PLANS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall develop and disseminate to the chief executive officer of each State criteria for an effective State plan for responding to pandemic influenza.

''(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the development of criteria or standards, without regard to whether such efforts were carried out prior to or after the date of enactment of this section.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall, as determined appropriate by the Secretary, provide to a State, upon request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality assessments, the setting of State objectives and assessment methods, the development of measures of satisfactory annual improvement that are valid and reliable, and other relevant areas.

''(4) NOTIFICATION OF FAILURES.—The Secretary shall develop and implement a process to notify entities that are determined by the Secretary to have failed to meet the requirements of paragraph (1) or (2). Such process shall provide such entities with the opportunity to correct such noncompliance. An entity that fails to correct such noncompliance shall be subject to paragraph (5).

''(5) WITHHOLDING OF AMOUNTS FROM ENTITIES THAT FAIL TO ACHIEVE BENCHMARKS OR SUBMIT INFLUENZA PLAN.—Beginning with fiscal year 2009, and in each succeeding fiscal year, the Secretary shall—

''(A) withhold from each entity that has failed substantially to meet the benchmarks and performance measures described in paragraph (1) for the immediately preceding fiscal year (beginning with fiscal year 2008), pursuant to the process developed under paragraph (4), the amount described in paragraph (6); and

''(B) withhold from each entity that has failed to submit to the Secretary a plan for responding to pandemic influenza that meets the criteria developed under paragraph (2), the amount described in paragraph (6).

''(6) AMOUNTS DESCRIBED.—

''(A) IN GENERAL.—The amounts described in this paragraph are the following amounts that are payable to an entity for activities described in section 319C–1 or 319C–2:

''(i) For the fiscal year immediately following a fiscal year in which an entity experienced a failure described in subparagraph (A) or (B) of paragraph (5) by the entity, an amount equal to 10 percent of the amount the entity was eligible to receive for such fiscal year.

''(ii) For the fiscal year immediately following two consecutive fiscal years in which an entity experienced such a failure, an amount equal to 15 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal year under clause (i).

''(iii) For the fiscal year immediately following three consecutive fiscal years in which an entity experienced such a failure, an amount equal to 20 percent of the amount the entity was eligible to receive for such fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i) and (ii).

''(iv) For the fiscal year immediately following four consecutive fiscal years in which an entity experienced such a failure, an amount equal to 25 percent of the amount the entity was eligible to receive for such a fiscal year, taking into account the withholding of funds for the immediately preceding fiscal years under clauses (i), (ii), and (iii).

''(B) SEPARATE ACCOUNTING.—Each failure described in subparagraph (A) or (B) of paragraph (5) shall be treated as a separate failure for purposes of calculating amounts withheld under subparagraph (A).

''(7) REALLOCATION OF AMOUNTS WITHHELD.—

''(A) IN GENERAL.—The Secretary shall make amounts withheld under paragraph (6) available for making awards under section 319C–2 to entities described in subsection (b)(1) of such section.

''(B) PREFERENCE IN REALLOCATION.—In making awards under section 319C–2 with amounts described in subparagraph (A), the Secretary shall give preference to eligible entities (as described in section 319C–2(b)(1)) that are located in whole or in part in States from which amounts have been withheld under paragraph (6).

''(8) WAIVER OR REDUCE WITHHOLDING.—The Secretary may waive or reduce the withholding described in paragraph (6), for a single entity or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.'';

(3) by redesignating subsection (j) as subsection (h);

(4) in subsection (h), as so redesignated—

(A) by striking paragraphs (1) through (3)(A) and inserting the following:

''(1) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $824,000,000 fiscal year 2007 for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)), and such sums as may be necessary for each of fiscal years 2008 through 2011.

''(B) COORDINATION.—There are authorized to be appropriated, $10,000,000 for fiscal year 2007 to carry out subsection (f)(3).

''(C) REQUIREMENT FOR STATE MATCHING FUNDS.—Beginning in fiscal year 2009, in the case of any State or consortium of two or more States, the Secretary may not award a cooperative agreement under this section unless the State or consortium of States agree that, with respect to the amount of the cooperative agreement awarded by the Secretary, the State or consortium of States will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to—

''(i) for the first fiscal year of the cooperative agreement, not less than 5 percent of such costs ($1 for each $20 of Federal funds provided in the cooperative agreement); and

''(ii) for any second fiscal year of the cooperative agreement, and for any subsequent fiscal year of such cooperative agreement, not less than 10 percent of such costs ($1 for each $10 of Federal funds provided in the cooperative agreement).

''(D) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.—As determined by the Secretary, non-Federal contributions required in subparagraph (C) may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment or services. Amounts provided by the Federal government, or services assisted or subsidized to any significant extent by the Federal government, may not be included in determining the amount of such non-Federal contributions.

''(2) MAINTAINING FUNDING.—

''(A) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for public health security at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

''(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal public health agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

''(3) DETERMINATION OF AMOUNT.—

''(A) IN GENERAL.—The Secretary shall award cooperative agreements under subsection (a) to each State or consortium of 2 or more States that submits to the Secretary an application that meets the criteria of the Secretary for the receipt of such an award and that meets other implementation conditions established by the Secretary for such awards.'';

(B) in paragraph (4)(A)—

(i) by striking ''2003'' and inserting ''2007''; and

(ii) by striking ''(A)(i)(I)'';

(C) in paragraph (4)(D), by striking ''2002'' and inserting ''2006'';

(D) in paragraph (5)—

(i) by striking ''2003''and inserting ''2007''; and

(ii) By striking ''(A)(i)(I)''; and

(E) by striking paragraph (6) and inserting the following:

''(6) FUNDING OF LOCAL ENTITIES.—The Secretary shall, in making awards under this section, ensure that with respect to the cooperative agreement awarded, the entity make available appropriate portions of such award to political subdivisions and local departments of public health through a process involving the consensus, approval or concurrence with such local entities.''; and

(5) by adding at the end the following:

''(i) ADMINISTRATIVE AND FISCAL RESPONSIBILITY.—

''(1) ANNUAL REPORTING REQUIREMENTS.—Each entity shall prepare and submit to the Secretary annual reports on its activities under this section and section 319C–2. Each such report shall be prepared by, or in consultation with, the health department. In order to properly evaluate and compare the performance of different entities assisted under this section and section 319C–2 and to assure the proper expenditure of funds under this section and section

319C–2, such reports shall be in such standardized form and contain such information as the Secretary determines (after consultation with the States) to be necessary to—

''(A) secure an accurate description of those activities;

''(B) secure a complete record of the purposes for which funds were spent, and of the recipients of such funds;

''(C) describe the extent to which the entity has met the goals and objectives it set forth under this section or section 319C–2; and

''(D) determine the extent to which funds were expended consistent with the entity's application transmitted under this section or section 319C–2.

''(2) AUDITS; IMPLEMENTATION.—

''(A) IN GENERAL.—Each entity receiving funds under this section or section 319C–2 shall, not less often than once every 2 years, audit its expenditures from amounts received under this section or section 319C–2. Such audits shall be conducted by an entity independent of the agency administering a program funded under this section or section 319C–2 in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions and generally accepted auditing standards. Within 30 days following the completion of each audit report, the entity shall submit a copy of that audit report to the Secretary.

''(B) REPAYMENT.—Each entity shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the entity, not to have been expended in accordance with this section or section 319C–2 and, if such repayment is not made, the Secretary may offset such amounts against the amount of any allotment to which the entity is or may become entitled under this section or section 319C–2 or may otherwise recover such amounts.

''(C) WITHHOLDING OF PAYMENT.—The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any entity which is not using its allotment under this section or section 319C–2 in accordance with such section. The Secretary may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

''(3) MAXIMUM CARRYOVER AMOUNT.—

''(A) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the States and political subdivisions, shall determine the maximum percentage amount of an award under this section that an entity may carryover to the succeeding fiscal year.

''(B) AMOUNT EXCEEDED.—For each fiscal year, if the percentage amount of an award under this section unexpended by an entity exceeds the maximum percentage permitted by the Secretary under subparagraph (A), the entity shall return to the Secretary the portion of the unexpended amount that exceeds the maximum amount permitted to be carried over by the Secretary.

''(C) ACTION BY SECRETARY.—The Secretary shall make amounts returned to the Secretary under subparagraph (B) available for awards under section 319C–2(b)(1). In making awards under section 319C–2(b)(1) with amounts collected under this paragraph the Secretary shall give preference to entities that are located in whole or in part in States from which amounts have been returned under subparagraph (B).

''(D) WAIVER.—An entity may apply to the Secretary for a waiver of the maximum percentage amount under subparagraph (A). Such an application for a waiver shall include an explanation why such requirement should not apply to the entity and the steps taken by such entity to ensure that all funds under an award under this section will be expended appropriately.

''(E) WAIVE OR REDUCE WITHHOLDING.—The Secretary may waive the application of subparagraph (B) for a single entity pursuant to subparagraph (D) or for all entities in a fiscal year, if the Secretary determines that mitigating conditions exist that justify the waiver or reduction.''.

SEC. 202. USING INFORMATION TECHNOLOGY TO IMPROVE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended—

(1) in subsection (a)(1), by inserting ''domestically and abroad'' after ''public health threats''; and

(2) by adding at the end the following:

''(d) PUBLIC HEALTH SITUATIONAL AWARENESS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal public health officials, shall establish a near real-time electronic nationwide public health situational awareness capability through an interoperable network of systems to share data and information to enhance early detection of rapid response to, and management of, potentially catastrophic infectious disease outbreaks and other public health emergencies that originate domestically or abroad. Such network shall be built on existing State situational awareness systems or enhanced systems that enable such connectivity.

''(2) STRATEGIC PLAN.—Not later than 180 days after the date of enactment the Pandemic and All-Hazards Preparedness Act, the Secretary shall submit to the appropriate committees of Congress, a strategic plan that demonstrates the steps the Secretary will undertake to develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3).

''(3) ELEMENTS.—The network described in paragraph (1) shall include data and information transmitted in a standardized format from—

''(A) State, local, and tribal public health entities, including public health laboratories;

''(B) Federal health agencies;

''(C) zoonotic disease monitoring systems;

''(D) public and private sector health care entities, hospitals, pharmacies, poison control centers or professional organizations in the field of poison control, and clinical laboratories, to the extent practicable and provided that such data are voluntarily provided simultaneously to the Secretary and appropriate State, local, and tribal public health agencies; and

''(E) such other sources as the Secretary may deem appropriate.

''(4) RULE OF CONSTRUCTION.—Paragraph (3) shall not be construed as requiring separate reporting of data and information from each source listed.

''(5) REQUIRED ACTIVITIES.—In establishing and operating the network described in paragraph (1), the Secretary shall—

''(A) utilize applicable interoperability standards as determined by the Secretary through a joint public and private sector process;

''(B) define minimal data elements for such network;

''(C) in collaboration with State, local, and tribal public health officials, integrate and build upon existing State, local, and tribal capabilities, ensuring simultaneous sharing of data, information, and analyses from the network described in paragraph (1) with State, local, and tribal public health agencies; and

''(D) in collaboration with State, local, and tribal public health officials, develop procedures and standards for the collection, analysis, and interpretation of data that States, regions, or other entities collect and report to the network described in paragraph (1).

''(e) STATE AND REGIONAL SYSTEMS TO ENHANCE SITUATIONAL AWARENESS IN PUBLIC HEALTH EMERGENCIES.—

''(1) IN GENERAL.—To implement the network described in section (d), the Secretary may award grants to States to enhance the ability of such States to establish or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies, in collaboration with public health agencies, sentinel hospitals, clinical laboratories, pharmacies, poison control centers, other health care organizations, and animal health organizations within such States.

''(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), the State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State will submit to the Secretary—

''(A) reports of such data, information, and metrics as the Secretary may require;

''(B) a report on the effectiveness of the systems funded under the grant; and

''(C) a description of the manner in which grant funds will be used to enhance the timelines and comprehensiveness of efforts to detect, respond to, and manage potentially catastrophic infectious disease outbreaks and public health emergencies.

''(3) USE OF FUNDS.—A State that receives an award under this subsection—

''(A) shall establish, enhance, or operate a coordinated public health situational awareness system for regional or Statewide early detection of, rapid response to, and management of potentially catastrophic infectious disease outbreaks and public health emergencies; and

''(B) may award grants or contracts to entities described in paragraph (1) within or serving such State to assist such entities in improving the operation of information technology systems, facilitating the secure exchange of data and information, and training personnel to enhance the operation of the system described in paragraph (A).

''(4) LIMITATION.—Information technology systems acquired or implemented using grants awarded under this section must be compliant with—

''(A) interoperability and other technological standards, as determined by the Secretary; and

''(B) data collection and reporting requirements for the network described in subsection (d).

''(5) INDEPENDENT EVALUATION.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Government Accountability Office shall conduct an independent evaluation, and submit to the Secretary and the appropriate committees of Congress a report, concerning the activities conducted under this subsection and subsection (d).

''(f) GRANTS FOR REAL-TIME SURVEILLANCE IMPROVEMENT.—

''(1) IN GENERAL.—The Secretary may award grants to eligible entities to carry out projects described under paragraph (4).

''(2) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means an entity that is—

''(A)(i) a hospital, clinical laboratory, university; or

''(ii) poison control center or professional organization in the field of poison control; and

''(B) a participant in the network established under subsection (d).

''(3) APPLICATION.—Each eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible entity described in paragraph (2)(A)(i) that receives a grant under this section shall use the funds awarded pursuant to such grant to carry out a pilot demonstration project to purchase and implement the use of advanced diagnostic medical equipment to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance and report any results from such

project to State, local, and tribal public health entities and the network established under subsection (d).

''(B) OTHER ENTITIES.—An eligible entity described in paragraph (2)(A)(ii) that receives a grant under this section shall use the funds awarded pursuant to such grant to—

''(i) improve the early detection, surveillance, and investigative capabilities of poison control centers for chemical, biological, radiological, and nuclear events by training poison information personnel to improve the accuracy of surveillance data, improving the definitions used by the poison control centers for surveillance, and enhancing timely and efficient investigation of data anomalies;

''(ii) improve the capabilities of poison control centers to provide information to health care providers and the public with regard to chemical, biological, radiological, or nuclear threats or exposures, in consultation with the appropriate State, local, and tribal public health entities; or

''(iii) provide surge capacity in the event of a chemical, biological, radiological, or nuclear event through the establishment of alternative poison control center worksites and the training of nontraditional personnel.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FISCAL YEAR 2007.—There are authorized to be appropriated to carry out subsections (d), (e), and (f) $102,000,000 for fiscal year 2007, of which $35,000,000 is authorized to be appropriated to carry out subsection (f).

''(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated such sums as may be necessary to carry out subsections (d), (e), and (f) for each of fiscal years 2008 through 2011.''.

SEC. 203. PUBLIC HEALTH WORKFORCE ENHANCEMENTS.

(a) DEMONSTRATION PROJECT.—Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l) is amended by adding at the end the following:

''SEC. 338M. PUBLIC HEALTH DEPARTMENTS.

''(a) IN GENERAL.—To the extent that funds are appropriated under subsection (e), the Secretary shall establish a demonstration project to provide for the participation of individuals who are eligible for the Loan Repayment Program described in section 338B and who agree to complete their service obligation in a State health department that provides a significant amount of service to health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary, or in a local or tribal health department that serves a health professional shortage area or an area at risk of a public health emergency.

''(b) PROCEDURE.—To be eligible to receive assistance under subsection (a), with respect to the program described in section 338B, an individual shall—

''(1) comply with all rules and requirements described in such section (other than section 338B(f)(1)(B)(iv)); and

''(2) agree to serve for a time period equal to 2 years, or such longer period as the individual may agree to, in a State, local, or tribal health department, described in subsection (a).

''(c) DESIGNATIONS.—The demonstration project described in subsection (a), and any healthcare providers who are selected to participate in such project, shall not be considered by the Secretary in the designation of health professional shortage areas under section 332 during fiscal years 2007 through 2010.

''(d) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit a report to the relevant committees of Congress that evaluates the participation of individuals in the demonstration project under subsection (a), the impact of such participation on State, local, and tribal health departments, and the benefit and feasibility of permanently allowing such placements in the Loan Repayment Program.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 through 2010.''.

(b) GRANTS FOR LOAN REPAYMENT PROGRAM.—Section 338I of the Public Health Service Act (42 U.S.C. 254q–1) is amended by adding at the end the following:

''(j) PUBLIC HEALTH LOAN REPAYMENT.—

''(1) IN GENERAL.—The Secretary may award grants to States for the purpose of assisting such States in operating loan repayment programs under which such States enter into contracts to repay all or part of the eligible loans borrowed by, or on behalf of, individuals who agree to serve in State, local, or tribal health departments that serve health professional shortage areas or other areas at risk of a public health emergency, as designated by the Secretary.

''(2) LOANS ELIGIBLE FOR REPAYMENT.—To be eligible for repayment under this subsection, a loan shall be a loan made, insured, or guaranteed by the Federal Government that is borrowed by, or on behalf of, an individual to pay the cost of attendance for a program of education leading to a degree appropriate for serving in a State, local, or tribal health department as determined by the Secretary and the chief executive officer of the State in which the grant is administered, at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965), including principal, interest, and related expenses on such loan.

''(3) APPLICABILITY OF EXISTING REQUIREMENTS.—With respect to awards made under paragraph (1)—

''(A) the requirements of subsections (b), (f), and (g) shall apply to such awards; and

''(B) the requirements of subsection (c) shall apply to such awards except that with respect to paragraph (1) of such subsection, the State involved may assign an individual only to public and nonprofit private entities that serve health professional shortage areas or areas at risk of a public health emergency, as determined by the Secretary.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2007 through 2010.''.

SEC. 204. VACCINE TRACKING AND DISTRIBUTION.

Section 319A of the Public Health Service Act (42 U.S.C. 247d–1) is amended to read as follows:

''SEC. 319A. VACCINE TRACKING AND DISTRIBUTION.

''(a) TRACKING.—The Secretary, together with relevant manufacturers, wholesalers, and distributors as may agree to cooperate, may track the initial distribution of federally purchased influenza vaccine in an influenza pandemic. Such tracking information shall be used to inform Federal, State, local, and tribal decision makers during an influenza pandemic.

''(b) DISTRIBUTION.—The Secretary shall promote communication between State, local, and tribal public health officials and such manufacturers, wholesalers, and distributors as agree to participate, regarding the effective distribution of seasonal influenza vaccine. Such communication shall include estimates of high priority populations, as determined by the Secretary, in State, local, and tribal jurisdictions in order to inform Federal, State, local, and tribal decision makers during vaccine shortages and supply disruptions.

''(c) CONFIDENTIALITY.—The information submitted to the Secretary or its contractors, if any, under this section or under any other section of this Act related to vaccine distribution information shall remain confidential in accordance with the exception from the public disclosure of trade secrets, commercial or financial information, and information obtained from an individual that is privileged and confidential, as provided for in section 552(b)(4) of title 5, United States Code, and subject to the penalties and exceptions under sections 1832 and 1833 of title 18, United States Code, relating to the protection and theft of trade secrets, and subject to privacy protections that are consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996. None of such information provided by a manufacturer, wholesaler, or distributor shall be disclosed without its consent to another manufacturer, wholesaler, or distributor, or shall be used in any manner to give a manufacturer, wholesaler, or distributor a proprietary advantage.

''(d) GUIDELINES.—The Secretary, in order to maintain the confidentiality of relevant information and ensure that none of the information contained in the systems involved may be used to provide proprietary advantage within the vaccine market, while allowing State, local, and tribal health officials access to such information to maximize the delivery and availability of vaccines to high priority populations, during times of influenza pandemics, vaccine shortages, and supply disruptions, in consultation with manufacturers, distributors, wholesalers and State, local, and tribal health departments, shall develop guidelines for subsections (a) and (b).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums for each of fiscal years 2007 through 2011.

''(f) REPORT TO CONGRESS.—As part of the National Health Security Strategy described in section 2802, the Secretary shall provide an update on the implementation of subsections (a) through (d).''.

SEC. 205. NATIONAL SCIENCE ADVISORY BOARD FOR BIOSECURITY.

The National Science Advisory Board for Biosecurity shall, when requested by the Secretary of Health and Human Services, provide to relevant Federal departments and agencies, advice, guidance, or recommendations concerning—

(1) a core curriculum and training requirements for workers in maximum containment biological laboratories; and

(2) periodic evaluations of maximum containment biological laboratory capacity nationwide and assessments of the future need for increased laboratory capacity;

TITLE III—ALL-HAZARDS MEDICAL SURGE CAPACITY

SEC. 301. NATIONAL DISASTER MEDICAL SYSTEM.

(a) NATIONAL DISASTER MEDICAL SYSTEM.—Section 2812 of subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as redesignated by section 102, is amended—

*(1) by striking the section heading and inserting ''**NATIONAL DISASTER MEDICAL SYSTEM**'';*

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (h) as subsections (a) through (g);

(4) in subsection (a), as so redesignated—

(A) in paragraph (2)(B), by striking ''Federal Emergency Management Agency'' and inserting ''Department of Homeland Security''; and

(B) in paragraph (3)(C), by striking ''Public Health Security and Bioterrorism Preparedness and Response Act of 2002'' and inserting ''Pandemic and All-Hazards Preparedness Act'';

(5) in subsection (b), as so redesignated, by—

(A) striking the subsection heading and inserting ''MODIFICATIONS'';

(B) redesignating paragraph (2) as paragraph (3); and

(C) striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Taking into account the findings from the joint review described under paragraph (2), the Secretary shall modify the policies of the National Disaster Medical System as necessary.

''(2) JOINT REVIEW AND MEDICAL SURGE CAPACITY STRATEGIC PLAN.—Not later than 180 days

after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Veterans Affairs, shall conduct a joint review of the National Disaster Medical System. Such review shall include an evaluation of medical surge capacity, as described by section 2804(a). As part of the National Health Security Strategy under section 2802, the Secretary shall update the findings from such review and further modify the policies of the National Disaster Medical System as necessary.'';

(6) by striking ''subsection (b)'' each place it appears and inserting ''subsection (a)'';

(7) by striking ''subsection (d)'' each place it appears and inserting ''subsection (c)''; and

(8) in subsection (g), as so redesignated, by striking ''2002 through 2006'' and inserting ''2007 through 2011''.

(b) TRANSFER OF NATIONAL DISASTER MEDICAL SYSTEM TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—There shall be transferred to the Secretary of Health and Human Services the functions, personnel, assets, and liabilities of the National Disaster Medical System of the Department of Homeland Security, including the functions of the Secretary of Homeland Security and the Under Secretary for Emergency Preparedness and Response relating thereto.

(c) CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 312(3)(B), 313(5))) is amended—

(1) in section 502(3)(B), by striking '', the National Disaster Medical System,''; and

(2) in section 503(5), by striking '', the National Disaster Medical System''.

(d) UPDATE OF CERTAIN PROVISION.—Section 319F(b)(2) of the Public Health Service Act (42 U.S.C. 247d–6(b)(2)) is amended—

(1) in the paragraph heading, by striking ''CHILDREN AND TERRORISM'' and inserting ''AT-RISK INDIVIDUALS AND PUBLIC HEALTH EMERGENCIES'';

(2) in subparagraph (A), by striking ''Children and Terrorism'' and inserting ''At-Risk Individuals and Public Health Emergencies'';

(3) in subparagraph (B)—

(A) in clause (i), by striking ''bioterrorism as it relates to children'' and inserting ''public health emergencies as they relate to at-risk individuals'';

(B) in clause (ii), by striking ''children'' and inserting ''at-risk individuals''; and

(C) in clause (iii), by striking ''children'' and inserting ''at-risk individuals'';

(4) in subparagraph (C), by striking ''children'' and all that follows through the period and inserting ''at-risk populations.''; and

(5) in subparagraph (D), by striking ''one year'' and inserting ''six years''.

(e) CONFORMING AMENDMENT.—Section 319F(b)(3)(B) of the Public Health Service Act (42 U.S.C. 247d–6(b)(3)(B)) is amended by striking ''and the working group under subsection (a)''.

(f) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall take effect on January 1, 2007.

SEC. 302. ENHANCING MEDICAL SURGE CAPACITY.

(a) IN GENERAL.—Title XXVIII of the Public Health Service Act (300hh–11 et seq.), as amended by section 103, is amended by inserting after section 2802 the following:

''SEC. 2804. ENHANCING MEDICAL SURGE CAPACITY.

''(a) STUDY OF ENHANCING MEDICAL SURGE CAPACITY.—As part of the joint review described in section 2812(b), the Secretary shall evaluate the benefits and feasibility of improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency. Such study shall include an assessment of the need for and feasibility of improving surge capacity through—

''(1) acquisition and operation of mobile medical assets by the Secretary to be deployed, on a contingency basis, to a community in the event of a public health emergency; and

''(2) other strategies to improve such capacity as determined appropriate by the Secretary.

''(b) AUTHORITY TO ACQUIRE AND OPERATE MOBILE MEDICAL ASSETS.—In addition to any other authority to acquire, deploy, and operate mobile medical assets, the Secretary may acquire, deploy, and operate mobile medical assets if, taking into consideration the evaluation conducted under subsection (a), such acquisition, deployment, and operation is determined to be beneficial and feasible in improving the capacity of the Department of Health and Human Services to provide additional medical surge capacity to local communities in the event of a public health emergency.

''(c) USING FEDERAL FACILITIES TO ENHANCE MEDICAL SURGE CAPACITY.—

''(1) ANALYSIS.—The Secretary shall conduct an analysis of whether there are Federal facilities which, in the event of a public health emergency, could practicably be used as facilities in which to provide health care.

''(2) MEMORANDA OF UNDERSTANDING.—If, based on the analysis conducted under paragraph (1), the Secretary determines that there are Federal facilities which, in the event of a public health emergency, could be used as facilities in which to provide health care, the Secretary shall, with respect to each such facility, seek to conclude a memorandum of understanding with the head of the Department or agency that operates such facility that permits the use of such facility to provide health care in the event of a public health emergency.''.

(b) EMTALA.—

(1) IN GENERAL.—Section 1135(b) of the Social Security Act (42 U.S.C. 1320b–5(b)) is amended—

(A) in paragraph (3), by striking subparagraph (B) and inserting the following:

''(B) the direction or relocation of an individual to receive medical screening in an alternative location—

''(i) pursuant to an appropriate State emergency preparedness plan; or

''(ii) in the case of a public health emergency described in subsection (g)(1)(B) that involves a pandemic infectious disease, pursuant to a State pandemic preparedness plan or a plan referred to in clause (i), whichever is applicable in the State;'';

(B) in the third sentence, by striking ''and shall be limited to'' and inserting ''and, except in the case of a waiver or modification to which the fifth sentence of this subsection applies, shall be limited to''; and

(C) by adding at the end the following: ''If a public health emergency described in subsection (g)(1)(B) involves a pandemic infectious disease (such as pandemic influenza), the duration of a waiver or modification under paragraph (3) shall be determined in accordance with subsection (e) as such subsection applies to public health emergencies.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to public health emergencies declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) on or after such date.

SEC. 303. ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.

(a) VOLUNTEER MEDICAL RESERVE CORPS.—Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.), as amended by this Act, is amended by inserting after section 2812 the following:

''SEC. 2813. VOLUNTEER MEDICAL RESERVE CORPS.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary, in collaboration with State, local, and tribal officials, shall build on State, local, and tribal programs in existence on the date of enactment of such Act to establish and maintain a Medical Reserve Corps (referred to in this section as the 'Corps') to provide for an adequate supply of volunteers in the case of a Federal, State, local, or tribal public health emergency. The Corps shall be headed by a Director who shall be appointed by the Secretary and shall oversee the activities of the Corps chapters that exist at the State, local, and tribal levels.

''(b) STATE, LOCAL, AND TRIBAL COORDINATION.—The Corps shall be established using existing State, local, and tribal teams and shall not alter such teams.

''(c) COMPOSITION.—The Corps shall be composed of individuals who—

''(1)(A) are health professionals who have appropriate professional training and expertise as determined appropriate by the Director of the Corps; or

''(B) are non-health professionals who have an interest in serving in an auxiliary or support capacity to facilitate access to health care services in a public health emergency;

''(2) are certified in accordance with the certification program developed under subsection (d);

''(3) are geographically diverse in residence;

''(4) have registered and carry out training exercises with a local chapter of the Medical Reserve Corps; and

''(5) indicate whether they are willing to be deployed outside the area in which they reside in the event of a public health emergency.

''(d) CERTIFICATION; DRILLS.—

''(1) CERTIFICATION.—The Director, in collaboration with State, local, and tribal officials, shall establish a process for the periodic certification of individuals who volunteer for the Corps, as determined by the Secretary, which shall include the completion by each individual of the core training programs developed under section 319F, as required by the Director. Such certification shall not supercede State licensing or credentialing requirements.

''(2) DRILLS.—In conjunction with the core training programs referred to in paragraph (1), and in order to facilitate the integration of trained volunteers into the health care system at the local level, Corps members shall engage in periodic training exercises to be carried out at the local level.

''(e) DEPLOYMENT.—During a public health emergency, the Secretary shall have the authority to activate and deploy willing members of the Corps to areas of need, taking into consideration the public health and medical expertise required, with the concurrence of the State, local, or tribal officials from the area where the members reside.

''(f) EXPENSES AND TRANSPORTATION.—While engaged in performing duties as a member of the Corps pursuant to an assignment by the Secretary (including periods of travel to facilitate such assignment), members of the Corps who are not otherwise employed by the Federal Government shall be allowed travel or transportation expenses, including per diem in lieu of subsistence.

''(g) IDENTIFICATION.—The Secretary, in cooperation and consultation with the States, shall develop a Medical Reserve Corps Identification Card that describes the licensure and certification information of Corps members, as well as other identifying information determined necessary by the Secretary.

''(h) INTERMITTENT DISASTER-RESPONSE PERSONNEL.—

''(1) IN GENERAL.—For the purpose of assisting the Corps in carrying out duties under this section, during a public health emergency, the Secretary may appoint selected individuals to serve as intermittent personnel of such Corps in accordance with applicable civil service laws and regulations. In all other cases, members of the Corps are subject to the laws of the State in which the activities of the Corps are undertaken.

''(2) APPLICABLE PROTECTIONS.—Subsections (c)(2), (d), and (e) of section 2812 shall apply to an individual appointed under paragraph (1) in the same manner as such subsections apply to an individual appointed under section 2812(c).

''(3) LIMITATION.—State, local, and tribal officials shall have no authority to designate a member of the Corps as Federal intermittent disaster-response personnel, but may request the services of such members.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

(b) ENCOURAGING HEALTH PROFESSIONS VOLUNTEERS.—Section 319I of the Public Health Service Act (42 U.S.C. 247d–7b) is amended—

(1) by redesignating subsections (e) and (f) as subsections (j) and (k), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Pandemic and All-Hazards Preparedness Act, the Secretary shall link existing State verification systems to maintain a single national interoperable network of systems, each system being maintained by a State or group of States, for the purpose of verifying the credentials and licenses of health care professionals who volunteer to provide health services during a public health emergency (such network shall be referred to in this section as the 'verification network').

''(b) REQUIREMENTS.—The interoperable network of systems established under subsection (a) shall include—

''(1) with respect to each volunteer health professional included in the system—

''(A) information necessary for the rapid identification of, and communication with, such professionals; and

''(B) the credentials, certifications, licenses, and relevant training of such individuals; and

''(2) the name of each member of the Medical Reserve Corps, the National Disaster Medical System, and any other relevant federally-sponsored or administered programs determined necessary by the Secretary.'';

(3) in subsection (c), strike ''system'' and insert ''network'';

(4) by striking subsection (d) and inserting the following:

''(d) ACCESSIBILITY.—The Secretary shall ensure that the network established under subsection (a) is electronically accessible by State, local, and tribal health departments and can be linked with the identification cards under section 2813.

''(e) CONFIDENTIALITY.—The Secretary shall establish and require the application of and compliance with measures to ensure the effective security of, integrity of, and access to the data included in the network.

''(f) COORDINATION.—The Secretary shall coordinate with the Secretary of Veterans Affairs and the Secretary of Homeland Security to assess the feasibility of integrating the verification network under this section with the VetPro system of the Department of Veterans Affairs and the National Emergency Responder Credentialing System of the Department of Homeland Security. The Secretary shall, if feasible, integrate the verification network under this section with such VetPro system and the National Emergency Responder Credentialing System.

''(g) UPDATING OF INFORMATION.—The States that are participants in the network established under subsection (a) shall, on at least a quarterly basis, work with the Director to provide for the updating of the information contained in such network.

''(h) CLARIFICATION.—Inclusion of a health professional in the verification network established pursuant to this section shall not constitute appointment of such individual as a Federal employee for any purpose, either under section 2812(c) or otherwise. Such appointment may only be made under section 2812 or 2813.

''(i) HEALTH CARE PROVIDER LICENSES.—The Secretary shall encourage States to establish and implement mechanisms to waive the application of licensing requirements applicable to health professionals, who are seeking to provide medical services (within their scope of practice), during a national, State, local, or tribal public health emergency upon verification that such health professionals are licensed and in good standing in another State and have not been disciplined by any State health licensing or disciplinary board.''; and

(5) in subsection (k) (as so redesignated), by striking ''2006'' and inserting ''2011''.

SEC. 304. CORE EDUCATION AND TRAINING.

Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by striking subsection (a) and inserting the following;

''(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—

''(1) IN GENERAL.—The Secretary, in collaboration with the Secretary of Defense, and in consultation with relevant public and private entities, shall develop core health and medical response curricula and trainings by adapting applicable existing curricula and training programs to improve responses to public health emergencies.

''(2) CURRICULUM.—The public health and medical response training program may include course work related to—

''(A) medical management of casualties, taking into account the needs of at-risk individuals;

''(B) public health aspects of public health emergencies;

''(C) mental health aspects of public health emergencies;

''(D) national incident management, including coordination among Federal, State, local, tribal, international agencies, and other entities; and

''(E) protecting health care workers and health care first responders from workplace exposures during a public health emergency.

''(3) PEER REVIEW.—On a periodic basis, products prepared as part of the program shall be rigorously tested and peer-reviewed by experts in the relevant fields.

''(4) CREDIT.—The Secretary and the Secretary of Defense shall—

''(A) take into account continuing professional education requirements of public health and healthcare professions; and

''(B) cooperate with State, local, and tribal accrediting agencies and with professional associations in arranging for students enrolled in the program to obtain continuing professional education credit for program courses.

''(5) DISSEMINATION AND TRAINING.—

''(A) IN GENERAL.—The Secretary may provide for the dissemination and teaching of the materials described in paragraphs (1) and (2) by appropriate means, as determined by the Secretary.

''(B) CERTAIN ENTITIES.—The education and training activities described in subparagraph (A) may be carried out by Federal public health or medical entities, appropriate educational entities, professional organizations and societies, private accrediting organizations, and other nonprofit institutions or entities meeting criteria established by the Secretary.

''(C) GRANTS AND CONTRACTS.—In carrying out this subsection, the Secretary may carry out activities directly or through the award of grants and contracts, and may enter into interagency agreements with other Federal agencies.'';

(2) by striking subsections (c) through (g) and inserting the following:

''(c) EXPANSION OF EPIDEMIC INTELLIGENCE SERVICE PROGRAM.—The Secretary may establish 20 officer positions in the Epidemic Intelligence Service Program, in addition to the number of the officer positions offered under such Program in 2006, for individuals who agree to participate, for a period of not less than 2 years, in the Career Epidemiology Field Officer program in a State, local, or tribal health department that serves a health professional shortage area (as defined under section 332(a)), a medically underserved population (as defined under section 330(b)(3)), or a medically underserved area or area at high risk of a public health emergency as designated by the Secretary.

''(d) CENTERS FOR PUBLIC HEALTH PREPAREDNESS; CORE CURRICULA AND TRAINING.—

''(1) IN GENERAL.—The Secretary may establish at accredited schools of public health, Centers for Public Health Preparedness (hereafter referred to in this section as the 'Centers').

''(2) ELIGIBILITY.—To be eligible to receive an award under this subsection to establish a Center, an accredited school of public health shall agree to conduct activities consistent with the requirements of this subsection.

''(3) CORE CURRICULA.—The Secretary, in collaboration with the Centers and other public or private entities shall establish core curricula based on established competencies leading to a 4-year bachelor's degree, a graduate degree, a combined bachelor and master's degree, or a certificate program, for use by each Center. The Secretary shall disseminate such curricula to other accredited schools of public health and other health professions schools determined appropriate by the Secretary, for voluntary use by such schools.

''(4) CORE COMPETENCY-BASED TRAINING PROGRAM.—The Secretary, in collaboration with the Centers and other public or private entities shall facilitate the development of a competency-based training program to train public health practitioners. The Centers shall use such training program to train public health practitioners. The Secretary shall disseminate such training program to other accredited schools of public health, health professions schools, and other public or private entities as determined by the Secretary, for voluntary use by such entities.

''(5) CONTENT OF CORE CURRICULA AND TRAINING PROGRAM.—The Secretary shall ensure that the core curricula and training program established pursuant to this subsection respond to the needs of State, local, and tribal public health authorities and integrate and emphasize essential public health security capabilities consistent with section 2802(b)(2).

''(6) ACADEMIC-WORKFORCE COMMUNICATION.—As a condition of receiving funding from the Secretary under this subsection, a Center shall collaborate with a State, local, or tribal public health department to—

''(A) define the public health preparedness and response needs of the community involved;

''(B) assess the extent to which such needs are fulfilled by existing preparedness and response activities of such school or health department, and how such activities may be improved;

''(C) prior to developing new materials or trainings, evaluate and utilize relevant materials and trainings developed by others Centers; and

''(D) evaluate community impact and the effectiveness of any newly developed materials or trainings.

''(7) PUBLIC HEALTH SYSTEMS RESEARCH.—In consultation with relevant public and private entities, the Secretary shall define the existing knowledge base for public health preparedness and response systems, and establish a research agenda based on Federal, State, local, and tribal public health preparedness priorities. As a condition of receiving funding from the Secretary under this subsection, a Center shall conduct public health systems research that is consistent with the agenda described under this paragraph.'';

(3) by redesignating subsection (h) as subsection (e);

(4) by inserting after subsection (e) (as so redesignated), the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FISCAL YEAR 2007.—There are authorized to be appropriated to carry out this section for fiscal year 2007—

''(A) to carry out subsection (a)—

''(i) $5,000,000 to carry out paragraphs (1) through (4); and

''(ii) $7,000,000 to carry out paragraph (5);

''(B) to carry out subsection (c), $3,000,000; and

''(C) to carry out subsection (d), $31,000,000, of which $5,000,000 shall be used to carry out paragraphs (3) through (5) of such subsection.

''(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2008 and each subsequent fiscal year.''; and

(5) by striking subsections (i) and (j).

SEC. 305. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

Section 319C–2 of the Public Health Service Act (42 U.S.C. 247d–3b) is amended to read as follows:

''SEC. 319C–2. PARTNERSHIPS FOR STATE AND REGIONAL HOSPITAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.

''(a) IN GENERAL.—The Secretary shall award competitive grants or cooperative agreements to eligible entities to enable such entities to improve surge capacity and enhance community and hospital preparedness for public health emergencies.

''(b) ELIGIBILITY.—To be eligible for an award under subsection (a), an entity shall—

''(1)(A) be a partnership consisting of—

''(i) one or more hospitals, at least one of which shall be a designated trauma center, consistent with section 1213(c);

''(ii) one or more other local health care facilities, including clinics, health centers, primary care facilities, mental health centers, mobile medical assets, or nursing homes; and

''(iii)(I) one or more political subdivisions;

''(II) one or more States; or

''(III) one or more States and one or more political subdivisions; and

''(B) prepare, in consultation with the Chief Executive Officer and the lead health officials of the State, District, or territory in which the hospital and health care facilities described in subparagraph (A) are located, and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary may require; or

''(2)(A) be an entity described in section 319C–1(b)(1); and

''(B) submit an application at such time, in such manner, and containing such information as the Secretary may require, including the information or assurances required under section 319C–1(b)(2) and an assurance that the State will retain not more than 25 percent of the funds awarded for administrative and other support functions.

''(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).

''(d) PREFERENCES.—

''(1) REGIONAL COORDINATION.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that submit applications that, in the determination of the Secretary—

''(A) will enhance coordination—

''(i) among the entities described in subsection (b)(1)(A)(i); and

''(ii) between such entities and the entities described in subsection (b)(1)(A)(ii); and

''(B) include, in the partnership described in subsection (b)(1)(A), a significant percentage of the hospitals and health care facilities within the geographic area served by such partnership.

''(2) OTHER PREFERENCES.—In making awards under subsection (a), the Secretary shall give preference to eligible entities that, in the determination of the Secretary—

''(A) include one or more hospitals that are participants in the National Disaster Medical System;

''(B) are located in a geographic area that faces a high degree of risk, as determined by the Secretary in consultation with the Secretary of Homeland Security; or

''(C) have a significant need for funds to achieve the medical preparedness goals described in section 2802(b)(3).

''(e) CONSISTENCY OF PLANNED ACTIVITIES.—The Secretary may not award a cooperative agreement to an eligible entity described in subsection (b)(1) unless the application submitted by the entity is coordinated and consistent with an applicable State All-Hazards Public Health Emergency Preparedness and Response Plan and relevant local plans, as determined by the Secretary in consultation with relevant State health officials.

''(f) LIMITATION ON AWARDS.—A political subdivision shall not participate in more than one partnership described in subsection (b)(1).

''(g) COORDINATION WITH LOCAL RESPONSE CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the Cities Readiness Initiative, and local emergency plans.

''(h) MAINTENANCE OF FUNDING.—

''(1) IN GENERAL.—An entity that receives an award under this section shall maintain expenditures for health care preparedness at a level that is not less than the average level of such expenditures maintained by the entity for the preceding 2 year period.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of awards under this section to pay salary and related expenses of public health and other professionals employed by State, local, or tribal agencies who are carrying out activities supported by such awards (regardless of whether the primary assignment of such personnel is to carry out such activities).

''(i) PERFORMANCE AND ACCOUNTABILITY.—The requirements of section 319C–1(g) and (i) shall apply to entities receiving awards under this section (regardless of whether such entities are described under subsection (b)(1)(A) or (b)(2)(A)) in the same manner as such requirements apply to entities under section 319C–1. An entity described in subsection (b)(1)(A) shall make such reports available to the lead health official of the State in which such partnership is located.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $474,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011.

''(2) RESERVATION OF AMOUNTS FOR PARTNERSHIPS.—Prior to making awards described in paragraph (3), the Secretary may reserve from the amount appropriated under paragraph (1) for a fiscal year, an amount determined appropriate by the Secretary for making awards to entities described in subsection (b)(1)(A).

''(3) AWARDS TO STATES AND POLITICAL SUBDIVISIONS.—

''(A) IN GENERAL.—From amounts appropriated for a fiscal year under paragraph (1) and not reserved under paragraph (2), the Secretary shall make awards to entities described in subsection (b)(2)(A) that have completed an application as described in subsection (b)(2)(B).

''(B) AMOUNT.—The Secretary shall determine the amount of an award to each entity described in subparagraph (A) in the same manner as such amounts are determined under section 319C–1(h).''.

SEC. 306. ENHANCING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 8117 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by—

(i) striking ''chemical or biological attack'' and inserting ''a public health emergency (as defined in section 2801 of the Public Health Service Act)'';

(ii) striking ''an attack'' and inserting ''such an emergency''; and

(iii) striking ''public health emergencies'' and inserting ''such emergencies''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

''(C) organizing, training, and equipping the staff of such centers to support the activities carried out by the Secretary of Health and Human Services under section 2801 of the Public Health Service Act in the event of a public health emergency and incidents covered by the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002, or any successor plan; and

''(D) providing medical logistical support to the National Disaster Medical System and the Secretary of Health and Human Services as necessary, on a reimbursable basis, and in coordination with other designated Federal agencies.'';

(2) in subsection (c), by striking ''a chemical or biological attack or other terrorist attack.'' and inserting ''a public health emergency. The Secretary shall, through existing medical procurement contracts, and on a reimbursable basis, make available as necessary, medical supplies, equipment, and pharmaceuticals in response to a public health emergency in support of the Secretary of Health and Human Services.'';

(3) in subsection (d), by—

(A) striking ''develop and'';

(B) striking ''biological, chemical, or radiological attacks'' and inserting ''public health emergencies''; and

(C) by inserting ''consistent with section 319F(a) of the Public Health Service Act'' before the period; and

(4) in subsection (e)—

(A) in paragraph (1), by striking ''2811(b)'' and inserting ''2812''; and

(B) in paragraph (2)—

(i) by striking ''bioterrorism and other''; and

(ii) by striking ''319F(a)'' and inserting ''319F''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 8117 of title 38, United States Code, is amended by adding at the end the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011.''.

Mr. BURR. Mr. President, I rise today in support of S. 3678, the Pandemic and All-Hazards Preparedness Act. This bipartisan bill, which was drafted closely with Senator KENNEDY, will improve our public health and medical preparedness and responses during emergencies and disasters. I thank the Senator from Massachusetts for his partnership on this important legislation. I also thank Chairman ENZI for his leadership, Majority Leader FRIST, Senator GREGG and all 14 bipartisan cosponsors of this legislation for their hard work and support.

S. 3678 achieves two overarching goals. It reauthorizes the Bioterrorism Act of 2002, which was signed into law

following the terrorist attacks of September 11 and expired at the end of September, and it builds on the Project Bioshield Act of 2004, to speed up the development of drug and vaccine countermeasures against bioterrorist and other public health threats.

In June 2002, President Bush signed the Bioterrorism Act into law and stated the legislation was proof that ''When people of both parties work together, they can work on behalf of our country.'' Over the last 2 years, S. 3678 has been developed through the same bipartisan process. We all understand that the threats of bioterrorism and other public health emergencies, such as pandemic flu, are very real and we are committed to act now to protect the American people.

We know we must act now, before avian flu reaches our shores, before the next hurricane devastates a great city, before a bioterrorist attack kills an innocent American.

The threat of bioterrorism remains. Around the world, radical religious groups are being urged to establish new terror cells that specialize in biological warfare. It is increasingly easy to access Internet guides to bioterrorism, including methods for contaminating food and water supplies and spreading deadly microbes using do-it-yourself sprayers.

We often think of smallpox and anthrax as the gravest bioterrorism threats; however, as science and technology advance, the number of worrisome agents is expanding. In fact, the Department of Homeland Security recently determined that an additional nine biological agents present material threats against the United States sufficient to affect national security.

It is clear we will not keep up with new and emerging threats if we continue to be constrained by practices and procedures which require, for example, a decade to develop a new drug or vaccine countermeasure. Instead, we must take a faster, more creative approach to developing flexible, dynamic defenses against these threats.

Hurricanes Katrina and Rita proved once again that Mother Nature can be extremely destructive. And now, the United States is preparing for a potential flu pandemic that may be carried by birds. The biodefense plan laid out in this bill will enable us to be more flexible and will allow us to rapidly respond to all-hazards emergencies—be they natural, deliberate, or accidental.

We take five key actions in S. 3678, which will better prepare the Nation for the all-hazards public health emergencies of the future.

First, the bill puts someone in charge. After Hurricane Katrina, it was unclear who was in charge of our public health and medical response to this devastating storm. I believe unity of command and control is the key to rapid emergency response. This legislation identifies the Secretary of Health and Human Services as the lead Federal official for public health and medical response to emergencies, thereby eliminating confusion and chaos and increasing accountability and predictability. S. 3678 also unifies HHS preparedness and response programs under a renamed Assistant Secretary for Preparedness and Response, ensuring someone in the Federal Government is constantly improving our preparedness.

Second, S. 3678 funds State and local preparedness. We know the best emergency response begins at the local level. My bill reauthorizes over $1 billion per year in grants from HHS for State and local public health and medical preparedness. Authorization for these important grant programs expired in September 2006. The legislation also stresses accountability and fiscal responsibility in order to measure the progress made through these funds, and it requires States to match Federal investments in preparedness, beginning in 2009.

Third, the bill improves public health security. Public health departments across the country have varying abilities to identify a case of bird flu and contain its spread. S. 3678 establishes a set of key capabilities that all health departments must strive for. It also modernizes how public health departments detect, respond to, and manage public health threats, by collecting instant electronic information which will enable public health officials to make informed decisions before, during, and after a public health emergency.

Fourth, S. 3678 will speed up emergency medical response. During the response to Hurricane Katrina, it was too difficult for willing health care providers to volunteer their time and provide much-needed medical expertise to the gulf coast region. My bill makes it easier for health care providers to volunteer in emergency situations, and it enables the Secretary of Health and Human Services to provide liability protections for approved volunteers. This legislation also promotes the use of mobile hospitals and alternative Federal facilities which can help handle an increased number of patients during an emergency. Additionally, the bill improves planning and logistics for health care providers and volunteers to ensure emergency medical care can be delivered faster during a disaster.

Finally, the bill ensures the development of more drug and vaccine countermeasures to combat public health emergencies. The process for developing a new medical countermeasure still takes up to a decade and costs hundreds of millions of dollars. S. 3678 will improve our ability to quickly develop drugs and vaccines to protect against threats such as bird flu and bioterrorism. It reorganizes and enhances HHS medical countermeasure research, development, and procurement activities, through the Biomedical Advanced Research and Development Authority, or BARDA. Modeled after the Defense Advanced Research Projects Agency's successes in defense research, BARDA will bring innovation to a process that is simply too slow to combat terrorist activities or Mother Nature.

Making the Government more dynamic, nimble, and accountable will bring more and better medical countermeasures to the public faster case of emergency.

In closing, I applaud my Senate colleagues for taking a decisive step forward today in improving the Nation's preparedness for all-hazards public health emergencies—including acts of terrorism and those brought to us by Mother Nature, by passing S. 3678, the Pandemic and All-Hazards Preparedness Act.

I would like to thank the staff of my Subcommittee on Bioterrorism and Public Health Preparedness for their hard work, Jennifer Bryning, Kendall Byrum, Jenny Ware, Heidi Swygard, former staff director, Dr. Bob Kadlec, and former Senate fellow, David Marcozzi. Also, thank you to the majority leader's staff, especially Elizabeth Hall. Thank you to Chairman ENZI's staff, Katherine McGuire, Ilyse Schuman, Steve Northrup, and David Schmickel. Thank you to Senator KENNEDY's staff for their hard work, David Bowen, and Caya Lewis. And thank you to Senator GREGG's staff for their support, David Fisher, and Richard Weiblinger.

Earlier this year, I had the opportunity to travel to the Gulf Coast to learn from the disaster of Hurricane Katrina. It is our solemn responsibility to do all we can to make sure our Federal response is better. I want to also thank the many State and local public health officials from across the country, the hospitals, health care providers, elected officials, patients, EMT personnel and citizens who gave us their ideas and shared their experiences in this process. Together, we have laid out a plan to improve our Nation's public health and to better respond to disasters in the future.

Mr. KENNEDY. Mr. President, this afternoon, the Senate will consider legislation that will have far-reaching effects on the Nation's readiness for bioterrorist attacks, epidemics, and other public health emergencies.

The passage of the bill today is the culmination of a long process that our subcommittee, under the able leadership of Senator BURR, conducted to evaluate recommendations for renewing and strengthening the public health legislation enacted in 2002 and the BioShield proposal enacted the following year.

That was no small challenge. Our lack of preparedness was painfully clear to the hundreds of thousands of Americans who suffered and are still suffering in the aftermath of Hurricane Katrina.

Today we face the possibility of a pandemic or a bioterrorist attack, which could be as bad as a Hurricane

Katrina in every community in America. We know that we are not yet ready for a catastrophe of that scale.

We need new medicines and new vaccines to protect against the disease threats of the twenty-first century. Yet many biotechnology companies are unwilling to invest in this area because of its uncertain commercial rewards.

Congress previously enacted the BioShield law to provide a guaranteed market for these products, but that program has been implemented poorly and has failed to live up to its promise.

Our legislation makes improvements in BioShield and supplements it by creating a new agency based on the successful model of DARPA, which has enhanced the development of important new products for our national defense. In recent years, the innovative research funded by DARPA has led to breakthroughs in supercomputers, robotics, materials science, nanotechnology, and in many other areas. Through the creation of a new agency, the Biomedical Advanced Research and Development Agency, we can emulate that success in the development of new vaccines and medicines.

But creating new products is only half the story. The newest vaccines and the most sophisticated technology are of little value if our hospitals and health agencies are overwhelmed and underequipped.

Time and again, Congress has called on the administration to take the steps needed to protect America against these new threats. But time and again, the response has been insufficient.

In 2000, Congress enacted the Frist-Kennedy legislation to provide a framework for bioterrorism preparedness. In the first year after the legislation was enacted, these programs received just $1 million out of the $360 million called for by the legislation.

Even in the aftermath of the September 11 attacks, the administration initially proposed only $50 million to upgrade our hospitals and emergency rooms, and requested only $125 million to improve our health agencies. Thanks to the leadership of Senator DASCHLE, Senator FRIST, and Senator BYRD, and of now-Senator BURR when he served in the House, Congress rejected these recommendations and provided over half a billion dollars for hospital readiness and nearly a billion dollars for health agencies.

Yet the administration has cut these needed funds. The support for hospital readiness through HRSA has decreased from $518 million in 2003 to $483 this year. The story is the same in the CDC program to improve our health agencies. Funding has dropped from $939 million in 2003 to $834 million this year.

Is it any wonder that study after study shows that America is not ready for a biological attack? Our former colleague, Senator Lowell Weicker, is chairman of the board of the Trust for America's Health, which convened a panel of experts in public health to assess each State's readiness for bioterrorism. The sad story is that no State was fully ready. Even the most prepared States scored only 8 out of 10 on measures of basic preparedness.

And these measures don't ask the impossible. One measure is whether a State has plans to ensure continuity of care in an emergency. Another is whether the State can provide additional ventilator beds for ten—yes, just ten—additional patients. Even on these basic measures of readiness the majority of States scored a five or worse—and four States scored only a woeful 2 out of 10.

We have seen the consequences of failure. Now we must prepare for success.

With this bill, we take many important steps to increase our preparedness and response capabilities for public health emergencies. This bill will increase our medical surge capacity, strengthen our public health infrastructure, and clarify the responsibilities of Federal officials.

The first response to emergencies happens at the State and local level. But State and local governments were quickly overwhelmed by the magnitude of the tragedy during Hurricane Katrina and would soon be overwhelmed in a pandemic. Federal assistance is essential. But for the past 4 years, we have been giving States money for public health preparedness without giving them adequate guidance on how to spend it. This bill reauthorizes these grants to State and local public health departments, but now provides benchmarks, performance standards and increased technical assistance from HHS that will allow State and local governments to improve their performance.

Accurate and up-to-the-minute information is essential to managing an emergency. Health information technology is the key to a more effective health care system in so many areas, and it can immeasurably improve our ability to monitor a health emergency. Our legislation includes an important program to harness the power of health IT to aid our health emergency response.

We must learn the lessons of the past and see that our hospitals and health professionals can treat the victims of disease, that our health agencies can detect disease threats rapidly and accurately and that all parts of our society have adequate plans to contain a disease outbreak. This bill takes the right steps to better prepare our Nation for the next public health emergency, no matter what its source. I urge my colleagues to approve this proposal and to work with us to see that we can send it to the President's desk before the end of the Congress.

Mr. BURR. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 5210) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (S. 3678), as amended, was passed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, we will be closing down in a few moments. I have several quick pieces of business to do first.

EXECUTIVE SESSION

NOMINATION OF ANDREW VON ESCHENBACH TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. FRIST. I ask consent that the Senate proceed to executive session for the consideration of Calendar No. 907, the nomination of Andrew von Eschenbach, to be Commissioner of Food and Drugs, Department of Health and Human Services.

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

The clerk will report.

The legislative clerk read the nomination of Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services.

CLOTURE MOTION

Mr. FRIST. I send a 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 Executive Calendar No. 907, the nomination of Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services.

William H. Frist, Michael B. Enzi, Richard Burr, Thad Cochran, George V. Voinovich, Robert F. Bennett, Tom Coburn, Norm Coleman, Conrad R. Burns, Jon Kyl, Pat Roberts, Mel Martinez, John Ensign, Lamar Alexander, Elizabeth Dole, Christopher Bond, John Cornyn.

Mr. FRIST. Mr. President, this cloture vote will occur on Thursday morning. If we can reach an agreement for a vote at a time certain on this FDA nomination, we would vitiate this cloture vote. In the meantime, I now ask consent that the mandatory quorum be

waived and the Senate now resume legislative business.

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

Mr. President, I should add that Dr. Andrew von Eschenbach has done a superb job in the position he is currently occupying. It is time for the Senate to vote on this outstanding nominee. There are very few, if any, people who substantively are opposed to this nomination. Thus, I intend to use all the influence that I can to have him as Commissioner of FDA before we depart.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 107–12, the appointment of William Pickle of Virginia to serve as a member of the Medal of Valor Review Board.

MEASURE READ THE FIRST TIME—S. 4080

Mr. FRIST. Mr. President, I understand that 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 (S. 4080) to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations.

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. The bill will receive its second reading on the next legislative day.

DISCHARGE AND REFERRAL—S. 4048

Mr. FRIST. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 4048 and that the bill be referred to the Committee on Foreign Relations.

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

ORDERS FOR WEDNESDAY, DECEMBER 6, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, December 6. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each, and that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly party luncheons. I further ask consent that at 11:30 a.m. the Senate proceed to executive session to consider the nomination of Robert Gates to be Secretary of Defense.

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

PROGRAM

Mr. FRIST. Mr. President, the Senate, tomorrow, will conduct a period of morning business so that Senators may pay tribute to our retiring colleagues. At 11:30, the Senate will proceed to executive session to consider the nomination of Robert Gates to be Secretary of Defense. It is my hope and expectation that consideration of this critical nomination can be expedited.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:16 p.m., adjourned until Wednesday, December 6, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 5, 2006:

COMMODITY FUTURES TRADING COMMISSION

JILL E. SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2009, VICE SHARON BROWN-HRUSKA, RESIGNED.

SOCIAL SECURITY ADMINISTRATION

JEFFREY ROBERT BROWN, OF ILLINOIS, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2008, VICE BRADLEY D. BELT, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF STATE

STANLEY DAVIS PHILLIPS, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

SAM FOX, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

DEPARTMENT OF HOMELAND SECURITY

GREGORY B. CADE, OF VIRGINIA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY, VICE R. DAVID PAULISON, RESIGNED.

THE JUDICIARY

HEIDI M. PASICHOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE ANNA BLACKBURNE-RIGSBY, ELEVATED.

FREDERICK J. KAPALA, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE PHILIP G. REINHARD, RETIRING.

EXPORT-IMPORT BANK OF THE UNITED STATES

MICHAEL W. TANKERSLEY, OF TEXAS, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK. (NEW POSITION)