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Senate

NOMINATION OF STEPHEN G. LARSON TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. The Senate will now consider Executive Calendar No. 548, which the clerk will report.

The legislative clerk read the nomination of Stephen G. Larson, of California, to be United States District Judge for the Central District of California.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the nomination of Magistrate Judge Stephen Larson to a seat on the Federal District Court for the Central District of California in Riverside, CA.

Judge Larson comes to this nomination with a strong background of public service.

Since October 2000, Judge Larson has served as a magistrate judge for the Central District of California in Riverside. In the 10 years before becoming a magistrate judge, Larson served the public as an assistant U.S. attorney in the Central District of California, where he was chief of the U.S. Attorney Office's Organized Crime Strike Force and coordinator of its Russian Organized Crime Unit.

Judge Larson attended college here in Washington, at the Georgetown University School of Foreign Service, from which he received a bachelor's of science in 1986. Judge Larson returned to California for law school, graduating from the University of Southern California Law School in 1989.

The American Bar Association has unanimously declared Judge Larson to be ''well qualified,'' the ABA's highest rating.

Judge Larson has the strong support of California's Inland Empire. I have received endorsements of Judge Larson's nomination from a diverse cross-section of the Inland Empire's legal community: from judges and law professors, from government attorneys and private practitioners, and from Democrats and Republicans.

In these letters, Judge Larson is praised for his ''legal knowledge,'' ''fairness,'' ''integrity,'' ''hard work,'' ''temperament,'' ''intelligence,'' ''patience,'' and ''sense of social justice.''

Judge Larson was nominated through the bipartisan judicial selection process that we developed in California, a process which I believe is a model for the Nation. Under this system, a committee of lawyers including Democrats and Republicans recommends qualified, non-ideological applicants to the President.

Judge Larson's nomination through this process, along with his impressive record of public service, gives me confidence that he comes to the bench without an agenda and that he will serve the people of California and the Nation with wisdom, integrity, and humility.

Mrs. BOXER. Mr. President, I rise in enthusiastic support of the confirmation of Judge Stephen Larson to the U.S. District Court for the Central District of California, one of the Nation's busiest Federal courts, serving seven of Southern California's most populous counties.

Judge Larson is a model of hard work, fairness, moderation and judicial independence. Judge Larson is skilled at bringing all sides together. He is a Republican with broad local, bipartisan support and respect from lawyers, judges and Federal practitioners in Riverside and San Bernardino Counties, where he currently serves.

Judge Larson has had a distinguished legal career and a sterling reputation within the California legal community. He was sworn in as magistrate on September 25, 2000. Prior to this position, Judge Larson was a Federal prosecutor and chief of the Organized Crime Section of the U.S. Attorney's Office.

Judge Larson is a nationally known expert in organized and international crime. He was heavily involved in fighting Russian gangs and helped form the Russian Organized Crime Program in Los Angeles.

Judge Larson earned his undergraduate degree from the Georgetown University School of Foreign Service. While at Georgetown, he served as a teaching assistant to former Secretary of State Madeleine Albright. He earned his law degree from the University of Southern California in 1989. He worked as an associate at O'Melveny & Myers in Los Angeles until 1991, when he joined the U.S. Attorney's Office.

I congratulate Judge Larson on his confirmation vote. And I look forward to what I hope will be many years of service to the people of California and the Nation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Stephen G. Larson, of California, to be United States District Judge for the Central District of California?

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. As a Senator from the State of South Dakota, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

SPRINGTIME

Mr. BYRD. Mr. President, Monday, March 20, marks the vernal equinox and the first day of spring. On Monday, night and day are equal in length, marking the midpoint of our climb out of the dark winter into the glorious long days of spring.

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

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Lovely, lovely spring. It takes a cold heart indeed not to love the springtime.

Spring is the morning of the year,
And summer is the noontime bright;
The autumn is the evening clear,
That comes before the winter's night.

The Golden Rod, by Frank Dempster Sherman.

Though most of the United States has enjoyed an unseasonable winter with mild temperatures and even thunderstorms in February, it is comforting to see the plants and animals around us heeding the celestial timetable even if the mercury in the thermometer is not. Right on schedule, this year as last year and in all the years before, the crocus and the daffodil burst through the leaf mold and lawn thatch, staining the subdued winter landscape with vibrant color, like Easter eggs hidden in the grass. In time for Saint Patrick's day, the grass put on a deep cloak of Irish green.

Day by day, the skeletal tree limbs and branches are swelling and budding with soft, new leaves whose iconic color can only be named ''spring green.''

Next week, the Nation's Capital will be celebrating the Cherry Blossom Festival. These lovely trees, a gift from the Government of Japan, delight jaded commuters as well as visitors with the ethereal beauty of their graceful blooms reflected against the dark water of the Potomac River or framing the elegant marble columns of the Jefferson Memorial.

Oh, fair to see
Bloom-laden cherry tree,
Arrayed in sunny white:
An April day's delight,
Oh, fair to see!

Oh, Fair to See by Christina Rossetti.

Deep within the earth, the soil warms, ready for priming for the germination of crop and flower seeds. The ageless cycles of agriculture and horticulture are rumbling into action across West Virginia and the Nation.

The Bible says, ''The hay appeareth, and the tender grass sheweth itself, And herbs of the mountains are gathered.'' I know that I am not alone in appreciating the rhythmic patterns of a freshly plowed field while anticipating the mouthwatering goodness of the crops to come. For 2,000 years and more, mankind has rejoiced in the promise of spring. Even now, home gardeners are sowing early spring crops of peas and starting more tender shoots under lights. Fertilizer and weed killer are in short supply at garden stores, while bedding plants are starting to arrive.

And it is not just the farmers and gardeners among us who revel in the signs of emerging springtime. All of God's creatures feel the pull of the warming sun, the warming of the waters, the melting of the snow and ice. The penciled Vees of Canada geese hew to the seasonal timetable as their formations power their way northward, honking to announce their passing as they drive to their northern nesting grounds. The dainty goldfinches that mob our winter feeders are changing, too, shedding their drab winter garb for brilliant springtime yellow as they chatter and flit about. As the longer, warmer days advance, more and more birds appear, and the sky fills with their vernal songfest. The poet, Percy Bysshe Shelley, famously captured the beauty of birdsong in his poem, ''To a Skylark:''

Hail to thee, blithe spirit!
Bird thou never wert,
That from heaven, or near it,
Pourest thy full heart
In profuse strains of unpremeditated art.

Higher still and higher
From the earth thou springest
Like a cloud of fire;
The blue deep thou wingest,
And singing still dost soar, and soaring ever singest.

In the golden lightning
Of the setting sun
O'er which clouds are brightening,
Thou dost float and run
Like an unbodied joy whose race is just begun.

Deer, once a common sight along the roadsides and fields in the later afternoon dusk, are retreating into the woods, nibbling new shoots as they seek out hidden coverts in which to secret their wobbly-legged fawns. The deer's place along the road seems, alas, to have been taken over by amorous skunks seeking their springtime love.

In cities as well as rural areas, the spring shows itself. In the stone flower beds around the Capitol, the tulip bulbs are sending green spears up through the soil as the squirrels race about in an exuberant display of spring energy. The spring sunshine and warmth energize us all. Parks and playgrounds are welcoming young shoots of humankind to play among the swings and slides while contented parents keep watch. Even our dogs affect a more jaunty air as they soak up the fresh scents and nibble on the green shoots of new grass. Later, as the summer heat saps our energy and lawn chores become more tiresome, as the children get sweaty and the dogs pant in the shade, we may long for the dark cold days of winter. But now, in the gentle warmth of spring sunshine, it seems as if our prayers are answered with the blooming of the flowers. Winter is passing, and spring is here. Welcome, welcome spring.

Mr. President, I close with another poem about spring. This one from Robert Frost, one of the 20th century's leading American poets. His poem, ''A Prayer in Spring,'' beautifully captures the ephemeral pleasure of an early spring day with a word of thanks to the Creator of it all.

A PRAYER IN SPRING

Oh, give us pleasure in the flowers today;
And give us not to think so far away
As the uncertain harvest; keep us here
All simply in the springing of the year.

Oh, give us pleasure in the orchard white,
Like nothing else by day, like ghosts by night;
And make us happy in the happy bees,
The swarm dilating round the perfect trees.

And make us happy in the darting bird
That suddenly above the bees is heard,
The meteor that thrusts with needle bill,
And off a blossom in mid-air stands still.

For this is love and nothing else is love,
The which it is reserved for God above
To sanctify to what far ends He will,
But which it only needs that we fulfill.

TRIBUTE TO WESTERN KENTUCKY UNIVERSITY ON ITS CENTENNIAL YEAR

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an outstanding institution of higher learning in my home State, Western Kentucky University. Next Tuesday, March 21, 2006, marks Western's 100th year of fulfilling its mission to ''prepare students to be productive citizens of a global society'' and to ''provide service and lifelong learning opportunities for its constituents.''

Located in Bowling Green, KY, Western Kentucky University has not always been known by its current name. On March 21, 1906, the Kentucky General Assembly approved legislation establishing two teacher-training institutions. Bowling Green was selected as one of the sites, and the Western Kentucky State Normal School was established. With a mission to train teachers, the newly created institution selected Henry Hardin Cherry as its first president.

Five years after its founding, the school moved to its current site on ''the Hill,'' a scenic location overlooking the city of Bowling Green. This move would later lend itself to an appropriate school motto that is proudly used today, describing Western Kentucky University as ''the home of the Hilltoppers.'' In 1922, the school was renamed and became known as Western Kentucky State Normal School and Teachers College; at this time, it was also authorized to grant 4-year degrees. In 1924, the first such degrees were earned and awarded.

In the years that followed, Western continued to expand its curriculum and shorten its name. While many ''Hilltoppers'' have followed the school's early roots and pursued degrees in education, the institution now offers a broader set of degree programs. On June 16, 1966, Western underwent its final name change and became known simply as Western Kentucky University. The university now has an enrollment of over 18,000 students and offers 88 academic majors and 57 academic minors. It also offers 18 associate degrees and graduate studies.

I always enjoy visiting Western and spending time with its students, faculty, and staff. I am proud to have partnered with the university to secure over $48 million in Federal funding for worthwhile projects such as the Western Mobile Health Unit and the ARS Federal research lab. University president Gary Ransdell, the institution's

ninth president, is a great leader, and we work well together. He has been successful in advancing the university and winning accolades from students, faculty, and educators nationwide.

Mr. President, I ask my colleagues to join me in congratulating Western Kentucky University on its centennial year.

IMMIGRATION REFORM

Mr. REID. Mr. President, I am encouraged by reports regarding progress the Judiciary Committee made on the immigration bill today. I understand that the committee has scheduled a meeting for Monday, March 27 when we return from our break to try to conclude work on the bill.

It is very important that we allow this process to continue. The committee should be given the opportunity to report out a consensus bill on a bipartisan basis. I want to commend Senators SPECTER, LEAHY, and KENNEDY, among others, for their efforts to draft a comprehensive immigration bill and I hope that the Leader will give them the time they need to complete their work.

I ask unanimous consent to have printed in the RECORD letters that were sent to Senator FRIST today from the U.S. Chamber of Commerce, the National Restaurant Association and the National Roofing Contractors Association that express a similar desire.

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

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, March 16, 2006,

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

DEAR SENATOR FRIST: On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, I am writing to request that you allow the Senate Judiciary Committee additional time to develop and report out an immigration reform measure for consideration by the full Senate.

While we fully appreciate that the Senate floor schedule is very crowded, and that you must adhere to a schedule to move important legislation through the process, it is apparent that more time is needed by the Committee to adequately consider the many complex issues surrounding immigration. Hundreds of amendments have been introduced by Senators sitting on the Committee, and it would seem that those actually offered should be given due consideration.

Unfortunately, it has now become clear that this will be impossible under a deadline of March 27, with the result that the Committee will not be able to report out a bill by that deadline. The Committee has an obvious expertise to bring to bear on the many difficult, and frankly, controversial issues involved and it should be given an adequate opportunity to shape legislation before consideration by the full Senate.

Thank you for your consideration of this important matter.

Sincerely,

R. BRUCE JOSTEN.

MARCH 16, 2006.

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

DEAR SENATOR FRIST: On behalf of the National Roofing Contractors Association (NRCA), we write today to urge you to allow the Senate Judiciary Committee the time necessary to complete its work on an immigration reform measure for consideration by the full Senate. We fully appreciate the breadth of business placing demands on the Senate calendar, but given the paramount economic and national security concerns addressed in this legislation, it is imperative that the Committee have adequate time to consider the complexities of immigration reform in a full and reasoned fashion.

Established in 1886, NRCA is one of the nation's oldest trade associations and the voice of roofing contractors worldwide. It is an association of roofing and waterproofing contractors, material manufacturers, distributors, architects, consultants and engineers. NRCA has over 5,000 member companies from all 50 states and 54 countries and is affiliated with 105 local, state, regional and international roofing contractor associations.

As you are aware, hundreds of amendments have been submitted by Committee members. Unfortunately, it has become clear during the markup process that your March 27 deadline will not be met given the sheer volume of amendments to be considered.

We commend you for your commitment to bringing immigration reform before the full Senate. The topic is one of our most pressing public policy challenges and ripe for discussion. Toward that end, NRCA looks forward to a vigorous and comprehensive debate on the Senate floor that addresses America's national security needs, while ensuring the long-term health of our economy.

Respectfully submitted,

CRAIG S. BRIGHTUP,
Vice President, Government Relations.

R. CRAIG SILVERTOOTH,
Director of Federal Affairs.

NATIONAL RESTAURANT ASSOCIATION,
March 16, 2006.

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

DEAR SENATOR FRIST: On behalf of the National Restaurant Association, I am writing to ask that more time be allotted to allow the Judiciary Committee to complete its work on comprehensive immigration reform legislation presently before it.

We greatly appreciate your setting aside substantial time on the Senate calendar for consideration of this critically important bill, but think that time would be best spent if the Senate could have the benefit of full consideration of the proposal by the committee of jurisdiction.

Given the tremendous number of amendments offered thus far, and the conflicts with other committee and floor activities impeding the Judiciary Committee's ability to operate, it is clear that without an extension the Committee will be unable to complete its work by the deadline you had earlier set.

In the interest of producing the best possible policy, we respectfully urge you to extend the deadline to allow the Committee to complete its responsibilities,

Sincerely,

JOHN GAY,
Senior Vice President, Government Affairs and Public Policy.

RECOGNITION OF THE RAPE, ABUSE, AND INCEST NATIONAL NETWORK

Mr. REID. Mr. President, I rise today to thank everyone involved with the Rape, Abuse, Incest, National Network, RAINN, for giving me the Congressional Crime Fighter Award. This is a great honor.

I have worked in public service, in one way or another, for about 40 years now. During my career, I have become aware of the horrible effects of sexual assault and child abuse—on the victims, but also on our community as a whole. It is a silent epidemic that is shattering lives across America.

We have made progress in helping abuse victims, and that is largely because of the hard work of your organization. Since 1994, more than 970,000 people have called your National Sexual Assault Hotline. More than 5,300 of them were Nevadans. Your work makes an incredible difference in people's lives.

But too many victims are still suffering in the shadows. We need to do more to strengthen laws to fight sexual assault, to provide law enforcement with the tools and funding they need, and to support victims.

I have always been a strong supporter of the Violence Against Women Act. As you probably know, VAWA was landmark legislation that expanded the Federal Government's commitment to eliminating violence against women. I was a cosponsor of the original act back in 1990, and I have voted for it every time it has come up for reauthorization.

As a member of the Senate Appropriations Committee, I have worked to get funding for sexual assault prevention programs and victims aid programs in Nevada and around the country.

I was also happy to work with RAINN last year to get funding to help victims. I hope some of this money will be used specifically to help the victims of Hurricane Katrina and Hurricane Rita. We set aside $500,000 in last year's Federal budget. I think it should have been more the Senate approved more, but the House did not—but I am happy we were able to get the funding.

I know there is a lot more work to be done, and I look forward to working with all of you in the future. Thank you again for this honor.

SUPPORT HOMELAND SECURITY AND EDUCATION

Mr. DURBIN. Mr. President, I rise today to urge my colleges to support the Homeland Security Education Act. This bill encourages initiatives to increase the number of Americans trained in science, technology, engineering, math, and foreign languages.

Our security and economic future depends on the next generation of workers and their ability not just to keep up, but to innovate. Science and technology are the engines of economic

growth. We must invest in our students and our educational system by providing the training and resources needed in science, technology, engineering, mathematics, and foreign languages.

The United States graduates some of the world's best engineers, scientists and mathematicians; however, China, India, South Korea, and Japan are educating a higher proportion of their people in technology, science, and math. According to the National Science Board, in 2004, 59 percent of undergraduates in China and 66 percent of Japanese undergraduates received a degree in science and engineering. In the United States, only 32 percent of the undergraduate degrees awarded were in science and engineering. In 2004, China and India graduated over 600,000 and 350,000 engineers, respectively, while the United States graduated about 70,000 engineers.

In an increasingly global economy and an atmosphere of heightened security, we also need people who can speak a foreign language, particularly less commonly taught languages such as Arabic, Farsi, Chinese, and Korean. Al-Qaida operates in more than 75 countries where hundreds of languages and dialects are spoken. Half of all European citizens speak another language. In contrast, only 9 percent of American students enroll in a foreign language course in college. Even though enrollment in Arabic classes has increased, it represents less than 1 percent of all foreign language enrollments in institutions of higher education.

According to the National Education Association, while student enrollments in education are rising rapidly, more than a million veteran teachers are nearing retirement. Almost a third of our new teachers leave the profession after only 3 years. About half exit after five. We will need more than 2 million new teachers in the next decade. We are feeling this teacher recruitment challenge most acutely in high-need subject areas such as special education, math, science, engineering, and critical foreign languages.

The Homeland Security Education Act encourages the smart and eager students in our country to seek degrees in science, technology, engineering, math, and foreign languages by providing $5,000 scholarships to undergraduate students who obtain such degrees. Scientists, engineers, technology professionals and those fluent in foreign languages are encouraged to return to the classroom through $15,000 scholarships. New grant programs encourage educational institutions, public entities, and businesses to enter into partnerships that improve math and science curricula, establish programs that promote students' foreign language proficiency along with their science and technological knowledge, and create and establish foreign language pathways from elementary school through college.

The technological challenge to our country has been explored from many different angles—from the founder of Microsoft, Bill Gates, and the chairman of Intel, Craig Barrett, to the journalist and writer Tom Friedman and the National Academies of Science. The need to strengthen our students' proficiency in science, technology, engineering, math, and foreign languages is well documented. We can't afford not to invest in thoughtful Federal initiatives that foster the kind of technological innovation this country has grown up on. Research and development is critical, but it all starts in the schools. The Homeland Security Education Act will help put our resources where they are needed most.

NEW COMPREHENSIVE COUNTER-TERRORISM STRATEGY IN SOUTHEAST ASIA

Mr. FEINGOLD. Mr. President, I have spoken on the floor several times about the administration's ill-conceived, poorly executed, and self-defeating strategy in Iraq. Today, I intend to talk about how the war in Iraq is having a far-reaching and negative impact on our ability to conduct an effective fight against international terrorism. I saw this firsthand during a recent visit to Thailand and Indonesia, two valuable partners in the fight against terrorism in a strategically critical and often underappreciated region. I visited these two countries to gain a detailed understanding of the radical Jihadist networks that are proliferating throughout the region and of what it will take to effectively confront this threat.

I bring back from the trip both good news and bad news. The good news is that we have a significant opportunity in Thailand, Indonesia, and in Southeast Asia in general, to get our counterterrorism strategy right. It is not too late to stem the relationship between international terrorist networks and local extremist organizations. Nor is it too late to tackle the root causes of extremism in the region.

Unfortunately, there is bad news. Unless we develop a truly comprehensive, global strategy to counter terrorist threats, we will miss the opportunity to gain the upper hand in the fight against terrorism in Southeast Asia at what couldn't be a more critical time. And changing our misguided policies in Iraq must be a central element of this strategy.

First, international terrorist networks are alive and well in Southeast Asia. During my visit, I examined the current nature of a leading regional terrorist organization, al-Jesmaah al-Islamiyah, or ''JI'', and its affiliates—the threat it continues to pose to countries throughout the region, how it has survived the deaths and arrests of some of its key leaders, and its ties with al-Qaida. Most importantly, I gained a more detailed understanding of the conditions that have provided JI with a recruitment base and operational space.

JI takes advantage of vast areas of ocean, isolated islands, weak or corrupt local and provincial governments, the absence of rule of law, and marginalized Islamic populations to develop its strength. JI has a presence throughout the region. And while arrests of prominent JI leaders in the last few years have helped shed light on the organization, it continues to operate in loosely formed cells, in regionally oriented entities, and in partnership with other terrorist organizations like the Abu Sayyaf group in the Philippines.

That said, according to a number of sources, including the International Crisis Group, Congressional Research Service, and the State Department, JI and al-Qaida have developed a symbiotic relationship. There is some overlap in membership. They have shared training camps in Pakistan, Afghanistan, and Mindanao, and often help one another with supply chain systems and transportation. Al-Qaida has also provided JI with considerable financial support

JI and al-Qaida also exploit similar ground as they seek safe haven and new recruits. These groups feed on anti-United States and anti-Western sentiment, fueled in part by discontent and anger about United States policies in Iraq. Unfortunately, the administration's refusal to provide a flexible timeline for withdrawing United States troops from Iraq allows these groups to portray us as occupiers of a Muslim country. Until we show that we are truly committed to redeploying United States troops from Iraq, terrorist organizations will continue to find recruits in otherwise moderate Muslim communities, and we will continue to make it harder to win the full backing of potential partners and allies in the fight against terrorist networks.

It is in this light that I would like to lay out some of my key observations from my recent trip. I will talk about the political and security dynamics in both Thailand and Indonesia, and will argue that a new counterterrorism strategy in the region must incorporate respect for human rights, the rule of law, and the need to hold our friends and allies accountable for making necessary democratic reforms.

I would like to begin with Thailand. Thailand is a critical strategic partner of the United States in, among other things, the fight against al-Qaida and its affiliates. Our close political and military relationship goes back decades and is a vital component of United States national security policies in the region. The 1954 Manila Pact, together with the 1962 Thanat-Rusk communique, forms the basis of the longstanding United States-Thai security relationship. Thailand's airfields and ports play a particularly important role in United States global military strategy, including having served as the primary hub of the relief effort for the Indian Ocean tsunami.

Thailand has also shown its willingness to stand by the United States in

recent military campaigns. Thailand sent 130 soldiers, mostly engineers, to Afghanistan to participate in the reconstruction phase of Operation Enduring Freedom. Specifically, Thai forces are responsible for the construction of a runway at Bagram Airbase, medical services, and some Special Forces operations.

Thailand also contributed to reconstruction efforts in Iraq by dispatching over 450 troops, including medics and engineers, to the southern city of Karbala. The deployment proved unpopular with the Thai public, however, particularly in the volatile southern provinces, and in September 2004, Thai troops were withdrawn from Iraq.

While Thailand has been and will continue to be a strong ally, my visit occurred during a politically fragile time for the government. Public demonstrations and significant political pressure on the Prime Minister highlighted the challenges of conducting an effective and responsible counterinsurgency campaign while managing domestic political pressures. The Thai Government has also struggled to account for over 2,000 extrajudicial killings over the last few years, the kidnapping of a prominent human rights lawyer by Thai police and his death in police custody, and overly aggressive and heavy-handed tactics used in the counterinsurgency campaign that in one case resulted in the killing of over 70 detained suspects.

At the same time, though, preparations for national celebrations of the King's 60-year reign underscored the underlying stability of Thailand's constitutional monarchy. It is this stability that has permitted the United States to pursue close counterterrorism and other strategic ties with Thailand that transcend individual politicians and parties. It also provides the foundation of a partnership that can and must be based not only on an understanding of a common threat, but on a shared commitment to finding solutions to the conditions that breed extremism and terrorism.

My visit to Thailand focused primarily on Thailand's counterterrorism role in the region. As I mentioned, longstanding tensions in the mostly Muslim southern provinces of Thailand have recently exploded into violent unrest that has claimed hundreds of lives. The unrest, which has elements of a separatist insurgency, included brutal attacks on civilians. Insurgent tactics have sometimes suggested the influence of international terrorism, but Thai, United States Government, and independent experts believe that neither al-Qaida nor its Southeast Asian affiliates have been behind the violence so far. Thai officials have noted publicly, however, that there has been evidence that many of those involved in the unrest in the south had received militant schooling or training outside of Thailand. It is possible that in the near future international terrorist organizations like JI could exploit the continuing unrest in Thailand's southern provinces.

The United States needs to have a clear understanding of what is happening in Thailand in order to formulate an appropriate policy response. With our Thai partners, we must remain vigilant to the possibility that international terrorist organizations could take advantage of unrest among disaffected Muslim populations in the south.

When I met Prime Minister Thaksin and a number of his key advisors and cabinet members, I stressed the need for the Thai Government to confront the root causes of this unrest before it becomes an international security concern. This means promoting human rights and accountability for abuses that have been committed by Thai security forces and have helped fuel the unrest, as well as increasing opportunities for disaffected or marginalized communities to join regional and international economies. It also means promoting civil society, economic development, transparency and increased political participation of the Muslim community.

I was pleased to learn of the progress being made by the National Reconciliation Council to address grievances stemming from the government's policies in the South. I urged the Prime Minister to take seriously the recommendations that the NRC will be delivering in the coming months, and to emphasize the value of honoring the NRC as a mechanism for strengthening dialogue between the Thai people and the government.

I would like to shift to Indonesia now. After 3 days of meeting with senior Indonesian Government officials including the President, the Foreign and Defense Ministers, the new Chief of the Indonesian military, and the police chief, I have a new sense of optimism about United States-Indonesian relations. But while I am optimistic about progress being made there, limited progress in areas such as military reform and accountability for past crimes against humanity could undermine further democratic reforms and counterterrorism efforts.

Indonesia is the world's largest Muslim country, and it is a critical player in the global fight against al-Qaida and its affiliates. The terrorist organization al-Jamaah al-Islamiyah and associated groups in the region pose a serious threat to Indonesia and to the interests of the United States, our allies, and our friends. In response to this threat, we need a comprehensive counterterrorism strategy and a bilateral relationship with Indonesia aimed at fighting terrorism while supporting that country's efforts at democratization. Fighting terrorism and supporting democratization are not incompatible—in fact, democratic reforms and the growth of civil society in Indonesia have gone hand in hand with expanded counterterrorism efforts, providing a clear indication that Indonesia's political reforms do not come at the cost of the government's ability to fight terrorism.

While the United States-Indonesia relationship has never been more important, Indonesia's effectiveness in countering terrorist networks and other emerging threats hinges on its ability to reform its government, address past crimes and abuses, and improve both the transparency and the effectiveness of the central and provincial governments.

We cannot forget that the Government of Indonesia has had a poor human rights record. The Indonesian military in particular has long been a perpetrator of human rights abuses as well as a serious obstacle to democratization. In recent years, efforts to reform the military, while commendable, have produced mixed results. The greatest improvement has been an increase in civilian control of the military and the withdrawal of the military from active politics.

Ridding the Indonesian military of its private business holdings and providing greater transparency have been harder to achieve. In some areas, the military's treatment of civilian populations has improved, but abuses still occur and there has been virtually no accountability for past human rights violations. There is still a considerable amount of distance to travel for the government and the military to become ''reformed,'' and while progress is being made, more needs to be done.

Serious tensions continue in Papua, the remote easternmost province of Indonesia. Serious unrest due to repressive government policies, poverty, and recent abuses by the Indonesian military and police forces has created an environment of distrust, and I urged the Government of Indonesia to address the abuses that are taking place and immediately open up Papua to journalists and human rights organizations. Doing so would be an important step toward making transparency and justice the new norm for Indonesia.

United States policy toward Indonesia, including the implementation of the administration's decision to resume military assistance, must take these ongoing concerns into account. We must ensure that our assistance promotes reform and human rights, we must remain vigilant to any backsliding, and we must develop clear benchmarks for progress.

Carefully circumscribing any new military assistance is critical to formulating an effective bilateral counterterrorism relationship. There may be areas where the Indonesian military's role is warranted, such as maritime security in the Strait of Malacca. But any resurrection of the military's historical role in domestic security would be counterproductive to the fight against terrorism, not least because it would likely alienate much of the population. We must therefore make clear that such a development would undermine our bilateral relationship.

We must also be alert to the risk that military assistance could overwhelm other elements of a larger counterterrorism strategy. If Indonesia is going to effectively fight terrorism, it must develop a professional, capable, and honest police force and strong judiciary. An imbalanced United States assistance program could harm reform efforts and undermine Indonesia's nascent efforts to coordinate the counterterrorism roles of its various military, police and civilian agencies.

Finally, we must expand assistance programs in the areas of education, economic development and the promotion of civil societies. No counterterrorism strategy can succeed unless the political, social and economic conditions that breed terrorism are confronted head on.

I do believe that we have an opportunity to create and execute a comprehensive and effective counterterrorism strategy in Southeast Asia. This strategy needs to take into account the unique nature of each of our partners in the region and their internal political, social, and economic dynamics, while addressing the root causes of extremism and the conditions that fuel or support the growth of terrorist networks.

The United States can take a leadership role in the region and can help friends and allies like Thailand and Indonesia engage as full partners in the fight against terrorist networks. In many cases, the United States should push strongly for ending abusive or heavy-handed government policies, addressing past human rights abuses, and opening political space that allows the freedom to express political discontent or dissatisfaction with government leaders or policies.

Unfortunately, our policies in Iraq are making it increasingly difficult to execute such a strategy effectively. Public opinion in Southeast Asia is critically important if we are to dry up potential havens and recruiting grounds for terrorists. In Thailand, neither anti-American nor anti-Western sentiment has taken root. At the same time, however, Thai officials have stated that the withdrawal of Thai troops from Iraq was motivated in part by the Iraq war's unpopularity in the Muslim community. Indonesians' views on United States policy in Iraq are harsher still, ranging from indifference to deep suspicion. At best, Iraq is seen as ''America's problem;'' at worst, people question our motives for being there. These widely held views make the critically important work of engaging our friends and allies in the fight against al-Qaida and its affiliates that much more difficult.

There are also opportunity costs to our narrow focus on Iraq. The war in Iraq has drained precious resources away from what must be a global counterterrorism strategy, one that addresses the dangers of weak states and regions. The war also undercuts critical elements of this strategy. Widespread global skepticism about our policies in Iraq makes it all the more difficult for us to promote human rights and the rule of law while seeking partners against extremism and violence.

The President's misguided, Iraq-centric foreign policy is both symptom and cause of an alarming failure to conduct a comprehensive, global war on the terrorist networks that threaten us. Southeast Asia is but one of the regions that requires more focused attention. We cannot afford to continue treating threats in this and other parts of the world as secondary to an Iraq-focused national security strategy. The time has long since come for the President to set a flexible timeline for withdrawal from Iraq, and to develop a comprehensive, global strategy to fight terrorist networks and the conditions that breed them.

HONORING OUR ARMED FORCES

SPECIALIST JOSHUA HILL

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Fowlerton. Joshua Hill, 24 years old, died on March 12 when a roadside bomb went off as he was clearing a route in eastern Afghanistan with other members of his battalion. With his entire life before him, Joshua risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 2002 graduate of Madison-Grant High School in Fairmount, Joshua joined the Army when his wife Alexis was expecting their first child Jalin, who is now 6 years old. The couple also has a 1-year-old daughter, Ariana. On the day Joshua was killed, he was only 30 days away from returning home. Prior to his time in Afghanistan, Joshua had also done a tour in Iraq, and was studying nursing at the Indiana Business College. He had one more semester to complete to earn his degree. His parents recalled to a local newspaper the pride they had for their son and how much they would miss his sense of humor and love of laughter. His mother, Susan Hill, said, ''I was proud of him, I didn't want him over there, but I'm very proud he went. I loved him with all my heart, he was a good kid, and I'm lucky to have had him for 24 years.''

Joshua was killed while serving his country in Operation Enduring Freedom. He was a member of the Ashville-based Company A of the 391st Engineering Battalion. This brave young soldier leaves behind his mother Susan Kay Hill; his father Terry Kay; his wife Alexis; his son Jalin; and his daughter Ariana.

Today, I join Joshua's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Joshua, a memory that will burn brightly during these continuing days of conflict and grief.

Joshua was known for his dedication to his family and his love of country. Today and always, Joshua will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Joshua's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Joshua's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Joshua Hill in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Joshua's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Joshua.

45TH ANNIVERSARY OF THE PEACE CORPS

Mr. COLEMAN. Mr. President, this year we celebrate the 45th Anniversary of the Peace Corps. It is with immense pride that I send my congratulations to Peace Corps volunteers as they commemorate this anniversary throughout the year with events across the country and throughout the world.

In 1961, President John F. Kennedy established the Peace Corps to promote world peace and friendship. Since then, more than 182,000 Peace Corps volunteers have made significant contributions to the cause of peace and human progress in 138 countries around the world.

Today, we are at a 30-year high in terms of the number of Peace Corps volunteers in the field. In 2005, there were nearly 8,000 volunteers serving 75 countries, in Africa, Asia, the Caribbean, Latin America, Eastern Europe and Central Asia, North Africa, the Middle East, and the Pacific Islands.

Throughout its illustrious history, the Peace Corps has been committed to

helping the people of interested countries train their men and women to work in education, community development, agriculture, health care, and public works. Peace Corps volunteers are also unofficial ambassadors of goodwill, promoting both a better understanding of America throughout the world, and a better understanding here at home of the world around us.

Today, the Peace Corps' mission is more important than ever. Peace Corps volunteers are a critical part of the global fight against HIV/AIDS. The Peace Corps was also part of America's response to the tsunami, deploying Crisis Corps volunteers to Sri Lanka and Thailand to assist with rebuilding tsunami devastated areas. And when Hurricane Katrina hit here at home, some 272 Crisis Corps volunteers answered the call to assist with relief efforts along the gulf coast in partnership with the Federal Emergency Management Agency, FEMA.

It is with great pleasure that I join with Peace Corps volunteers, past, present and future, to congratulate the Peace Corps on its 45th anniversary.

NATIONAL SECURITY AGENCY

Mr. BIDEN. Mr. President, I rise today to offer a few brief comments on the National Security Agency eavesdropping program.

The truth is that we don't know what is going on under this program. And we have an obligation to find out and a committee set up to do just that.

Senator ROCKEFELLER has been correct from the beginning to call for a full and thorough Intelligence Committee investigation. I couldn't agree more with my colleague from West Virginia and was deeply disappointed his March 7 motion calling for a full committee investigation failed along party lines.

I have been arguing consistently since we found out about this program in December that we need to do here what we did when we originally crafted the Foreign Intelligence Surveillance Act, FISA.

For several years preceding the enactment of FISA in 1978, the Judiciary and Intelligence Committees conducted extensive public and private hearings and staff investigations that built the record for the act.

FISA was a bipartisan product; in the Senate, the original version was sponsored by Senators across the ideological spectrum—including Birch Bayh, TED KENNEDY, Mac Mathias, James Eastland, and Strom Thurmond.

The Senate ultimately adopted the bill on April 20, 1978, by a strong bipartisan vote of 95 to 1. At the time the bill was approved in the Senate, I stated that it ''was a reaffirmation of the principle that it is possible to protect national security and at the same time the Bill of Rights.'' I was also a member of the conference committee that produced the final version of the law that was enacted with broad support in October 1978.

I was proud of what we were able to accomplish then and sincerely hoped that we could undertake the same serious, thoughtful, bipartisan process here. And the first step is to undertake a full Intelligence Committee investigation, just as my colleague Vice Chairman ROCKEFELLER has been pushing for months.

It is essential that such a carefully considered record be developed so we don't act precipitously either to legislate or not to legislate. Issues concerning the core privacy rights of U.S. citizens, whether we are fighting an effective war on terrorism, and the fundamental structure of our separation of powers are directly involved here and deserve a full and thorough examination.

At present, our knowledge of the National Security Agency program is severely limited. We need to know much more, for example: No. 1, the nature and scope of the program or programs; No. 2, the extent of the impact on U.S. citizens; No. 3, why the administration did not seek amendments to FISA; No. 4, why some high Justice Department officials were hesitant to approve the program; No. 5, the actual value of the information gathered; No. 6, how decisions are made on whom to target; and No. 7, any procedures followed to protect civil liberties. Senator ROCKEFELLER understands that we need to know the answers to our questions.

But politics and protecting the President seem to be the order of the day. I am told one of the committee Republicans went so far as to say that some of the committee Democrats ''believe the gravest threat we face is not Osama bin Laden and al-Qaeda, but rather the president of the United States.'' That is totally uncalled for; it is ridiculous.

I understand a special subcommittee has now been created to conduct at least some oversight over the NSA surveillance program going forward. But this just isn't enough—the whole committee should be undertaking an investigation, and it should be a full and thorough investigation, just as Senator ROCKEFELLER has called for.

It also is a grave mistake to put forward legislation authorizing the NSA program outside of the FISA system and in advance of actually knowing anything about the program, as some of my colleagues are proposing. Talk about putting the cart before the horse.

So I would hope we learn from history and listen to Senator ROCKEFELLER. Let's go back to what worked so well in the past when we all worked together to craft FISA. Let's first hold a full and thorough investigation in the Intelligence Committee.

Then, and only when we know what is going on, should we make a judgment about whether FISA needs to be updated. If additional changes need to be made, this Senator stands ready and willing to engage in that exercise.

NATIONAL AGRICULTURE DAY

Mr. NELSON of Nebraska. Mr. President, I rise today to speak in honor of National Agriculture Day and to discuss a couple of important agricultural issues. My home State of Nebraska has a proud agricultural heritage. The rural way of life is something we are proud of and we believe it needs to be preserved.

As we begin to analyze the success and failures of the last farm bill, we need to thoroughly review that information in order to make improvements to the next farm bill. As a member of the Senate Agriculture Committee, I am looking forward to working on this bill next year. I believe there is a lot of work to be done for the American farmer and our rural communities. I have started to call this next bill the Food and Fuel Security Act of 2007 because I believe its focus should be on securing a safe, healthy food supply as well as investing in the production of biofuels so as to substantially improve our fuel and energy security. I think the focus should be on crafting a bill that is more effective for the majority of farmers and rural communities and with an emphasis on the opportunities presented by biofuels production.

I look forward to listening to the concerns and recommendations of farmers, ranchers and businesses in the coming months as the Senate Agriculture Committee begins consideration of this bill. I also look forward to reviewing the findings and analysis from Secretary Johanns and the USDA as a result of their listening sessions. I will be evaluating all of this and other available information and will look to work with the other members of the committee and the Senate to put forth an effective Food and Fuel Security Act.

One area that will certainly warrant consideration is payment limits on production subsidies and efforts to transition current production subsidies towards a system more focused on ''green payments'' modeled after programs like the Conservation Security Program, CSP, and the Environmental Quality Incentives Program, EQIP. We should also look to significantly expand those and similar programs to compensate farmers for the environmental and conservation benefits they provide.

I believe we must also seriously consider improving our rural development efforts in the next bill. There are opportunities to help rural communities by encouraging entrepreneurial investments and helping these communities capitalize on their unique advantages, resources, and qualities.

Our focus on rural development and improving rural communities must also include addressing the problems young farmers face in choosing the farming way of life. As the current generation of farmers approaches retirement, it is imperative that we provide opportunities to those members of the next generation who are interested in

farming. The daunting obstacles for young farmers, from the price of land, equipment and inputs to the low margins from farming, must be addressed in a sound manner so that we can help secure this profession and America's food security for future generations. Doing so is important for the rural communities that would otherwise lose these talented young people and the economic activity associated with farming. But this is also important for the future of our Nation's food security. I often tell people that if they like importing about 60 percent of their fuel now, they are really going to love importing 60 percent of their food in the future. Helping a new generation of young farmers get started in farming and helping them work toward successful careers as farmers is vital to securing a safe, healthy, and affordable food supply. We should make this a priority in the Food and Fuel Security Act.

There is another important component of the next bill that has gained much welcomed attention lately: biofuels. In order to improve our energy and fuel security situation we must make it a priority to invest more into research, market development, and infrastructure development, as well as feedstock development, for biofuels. I have long believed the only way to break the cycle of our dependency on foreign oil is to invest in alternative and renewable fuel technology.

As a Nebraskan, my focus has been on the role agriculture can play in the development of alternative sources of energy. Agriculture is positioned to supply the Nation with an abundant source of clean, high-quality energy that will reduce our destructive reliance on foreign oil.

Biofuels production can be the catalyst for a new wave of American innovation in a continuing search for better energy solutions. The virtue in producing cleaner, more sustainable fuels derived from our own fields rather than extracted from distant lands could help spur new technologies, new jobs, and new growth in our national and rural economies.

We in Nebraska know the value of ethanol. We know the benefits it holds for the environment and our farmers and we know that it is critical in lessening our dependence on foreign oil. We currently have 11 ethanol facilities in Nebraska that have the capability to produce 534 million gallons of ethanol annually. These facilities represent more than $700 million of capital investment and have a net value of production that tops $1 billion annually. Plus, more than six thousand Nebraskans are now employed directly or indirectly in Nebraska ethanol production, and we have more facilities and jobs on the way.

I believe a national emphasis on biofuels production represents an important investment in the proud tradition of the American farmer, American ingenuity, and American productivity. There is not an area of the country that does not have some agricultural product that can be used as an alternative energy source, whether it is corn in Nebraska; forestry wastes in the Northeast and Northwest, sugar cane in Hawaii, Louisiana, and Florida; or the potential of dedicated energy crops like switchgrass that can be grown throughout the country. So in honor of National Agriculture Day today, I want to emphasize the importance of biofuels for agriculture and for our Nation. We must make increased production and usage of biofuels a national priority.

Today we honor those who work so hard to feed not only the people of our Nation but also people around the world. One day is not enough. I am thankful for our farmers and agricultural producers every day, but I am pleased to pay them a special tribute today.

PROPOSED MERGER BETWEEN AT&T AND BELLSOUTH

Mr. DORGAN. The proposed merger between AT&T and BellSouth is controversial. The proposal should trigger a serious evaluation by both the Justice Department and the Federal Communications Commission.

A recent column in the March 20 issue of Business Week by Leo Hindery caught my eye, and I want to share it with my colleagues. I don't necessarily share all of his conclusions, but I think his perspective is an interesting one. I hope that others will weigh in as we try to make a judgment about whether this proposed merger is in the interest of the American people.

For me, it remains an open question whether this merger should be allowed. In the meantime, it is useful to hear many different perspectives about it and I wanted to share Leo Hindery's column with my colleagues.

I ask unanimous consent to print the column in the RECORD.

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

[From Business Week, Mar. 20, 2006]

IDEASOUTSIDE SHOT

(By Leo Hindery Jr.)

Watch This Hookup Closely. Who says you can't put Humpty Dumpty together again? With AT&T's acquisition of BellSouth, Ma Bell will (almost) be back. The stated justifications for this huge new merger are to save $2 billion a year in expenses on a $120 billion combined revenue base and, says Chief Executive Edward E. Whitacre Jr., to enable the combined company to ''have more products, better services, and better prices.''

Unfortunately, neither justification is likely to pan out, and there is not one product or service that AT&T will have with BellSouth that it could not have had without it. Not one. So the only real advantages from this merger for AT&T shareholders are a clarified management structure at the two companies' Cingular cellular joint venture and probably slightly faster rollout of wireless Internet calling. Those two changes are certainly important, but they're not nearly desirable enough to allow this merger to proceed without regulators imposing some very tough conditions.

I'm so skeptical because every time a major cable-systems merger was proposed in the past, the justifications were essentially the same: modest cost savings that would fuel more services and better prices for consumers. But those never materialized. Why not? Once a telco or major cable company has achieved scale, and they all have by now, these purported justifications become ludicrous, especially when (as with AT&T and BellSouth) there is little or no preexisting overlap of their service areas.

As a businessman and former cable operator, I can appreciate Mr. Whitacre's desire to bulk up to better compete in both traditional telephony and newer growth areas like broadband video distribution. Not only is he battling stiff competition in voice-over-Internet telephony from the likes of Vonage, Google, and Skype, but he also faces an array of newer delivery technologies such as Wi-Fi, WiMAX, and broadband over power lines. Then there are the major cable companies, which are deeply entrenched in video distribution and have the huge advantage of vertically owning much (in fact, way too much) of the nation's programming.

But the telcos and cable already have virtual strangleholds over wire-line access. (A combined AT&T and BellSouth would control 71 million local phone customers in 22 states.) So this proposed megamerger will be devastating for consumers unless some strong limitations are put on the merged company in two areas: bundling and pricing practices and ''Internet neutrality.''

Indeed, with broadband soon to be AT&T's (and all other significant distributors') major offering, the Bush Administration and the Federal Communications Commission must stand up for consumers and insist that AT&T, Verizon, Qwest, and cable operators not layer on to their broadband services unreasonable user surcharges and ''speed controls'' that favor one service provider over another. Such acts would crimp consumers' access to the Net and give distributors unwarranted monopoly-like profits and controls. Likewise, regulators must restrict discriminatory bundling and predatory pricing, which limit consumer choice, in both services and content.

That's not to say that regulators should crack down only on telcos. Washington should give AT&T, Verizon, and Qwest nationwide video-transmission rights so they can compete sooner and better with cable in video distribution. And it must end the vice grip of vertical integration that allows programming owned by a distributor (especially cable operators) to be treated more favorably than independent programming. Such vertical integration, when abused; is a fraud on consumers and an impediment to competition. It needs to be restrained, and Mr. Whitacre should demand that as a quid pro quo for the limits that are sure to be imposed on his proposed deal.

So let Mr. Whitacre have his merger—heck, the Administration and the FCC let Comcast acquire AT&T Broadband in 2002 without blinking an eye. But let's hold him to his promise of ''more products, better services, and better prices.'' Given the grave potential for abuse to consumers by those with quasi-monopoly power, the Administration, the FCC, and Congress must impose appropriate restrictions on the AT&T-BellSouth merger.

NATIONAL SUNSHINE WEEK

Mr. CORNYN. Mr. President, this week our country is celebrating the second annual National Sunshine Week, established last year by an extraordinary coalition of print, radio,

television, and online media associations and outlets. And yesterday was national Freedom of Information Day—celebrated every year at a national conference held at the Freedom Forum's World Center in Arlington, VA, on James Madison's birthday.

As we celebrate National Sunshine Week, it is an appropriate time to evaluate the significant progress of the past year toward reforming the Freedom of Information Act. But we must also recognize that we can—and should—certainly do more to preserve the open-government principles on which our great country was founded.

At a time when Americans reportedly know more about the television show ''The Simpsons'' than they do about the five provisions of the first amendment—freedom of press, speech, religion, assembly, and petition for redress of grievances—or can name the three ''American Idol'' judges more readily than three first amendment provisions, Congress must do its utmost to preserve these protections while also educating the public about reform efforts.

The Declaration of Independence makes clear that our inalienable rights to life, liberty, and the pursuit of happiness may be secured only where ''Governments are instituted among Men, deriving their just powers from the consent of the governed.'' And James Madison, the father of our Constitution, wrote that consent of the governed means informed consent—that ''a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.''

As attorney general of Texas, I was responsible for enforcing Texas's open government laws. I have always been proud that Texas is known for having one of the strongest, most robust freedom of information laws in the country, and I have enjoyed working with my colleagues here in Washington to spread a little of that ''Texas Sunshine''.

I would specifically like to express my gratitude to Senator LEAHY and to his staff for all their hard work on these issues of mutual interest and national interest. And I would like to thank and to commend Senator LEAHY for his decades-long commitment to freedom of information. He has been a strong ally and valuable advocate in this process, and he and I have both noted that openness in government is not a Republican or a Democratic issue. Any party in power is always reluctant to share information, out of an understandable—albeit ultimately unpersuasive—fear of arming its enemies and critics. But regardless of our differences on various policy controversies of the day, we should all agree that those policy differences deserve a full debate before the American people.

While much of the FOIA reform efforts, to date, have focused on providing access generally, more can be done to improve the process specifically. Access to information is certainly essential, but so is accelerating the rate at which these requests are fulfilled. Access is of little value when requests for information are subjected to lengthy delay.

Open government is one of the most basic requirements of a healthy democracy. The default position of our Government must be one of openness. If records can be open, they should be open. If good reason exists to keep something closed, it is the Government that should bear the burden to prove that need—not the other way around.

Back in December, President Bush signed an Executive order that enhances current FOIA policies. That move was just one important step toward more sunshine in government.

But the President's directive moves the country forward toward strengthening open government laws and reinforcing a national commitment to freedom of information in several important ways that I will discuss here just briefly:

It affirms that FOIA has provided citizens with important information about the functioning of government;

It directs FOIA officials to reduce agency backlogs, create a process for everyday citizens to track the status of their request, and establishes a protocol for requestors to resolve FOIA disputes short of filing litigation;

It creates a FOIA service center where people seeking information can track the status of their requests;

And one very good step is that it creates a FOIA public liaison who acts as a supervisor of FOIA personnel. This person will be available to resolve any disagreements that might arise between people seeking information and the Government. It also requires each chief FOIA officer to review his or her agency's practices, including ways that technology is used, in order to set concrete milestones and timetables to reduce backlogs and carry out its FOIA responsibilities.

Other important progress was made throughout 2005. In June, the Senate passed the legislation Senator PAT LEAHY and I authored, and hopefully the House of Representatives will quickly pass this important legislation. This particular reform creates additional legislative transparency by requiring that any future legislation containing exemptions to requirements be ''stated explicitly within the text of the bill.

In addition, we introduced the Openness Promotes Effectiveness in our National Government Act of 2005—OPEN Government Act, S. 394—in February and a separate bill in March to establish an advisory Commission on Freedom of Information Act Processing Delays. A hearing held in March examined the OPEN Government Act. And I urge Congress to pass this law as quickly as is possible.

But, as I said, more remains to be done to ensure that American citizens have access to the information they need. One way we could do that, and something I believe would be a positive and welcome step in this area, would be to provide additional, dedicated funding for FOIA resources, to address request backlogs. I believe this could be accomplished much in the same way Congress offered assistance to local law enforcement through providing additional funds so they could address their DNA backlogs or the assistance it provided to the FBI to address its backlog of untranslated intercepts of terrorists' telephone calls. Additional funding dedicated to this problem will speed the rate information is given to the requestors. Working toward these goals means that we continue to ensure the public's access to information.

Our Founders understood that a free society could not exist without informed citizens and open, accessible government. And as our country celebrates National Sunshine Week, Congress must continue its work to restore and strengthen its commitment to open government and freedom of information.

RAIL CAPACITY PROBLEMS

Mr. THUNE. Mr. President, I rise today to highlight an Issue that has great importance, not just to my home state of South Dakota, but to our entire Nation. On the front page of yesterday's Wall Street Journal, a copy of which I will ask to have printed in the CONGRESSIONAL RECORD, there was an extensive article that highlighted the significant rail capacity problems that exist in the Powder River Basin coal fields of Wyoming.

These rail capacity problems are starting to have a negative impact on electric utilities and rate payers around the country. The Wall Street Journal article highlighted an Arkansas power plant that ''can't get enough coal to run its power plants because the trains that serve as its supply line aren't running on time'' and went on to note: ''Snags in railroad service are fueling fears that railroads won't be able to meet the growing demand for coal, casting a cloud over a goal set by President Bush and key members of Congress to make America energy independent.''

I bring this article to the attention of my colleagues as a reminder that we need to be doing more to address the significant rail capacity problems that exist, not just in the Powder River Basin of Wyoming, but across the country. My colleagues will be interested to know that the U.S. Department of Transportation projects that there will be a 55-percent increase in freight rail transportation demand by 2020.

While major railroads such as Union Pacific, Burlington Northern and Santa Fe, and Norfolk Southern are making significant improvements to their rail systems, these investments can't keep up with the demand they face—even though U.S. railroads are slated to invest a record $8 billion in capital expenditures this year. Just to

show how expensive rail infrastructure is, it costs private railroads anywhere from $1 million to $3 million per mile to lay new track, not to mention the costs associated with ongoing maintenance.

While the larger Class I railroads are in a much better financial position to make infrastructure investments, the smaller Class II and III railroads are not as capable of making large-scale infrastructure improvements—even though they are responsible for roughly 30 percent of the 140,000 miles of rail that exist in our country.

In an effort to assist the smaller Class II and III railroads as they work to make much needed improvements to their rail infrastructure, Congress passed the short line railroad tax credit as part of the 2004 FSC/ETI tax bill. This tax credit has started to bolster rail improvements among smaller railroads across the country. However, it is slated to expire in 2007.

There is also an additional Federal rail program that seeks to improve the overall condition of our Nation's rail system. In the 1970s, Congress created a loan program to spur rail improvements among Class I, II, and III railroads. This loan program, the Railroad Rehabilitation Improvement Financing Program, commonly referred to as RRIF, was dramatically improved as part of the Transportation Reauthorization bill, SAFETEA–LU, that was signed into law last year. These RRIF improvements not only increased the program's overall lending authority from $3.5 billion to $35 billion, but a number of much needed improvements were made to ensure that the RRIF Program functions as Congress originally intended it to.

The RRIF Program is unique because it allows a railroad to receive a loan for infrastructure improvements at the Government lending rate. This assists small railroads in particular because they don't have the financial wherewithal that their large Class I counterparts have. RRIF loans must be paid back with interest by qualifying applicants who are also required to provide full collateral to protect the Federal Government and the American taxpayer against the risk of default. Since the program's creation in 1976, there has been only one default, which underscores the overall success of the program.

The Wall Street Journal article I am submitting for the RECORD went on to describe the fact that a railroad based in my home State of South Dakota, the Dakota, Minnesota and Eastern Railroad, DM&E, has recently received approval from the Surface Transportation Board for their expansion project that would add much needed rail capacity to the Powder River Basin of Wyoming. When completed, this project will not only add rail capacity, but it will dramatically reduce shipping costs for agricultural products, ethanol, coal, and other commodities.

As a result of the RRIF improvements in last year's Transportation Bill, this is just one example of how smaller railroads across the country are working to address a serious need that if left unmet will drive utility rates up and hamstring our Nation's ability to efficiently move finished goods and raw materials across the country and in the global marketplace.

I ask unanimous consent to have printed in the RECORD the article to which I referred.

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

TAKING LUMPS: AS UTILITIES SEEK MORE COAL, RAILROADS STRUGGLE TO DELIVER

(By Rebecca Smith and Daniel Machalaba)

During the past 10 months, Arkansas Electric Cooperative Corp. has been forced to do things that power generators hate to do: It cut electricity production at plants that are the cheapest to operate and ran its costliest units harder than ever. At times, it even bought electricity on the open market at top prices.

The electricity co-op made these moves because it is afraid of running out of coal. That's surprising in a country with such vast domestic reserves that some dub it the "Saudi Arabia of coal." But Arkansas Electric has a problem that is a growing concern for many U.S. utilities: It can't get enough coal to run its power plants because the trains that serve as its supply line aren't running on time. Delays in coal shipments to the Arkansas generator began last May with rail disruptions in Wyoming and forced the utility to burn more natural gas, lifting its 2005 power-generation costs by 21%, or $100 million.

Nearly a year after problems began, "coal deliveries still aren't back to normal," says Steve Sharp, head of fuel procurement for Arkansas Electric, which furnishes power to 17 utilities. That, in turn, inflated power bills by about $20 a month for residential electricity consumers across much of Arkansas. For big industrial energy users, the hit was even greater. Matt Szymanski, general manager of Green Bay Packaging Inc., which operates a paper mill in Morrilton, Ark., says he "freaked out when I saw the power bill for December," which was double that from a year ago.

At a time of surging prices for petroleum and natural gas and rising anxiety about U.S. reliance on overseas energy sources, coal more than ever is seen as the U.S.'s dirty, but reliable, ace in the hole. With 27% of the world's proven reserves, the U.S. in recent years has seen stable coal prices relative to other fuels used for power generation. But the ability of railroads to get coal to power plants when it's needed is suddenly no sure thing.

Consolidation has left the rail industry with just a half-dozen major operators, which have been cutting rail routes and costs since the industry was deregulated in 1980. That can cause paralyzing bottlenecks when something goes wrong. Last year, a series of derailments dramatically delayed coal shipments from the Powder River Basin in Wyoming, one of the nation's most important coal-producing regions. The delays have cut into fuel supplies at many coal-fired power plants around the country. In some cases, supplies are perilously low.

Now, the utilities are pouncing on the delays and a longstanding beef over concentrated ownership of rail routes, which crimps competition. Major utilities are asking members of Congress to hold hearings on the coal-delivery problems. They may ask Congress to direct the federal regulator, the Surface Transportation Board, to establish reliability standards for railroad deliveries and enforce them if necessary. In the past, Congress hasn't shown much interest in imposing new regulations on the railroads. But the fact that coal-delivery problems in some cases could threaten the reliability of power supplies pushes the contest to a new level. Meanwhile, the railroads are seeking a 25% federal tax credit on investments that expand railroad capacity.

For decades, coal was the No.1 commodity moved over the rails. Lately it has been displaced in the rankings by consumer goods, with much of that cargo pouring into West Coast ports from Asia. The utilities recently have been required to pay sharply higher rail rates. As their old negotiated contracts expire, the utilities are forced to pay the railroads' standard rates, pushing up fees by 20% to 100%.

Railroads are strained by a surge in freight of all types—from coal to containers—and rail rates are going up across the board. But the utility industry is complaining loudest. Snags in railroad service are fueling fears that railroads won't be able to meet the growing demand for coal, casting a cloud over a goal set by President Bush and key members of Congress to make America "energy independent."

The big rail carriers stress that the industry, after years of overcapacity and dismal profits, finally is in good enough shape to invest heavily. Meddling by the government now, says Chris Jenkins, a vice president of CSX Corp.'s railroad subsidiary, is "the surest way to wreck the railroad system and prevent us from making the types of investments that are necessary."

Matthew Rose, chairman, president and chief executive of Burlington Northern Santa Fe Corp., estimates that the railroad has spent about $2.7 billion since 1994 to maintain and expand capacity for moving Powder River Basin coal. He says that when the Clean Air Act of 1990 kicked off the demand for low-sulfur Western coal, the railroads stepped up. They have increased the amount of coal hauled from the Basin, including a section in Montana, to about 400 million tons a year from half that in 1990. The area now accounts for about 40% of the U.S. coal mined.

"We have provided just incredibly reliable transportation and have allowed tremendous growth of the basin since 1990," he says, calling the problems in Wyoming last year an "episodic event" that's unlikely to be repeated.

Big utilities, until recently, have shied away from a public confrontation. But Michael Morris, chief executive of American Electric Power Co., Columbus, Ohio, warned Congress in mid-February that "railroads have put the electric industry in a potential crisis situation this winter and next summer."

Bringing the matter to Congress, rather than trying to work things out quietly, shows how much the level of frustration has grown. Some utilities, backed by state regulators, are clamoring for more federal review of rail rates and the creation of national service-quality standards, backed by penalties for infractions.

One reason for hope in the long term: Rail regulators this year approved an application of the Dakota, Minnesota & Eastern Railroad Corp. to build a new line out of the Powder River Basin. Although it would take three years or more to construct, a new line could shake up the dominance of Union Pacific Corp. and Burlington Northern by adding 25%, or 100 million tons, of new capacity. The railroad is seeking a $2.5 billion loan

from the Federal Government and commitments from utilities to use the new route.

In the short run, utilities are worried that a shortage of coal this summer, when air-conditioning use pushes electricity demand to its peak, could force them to buy power on the expensive spot market. The utility industry estimates that the cost of substituting more expensive fuels for the 20 million tons of Powder River Basin coal held up in Wyoming and Montana last year topped $3 billion.

''We're going to have a really huge problem if railroads aren't held accountable for reliable deliveries and reasonable prices,'' says Sandra Hochstetter, chairwoman of the Arkansas Public Service Commission, who wants the Federal Government to exercise more forceful control.

The deteriorating relationship comes as the power sector heads for greater reliance on coal, which long has been used to create about half the nation's electricity. For the last 10 years, the industry has been building natural-gas-fired plants almost exclusively because the fuel is cleaner and the price was attractive. As natural-gas supplies and prices have become a problem, the power industry is shifting to coal in a big way, with plans to build more than 100 coal-fired power plants in coming years at a potential cost of more than $100 billion. The federal Energy Information Administration forecasts that the electric-power industry will produce 3% more electricity from coal in 2007 than in 2005. Production from natural gas is projected to drop by 2% over the same period.

Unlike natural gas, which flows smoothly and silently through thousands of miles of underground pipelines, coal must be loaded onto trains of 100 cars or more and hauled across hundreds or thousands of miles of prairie, towns and farmland to where it's burned.

Although one unit of gas is nearly indistinguishable from another, coal types vary greatly and utilities have incentives to acquire it from more sources than in the past. One big reason is tighter air-pollution rules. Many Midwestern and Eastern utilities want more of the Western coal in their mix because it's ''low sulfur'' and therefore less polluting. But Eastern coal burns hotter, which means a given volume will make more electricity. The various types also carry different prices: A survey Feb. 17 by the EIA found Powder River coal selling for $16.85 a short ton versus $58.25 for Central Appalachian coal and $45 for Northern Appalachian coal. The trade-offs complicate railroad logistics since many utilities want to burn a mix of coals now.

Railroads say the power industry's sudden interest in coal over natural gas caught them by surprise. Now, the railroads are spending hundreds of millions of dollars to build new double- and triple-track stretches and buy additional locomotives.

Wall Street investors, for the most part, want railroads to keep their capacity tight, so as not to erode their newfound pricing power.

The recent coal-delivery problem has its roots in something fairly mundane. Last spring, an accumulation of coal dust that had fallen or blown from moving cars in Wyoming prevented track beds from draining properly. Amid the spring thaw and heavy rain, the poor drainage left the water with no place to go. That resulted in derailments and track damage along stretches of the major railroad line that takes coal trains that are more than a mile long out of the Powder River Basin. As a result, the railroads sharing the line—Union Pacific and Burlington Northern—failed to meet their coal-delivery commitments. Shipments picked up late last year, but it takes a long time to make up for lost loads, given how taxed the rail system is already.

The consolidation has left little backup capacity and fewer options to reroute freight when there are floods, derailments or other service breakdowns. Some of the biggest bottlenecks are in major rail hubs such as Chicago. When trains get backed up in one place, the effects ripple through the system.

Consider Laramie River Station, a big power plant in southeastern Wyoming that is owned by six utilities and furnishes power to consumers in nine states. At this time of year, the plant would normally have 700,000 tons of coal on hand. But it's now down to 140,000 tons even though the plant is only 170 miles from the Powder River Basin. At 125,000 tons, which it may reach in the next few days, the plant likely will cut production. ''Already, the bulldozers are scraping up dirt with the coal,'' says Shelly Sahling-Zart, assistant counsel of the Lincoln Electric System, a member of the consortium.

Representatives of the Laramie River consortium say the delivery problems began soon after a long-term contract with Burlington Northern—the railroad serving the plant—expired in late 2004 and have gotten progressively worse. Adding to the sense of injury was the fact that rates were doubled. Burlington Northern spokesman Richard Russack says the railroad committed a train of its own in February, supplementing the three trains owned by the utilities. Trains used in the area tend to have 125 to 135 coal-carrying hopper cars. But, given that the facility is short the equivalent of 5,833 hopper cars, it's doubtful the plant can catch up in its reserves very fast. The utilities say they're paying $70,000 a month for the extra train.

For utilities, the problem is that the road to relief—either for service-quality problems or high rates—runs through the Surface Transportation Board, the federal agency that reviews railroad mergers, rates and service. Utilities generally feel the board favors railroads over their customers. Board Chairman W. Douglas Buttrey says his tiny agency, created in 1995 to replace the once-huge Interstate Commerce Commission, has an obligation to ''balance the interests.'' But the board's power over railroads is limited. The industry is exempt from some aspects of antitrust law and the board can only rule on whether its prices are reasonable.

Otter Tail Power Co., a small Minnesota utility, recently concluded it had had enough of rising rail rates at the hands of Burlington Northern, which provides the only rail service to Otter Tail's power plant in Big Stone City, S.D. The first step in filing its protest with the Surface Transportation Board: paying the board's $102,000 filing fee.

Under an arcane procedure required to make its case, Otter Tail created a virtual railroad on paper—complete with hypothetical routes, equipment, freight and customers—to show that even a brand-new rail line would be able to serve Otter Tail's coal needs at a lower cost than Burlington Northern. But in February, after a four-year case that ultimately cost $4.5 million, the board told Otter Tail that its arguments came up short and the higher rates would stand.

A growing group of members of Congress is worried about deteriorating rail service and the high cost to consumers. Sen. Conrad Burns, a Montana Republican, introduced a bill that would slash fees for rate challenges to $150, require faster action by the board and eliminate the ''virtual railroad'' economic modeling. Others are looking at a host of remedies, including reimposing some antitrust rules.

U.N. HUMAN RIGHTS COUNCIL

Mr. ENSIGN. Mr. President, I rise today to decry the failure of the United Nations to create a human rights body that deserves U.S. support. I regret that the United Nations, tasked with the solemn duty to craft a Human Rights council that would be beyond reproach, has failed in its mission. It has created a council that in its essential components has the same failings as its predecessor, the U.N. Commission on Human Rights.

The U.N. Commission on Human Rights is an embarrassment. The U.N. Secretary General admitted as much in March 2005 when he said that, ''the Commission on Human Rights suffers from declininq credlibility and professionalism, and is in major need of reform'' and that a fundamental problem is that, ''States have sought membership . . . not to strengthen human rights but to protect themselves against criticism or to criticize others.''

Just look at the current Members of the Commission on Human Rights, the U.N.'s primary human rights body. They include some of the world's worst human rights violators, such as China, Cuba, Saudi Arabia, Sudan, Venezuela, and Zimbabwe.

The United States and other countries quite rightly called for the abolition of the U.N. Commission on Human Rights and its replacement with a new Human Rights Council. The Secretary General endorsed the need for a smaller body that would be less likely to include countries found complicit in massive and sustained human rights abuses would be able to serve.

Unfortunately, true reform was not embraced by the U.N. The Council will have 47 members instead of 53. That's far above the 20 member level proposed by the United States. And members will not be selected primarily on the basis of their commitment to human rights. In fact, there are no real criteria for membership. Even countries under Security Council sanctions for human rights violations or terrorism are not categorically excluded from membership on the Council.

The protection of human rights is of fundamental value to the United States. The United States has become used to having a presence on the U.N.'s primary human rights body. The US has been a member of the commission every term since 1947, with one exception. That will no longer be the case. Due to a rotating membership on the new council, the United States would be ineligible for Human Rights Council membership every six years. So our country, which has been at the forefront of promoting human rights would periodically lose its seat but still be required to cover 22 percent of the Human Rights Council's costs. Mr. President, in my book this makes this new U.N. Council worse than the discredited U.N. Commission on Human Rights.

President Bush noted in his remarks before the U.N. General Assembly in

September 2005, ''When this great institution's member states choose notorious abusers of human rights to sit on the U.N. Human Rights Commission, they discredit a noble effort, and undermine the credibility of the whole organization. If member countries want the United Nations to be respected—respected and effective, they should begin by making sure it is worthy of respect.''

Mr. President, I am proud that the United States stood firm and opposed the creation of this fatally flawed Human Rights Council. Our country understood that to affirm this new council with our vote would have granted it legitimacy. The United States should be consistent. We should decline to participate on the council and fund the council for the very same reason we voted against it. Our country should not support a U.N. Human Rights Council which permits countries found complicit in sustained human rights abuses to be eligible for membership.

Mr. President, I am embarrassed to say that some in the State Department are suggesting that even though we voted against the creation of the council we should take a wait-and-see approach and support it in the interim. That makes no sense. If this council had a chance to work, then the U.S. should have voted for it.

Mr. President, other nations may not like what we stand for—but they know where we stand. U.S. human rights policy needs to be consistent and clear. We need to take a different wait-and-see approach. No participation and no funding until the U.N. proves that member states will not elect human rights violators.

THE PROBLEM WITH KITCHEN-TABLE GUN DEALERS

Mr. LEVIN. Mr. President, last week, the Violence Policy Center, VPC, released a report which analyzes statistics related to basic Federal Firearms License, FFL, holders in the United States since 1992. The report warns of a large group of current FFL holders it calls ''kitchen-table dealers.'' The VPC defines this group as ''individuals who conduct business out of their homes and offices and do not operate actual gun or sporting goods stores'' and estimates that more than half of current FFL holders fit into this group. Disturbingly, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, ATF, found in 2000 that 23 percent of its illegal gun trafficking investigations involved ''kitchen-table dealers'' who were responsible for the illegal trafficking of more than 40,000 guns.

According to the VPC, many ''kitchen-table dealers'' have no interest in actually selling firearms, but they obtain an FFL because of the exemptions it provides from Federal requirements including background checks, waiting periods, and limits on the number of guns that can be purchased. Under current law, an FFL holder must be a person who ''devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms.'' However, a February 2000 ATF report found that 31 percent of FFL holders had not reported selling a single firearm in the previous year. Unfortunately, rather than allowing the ATF to work within the law to revoke illegitimate FFLs and help to eliminate a source of illegally trafficked firearms, opponents of commonsense gun safety laws inserted a provision in the fiscal year 2006 Department of Justice Appropriations bill which prevents the ATF from denying the application or renewal of a FFL due to a lack of business activity.

In its report, the VPC calls on Congress to rescind this provision and proposes a number of other ideas to help eliminate the abuse of FFLs. Among other things, the VPC proposes that all FFL holders be required to operate from a storefront business devoted primarily to the sale of firearms, rather than a residence, and securely store inventories of firearms. Additionally, the VPC suggests an expansion of ATF's ability to inspect FFL businesses for compliance with record keeping and safety requirements.

We must do more to eliminate the abuse of FFLs in order to reduce the number of guns that are illegally bought and sold in our communities.

KENYA

Mr. FEINGOLD. Mr. President, I wish to bring attention to troubling political developments in Kenya. Earlier this week, Kenyans witnessed the most aggressive assault on media since the country's independence in 1963, when elite police and paramilitary commandos armed with AK–47s stormed the offices of the Standard Group's TV station, Kenya Television Network and the Standard newspaper. Internal Security Minister John Michuki ordered the event in an apparent attempt to prevent the newspaper from publishing a story on a sensitive political matter. Saying little more than ''when you rattle a snake you must prepare to be bitten,'' President Kibaki has failed to take swift and sufficient action to condemn this event.

Unfortunately, this event, while deeply troubling in itself, is but the latest manifestation of a larger problem in Kenya today. Over the last year, President Kibaki and senior members of his government have presided over a growing level of turmoil concerning corruption charges, mismanagement of public funds, insufficient anti-corruption efforts, and political favoritism. Particularly troubling are allegations that senior members of Kibaki's government have been involved in a number of large, illegal business dealings with public money. The most visible of these allegations—which Mr. Kibaki apparently knew about more than a year ago—came to light in a report written by the man who was appointed by the president himself to help expose corruption. He is now in London in exile after receiving death threats.

I am concerned that Kenya may be backsliding. Just 4 years ago, the Kenyan people went to the polls and marked an historic event in the country's political history. Kenyans unambiguously rejected years of mismanagement, corruption, and declining economic growth experienced under previous regimes. The opposition National Rainbow Coalition, NARC, was overwhelmingly elected to power, ending more than 40 years of rule by the Kenya African National Union, KANU. Now, only 4 years after these elections, President Kibaki's government is beginning to revert to strong-man tactics as evidenced in this week's raid. It also apparently unwilling to take seriously the significant corruption present throughout senior levels of Kenya's government and in the president's own cabinet.

While these are discouraging developments, I am heartened that the Kenyan people have responded with such passion. Kenyans are rightfully outraged. Thousands of demonstrators filled the streets of Nairobi on Tuesday, and a range of media sources denounced the raid as ''thuggish'' and ''corrupt.'' Radio programs, TV shows, and newspapers are devoting significant attention to the government's inept management of corruption charges and the recent raid. Resignations of key ministers, new court cases, and active opposition parties are all testaments to the positive political developments Kenya has made. It is essential that Kenyans do not lose this progress.

We have an opportunity to send a firm message to President Kibaki that this type of behavior does not benefit his government or the Kenyan people. Kenya is a critical partner in a particularly important region. It has served as a leader in the region and in Africa, and will continue to be a friend to the United States. But if Kenya's government wants to maintain its credibility as a government representative of the Kenyan people and a leader in the region, it must take immediate actions to address recent developments and renew its pledge to fight corruption.

In conclusion, the international community must condemn in the strongest manner possible the Kenyan government's use of security forces to limit political discussion and the freedom of the press. The international community must also support efforts of Kenyan citizens to hold their government accountable for weeding out corruption and political favoritism. As the country turns its attention toward the 2007 general elections, the international community must help Kenyans strengthen democratic processes, advance political freedoms, and fight corruption—and perhaps most importantly, signal to President Kibaki that

too much progress has been made in Kenya to allow for a reversion to old, corrupt, violent political practices.

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 February 13, 2002, Paul Chmiel was murdered in a Michigan prison by Michael Keep. According to reports, Keep confronted Chmiel after he had made a sexual advance toward him. During the altercation, Keep slapped Chmiel, crushed his ribs, and strangled him to death.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born 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.

ADDITIONAL STATEMENTS

HONORING OFFICER PETER ALFRED KOE

• Mr. BAYH. Mr. President, I rise today to pay tribute to Indianapolis police officer Peter Alfred Koe for his extraordinary valor above and beyond the call of duty. Today, in honor of his courageous service, Officer Koe received the Public Safety Officers Medal of Valor from President Bush. Officer Koe is one of only five public safety officers selected nationwide to receive the medal, and I could not be more proud that a Hoosier like Officer Koe is the recipient of such a prestigious award.

On August 18, 2004, Officer Koe of the Indianapolis Police Department received information that several fellow officers had been shot by a violent gunman. He and other officers responded immediately to the scene, where a hidden gunman shot and wounded Officer Koe. He suffered a gunshot wound to his left leg and additional injuries to his face and body from flying glass and debris. However, rather than succumbing to his own injuries, Officer Koe charged the gunman to prevent him from further harming any of the other wounded officers. Despite his own critical injuries, he exchanged fire with the attacker and effectively subdued him. When medical personnel responded to the scene, Officer Koe urged them to assist the other officers, selflessly deflecting attention from his own serious wounds.

Throughout this encounter, Officer Koe displayed remarkable valor and composure under fire. For this, I commend him and offer my sincere gratitude on behalf of Indiana for his outstanding service to the citizens of our state.

While the events of August 18 demonstrated Officer Koe's abilities, I also want to thank him for his day-to-day work that may not generate the same headlines as a shoot-out or enjoy the glamour of an award but is equally crucial to the safety of Indianapolis residents.

Officer Koe and all of his colleagues at the Indianapolis Police Department make daily sacrifices to ensure the safety of our Indianapolis streets, keeping our families safe and our neighborhoods secure. In an increasingly dangerous world, we depend on our first responders to defend us against violence and other threats to our communities, and I know that many Indianapolis families sleep better at night knowing that people like Officer Koe are protecting them.

Officer Koe and countless others like him dedicate each day to justice as they protect and serve all Hoosiers. I am sure I speak for many Indianapolis area residents when saying thank you to Officer Koe. He went above and beyond the call of duty, and we are forever indebted to him for the lives that he has saved.

On behalf of the State of Indiana, it is my honor to enter this tribute in the official record of the Senate in recognition of Officer Koe's award and his many years of service.•

COMMEMORATING DR. JOE AGUILLARD

• Mr. VITTER. Mr. President, today I rise to recognize Dr. Joe Aguillard, who will be inaugurated as the eighth president of Louisiana College on March 23. Dr. Aguillard has been serving as president of this Christian liberal arts school since January of 2005.

Joe Aguillard has been on faculty at Louisiana College since 2000, but his personal history with the college is a long and storied one. Both of Dr. Aguillard's parents attended Louisiana College and met at the liberal arts school. He and his wife also met at Louisiana College, and all three of their children have attended their parents' alma mater.

On top of having a close connection to Louisiana College, Dr. Aguillard also has a proven academic track record. In addition to a bachelor's degree from Louisiana College, he also has two master's degrees from McNeese State University, as well as a doctorate in education from Nova Southeastern University. Dr. Aguillard previously held the positions of chair of the Division of Education, coordinator of the Department of Teacher Education, and Associate Professor of Education.

Joe Aguillard is a top notch educator whose ability is sure to lead Louisiana College to its greatest days. Under his leadership the Teacher Education Department has consistently received high marks from the Louisiana Board of Regents, among others. He also led a group of Louisiana College education students in researching and writing the curriculum for the Heart of Spain art exhibit at the Alexandria Museum of Art in 2003, and that curriculum was used by teachers and their students around the world.

Dr. Aguillard has maintained a lifetime commitment to learning and educating, and his contribution to the state of Louisiana is greatly appreciated. I come to the Senate floor today to join the students and faculty of Louisiana College in personally commending Dr. Joe Aguillard and wishing him great success in his new post.•

A TRIBUTE TO ROBERT E. BAUTE, M.D.

• Mr. CHAFEE. Mr. President, I am pleased to pay special tribute to Dr. Robert E. Baute of Warwick, RI.

Since 1970, Dr. Baute has tended to the needs of Rhode Islanders in various capacities, specializing in internal medicine and pulmonary diseases. For the past 10 years, he has served with distinction as the President and CEO of Kent County Memorial Hospital in Warwick, RI. On March 30, 2006, Dr. Baute will retire after 36 years as a member of the Kent medical staff, and nearly 20 years as an administrator.

A graduate of Yale University in 1959, Dr. Baute went on to serve with distinction in the U.S. Navy and received his degree from the Hahnemann University School of Medicine in 1966. Following in the footsteps of his father, he engaged in a private medical practice for 18 years, and simultaneously emerged as a leader in the administration at Kent County Hospital. Throughout his distinguished administrative career, Dr Baute served as chief of internal medicine, vice president and medical director, and as a member of the board of trustees. In 1995, he was named as president and chief executive officer.

In all of these capacities, Dr. Baute fought tirelessly to further the scope and quality of care provided by Kent Hospital, and successfully brought new services and modern treatments to the community, while holding himself and his staff to the highest standards of quality, safety, and patient satisfaction. His support for the creation of the Care New England Health Care System was instrumental in its success, and his lifelong pursuit of quality, affordable, and accessible health care services has been nothing short of remarkable.

I join with all Rhode Islanders in expressing gratitude for Dr. Baute's efforts to advance the scope and quality of medical treatment in our State, and I congratulate him for the many achievements in his outstanding career.•

80TH ANNIVERSARY OF THE GOODYEAR BLIMP

• Mr. DEWINE. Mr. President, today I would like to recognize the Goodyear Tire and Rubber Company, based in Akron, OH, upon the 80th anniversary of the operation of its Goodyear Blimps. Since 1925, the Goodyear Tire and Rubber Company has operated its blimps throughout the country, providing aerial coverage of sporting events and other major public gatherings. Over time, the Goodyear Blimp has become one of the most readily recognizable corporate symbols in the United States and throughout the world. I wish Goodyear the best, as it celebrates the 80th anniversary of the Blimp, and ask that the following proclamation honoring this occasion be printed in the RECORD.

The material follows:

A PROCLAMATION HONORING THE GOODYEAR BLIMP ON ITS 80TH ANNIVERSARY

Whereas, the Goodyear Blimps have been operating in the skies of America since 1925; and

Whereas, from 1941 to 1944, Goodyear built airships for the United States military to help protect America and its troops by escorting convoys safely across the Atlantic during World War II; and

Whereas, for 45 years, the Goodyear Blimps have provided aerial television coverage of America's most-watched sports, entertainment and news events, including Super Bowls, World Series, Final Four Tournaments, college football bowl games, and political conventions; and

Whereas, the Goodyear Blimps have responded to requests from the American Red Cross and other emergency response agencies and used their aerial electronic signs to help victims of hurricanes and earthquakes by communicating with victims to let them know where to find help, food, water, and medical aid; and

Whereas, the Goodyear Blimps annually support non-profit and public service groups through promotional programs and rides donated to the charities, which are then auctioned off helping to raise hundreds of thousands of dollars every year; and

Whereas, the Goodyear Blimps are celebrating their 80th Anniversary as the world famous icon for America and the Goodyear Tire & Rubber Company.

Now, therefore, I, Mike DeWine, United States Senator from the Great State of Ohio, join with the residents of Ohio and the Goodyear Tire & Rubber Company in honoring the Goodyear Blimp on its 80th Anniversary.

On this, the Sixteenth of March, Two Thousand and Six.•

HONORING THE LIFE OF SAMUEL M. SHARKEY, JR

• Mr. LAUTENBERG. Mr. President, I rise to pay tribute to Sam Sharkey, who died on Tuesday at the age of 90. Mr. Sharkey, who joined the New York Times in 1945 as a copy editor on the foreign desk, was one of the founding executives of its International Air Edition, now the International Herald Tribune, in 1948, and in 1950 he became head of the national news desk. Five years later, he moved to the National Broadcasting Company as its first editor of NBC News, a position comparable to the editor of a newspaper, and was one of a triumvirate of executives who in 1956 put together the Huntley-Brinkley news program.

While working at the Times, he had become frustrated with the slowness with which the two major wire services reported national election returns—one relayed all returns from west of Kansas City through that city and the other through Chicago, both producing delays. In 1956 at NBC, he invented a system based at the start on buying the fastest Associated Press State wires in every State and funneling their returns electronically through 10 centers around the United States, thence to computers in Studio 8–H in New York, where they were displayed immediately, beating all competition by substantial margins. His system for collecting votes in national elections is still used today by broadcasters, wire services, and newspapers.

In 1958, Mr. Sharkey expanded the system and turned to volunteer teams of members of the League of Women Voters in every State who staffed every polling place and phoned in results to State headquarters, where the data were sent electronically directly to computers in the studio. In 1960, CBS News and the ABC News were added to form the Network Election Service, a cooperative. That was expanded with the addition of the A.P. and United Press International to form the News Election Service, which continues to this day. At NBC, Mr. Sharkey also headed an internal NBC News Service at national political conventions linking reporters at various locations with Chet Huntley and David Brinkley at the anchor desk.

Born March 26, 1915, in Trenton, NJ, he began covering sports on a ''stringer,'' free lance, basis for the Trenton State Gazette at the age of 13. He attended Rutgers University in the class of 1937 but was a Depression dropout. He then worked for the State Gazette as sports editor, columnist, reporter, music and theater critic, and acting city editor. Among the stories he covered were the kidnapping of the Lindbergh baby and the trial of Bruno Richard Hauptmann, the crash of the Hindenburg at Lakehurst, and the burning of the Bermuda cruise liner Morro Castle off Asbury Park, NJ.

He was a copy editor on the Saratoga Springs, NY, Saratogian and foreign editor of the Philadelphia Inquirer during World War II. He also was a contributing editor to Printing News. At NBC, he was a member of the FCC National Industry Advisory Committee that created the Emergency Broadcast System, and he wrote the broadcast closed-circuit radio advisories from every location to which a President could be taken in time of national emergency—in the air, on land, at sea, under the sea.

In 1963, Mr. Sharkey moved to Seattle as managing director of news for the King Broadcasting Company's stations there and in Spokane, WA, and Portland, OR. While at KING-TV, he won two local Emmys for news and documentary programming. When Bonneville International Corporation purchased KIRO-TV-AM Seattle in 1964, he was appointed corporate director of news for all Bonneville stations nationwide.

In 1965, Mr. Sharkey was named Newhouse National Service economics and labor columnist, based in Washington, DC, later adding the news editor role. He entered government in 1972 as public information director for the then-new Occupational Safety and Health Administration, OSHA, moving to the same position at the FCC in 1975.

Mr. Sharkey also taught at the Columbia University Graduate School of Journalism for 9 years and taught economics and public affairs at the Tobe-Coburn School for Fashion Careers in New York. Known as a witty speaker, he lectured widely for the Times and NBC News. He also was a choral singer, a private airplane pilot, an automobile and outboard motorboat race driver, a motor yachtsman, and even a clown in the Aquacade at the 1939 New York World's Fair. Mr. Sharkey was a life member and former vice commodore of the Capital Yacht Club here in Washington, DC.

Sam Sharkey was a pioneer in journalism for over 70 years, and he left an indelible mark, especially in the field of broadcast journalism. I extend my condolences to his wife Marilyn and the rest of his family.•

REPORT ON THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Consistent with section 108 of the National Security Act of 1947, as amended (50 U.S.C. 404a), I am transmitting a report prepared by my Administration on the National Security Strategy of the United States.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 16, 2006*.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:58 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1184. An act to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.

S. 2064. An act to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the Malcolm Melville ''Mac'' Lawrence Post Office.

S. 2363. An act to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999.

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

At 2:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4944. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

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

H. Con. Res. 190. Concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

At 6:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2320. An act to make available funds included in the Deficit Reduction Act of 2005 for the Low Income Home Energy Assistance Program for fiscal year 2006, and for other purposes.

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

H. Con. Res. 361. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

At 7:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 47. Joint resolution increasing the statutory limit on the public debt.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

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

H.R. 4944. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 190. Concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4472. An act to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

H.R. 4911. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 16, 2006, she had presented to the President of the United States the following enrolled bills:

S. 1184. An act to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.

S. 2064. An act to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the Malcolm Melville ''Mac'' Lawrence Post Office.

S. 2363. An act to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–279. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to authorizing the development of a secure electronic balloting system for active duty military personnel; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 411

Whereas, the United States and the Commonwealth of Pennsylvania are obligated to ensure that servicepersons participate in the very democracy they are fighting to defend; and

Whereas, the National Defense Committee has recently completed a survey of the nation's 7,838 election offices; and

Whereas, twenty-eight and four tenths percent of persons who applied for a military absentee ballot in the November 2004 election were disenfranchised because their ballots could not be received, executed and returned in a timely fashion; and

Whereas, the National Defense Committee is recommending that the Congress authorize the development of an electronic balloting system for active duty military personnel: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress to authorize the development of a secure electronic balloting system for our active duty military personnel; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–280. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to require the Federal Emergency Management Agency to honor the preferences of local governing authorities in determining the location of temporary housing sites; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, in the aftermath of Hurricane Katrina, the Federal Emergency Management Agency (FEMA) has established a number of temporary housing sites consisting of trailer homes for thousands of displaced families; and

Whereas, there has been much disagreement as to the appropriate locations of these temporary housing sites; and

Whereas, local governing authorities must be permitted to make the final determination as to whether or not a FEMA trailer community is established within their respective parishes and municipalities; and

Whereas, it is imperative that the power to accept or refuse the placement of a FEMA temporary housing site rests with the citizens of the community in question and not with FEMA; and

Whereas, citizens, through the power of the local elected governing authorities that represent them, should be empowered to either allow or disallow the establishment of FEMA trailer sites in their communities: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to require the Federal Emergency Management Agency to honor the preferences of local governing authorities in determining the location of temporary housing sites; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation and to the acting director of FEMA.

POM–281. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to supporting the CORRIDORone regional rail proposal and encouraging its support by counties and municipalities in the region of the CORRIDORone project; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 565

Whereas, transportation planning efforts in south central Pennsylvania should incorporate a regional planning perspective to ensure that economic development efforts are enhanced with linkages to regional development initiatives; and

Whereas, regionwide efforts must encompass a vision for the future to most wisely accommodate future growth needs, including means of transportation; and

Whereas, transportation systems in south central Pennsylvania should include multimodal forms of transportation to ensure that the full breadth of options, including rail, bus and others, are made available to citizens for the most efficient means of travel; and

Whereas, it is extremely important to preserve the existing rail rights-of-way throughout the region and this Commonwealth; and

Whereas, the intersection known as the Lemoyne Connection will provide additional

freight rail efficiency for Norfolk Southern's rail operations in the region, as well as a multimodal commuter connection in Cumberland County for the CORRIDORone commuter rail project; and

Whereas, by 2020 south central Pennsylvania is expected to experience a 27% growth in population and a 44% growth in employment; and

Whereas, further regionwide economic development efforts will extend only to the extent that these efforts can be strengthened and supported by modes of transportation to efficiently access jobs, meeting places for businesses and conventions and historical and cultural points of interest; and

Whereas, air quality and traffic congestion are projected to worsen as road traffic increases and linked forms of mass transit would positively impact air quality and congestion; and

Whereas, the proposed CORRIDORone project would establish an affordable, easily accessed, regional rail network with connections among the communities of Lancaster, Harrisburg and Carlisle and later expanding to CORRIDORtwo communities of York, Hershey and Lebanon, while providing a connection to the Keystone service line for travel east of Lancaster; and

Whereas, the CORRIDORone project would link multimodal forms of transit including intrastate and interstate rail, bus and international air to provide the most comprehensive and efficient means of travel in the region, providing greater access for business and recreational travel while encouraging tourism and other economic development efforts; and

Whereas, the CORRIDORone project would provide a cost-efficient form of transportation expansion with the cost of 41 miles of regional rail equivalent to the cost of only three miles of roadway construction; and

Whereas, Capital Area Transit has completed all of the studies required by the Federal Transit Administration, and the results show that a regional commuter rail system is the most efficient and effective mass transit alternative for the region; and

Whereas, the CORRIDORone project is 93% complete, through the preliminary engineering and environmental phases; and

Whereas, SAFETEA–LU, the Federal transportation legislation, included CORRIDORone Phase I (Lancaster to Harrisburg to Cumberland County—Hampden/Sporting Hill) for Final Design and Construction and provided authorization for alternatives analysis and preliminary engineering for Phase II—Cumberland County (Hampden/Sporting Hill to Carlisle); and

Whereas, the United States Congress has appropriated $7,404,157 to the CORRIDORone project; and

Whereas, the Commonwealth has budgeted in Act 47 of 1997 and Act 40 of 2004 a total of $41 million to the CORRIDORone project; and

Whereas, Section 2002 of the act of April 9, 1929 (P.L. 177, 22 No. 175), known as The Administrative Code of 1929, as amended May 6, 1970 (P.L. 356, No. 120), set forth the powers and duties of the Department of Transportation (PENNDOT). Among those 25 powers are:

(1) To develop and maintain a continuing, comprehensive and coordinated transportation planning process.

(2) To develop programs designed to foster efficient and economical public transportation services in the State.

(3) To prepare plans for the preservation and improvement of the commuter railroad system.

(4) To prepare and develop plans and programs for all modes of urban transportation, including in addition to commuter rail and motor bus, rapid rail; trolley coach, surface rail, corridor rail and other innovative modes of urban transportation.

(5) To coordinate the transportation activities of the department with those of other public agencies and authorities.

(6) To superintend, supervise and control the work of constructing, reconstructing, maintaining and repairing State designated highways and other transportation facilities and rights-of-way;

Whereas, the PENNDOT Strategic Agenda adopted in July 2004 stated a vision that promotes ''customer driven, intermodal transportation system and services that enhance the quality of life in Pennsylvania'' and a mission statement that says: ''Through the active involvement of customers, employees and partners, PENNDOT provides services and a safe intermodal transportation system that attracts businesses and residents and stimulates Pennsylvania's economy''; and

Whereas, the PENNDOT Strategic Focus Areas adopted by the Rendell Administration include safety, quality of life, mobility, management and productivity and system preservation. This document seeks innovative management of our transportation system and services and improved access and mobility, ensuring that people and goods can move efficiently, and it guides the management of our assets and processes with funding and resources prioritized for the preservation and betterment of all systems and services; and

Whereas, revenue for local matching funds for the CORRIDORone project has been received from Cumberland County, Dauphin County, Lancaster County and 12 boroughs, 11 townships and more than 50 businesses throughout the region; and

Whereas, the local Municipal Planning Organization (MPO)—Harrisburg Area Transportation Study (HATS)—has endorsed and funded the CORRIDORone project and has included the project in its 30-year plan; therefore be it

Resolved, That the House of Representatives support the continued planning efforts for the CORRIDORone proposal as it could provide a needed regional linkage for economic development efforts; and be it further

Resolved, That the House of Representatives encourage the Governor and the Secretary of Transportation to do everything possible to preserve the CORRIDORone right-of-way options and future extensions as provided in the preliminary Engineering and Environmental Analysis; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, to the Secretary of Transportation, to each member of Congress from Pennsylvania and to the President of Norfolk Southern Railroad Corporation.

POM–282. A resolution adopted by the Senate of the State of Michigan relative to taking steps to improve access to fertility preservation options for cancer patients; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 72

Whereas, approximately 130,000 people under the age of 45 are diagnosed with cancer each year. At least 90 percent of patients within this age group will undergo potentially sterilizing treatments such as surgery, chemotherapy, or radiation; and

Whereas, survivorship rates have dramatically increased over the years expanding the life expectancy of 71 percent of cancer patients by at least five years beyond the diagnosis of their disease. The long-term consequences of cancer treatment, such as infertility, are of increasing concern to patients since they are highly likely to survive their cancer. The diagnosis of infertility can be as devastating for many patients as the cancer diagnosis itself; and

Whereas, successful fertility preservation options for men and women include sperm banking, oocyte (egg) freezing, and ovarian and testicular tissue freezing. Many cancer patients are given the option of taking steps to preserve their fertility before their potentially sterilizing cancer treatment begins. However, many others do not take these steps because they were not informed by their health care professionals that their fertility is at risk, or, if they are informed of the risk, they are generally not counseled on their fertility preservation options; and

Whereas, unrelated factors such as marital status or poor prognosis should not preclude certain patients from being informed about their fertility risks and options. The 2003–2004 President's Cancer Panel Report recognized that comprehensive written and verbal information regarding fertility side effects and fertility preservation options for all reproductive-age patients should be provided before treatment; and

Whereas, the great state of Michigan has an active, productive cancer survivor population, demonstrating that a cancer diagnosis is no longer a death sentence. We should do everything possible to make fertility preservation options available for cancer patients: Now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress and the United States Department of Health and Human Services to take steps to improve access to fertility preservation options for cancer patients by endeavoring to:

(A) encourage research that will strengthen fertility preservation options for cancer patients;

(B) continue to consider ways to improve access to fertility preservation options for cancer patients; and

(C) raise awareness about the fertility side effects and fertility preservation options for cancer patients; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Michigan Congressional delegation and the United States Department of Health and Human Services.

POM–283. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to enact legislation to change ZIP codes in Jefferson Parish and to assign the new ZIP codes to the main post office in Metairie; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 67

Whereas, when the United States Postal Service first instituted the ZIP code system, Old Jefferson was designated as 70121, a New Orleans ZIP code number; and

Whereas, then when the city of Harahan built a post office in its city hall, it was assigned the 70123 ZIP code, another New Orleans ZIP code number; and

Whereas, the 70123 ZIP code, as expanded, now covers the area of River Ridge as well as the city of Harahan; and

Whereas, when the new post office was built on Citrus Boulevard in Jefferson, it was also assigned the 70123 ZIP code; and

Whereas, the ZIP code directory issued by the United States Postal Service and used by businesses nationwide reports all ZIP codes beginning with ''701'' as having a New Orleans address; and

Whereas, this misidentification and confusion of the locations of businesses in ZIP

codes 70121 and 70123, including the businesses located in Elmwood Industrial Park which employ more than thirty-five thousand people, have caused numerous mailing and taxation problems for these companies; and

Whereas, many insurance companies impose higher premium rates attributable to properties in New Orleans on residents of Jefferson Parish in the ZIP code areas 70121 and 70123; and

Whereas, mail addressed to homes and businesses having ZIP code 70121 or 70123 was held up for more than a month in the aftermath of Hurricane Katrina because of the effect that the storm had on the operations of the United States Postal Service in New Orleans: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary, due to the many problems that have occurred in Jefferson Parish with the ZIP codes 70121 and 70123, to enact legislation to change the ZIP code in Jefferson Parish in the area currently covered by the United States Postal Service ZIP code 70121 to 70021 and to change the ZIP code in Jefferson Parish in the area currently covered by the United States Postal Service ZIP code 70123 to 70023 and also to assign the new ZIP codes to the main post office in Metairie; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–284. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to reduce by twenty-five percent the amount of outstanding federal student loan debt of any college graduate who resides in certain areas of Louisiana most affected by Hurricane Katrina or Hurricane Rita for at least five consecutive years immediately following graduation and to memorialize congress to provide for the establishment of conditions and requirements for such debt reduction; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 48

Whereas, certain areas of Louisiana that were impacted by Hurricane Katrina or Rita or both have suffered a great loss in population due to the ravages of these catastrophic storms; and

Whereas, it is imperative that people from Louisiana and beyond are provided with incentives to reside in the great state of Louisiana, and one such incentive could be the reduction of certain student loan debt; and

Whereas, drawing college graduates to the hurricane-affected areas of Louisiana would be one step toward restoring the areas' populations, and populating these areas with college-educated citizens could bring positive impacts to the areas due to their ability to use the skills and knowledge acquired through their educations to help the areas to rebuild; and

Whereas, it is appropriate to ask congress to establish such a loan forgiveness program as part of a collective effort to restore the population of certain areas of Louisiana following the historic hurricanes of 2005: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to reduce by twenty-five percent the amount of outstanding federal student loan debt of any college graduate who resides for at least five consecutive years immediately following graduation in any parish in Louisiana which has been designated pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act as eligible for individual assistance or individual assistance and public assistance as a result of Hurricane Katrina or Hurricane Rita and to memorialize congress to provide for the establishment of conditions and requirements for such debt reduction; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–285. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to revising the requirement that applicants for hunting and fishing licenses provide their Social Security numbers; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 461

Whereas, Section 5536 of the Balanced Budget Act of 1997, (Public Law 105–33, 111 Stat. 251) amended Federal law to require each state to have in place laws requiring applicants for recreational licenses (hunting and fishing) to provide their Social Security numbers; and

Whereas, the Commonwealth of Pennsylvania has inplemented this Federal mandate through the amendatory act of December 16, 1997 (P.L. 549, No.58), to 23 Pa.C.S.; and

Whereas, the Commonwealth of Pennsylvania strongly supports all effective mechanisms to encourage payment of child support obligations; and

Whereas, requiring applicants for hunting and fishing licenses to provide their Social Security numbers does not appear to enhance effective enforcement of child support obligations inasmuch as hunting and fishing license records are not retrievable by reference to the Social Security numbers; and

Whereas, the vast majority of hunting and fishing licenses are not sold by government agencies but are sold by private businesses ranging in size from large department stores to small bait and outdoor shops; and

Whereas, Imposing the requirement to collect Social Security number information on the businesses that sell hunting and fishing licenses unduly complicates the license issuance transaction; and

Whereas, many purchasers of hunting and fishing licenses object to disclosure of their Social Security numbers to the private businesses that sell these licenses; and

Whereas, the legitimate privacy concerns expressed by many purchasers of hunting and fishing licenses from private businesses need to be addressed; and

Whereas, collection of Social Security numbers from applicants for hunting and fishing licenses does not aid in effective enforcement of child support obligations but does unduly inconvenience both the sellers and purchasers of these licenses and raises legitimate concerns about protection of personal information: Therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to eliminate the requirement that states must require applicants for hunting and fishing licenses to provide their Social Security numbers.

POM–286. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to amend the Federal Rules of Civil Procedure to recognize state law authorizing legal continuances for members of the legislature during legislative sessions and to adopt a substantially similar rule in federal court; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 29

Whereas, Louisiana R.S. 13:4163 provides that during sessions of the legislature, if the presence of a member of the legislature is required in any criminal case, civil case, or administrative proceeding, his service shall constitute peremptory cause for the continuance of any type of proceeding upon the timely filing of a motion for continuance; and

Whereas, this statute dates back over one hundred years and was devised as a way to satisfy the compelling demands and responsibilities incumbent upon a part-time legislator, who usually must have a career outside of public service in order to make a living; and

Whereas, Federal Rules of Civil Procedure do not have such a provision for a continuance, but many state legislators have business before federal courts which may significantly interfere with their responsibilities as representatives of the people during legislative sessions; and

Whereas, during this time of statewide emergency due to Hurricanes Katrina and Rita, the duties and responsibilities on legislators have been especially demanding: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to amend the Federal Rules of Civil Procedure to recognize state law authorizing legal continuances for members of the legislature during legislative sessions and to enact substantially similar rules for federal court; and be if further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 598. A bill to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing (Rept. No. 109–221).

By Mr. McCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1057. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act (Rept. No. 109–222).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Brig. Gen. Charles J. Dunlap, Jr. to be Major General and to be the Deputy Judge Advocate General of the United States Air Force.

Air Force nomination of Col. William H. Walker IV to be Brigadier General.

Army nomination of Brig. Gen. James L. Snyder to be Major General.

Army nomination of Col. Joseph C. Carter to be Brigadier General.

Marine Corps nomination of Lt. Gen. Robert R. Blackman, Jr. to be Lieutenant General.

Marine Corps nominations beginning with Brigadier General Ronald S. Coleman and ending with Brigadier General Edward G. Usher III, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Marine Corps nomination of Col. James C. Walker to be Brigadier General.

Navy nomination of Capt. James W. Houck to be Rear Admiral.

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 nominations beginning with Billy P. Cecil II and ending with Brian K. Witt, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Air Force nomination of Thomas L. McKnight to be Colonel.

Air Force nominations beginning with Bartlett H. Hayes and ending with Zaiga K. Sears, which nominations were received by the Senate and appeared in the Congressional Record on February 17, 2006.

Air Force nomination of William M. Rogers to be Colonel.

Air Force nomination of Kevin D. Brooks to be Lieutenant Colonel.

Air Force nomination of Thomas L. Rempfer to be Major.

Air Force nomination of Stephen R. Geringer to be Major.

Air Force nomination of James D. Bone to be Major.

Air Force nominations beginning with Clinton E. Abell and ending with Anne K. Whitis, which nominations were received by the Senate and appeared in the Congressional Record on March 7, 2006.

Army nomination of Jack L. Kaplan, Jr. to be Colonel.

Army nomination of Marianne E. Watson to be Colonel.

Army nominations beginning with Sterling W. Heymen and ending with Timothy J. Wojtecki, which nominations were received by the Senate and appeared in the Congressional Record on February 17, 2006.

Army nominations beginning with David Abdalla and ending with Robert C. Yale, which nominations were received by the Senate and appeared in the Congressional Record on February 17, 2006.

Army nominations beginning with Andre B. Abadie and ending with X1444, which nominations were received by the Senate and appeared in the Congressional Record on February 17, 2006.

Army nomination of Eichel C. Joseph to be Colonel.

Army nomination of James E. Barker to be Major.

Army nomination of Chantel Newsome to be Major.

Army nomination of Clayton D. Chilcoat to be Major.

Army nominations beginning with Mazen Abbas and ending with Lance C. Varney, which nominations were received by the Senate and appeared in the Congressional Record on March 7, 2006.

Army nominations beginning with Lee R. Yoakam and ending with Tyson J. Wood, which nominations were received by the Senate and appeared in the Congressional Record on March 7, 2006.

Army nomination of Christopher D. Carrier to be Major.

Marine Corps nominations beginning with John A. Aho and ending with Daniel D. Yoo, which nominations were received by the Senate and appeared in the Congressional Record on January 27, 2006.

Marine Corps nominations beginning with John D. Adams and ending with Brandon W. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2006.

Marine Corps nominations beginning with Stephen J. McNulty and ending with Donald C. Wayman, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Carnell Luckett and ending with Carlos D. Sanabria, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nominations beginning with Dean L. Jones and ending with Christopher A. Sutherland, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2006.

Marine Corps nomination of Christopher Ramsey to be Major.

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

*Roger Shane Karr, of the District of Columbia, to be an Assistant Secretary of Transportation.

*Tyler D. Duvall, of Virginia, to be an Assistant Secretary of Transportation.

*Nicole R. Nason, of Virginia, to be Administrator of the National Highway Traffic Safety Administration.

*Thomas J. Barrett, of Alaska, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

*Robert C. Cresanti, of Texas, to be Under Secretary of Commerce for Technology.

*Robert M. McDowell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2004.

*Coast Guard nomination of Vice Adm. Thad W. Allen to be Admiral.

*Coast Guard nomination of Rear Adm. (lh) John C. Acton to be Rear Admiral.

Coast Guard nominations beginning with Rear Adm. (lh) Jody A. Breckenridge and ending with Rear Adm. (lh) Timothy S. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record on October 25, 2005.

Mr. STEVENS. Mr. President, for the Committee on Commerce, Science, and Transportation 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.

Coast Guard nominations beginning with Stephanie M. Adams and ending with Alexander T. Yuille, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2006.

National Oceanic and Atmospheric Administration nomination of Stephen S. Meador to be Lieutenant.

By Mr. SPECTER for the Committee on the Judiciary.

David F. Kustoff, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

John F. Clark, of Virginia, to be Director of the United States Marshals Service.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BAUCUS (for himself and Mr. PRYOR):

S. 2426. A bill to facilitate the protection of minors using the Internet from material that is harmful to minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNETT:

S. 2427. A bill to amend title II of the Social Security Act to provide for progressive indexing and longevity indexing of social security old-age insurance benefits for newly retired and aged surviving spouses to ensure the future solvency of the social security program, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 2428. A bill to amend the Public Health Service Act to reauthorize the Automated Defibrillation in Adam's Memory Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself, Mr. ALLEN, Mr. STEVENS, Mr. CORNYN, MR. CRAPO, and Mrs. HUTCHISON) (by request):

S. 2429. A bill to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India; to the Committee on Foreign Relations.

By Mr. DEWINE (for himself and Mr. LEVIN):

S. 2430. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study; to the Committee on Environment and Public Works.

By Mr. BAUCUS:

S. 2431. A bill to amend the Internal Revenue Code of 1986 to encourage all Americans to save for retirement by increasing their access to pension plans and other retirement savings vehicles, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 2432. A bill to designate certain public land as wilderness and certain rivers as wild and scenic rivers in the State of California, to designate Salmon Restoration Areas, to establish the Sacramento River National Recreation Area and Ancient Bristlecone Pine Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself, Mr. THUNE, Mr. AKAKA, Mr. DORGAN, Mr. PRYOR, Mr. JOHNSON, Mr. BURNS, Ms. MURKOWSKI, Mr. THOMAS, Mr. BAUCUS, Mr. CONRAD, Mrs. MURRAY, Mrs. LINCOLN, and Mr. BURR):

S. 2433. A bill to amend title 38, United States Code, to establish an Assistant Secretary for Rural Veterans in the Department

of Veterans Affairs, to improve the care provided to veterans living in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYDEN (for himself and Mr. GRAHAM):

S. 2434. A bill to limit the amount of time Senators spend on non-legislative activities; to the Committee on Rules and Administration.

By Mr. LUGAR:

S. 2435. A bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. NELSON of Florida (for himself and Mr. MENENDEZ):

S. 2436. A bill to establish an Office of Consumer Advocacy and Outreach within the Federal Trade Commission to protect consumers from certain unfair or deceptive acts or practices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS (for himself, Mrs. HUTCHISON, Mrs. DOLE, Mr. TALENT, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mr. BYRD):

S. 2437. A bill to increase penalties for trafficking with respect to peonage, slavery, involuntary servitude, or forced labor; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. MARTINEZ, Mr. SALAZAR, Mr. TALENT, Mr. DAYTON, Mr. BOND, Mr. DORGAN, Mr. COLEMAN, Mr. JOHNSON, Mr. BURNS, Mrs. MURRAY, Mr. THUNE, Mrs. LINCOLN, Mr. REID, Ms. STABENOW, Ms. LANDRIEU, Ms. CANTWELL, Mr. NELSON of Florida, Mr. PRYOR, Mr. BAUCUS, Mr. DURBIN, Mr. OBAMA, Mr. HAGEL, Mr. HARKIN, and Mr. NELSON of Nebraska):

S. 2438. A bill to provide disaster assistance to agricultural producers for crop and livestock losses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID:

S. 2439. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide for certain nuclear weapons program workers to be included in the Special Exposure Cohort under the compensation program established by that Act; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mr. LAUTENBERG, Mr. KERRY, and Mr. WYDEN):

S. 2440. A bill to provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. OBAMA:

S. 2441. A bill to authorize resources for a grant program for local educational agencies to create innovation districts; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN:

S. 2442. A bill to require the President or the Committee on Foreign Investment in the United States to submit to Congress draft investigation reports on national security related investigations, to address mandatory investigations by such committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCAIN:

S. 2443. A bill to grant the power to the President to reduce budget authority; to the Committee on Rules and Administration.

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

S. 2444. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2445. A bill to permit certain school districts in Illinois to be reconstituted for purposes of determining assistance under the Impact Aid program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself and Mr. LUGAR):

S. 2446. A bill to promote the national security and stability of the economy of the United States by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 2447. A bill to redesignate the White Rocks National Recreation Area in the State of Vermont as the ''Robert T. Stafford White Rocks National Recreation Area''; considered and passed.

By Mr. DURBIN:

S. 2448. A bill to increase the minimum penalties for violations of the Federal Mine Safety and Health Act of 1977, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. DAYTON, Mr. DURBIN, Mr. JOHNSON, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. MENENDEZ, and Mr. REID):

S. 2449. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age; to the Committee on Armed Services.

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

S. 2450. A bill to strengthen national security by encouraging and assisting in the expansion and improvement of educational programs in order to meet critical needs at the elementary, secondary, and higher education levels, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 2451. A bill to amend the Internal Revenue Code of 1986 to expand certain tax benefits related to Hurricane Katrina and to Hurricane Rita; to the Committee on Finance.

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

S. 2452. A bill to prohibit picketing at the funerals of members and former members of the armed forces; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 2453. A bill to establish procedures for the review of electronic surveillance programs; to the Committee on the Judiciary.

By Mr. FRIST:

S. 2454. A bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; placed on the calendar.

By Mr. DEWINE (for himself, Mr. GRAHAM, Mr. HAGEL, and Ms. SNOWE):

S. 2455. A bill to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN:

S. Res. 403. A resolution recognizing the benefits of breastfeeding, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW:

S. Res. 404. A resolution expressing the sense of the Senate that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad; considered and agreed to.

ADDITIONAL COSPONSORS

S. 308

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 308, a bill to require that Homeland Security grants related to terrorism preparedness and prevention be awarded based strictly on an assessment of risk, threat, and vulnerabilities.

S. 811

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 841

At the request of Mrs. CLINTON, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 841, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 894

At the request of Mr. ENZI, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 894, a bill to allow travel between the United States and Cuba.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1112

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from

Delaware (Mr. BIDEN) were added as cosponsors of S. 1112, supra.

S. 2039

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2039, a bill to provide for loan repayment for prosecutors and public defenders.

S. 2087

At the request of Mr. CHAMBLISS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2087, a bill to amend the Immigration and Nationality Act to provide for the employment of foreign agricultural workers, and for other purposes.

S. 2123

At the request of Mr. ALLARD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2123, a bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

S. 2157

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2157, a bill to amend title 10, United States Code, to provide for the Purple Heart to be awarded to prisoners of war who die in captivity under circumstances not otherwise establishing eligibility for the Purple Heart.

S. 2178

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2197

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2197, a bill to improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the National Laboratories.

S. 2198

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2198, a bill to ensure the United States successfully competes in the 21st century global economy.

S. 2199

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2199, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to promote research and development, innovation, and continuing education.

S. 2201

At the request of Mr. OBAMA, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Arkansas (Mr. PRYOR) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2322

At the request of Mr. ENZI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Texas (Mr. CORNYN), the Senator from Kansas (Mr. ROBERTS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2423

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2423, a bill to improve science, technology, engineering, and mathematics education.

S. CON. RES. 16

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 16, a concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in the state of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

S. RES. 398

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 398, a resolution relating to the censure of George W. Bush.

AMENDMENT NO. 2962

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 2962 intended to be proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2964

At the request of Mr. FEINGOLD, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. MCCAIN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 2964 intended to be proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2965

At the request of Mr. OBAMA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2965 intended to be proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 3001

At the request of Mr. NELSON of Florida, the names of the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 3001 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3023

At the request of Mr. SALAZAR, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 3023 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3034

At the request of Mr. LIEBERMAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3034 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3046

At the request of Mr. BIDEN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mrs. CLINTON) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 3046 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3047

At the request of Mrs. LINCOLN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 3047 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3048

At the request of Mr. SPECTER, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Rhode Island (Mr. CHAFEE), the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 3048 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3052

At the request of Mr. SANTORUM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 3052 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3053

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3053 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3064

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 3064 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3066

At the request of Ms. COLLINS, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 3066 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of amendment No. 3066 proposed to S. Con. Res. 83, supra.

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 3066 proposed to S. Con. Res. 83, supra.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 3066 proposed to S. Con. Res. 83, supra.

AMENDMENT NO. 3067

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3067 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3071

At the request of Mr. AKAKA, the names of the Senator from Connecticut (Mr. DODD), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mr. SCHUMER), the Senator from Maryland (Ms. MIKULSKI), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Colorado (Mr. SALAZAR), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Mr. KOHL), the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 3071 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3074

At the request of Mr. REED, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3074 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3081

At the request of Mr. SALAZAR, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 3081 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3082

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3082 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3083

At the request of Mr. DEWINE, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of amendment No. 3083 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3087

At the request of Mr. DEMINT, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of amendment No. 3087 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3089

At the request of Mr. SALAZAR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3089 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3097

At the request of Mr. DAYTON, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 3097 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3100

At the request of Mr. CORNYN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 3100 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3102

At the request of Mr. DORGAN, the name of the Senator from Montana

(Mr. BAUCUS) was added as a cosponsor of amendment No. 3102 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3103

At the request of Mr. SARBANES, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Rhode Island (Mr. REED), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 3103 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3106

At the request of Mrs. LINCOLN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 3106 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3110

At the request of Mrs. HUTCHISON, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. COLLINS), the Senator from Arizona (Mr. KYL), the Senator from North Carolina (Mrs. DOLE) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 3110 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3111

At the request of Mr. DODD, the names of the Senator from Maine (Ms. COLLINS), the Senator from Maryland (Mr. SARBANES) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 3111 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3115

At the request of Mrs. CLINTON, the names of the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 3115 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3122

At the request of Mr. TALENT, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 3122 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3127

At the request of Mr. HAGEL, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 3127 proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

AMENDMENT NO. 3130

At the request of Mr. SCHUMER, the names of the Senator from Utah (Mr. HATCH) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 3130 intended to be proposed to S. Con. Res. 83, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself and Mr. PRYOR):

S. 2426. A bill to facilitate the protection of minors using the Internet from material that is harmful to minors, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BAUCUS. Mr. President, on March 1, 2006 Evert Meiners of Billings, MT pled guilty to distributing child pornography over the Internet. A search of his computer by the FBI turned up more than 12,000 images of child pornography.

Mr. Meiners had the child pornography images on his website, which he operated from his home in Billings. But authorities across the world were able to access the pictures. Law enforcement in New York, Illinois, Maryland, and even Germany, reported that Mr. Meiners distributed and solicited pornographic images in their jurisdictions.

The Internet has proved to be a powerful tool for both good and evil. Criminals operating from around the world can now prey on children in our own backyards. We used to worry what could happen to our kids on their way home from school. Now parents have to worry about their kids even in the safety of their own homes.

Since 1995 the FBI has tracked down over 11,000 unique web addresses that solicit and market child pornography.

The danger posed by these graphic web sites to our children demands action. That is why I will introduce the ''Cyber Safety for Kids Act'' today. As a general matter the legislation seeks to create a zone for all sexually explicit material that parents can easily block their children from visiting.

Specifically, the bill would do the following: First, the Cyber Safety for Kids Act would require the Internet Corporation for Assigned Names and Numbers to designate a top level domain name for web sites with sexually explicit materials harmful to minors. The domain name would be titled dot XXX, rather than dot Com.

Next, within six months of the launch of the .XXX domain name, all web sites that contain sexually explicit materials harmful to minors would be required to adopt the dot XXX domain name.

Finally, if a web site that contains sexually explicit material harmful to minors fails to use the dot XXX domain name, the web operator would be subject to civil penalties set by the Department of Commerce.

I know that some people believe that my legislation goes too far. Others believe that it does not go far enough. For example, some argue that all pornography over the Internet should be banned. That would certainly be effective, but would unquestionably be overturned by the Supreme Court. On numerous occasions, the Supreme Court has struck down laws that prohibit the broadcast of pornographic images.

On the other hand, I have heard from some that believe my legislation is too restrictive. I am a strong defender of the Constitution's protection of speech. But we cannot bury our heads in the sand and pretend that the problem of children viewing harmful material over the Internet will go away.

We must do what we can do to help parents protect their kids. My legislation aims to follow the successful efforts by States and localities to zone adult book and movie theaters in one part of a city or town.

In Renton v. Playtime Theaters the Supreme Court specifically upheld a city zoning ordinance that prohibited adult motion picture theaters from locating within 1,000 feet of any residential zone, single- or multiple-family dwelling, church, park, or school.

Likewise, my legislation creates a zone for all sexually explicit material that is harmful to minors on the Internet. Parents could easily install filters on their computer to keep their kids from visiting the dot XXX neighborhood.

There is no silver bullet that will stop sick adults from trafficking and

soliciting child pornography. But my legislation offers an important first step.

I look forward to working with my colleagues to move this legislation forward. I am also appreciative of Senator PRYOR's leadership on this issue in the Commerce Committee. I am glad to say that Senator PRYOR has agreed to be the lead co-sponsor of my legislation.

I urge Congress to support my legislation, and have it on the President's desk as soon as possible. American parents have asked for our help, it's our duty to act.

By Mr. BENNETT:

S. 2427. A bill to amend title II of the Social Security Act to provide for progressive indexing and longevity indexing of social security old-age insurance benefits for newly retired and aged surviving spouses to ensure the future solvency of the social security program, and for other purposes; to the Committee on Finance.

Mr. BENNETT. Mr. President, I want to thank the managers of the resolution for providing me with a few minutes to discuss my introduction today of the Sustainable Solvency for Social Security Act. In introducing this legislation, I am under no illusion that there will be a rush to enactment, but do believe this is an appropriate time to draw attention to this issue and the broader issue of entitlement spending as we consider the budget resolution for fiscal year 2007.

Yesterday, we had a close vote on an amendment to reinstitute pay-as-you-go rules for spending increases and tax reductions. I opposed that amendment because a vote for it was, in essence, a vote for automatic tax increases on the American taxpayer. A more honest approach would have been to ask the Senate to adopt an amendment that required 60 votes to pass any legislation that would prevent the expiration of any tax provision that would, if allowed to expire, result in a tax increase on individual taxpayers.

I mention this because I do believe that we need fiscal discipline. We do need to collect higher revenues, but collecting higher revenues does not mean that you need to impose higher tax rates on capital or labor. Even if the sponsors of pay-go had prevailed, the real issue would be—once again—ignored.

The loaded gun held to the heads of American taxpayers is entitlement benefits that have been promised, but cannot be paid for under any realistic scenario. Economic growth can help solve or mitigate many fiscal challenges, but it cannot overcome the twin realities of demographic destiny or benefit structures that are simply unsustainable.

Today, four items—Social Security, Medicare, Medicaid and interest—consume just under 10 percent of our Gross Domestic Product. If we do nothing we will see expenditures for the three programs increase to almost 20 percent of GDP. That is simply unsustainable.

Over the past year, I spent a great deal of time talking to members on both sides of the aisle, as well as the administration, about ways to begin addressing this looming crisis. 'started with Social Security. Some asked, ''Why start with the smallest problem?'' The answer was simple. If we can't come together on a problem that can be fixed by aligning benefits with program income, how can we ever expect to come together on more difficult issues like Medicare reform.

In the case of Social Security, we can quibble about exactly when, but at some point between 2042 and 2052, the program will be unable to pay benefits called for under current law and benefits will be reduced automatically to match program income with program outlays.

As I said, I have no illusion that the legislation I am introducing today will be enacted this year, but I offer it for my colleagues' examination and suggestions.

This legislation does not include personal accounts of any shape or form. It focuses exclusively on the goal of making Social Security solvent. And it does so without any increases in taxes or increases in the payroll cap.

Presently, the Social Security system faces an actuarial deficit of 1.92 percent of payroll. According to the Chief Actuary at Social Security, 1.60 percent of this deficit is related to the Old Age and Survivors Insurance (OASI) program—what we traditionally think of as Social Security. The remaining 0.32 percent is attributable to the disability insurance program. As I discussed this issue with many of my colleagues and with others, it was clear that there was a broad consensus that the disabled should be held harmless. It was also clear that there was little or no support for the proposition that retirement program beneficiaries should subsidize the disability program. Therefore, this legislation does not touch the present disability program and leaves open the question of how to address the disability program deficit. Additionally, there was broad agreement that current retirees and those nearing retirement, born before 1950, should not have their benefits affected.

This legislation focuses solely on the 1.60 percent actuarial deficit in the OASI program. It achieves sustainable solvency for Social Security's OASI program through two primary policy tools: progressive price indexing and longevity indexing. Those reforms would slow the projected real rate of increase in future retirement benefits to a more sustainable level, while protecting low-wage-earners, the disabled, and their dependents. It also modestly accelerates the timetable for the transition under current law to a normal retirement age of 67, and it ensures sufficient backup general revenue funding to maintain a contingency reserve in the Old Age, Survivors and Disability Insurance (OASDI) trust fund.

My proposal for sustainable solvency has been scored by the office of the actuary at the Social Security Administration. The effects of its provisions affecting retirement benefits, progressive indexing, accelerated NRA 67, and longevity indexing, would eliminate entirely the OASI program actuarial deficit of 1.60 percent of payroll that is projected under current law.

Progressive indexing would not begin until 2012. First, it is important to note the beneficiaries, and Social Security programs to which progressive indexing would NOT apply. It would not apply to any current or future retiree born before 1950. Its provisions also would not apply to any worker in the future whose Social Security earnings history was in the lowest 30 percent of career earnings for workers becoming eligible to retire in a given year.

Progressive indexing essentially slows the future growth rate of benefits for higher-earning workers. Their initial retirement benefits will grow more In line with price growth, rather than the even-higher rate of increase pegged to wage growth under current law.

Under current law, retirement benefits are calculated under a ''wage indexing'' formula that will help propel them to levels significantly higher than the payroll tax revenue available to pay for them. The formula uses the average rate of growth of wages within the economy, rather than changes in the cost of living, to adjust, or ''index'', the past earnings of a worker that are used to determine the worker's initial benefit level at retirement. Because average wages generally grow faster than prices over time, the current benefit formula essentially guarantees that future retirement benefit levels will grow faster in ''real'' dollar value from generation to generation. Under this proposal, the individuals in the lowest 30 percent of all wage earners retiring in a given year would continue to have their past wages, and resulting benefit levels, indexed according to wage growth, while those at the top of the wage distribution would have their past wages indexed for changes in prices. Those falling in between would have their past wages indexed based upon a ''progressive blend'' of wage and price changes. In short, future benefit levels for workers who earned higher wages over their working career would not rise as much as benefit levels for workers with lower lifetime earnings, but those workers most dependent on social security for retirement income would be protected from such changes.

This blended version of progressive price indexing targets the sustainable levels of revenue that will be available for future Social Security benefits under current law in a manner that ensures that those retirees that will be most in need are treated the most generously. It builds on the underlying progressive structure of the current benefits formula that replaces lower levels of career earning with a relatively higher share of retirement benefits. The real purchasing power of future OASI benefits will continue to

grow, but not as much, in future decades for higher wage workers.

Longevity indexing recognizes that future retirees will live longer and, accordingly, receive inflation protected levels of their initial retirement benefits for longer periods of time than prior retirees. Absent any adjustment for changes in life expectancy beyond the age of retirement, longer lifetimes in retirement would mean increasingly greater dollar amounts of lifetime Social Security retirement benefits in future decades.

Under present law, the retirement age is scheduled to increase incrementally to age 67 beginning in 2022, the normal retirement age gradually increases for workers born in 1960 and later years, by two months each year starting in 2022 until it reaches age 67 in 2027. Under this proposal, the move from age 66 to age 67 would begin in 2012. The Normal Retirement Age or NRA would be increased by two months each year until the NRA reached age 67 in 2017. After that date, initial monthly benefits for future retirees would be periodically adjusted by the Social Security Administration to account for changes in the expected average lifetimes of future retirees.

Because it does not change current-law benefits for disabled beneficiaries, my bill does not address the remaining actuarial deficit for the DI program under current law, which amounts to another .32 percent of payroll. Accordingly, it does not close the larger overall actuarial deficit for the combined OASDI programs. The latter is 1.92 percent of payroll under current law, and would be substantially reduced to only .28 percent of payroll under my bill.

My plan's provisions that reduce OASDI benefit obligations first begin to operate in 2012, and they then improve annual unified budget balances for that year and all subsequent years within the standard 75-year projection period used by the Social Security Administration.

Several other measures demonstrate the improved solvency for the overall OASDI programs under my bill. The net cash flow from the OASDI Trust Funds to the general fund is improved by $3.6 trillion in present value. The OASDI Trust Fund exhaustion date would be extended from 2041 until 2056.

Until we can find further support for dealing with the remaining solvency problems in the DI program, we should at least ensure that sufficient resources are committed to prevent sudden across-the-board reductions in OASDI benefit levels in later decades. Therefore, my bill provides budget authority for general fund transfers as needed to maintain a 100 percent OASDI trust fund ratio in later years. Those general fund transfers are estimated by the SSA actuaries to amount to $0.6 trillion, in present value, over the next 75 years. This provision ensures solvency for the combined OASDI program through that period. After 2080, additional general revenue transfers are not expected to be necessary, and annual program cash-flow balances are projected to be improving and approaching positive annual balances beyond that year.

I also think it is important to point out that this legislation recognizes that changes in economic conditions have an impact on the actuarial balance of the program. Greater economic growth can improve but not alone restore the program's solvency; recessions can significantly worsen that financial position. Some expressed concern early in discussions on this legislation that we might be going too far, that some of the changes might prove unnecessary. For that reason I have included a provision that will allow for the administrative ''turning off' if you will of the progressive indexing or longevity indexing if the program comes into actuarial balance prior to those provisions being fully phased in.

In conclusion, this legislation would substantially reduce the mountain of unfunded debt projected for the Social Security program in the decades ahead. It does so in a manner that gradually and sensibly reduces the formula-driven increases in real retirement benefits under current law for future retirees, while protecting low-wage workers and the disabled. We could do more, but this bill would do a lot. At other times, I have proposed separate provisions to enhance overall retirement security, such as through the option of personal accounts funded partly from current payroll taxes and partly from additional personal saving. I have also proposed reforms in pension policy to encourage automatic enrollment in employer plans, provide better access to standard investment options, and stimulate increased saving by workers. But I have left those issues for another debate and focused on the solvency of the retirement program.

I offer this legislation as a starting point. I remain, as I have been over the past year, open to suggestions or modifications that can lead to bipartisan reform that will insure the permanent solvency of the Social Security system. We cannot afford to ignore this issue any longer. Burying our heads in the sand will only magnify the folly of inaction.

I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

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

SECTION BY SECTION ANALYSIS

SECTION 1: SHORT TITLE

''Sustainable Solvency First for Social Security''

SECTION 2: PROGRESSIVE INDEXING

For an individual who becomes eligible for Social Security retirement benefits in 2012 or later, the bill would use ''progressive indexing''—a mix of wage and price indexing—to determine his or her initial benefit. Those individuals whose lifetime covered earnings are in the lowest 30th percentile of all wage earners retiring in a particular year will not be affected in any way by these changes. Similarly, those individuals currently receiving Social Security benefits or near retirement (age 55 or older) will be held harmless. .

Current Law: Current Social Security benefits are calculated under a ''wage indexing'' formula. Benefits for retired or disabled workers retiring in 2006 and later years will be based on the average level of their indexed wage earnings over their working lifetime that were subject to OASDI payroll taxes up to the annual taxable maximum ($94,200 in 2006).

Several adjustments must be made to those past earnings before a retired worker's initial benefits can be calculated. Upon reaching age 62 or becoming disabled, the actual amount of a worker's previous ''covered'' earnings must first be converted into average indexed monthly earnings, or AIME. Earnings for any year before the worker reaches age 60 are wage-indexed to reflect changes in average wage levels (rather than average price levels) in the economy that occurred between the year when the earnings were realized and the year when the worker reaches age 60. Wage indexing means that workers do not lose the value of their past earnings (when money was worth more) in relation to their more recent earnings. It may add an additional productivity ''bonus'' by indexing past wages to reflect subsequent ''real'' growth in average wages that exceeds the effects of price inflation alone. Earnings after age 60 are not wage indexed. A retired worker's AIME is then based on the highest 35 years of all covered earnings, divided by 420 (the number of months in 35 years). For disabled workers and the survivors of deceased workers, the AIME can be based on a shorter period (excluding periods when the worker was disabled or deceased).

A progressive formula is then applied to a worker's AIME to calculate his or her primary insurance amount (PIA). The PIA is the monthly amount determined either for a worker who begins receiving Social Security retirement benefits at the age at which he or she is eligible for full benefits or for a disabled worker. The formula is designed to ensure that initial Social Security benefits replace a larger proportion of pre-retirement earnings for people with low average earnings than for those with higher earnings. Under the formula, the worker's PIA is determined by applying three separate percentages (90 percent, 32 percent, and 15 percent), known as PIA factors, to three different portions of the worker's AIME. The dollar thresholds at which the applicable PIA factor changes (in other words, where the fraction of additional dollars of a particular portion of AIME that becomes part of a worker's PIA changes) are known as ''bend points.'' The Social Security Administration indexes the bend points annually to match the rate of growth of average wages, while the PIA factors never change. This keeps the portion of workers' pre-retirement earnings (AIMEs) that is replaced by each of the respective PIA factors roughly constant for each new retiring cohort.

The PIA formula applicable to any worker, regardless of the age at which he or she actually retires, is the formula in place in the year the worker reached age 62 or became disabled. For example, the PIA formula for workers who first became eligible for retirement benefits in 2005 was the sum of: 90 percent of the first $627 of the worker's AIME, 32 percent of the worker's AIME falling between $627 and $3,779, and 15 percent of the worker's AIME above $3,779.

The amounts $627 and $3,779 were the bend points of the 2005 PIA formula.

The initial basic retirement benefit of a worker retiring at the ''normal retirement

age,'' or NRA, is based on 100 percent of the PIA. However, if a worker retires at an age earlier than the NRA, he or she faces an ''early retirement penalty'' which reduces the amount of his benefit. Before the year 2000, the NRA was age 65 and the early retirement penalty, or reduction factor, was 6-2/3 percent of the benefit for each year of early retirement. That is, a worker retiring three years early, at age 62 (the earliest age at which retirement benefits may be claimed), would receive a benefit equal to only 80 percent of the PIA. Beginning in 2000, the ''normal'' retirement age began to rise from age 65 to age 66, at the rate of 2 months per year for those reaching age 62 between the years 2000 and 2005. The NRA will continue to rise to age 67, at the same rate of 2 months per year, for those reaching age 62 between 2017 and 2022. A worker will still be able to collect benefits beginning at age 62, but the two additional years of early retirement (as fully phased in by 2022) will reduce benefits by an additional 5 percent per year adjustment factor. The age 62 benefit in 2022 and thereafter will fall to 70 percent of the PIA.

Once a worker's basic benefit (PIA adjusted for applicable early retirement penalty) is determined, it is augmented by annual cost of living adjustment (COLA) to offset inflation, if any, from the year the worker reached age 62 until the year of filing for benefits. After a retired worker has received his or her first benefit check, the amount is similarly adjusted upward every January 1 to reflect annual changes in the cost of living, as measured by the consumer price index (CPI). This price indexing of initial retirement benefits, after a retiree has begun to receive them, is a separate procedure from wage indexing a worker's earnings history or the bend points of the benefit formula used to set initial payments to new retirees over time.

In addition to the COLA, a recipient's benefit may increase if the individual continues to work after first becoming eligible to draw benefits. If subsequent earnings in a later year exceed any of the indexed yearly earnings initially used to determine the worker's initial benefit at age 62, Social Security will automatically substitute the new earnings for the lowest ones in the worker's earnings history, recalculate the worker's PIA, and increase the worker's future benefits.

The current structure of the formula presents an inherent problem. Because average wages generally grow faster than prices over time, the current benefit formula essentially guarantees that future retirement benefit levels will grow faster in ''real'' dollar value from generation to generation. Hence, the actual purchasing power of the Social Security benefit of a person retiring in 2005, for example, is greater than for a person who retired in 1995.

Bennett Bill: The current benefit formula would remain essentially the same, except that, for new cohorts of retirees beginning in 2012, the upper-two PIA factors (32 percent and 15 percent) used to calculate their PIAs would be adjusted lower annually by the Social Security Administration in order to slow the future growth of initial retirement benefits. Those benefit levels would increasingly reflect the levels of price growth, rather than average wage growth, that occurred during the course of most workers' careers. For those individuals whose AIMEs were above the 30th percentile of workers retiring in a given year, their initial retirement benefit would be indexed based upon a ''progressive blend'' of wage and price changes. The slowest rate of growth in future retirement benefits would be for workers with steady maximum taxable earnings. Future benefit levels for workers who earned higher wages over their working careers would rise at a lower rate than benefit levels for workers with lower lifetime earnings.

Moreover, those workers most dependent on Social Security for retirement income would be fully protected from the changes. Individuals whose career-average indexed monthly earnings were in the lowest 30 percent of all career-average wage earners retiring in a particular year would continue to have their initial benefits calculated using the current law formula and they would, therefore, be held harmless entirely from the PIA factor adjustments. Those workers who were age 55 or older on January 1,2005 also would not be affected by this change in the benefit formula. Current law benefits for young survivors, as well as disability benefits, would remain unchanged.

The progressive indexing provisions of the bill would operate first by establishing a new second bend point in the benefit formula. It would be set above the current-law first bend point (below which the first 90–percent PIA factor would continue to apply. The current-law 32-percent PIA factor would continue to operate up to this new second bend point. The new bend point would be determined to be at about the 30th percentile of AIME for those newly eligible for social security retirement benefits in 2012. (The calculation relies on the latest available statistics for AIME of workers first becoming eligible for retired worker benefits in 2001 through 2003 and updates them to 2012 using the intermediate assumptions of the 2005 Trustees Report). The future levels at which this new bend point would apply beyond 2012 would be wage indexed, as is done for the other two bend points in current law.

For workers eligible to retire in 2012 and beyond with portions of AIME above the level of this second new bend point, further progressive indexing adjustments would be made to the other two remaining marginal PIA factors (32 percent and 15 percent, respectively) under current law. The objective is to gradually reduce those two PIA factors by the same proportional amount over time, in a manner that would reflect the relative difference between using price indexing and using the current law practice of wage indexing to determine the benefits for a career-maximum earner (a worker always earning annual wages at or above the maximum amount subject to OASDI payroll taxes). The percentage by which those upper-two PIA factors are reduced in a given year, however, must be somewhat greater than that ratio alone, because it must be applied to a smaller base of career earnings. (Initial retirement benefits derived from the portion of any worker's AIME below the 30th percentile are held harmless from the progressive indexing adjustments). Hence, the new benefits formula adjusts those 15-percent and 32-percent PIA factors by multiplying them by (1) the difference of the maximum CPI-indexed benefit amount for a given year after 2011 over the benefit amount determined for an individual whose AIME is equal to the hold-harmless 30th percentile level at the second new bend point divided by (2) the difference of the maximum wage-indexed benefit amount for the same year over the benefit amount determined for an individual with AIME at the 30th percentile level.

Over time, as the original 15 percent and 32 percent PIA factors are reduced incrementally in line with the difference between price growth and average wage growth, higher earning workers will have relatively smaller shares of their total AIME converted into retirement benefits. Growth in future retirement benefits for relatively lower earning workers, with a greater share of total AIME affected by the unchanged lower-two PIA factors, will be slowed at a lesser ''blended'' rate.

The progressive indexing reduction of the upper-two PIA factors would not continue indefinitely if the financial status and outlook of the Social Security system improved and returned to sustainable solvency. Whenever the Chief Actuary of the Social Security Administration certifies that, for a calendar year after 2080, the combined balance of the Old-Age and Survivors Trust Fund and the Disability Insurance Trust Fund is positive and not less than 100 percent for that calendar year, and it is projected to remain stable and grow in the future, further adjustments to the PIA factors would be frozen and the upper-two PIA factors would remain at their level of the preceding year. Additional adjustments would resume in any later calendar year during which the combined balance dropped below 100 percent. This stabilizing provision may cause the incremental effects of progressive indexing to be added only intermittently in calendar years after 2080.

SECTION 3: LONGEVITY INDEXING

Initial Social Security benefits would be adjusted to more accurately account for increases in worker life expectancy.

Current Law: A worker's initial retirement benefit is price indexed annually to adjust for increases in the cost-of-living, as measured by the CPI–W. No further adjustments in benefits are made for changes in average life expectancy for any given cohort of retirees.

Bennett Bill: In 2018 and later years, initial benefits for future retirees would be adjusted annually by the Social Security Administration to account for changes in the expected average life expectancy, at age 67 (the age of normal retirement for future retirees). This would be done by multiplying the PIA factors by a life expectancy ratio calculated by the Chief Actuary, using final and complete actual data that is available for a given calendar year. It would represent the ratio of the period life expectancy based on computed death rates for 2013 of an individual at age 67 to the period life expectancy of an individual at that age based on the computed death rates for the fourth calendar year preceding the calendar year for which the life expectancy ratio is determined.

Those persons who are currently age 55 and older or who are young survivors would not have their benefits impacted by this adjustment.

The bill would also require the Social Security Commissioner to conduct a study on the feasibility of determining life expectancies for disabled beneficiaries. A report on the study would be due no later than one year after the date of enactment of the bill.

SECTION 4: TREATMENT OF DISABLED BENEFICIARIES

With regard to the disabled, the bill would not affect those receiving Social Security disability benefits while they are disabled.

Current Law: Upon reaching normal retirement age, the social security benefits for disabled beneficiaries are no longer paid by the Disability Insurance Trust Fund, and disabled beneficiaries become eligible for retiree benefits financed by the Old-Age and Survivors Trust Fund. Disability benefits are computed similarly to retirement benefits, but they are calculated as if the worker attained the full retirement age in the year he or she became disabled.

Bennett Bill: At the time of conversion by disabled beneficiaries to retired worker status, their retirement benefits would be calculated using a blend of two formulas. The current law benefit formula would continue to apply proportionately for the relative period of time during their potential working lifetime (between age 22 and age 62) when

they were disabled. Future changes in current law benefits due to progressive indexing and longevity indexing would apply proportionately to the relative period of time when they were able to engage in covered employment.

SECTION 5: ACCELERATION OF PRESENT-LAW NORMAL RETIREMENT AGE CHANGES

The age of normal retirement, for full Initial Social Security benefits, would be adjusted to more accurately account for increases in worker life expectancy.

Current Law: The age at which a worker becomes eligible for full Social Security retirement benefits—the normal retirement age, or NRA, is currently scheduled to increase incrementally from age 66 to age 67 for those workers first reaching age 62 in 2017 or later. The NRA depends on the worker's year of birth and, correspondingly, when he or she becomes age 62 and first eligible for retirement benefits. For people born before 1938, the NRA is 65. For workers born between 1938 and 1943, the NRA already began to increase by two months per birth year. Hence, the NRA now is 66 for people born in 1943 or later. It will remain at that level until 2017, when it again begins to increase at the rate of two months per birth year, beginning with people born in 1955. By 2022, the NRA will be 67 for workers born in 1960 or later.

Retirement benefits are still available at age 62, but with greater reduction as the NRA increases to age 67. For example, a worker retiring at age 62 in 2022 will have their initial benefits reduced by 30 percent. A worker who retired at age 62 in 2005 would have received benefits reduced by only 20 percent.

Bennett Bill: The current-law increase in the NRA from age 66 to age 67 would begin 5 years sooner, starting in the year 2012 (for those born in 1950) rather than in the year 2017. Hence, the NRA would be increased by two months each year thereafter until it reached age 67 in 2017, for those born in 1955 and later.

SECTION 6: MAINTENANCE OF ADEQUATE BALANCES IN THE SOCIAL SECURITY TRUST FUNDS

The bill would ensure that benefits are not cut automatically in future years due to the combined OASDI Trust Fund becoming insolvent (trust fund assets insufficient to cover the entire costs of the programs).

Current Law: According to the latest projections by the Chief Actuary, the Old-Age and Survivor Trust Fund will be insolvent in the year 2041. Under current law, if assets are insufficient to pay for benefits in a particular year, the benefits of all beneficiaries are reduced proportionately to make up for the shortfall. Hence, the Chief Actuary currently projects that in 2042, benefits will be reduced by roughly 30 percent.

Bennett Bill: This bill would ensure that for years in which there would not otherwise be sufficient assets in the trust fund to pay out scheduled benefits, the gap would be filled by the appropriation of funds from general revenues. This failsafe general revenue transfer provision would ensure that a sufficient financial cushion remains to provide payment of all benefits promised under the bill. However, it primarily operates as a fiscal placeholder that indicates the annual amount of increased revenue, or reduced expenditures, required to maintain an annual combined trust fund balance ratio of no less than 100 percent. It remains neutral as to which fiscal method, or combination of methods, is used to achieve this objective.

By Mr. FEINGOLD:

S. 2428. A bill to amend the Public Health Service Act to reauthorize the Automated Defibrillation in Adam's Memory Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am introducing the reauthorization of the Automated Defibrillators in Adam's Memory Act, or the ADAM Act. This bill is modeled after the successful Project ADAM that originally began in Wisconsin, and will reauthorize a program to establish a national clearing house to provide schools with the ''how-to'' and technical advice to set up a public access defibrillation program.

Every 2 minutes, someone in America falls into sudden cardiac arrest. By improving access to AEDs, we can improve the survival rates of cardiac arrest in our communities.

In my home State of Wisconsin, as in many other States, heart disease is the number one killer. Ninety-five sudden deaths from cardiac arrest occur each day in Wisconsin alone. Overall, heart disease kills more Americans than AIDS, cancer and diabetes combined.

Cardiac arrest can strike anyone. Cardiac victims are in a race against time, and unfortunately, for too many of those in rural areas, Emergency Medical Services are unable to reach people in need, and time runs out for victims of cardiac arrest. It's simply not possible to have EMS units next to every farm and small town across the Nation.

Fortunately, recent technological advances have made the newest generation of AEDs inexpensive and simple to operate. Because of these advancements in AED technology, it is now practical to train and equip police officers, teachers, and members of other community organizations.

An estimated 163,221 Americans experience out-of-hospital sudden cardiac arrests each year. Immediate CPR and early defibrillation using an automated external defibrillator, AED, can more than double a victim's chance of survival. By taking some relatively simple steps, we can give victims of cardiac arrest a better chance of survival.

Over the past 6 years, I have worked with Senator SUSAN COLLINS, a Republican from Maine, on a number of initiatives to empower communities to improve cardiac arrest survival rates. We have pushed Congress to support rural first responders—local police and fire and rescue services—in their efforts to provide early defibrillation. Congress heard our call, and responded by enacting two of our bills, the Rural Access to Emergency Devices Act and the ADAM Act.

The Rural Access to Emergency Devices program allows community partnerships across the country to receive a grant enabling them to purchase defibrillators, and receive the training needed to use these devices. This program is entering its second year of helping rural communities purchase defibrillators and train first responders, and I'm pleased to say that grants have already put defibrillators in rural communities in 49 States, helping those communities be better prepared when cardiac arrest strikes.

Approximately 95 percent of sudden cardiac arrest victims die before reaching the hospital. Every minute that passes before a cardiac arrest victim is defibrillated, the chance of survival falls by as much as 10 percent. After only 8 minutes, the victim's survival rate drops by 60 percent. This is why early intervention is essential—a combination of CPR and use of AEDs can save lives.

If we give people in rural communities a chance, they may be able to reverse a cardiac arrest before it takes another life. Unfortunately, the President zeroed out the funding for the Rural AED program in fiscal year 2007 after the program was cut by 83 percent last year. I am very disappointed that this program has been eliminated in the President's budget, and I will do everything in my power to restore funding to this program.

Heart disease is not only a problem among adults. A few years ago I learned the story of Adam Lemel, a 17-year-old high school student and a star basketball and tennis player in Wisconsin. Tragically, during a timeout while playing basketball at a neighboring Milwaukee high school, Adam suffered sudden cardiac arrest, and died before the paramedics arrived.

This story is incredibly tragic. Adam had his whole life ahead of him, and could quite possibly have been saved with appropriate early intervention. In fact, we have seen a number of examples in Wisconsin where early CPR and access to defibrillation have saved lives.

Seventy miles away from Milwaukee, a 14-year-old boy collapsed while playing basketball. Within 3 minutes, the emergency team arrived and began CPR. Within 5 minutes of his collapse, the paramedics used an AED to jump start his heart. Not only has this young man survived, doctors have identified his father and brother as having the same heart condition and have begun preventative treatments.

These stories help to underscore some important issues. First, although cardiac arrest is most common among adults, it can occur at any age—even in apparently healthy children and adolescents. Second, early intervention is essential—a combination of CPR and the use of AEDs can save lives. Third, some individuals who are at risk for sudden cardiac arrest can be identified to prevent cardiac arrest.

After Adam Lemel suffered his cardiac arrest, his friend David Ellis joined forces with Children's Hospital of Wisconsin to initiate Project ADAM to bring CPR training and public access defibrillation into schools, educate communities about preventing sudden cardiac deaths and save lives.

Today, Project ADAM has introduced AEDs into several Wisconsin schools, and has been a model for programs in

Washington, Florida, Michigan and elsewhere. Project ADAM provides a model for the Nation, and now, with the enactment of this new law, more schools will have access to the information they seek to launch similar programs.

The ADAM Act was passed into law in 2003, but has yet to be funded. Should funding be enacted, the program will help to put life-saving defibrillators in the hands of people in schools around the country. I have been very proud to play a part in having this bill signed into law, and it is my hope that the reauthorization of the Act will quickly pass through the Congress and into law, and that funding will follow. It would not take much money to fund this program and save lives across the country.

The ADAM Act is one way we can honor the life of children like Adam Lemel, and give tomorrow's pediatric cardiac arrest victims a fighting chance at life.

This act exists because a family experienced the tragic loss of their son, but they were determined to spare other families that same loss. I thank Adam's parents, Joe and Patty, for their courageous efforts and I thank them for everything they have done to help the ADAM Act become law. Their actions take incredible bravery, and I commend them for their efforts.

By making sure that AEDs are available in our Nation's rural areas, schools and throughout our communities we can help those in a race against time have a fighting chance of survival when they fall victim to cardiac arrest. I urge Congress to pass this reauthorization, and to fund the ADAM Act and the Rural AED program at their full levels. We have the power to prevent death—all we must do is act.

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. 2428

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 ''Automated Defibrillation in Adam's Memory Reauthorization Act''.

SEC. 2. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Section 312(e) of the Public Health Service Act (42 U.S.C. 244(e)) is amended in the first sentence by striking ''fiscal year 2003'' and all the follows through ''2006'' and inserting ''for each of fiscal years 2003 through 2010''.

By Mr. LUGAR (for himself, Mr. ALLEN, Mr. STEVENS, Mr. CORNYN, Mr. CRAPO, and Mrs. HUTCHISON) (by request):

S. 2429. A bill to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce, at the request of the administration, its proposed legislation to implement the recently concluded U.S.-India Civilian Nuclear Agreement.

By providing this draft legislation to the Senate and the House of Representatives, the administration has taken the first step in initiating the congressional review of the U.S.-Indian Civilian Nuclear Agreement. The Committee on Foreign Relations has held one hearing on the issue thus far. Under Secretaries of State Nick Burns and Bob Joseph, as well as outside experts testified on the matter. Last week I joined with a number of House and Senate colleagues in discussing the agreement with President Bush at the White House. In recent weeks I have met repeatedly with administration officials on this matter and look forward to commencing the Committee on Foreign Relations' review of the agreement.

The Committee on Foreign Relations will review the proposed nuclear cooperation agreement, the Indian separation plan, and this legislation closely. The committee will commence the review with a classified briefing from Under Secretaries Nick Burns and Bob Joseph the last week of March. During the first week of April Secretary Rice will testify in an open hearing. The week we return from the Easter congressional recess the committee will receive testimony from panels of outside experts who both support and oppose the agreement. This schedule should be looked on as the beginning of the oversight and review process; it is possible additional committee hearings and briefings will be necessary.

I look forward to working with my colleagues and the administration to review this agreement to fulfill our Constitutional role on this important matter.

By Mr. DEWINE (for himself and Mr. LEVIN):

S. 2430. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study; to the Committee on Environment and Public Works.

Mr. DEWINE. Mr. President, today, I join my colleague from Michigan, Senator LEVIN, in introducing the Great Lakes Fish and Wildlife Restoration Act of 2006.

This measure was first enacted in 1990 and reauthorized in 1998 to coordinate the management, protection, and restoration of fish and wildlife resources within the Great Lakes Basin. Many groups support this program because it is a good management tool and facilitates better communication between their agencies.

The Great Lakes harbor a wide variety of fish and wildlife. Over 140 fish species and over 500 species of migratory bird can be found in the basin. As in many coastal areas, there is a heavy concentration of people and industry bordering the Great Lakes. Further, the Great Lakes are threatened by the continuing introduction of invasive species, which negatively impact the native food chain and habitat.

The fish and wildlife in the Great Lakes are facing grave dangers, and the Great Lakes Fish & Wildlife Restoration Act of 2006 would provide needed resources and authority to alleviate some of these concerns. For instance, the bill would reauthorize the grant program, increasing the available amount to $12 million and would add wildlife projects to the types of projects that may receive grants. The U.S. Fish & Wildlife Service would award grants based on the recommendations from the existing grant proposal review committee, with the addition of wildlife experts.

The bill also would authorize up to $6 million each year for the U.S. Fish & Wildlife Service to undertake projects that have a regional benefit to fish and wildlife. Under this new authority, the Service would undertake projects based on the recommendations of states and tribes.

Additionally, the bill would require the Fish & Wildlife Service to submit a report to Congress in 2011 that describes the fish and wildlife grants that have been awarded and the results of those grants. The Service would report annually to the states and tribes regarding the grants that have been awarded, priorities proposed for funding in the budget, and actions taken in support of Great Lakes regional collaboration.

This bill reflects the collaboration of non-governmental groups, as well as tribal, State, and Federal agencies with jurisdiction over the management of fish and wildlife resources of the Great Lakes. All of those groups have the goal of protecting and restoring Great Lakes fish and wildlife, and this bill will continue in the right direction.

I urge my colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2430

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 ''Great Lakes Fish and Wildlife Restoration Act of 2006''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

(3) it is in the national interest to undertake activities in the Great Lakes Basin that

support sustainable fish and wildlife resources of common concern provided under the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force);

(4) additional actions and better coordination are needed to protect and effectively manage the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin;

(5) as of the date of enactment of this Act, actions are not funded that are considered essential to meet the goals and objectives in managing the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin; and

(6) the Great Lakes Fish and Wildlife Restoration Act (16 U.S.C. 941 et seq.) allows Federal agencies, States, and tribes to work in an effective partnership by providing the funding for restoration work.

SEC. 3. DEFINITIONS.

Section 1004 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941b) is amended—

(1) by striking paragraphs (1), (4), and (12);

(2) by redesignating paragraphs (2), (3), (5), (6), (7), (8), (9), (10), (11), (13), and (14) as paragraphs (1), (2), (3), (4), (5), (6), (7), (9), (10), (11), and (12), respectively;

(3) in paragraph (4) (as redesignated by paragraph (2)), by inserting before the semicolon at the end the following: '', and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin''; and

(4) by inserting after paragraph (7) (as redesignated by paragraph (2)) the following:

''(8) the term 'regional project' means authorized activities of the United States Fish and Wildlife Service related to fish and wildlife resource protection, restoration, maintenance, and enhancement that benefit the Great Lakes basin;''.

SEC. 4. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS.

Section 1005 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941c) is amended to read as follows:

''SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.

''(a) IN GENERAL.—Subject to subsection (b)(2), the Director—

''(1) shall encourage the development and, subject to the availability of appropriations, the implementation of fish and wildlife restoration proposals and regional projects; and

''(2) in cooperation with the State Directors and Indian Tribes, shall identify, develop, and, subject to the availability of appropriations, implement regional projects in the Great Lakes Basin to be administered by Director in accordance with this section.

''(b) IDENTIFICATION OF PROPOSALS AND REGIONAL PROJECTS.—

''(1) REQUEST BY THE DIRECTOR.—The Director shall annually request that State Directors and Indian Tribes, in cooperation or partnership with other interested entities and in accordance with subsection (a), submit proposals or regional projects for the restoration of fish and wildlife resources.

''(2) REQUIREMENTS FOR PROPOSALS AND REGIONAL PROJECTS.—A proposal or regional project under paragraph (1) shall be—

''(A) submitted in the manner and form prescribed by the Director; and

''(B) consistent with—

''(i) the goals of the Great Lakes Water Quality Agreement, as amended;

''(ii) the 1954 Great Lakes Fisheries Convention;

''(iii) the 1980 Joint Strategic Plan for Management of Great Lakes Fisheries, as revised in 1997, and Fish Community Objectives for each Great Lake and connecting water as established under the Joint Strategic Plan;

''(iv) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

''(v) the North American Waterfowl Management Plan and joint ventures established under the plan; and

''(vi) the strategies outlined through the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

''(3) SEA LAMPREY AUTHORITY.—The Great Lakes Fishery Commission shall retain authority and responsibility to formulate and implement a comprehensive program to eradicate or minimize sea lamprey populations in the Great Lakes Basin.

''(c) REVIEW OF PROPOSALS.—

''(1) ESTABLISHMENT OF COMMITTEE.—There is established the Great Lakes Fish and Wildlife Restoration Proposal Review Committee, which shall operate under the guidance of the United States Fish and Wildlife Service.

''(2) MEMBERSHIP AND APPOINTMENT.—

''(A) IN GENERAL.—The Committee shall consist of 2 representatives of each of the State Directors and Indian Tribes, of whom—

''(i) 1 representative shall be the individual appointed by the State Director or Indian Tribe to the Council of Lake Committees of the Great Lakes Fishery Commission; and

''(ii) 1 representative shall have expertise in wildlife management.

''(B) APPOINTMENTS.—Each representative shall serve at the pleasure of the appointing State Director or Tribal Chair.

''(C) OBSERVER.—The Great Lakes Coordinator of the United States Fish and Wildlife Service shall participate as an observer of the Committee.

''(D) RECUSAL.—A member of the Committee shall recuse himself or herself from consideration of proposals that the member, or the entity that the member represents, has submitted.

''(3) FUNCTIONS.—The Committee shall—

''(A) meet at least annually;

''(B) review proposals and special projects developed in accordance with subsection (b) to assess the effectiveness and appropriateness of the proposals and special projects in fulfilling the purposes of this title; and

''(C) recommend to the Director any of those proposals and special projects that should be funded and implemented under this section.

''(d) IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.—

''(1) IN GENERAL.—After considering recommendations of the Committee and the goals specified in section 1006, the Director shall—

''(A) select proposals and regional projects to be implemented; and

''(B) subject to the availability of appropriations and subsection (e), fund implementation of the proposals and regional projects.

''(2) SELECTION CRITERIA.—In selecting and funding proposals and regional projects, the Director shall take into account the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of other laws applicable to restoration of the fish and wildlife resources and habitat of the Great Lakes Basin.

''(e) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (4), not less than 25 percent of the cost of implementing a proposal selected under subsection (d) (excluding the cost of establishing sea lamprey barriers) shall be paid in cash or in-kind contributions by non-Federal sources.

''(2) REGIONAL PROJECTS.—Regional projects selected under subsection (d) shall be exempt from cost sharing if the Director determines that the authorization for the project does not require a non-Federal cost-share.

''(3) EXCLUSION OF FEDERAL FUNDS FROM NON-FEDERAL SHARE.—The Director may not consider the expenditure, directly or indirectly, of Federal funds received by any entity to be a contribution by a non-Federal source for purposes of this subsection.

''(4) EFFECT ON CERTAIN INDIAN TRIBES.—Nothing in this subsection affects an Indian tribe affected by an alternative applicable cost sharing requirement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).''.

SEC. 5. GOALS OF UNITED STATES FISH AND WILDLIFE SERVICE PROGRAMS RELATED TO GREAT LAKES FISH AND WILDLIFE RESOURCES.

Section 1006 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941d) is amended by striking paragraph (1) and inserting the following:

''(1) Restoring and maintaining self-sustaining fish and wildlife resources.''.

SEC. 6. ESTABLISHMENT OF OFFICES.

Section 1007 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941e) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GREAT LAKES COORDINATION OFFICE.—

''(1) IN GENERAL.—The Director shall establish a centrally located facility for the coordination of all United States Fish and Wildlife Service activities in the Great Lakes Basin, to be known as the 'Great Lakes Coordination Office'.

''(2) FUNCTIONAL RESPONSIBILITIES.—The functional responsibilities of the Great Lakes Coordination Office shall include—

''(A) intra- and interagency coordination;

''(B) information distribution; and

''(C) public outreach.

''(3) REQUIREMENTS.—The Great Lakes Coordination Office shall—

''(A) ensure that information acquired under this Act is made available to the public; and

''(B) report to the Director of Region 3, Great Lakes Big Rivers.'';

(2) in subsection (b)—

(A) in the first sentence, by striking ''The Director'' and inserting the following:

''(1) IN GENERAL.—The Director'';.

(B) in the second sentence, by striking ''The office'' and inserting the following:

''(2) NAME AND LOCATION.—The office''; and

(C) by adding at the end the following:

''(3) RESPONSIBILITIES.—The responsibilities of the Lower Great Lakes Fishery Resources Office shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Lower Great Lakes.''; and

(3) in subsection (c)—

(A) in the first sentence, by striking ''The Director'' and inserting the following:

''(1) IN GENERAL.—The Director'';.

(B) in the second sentence, by striking ''The office'' and inserting the following:

''(2) NAME AND LOCATION.—The office''; and

(C) by adding at the end the following:

''(3) RESPONSIBILITIES.—The responsibilities of the Upper Great Lakes Fishery Resources Offices shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Upper Great Lakes.''.

SEC. 7. REPORTS.

Section 1008 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941f) is amended to read as follows:

"SEC. 1008. REPORTS.

''(a) IN GENERAL.—Not later than December 31, 2011, the Director shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

''(1) actions taken to solicit and review proposals under section 1005;

''(2) the results of proposals implemented under section 1005; and

''(3) progress toward the accomplishment of the goals specified in section 1006.

''(b) ANNUAL REPORTS.—Not later than December 31 of each of fiscal years 2007 through 2012, the Director shall submit to the 8 Great Lakes States and Indian Tribes a report that describes—

''(1) actions taken to solicit and review proposals under section 1005;

''(2) the results of proposals implemented under section 1005;

''(3) progress toward the accomplishment of the goals specified in section 1006;

''(4) the priorities proposed for funding in the annual budget process under this title; and

''(5) actions taken in support of the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

''(c) STUDY.—

''(1) IN GENERAL.—Not later than December 16, 2009, the Director, in consultation with State fish and wildlife resource management agencies, Indian Tribes, and the Great Lakes Fishery Commission, shall—

''(A) conduct a comprehensive study of the status, and the assessment, management, and restoration needs, of the fish and wildlife resources of the Great Lakes Basin, including a comprehensive review of the accomplishments that have been achieved under this title through fiscal year 2008; and

''(B) submit to the President of the Senate and the Speaker of the House of Representatives—

''(i) the study described in subparagraph (A); and

''(ii) a comprehensive report on the findings of the study.

''(d) REPORT.—Not later than June 30, 2006, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives the 2002 report required under this section as in effect on the day before the date of enactment of the Great Lakes Fish and Wildlife Restoration Act of 2006.''.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 1009 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941g) is amended to read as follows:

"SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Director for each of fiscal years 2007 through 2012—

''(1) $12,000,000, of which—

''(A) $11,400,000 shall be allocated to implement fish and wildlife restoration proposals as selected by the Director under section 1005(e); and

''(B) the lesser of 5 percent or $600,000 shall be allocated to the United States Fish and Wildlife Service to cover costs incurred in administering the proposals by any entity;

''(2) $6,000,000, which shall be allocated to implement regional projects by the United States Fish and Wildlife Service, as selected by the Director under section 1005(e); and

''(3) $2,000,000, which shall be allocated for the activities of the Great Lake Coordination Office in East Lansing, Michigan, of the Upper Great Lakes Fishery Resources Office, and the Lower Great Lakes Fishery Resources Office under section 1007.''.

By Mr. BAUCUS:

S. 2431. A bill to amend the Internal Revenue Code of 1986 to encourage all Americans to save for retirement by increasing their access to pension plans and other retirement savings vehicles, and for other purposes; to the Committee on Finance,

Mr. BAUCUS. Mr. President, today I am introducing legislation to make America more competitive by increasing savings. The bill encourages savings at work, and requires that the Government consider the Nation's savings in the budget process.

That great American philosopher Yogi Berra once said: ''If you see a fork in the road, take it.''

Well, we are at that fork in the road. Private savings are at an all time low. And the government just spoons out more and more red ink. If America does not change its ways, we will find ourselves on the wrong fork.

For the past 10 months, I have been talking about competitiveness. I have been talking about the steps that we must take to keep this country strong. And I have been talking about the steps that we must take to make it stronger.

One key component of my competitiveness agenda is savings. We must improve our national savings rate because capital is critical to growth. And continued deficits lead ultimately to a downward spiral.

The 2005 personal savings rate was negative—minus 0.5 percent. Taxpayers have joined their government in engaging in deficit spending. We have to turn our savings rates around. The question is how to do it.

With regard to Federal Government budget deficits, we have talked a lot over the last few days about the need for a pay-as-you-go process. We all know that it is important. The only question is whether we are willing to take the tough steps that pay-go requires, and not leave the burden to our children and grandchildren.

Pay-go does not necessarily mean tax increases. It could mean collecting the taxes that are already owed. The most recent IRS estimate of the tax gap—the difference between what taxpayers owe and what they pay on time—is $350 billion each year.

Collecting that difference would pay for a lot of the Government. Several times, the Senate has passed legislation that would close corporate loopholes and other abuses that contribute to the tax gap. Instead of looking for additional taxes, we should work with our Colleagues in the House to enact proposals like these that will simply get taxpayers to pay what they already owe.

Today, I want to focus on the lack of personal savings for retirement. We all know it is inadequate. And we must address this problem if American workers are to be able to retire with confidence that they can maintain their living standards.

The ''Savings Competitiveness Act,'' which I introduce today, will make it easier for millions of workers to save for retirement. It will create an automatic opportunity for workers to have savings withheld from their paychecks.

We cannot improve the personal savings rate by providing tax incentives that simply shift savings from one type of account to another, or from one investment to another. We can improve the personal savings rate only by creating new savings, especially savings by workers who would otherwise not save. I believe that this bill will do just that.

Data on retirement savings show that workers who can save at work through payroll deduction arrangements—such as 401(k) plans—usually take advantage of the opportunity to save. About two-thirds of eligible workers contribute to a 401(k) plan. That percentage jumps dramatically—to more than 80 percent—if eligible workers are automatically enrolled in these plans. Automatic enrollment makes saving the default. Workers can opt out. But those who do not opt out, start saving.

In November, we passed the pension bill by an overwhelming margin—97-to-2. That bill included provisions to encourage opt-out 401(k) and 403(b) plans, instead of opt-in plans. This is a very important first step. Separate bills introduced by Senators BINGAMAN and SNOWE, and Senators CONRAD and SMITH were the basis for the Senate provisions. And I applaud their efforts to move these ideas along. Since the House also included automatic enrollment language in its bill, I expect that the final conference bill will take this dramatic step toward increasing savings.

That, however, is just a first step. Automatic enrollment in 401(k) and 403(b) plans will help only those who are eligible to join an employer-sponsored plan. That is about 60 percent of working Americans. Unfortunately, that leaves 40 percent of workers out in the cold. For small employers, the situation is worse. More than half of workers with small employers—those with fewer than 25 employees—have no employer-sponsored retirement plan. And for firms with fewer than 10 employees, only 16 percent of workers participate in an employer-sponsored plan.

Those who have no employer-sponsored retirement program are far less likely to save for retirement than those who do; 85 percent of workers eligible for an employer-sponsored plan are actually earning benefits in those plans. But less than 20 percent of eligible taxpayers contribute to an IRA.

Many more own IRAs—because funds from employer plans have been rolled over to an IRA. But the truth is, most retirement savings came from employer-based retirement plans.

The high participation rates in employer-sponsored 401(k) plans, and the

low rates for IRAs, leads to a clear conclusion. We can increase retirement savings—create new savings—by making payroll deduction retirement savings available to more workers.

This is not a new idea. President Clinton's USA accounts were one attempt to bring retirement savings to all working Americans. Senator BINGAMAN first proposed universal access to retirement savings in his Secure Retirement for America Act in the 107th Congress. But it is time that we stopped talking. It is time that we started doing something to change the direction of the personal savings rate.

Access to payroll savings is important, but it is not enough. The Savings Competitiveness Act that I introduce today will expand savings opportunities and more.

This bill helps workers by providing an opportunity to save for retirement through payroll deduction at work. Employers are not required to contribute. Employers just withhold contributions and forward them to an IRA. We provide a modest credit to help small employers with the start-up costs.

This bill helps children by allowing Young Saver's Accounts to be used for kid's savings.

This bill helps small employers who want to contribute toward employees' retirement savings get started with a 3-year start-up credit for 50 percent of contributions to workers who are not highly compensated. And small employers who use ''SIMPLE'' plans can share the profits in a good year by making discretionary contributions to employees' SIMPLE IRAs.

This bill helps lower-income taxpayers by replacing the current Saver's Credit with a refundable credit, deposited to the taxpayer's retirement savings account. Families earning up to $50,000 would be eligible for a 50 percent credit. Those earning up to $60,000 would be entitled to a portion of the credit. Low-income savers would not be penalized by losing eligibility for food stamps and other benefits.

This bill helps retirees with modest savings by exempting $50,000 of their savings from minimum distribution requirements.

This bill removes traps for the unwary by simplifying distribution rules. It would conform 401(k) and IRA penalties so that workers who do not have advisers to lead them through a series of hoops do not get hit with excise taxes that those with a guide can avoid.

This bill takes some of the guesswork out of choosing an IRA. It would create a seal of approval for IRAs that have investment options similar to those in the Thrift Savings Plan and modest fees.

The Senate's automatic enrollment provisions are not law yet. So I have also included them in this new legislation.

I encourage my Colleagues to join with me to provide workplace savings opportunities for working Americans that now have none and to stop the unlimited growth of the deficit by adopting a pay-as-you-go requirement. I ask you to support the Savings Competitiveness Act.

By Mr. SALAZAR (for himself, Mr. THUNE, Mr. AKAKA, Mr. DORGAN, Mr. PRYOR, Mr. JOHNSON, Mr. BURNS, Ms. MURKOWSKI, Mr. THOMAS, Mr. BAUCUS, Mr. CONRAD, Mrs. MURRAY, Mrs. LINCOLN, and Mr. BURR):

S. 2433. A bill to amend title 38, United States Code, to establish an Assistant Secretary for Rural Veterans in the Department of Veterans Affairs, to improve the care provided to veterans living in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

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

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

S. 2433

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 ''Rural Veterans Care Act of 2006''.

SEC. 2. ASSISTANT SECRETARY FOR RURAL VETERANS.

Section 308 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before ''There'';

(B) by striking ''six'' and inserting ''seven''; and

(C) by striking ''Each'' and inserting the following:

''(2) Each'';

(2) by redesignating subsection (c) as paragraph (3) and inserting such paragraph at the end of subsection (a);

(3) by inserting after subsection (b) the following new subsection:

''(c)(1) One of the Assistant Secretaries appointed under subsection (a) shall be the Assistant Secretary for Rural Veterans, who, under the direction of the Secretary, shall formulate and implement all policies and procedures of the Department that affect veterans living in rural areas.

''(2) The Assistant Secretary for Rural Veterans, under the direction of the Secretary, shall perform the following functions:

''(A) Except as otherwise expressly provided in this title, carry out the provisions of this title and administer all Department programs for providing care to veterans living in rural areas who are eligible for services authorized under this title.

''(B) Oversee and coordinate personnel and policies of the Veterans Health Administration, the Veterans Benefits Administration, the National Cemetery Administration, and their respective subagencies, including Veterans Integrated Service Networks, to carry out Department programs to the extent such programs affect veterans living in rural areas.

''(C) Oversee, coordinate, promote, and disseminate research into issues affecting veterans living in rural areas in cooperation with the medical, rehabilitation, health services, and cooperative studies research programs, the Office of Policy and the Office of Research and Development of the Veterans Health Administration, and the centers established in section 7329.

''(D) Ensure maximum effectiveness and efficiency in providing services and assistance to eligible veterans under the programs described in subparagraph (A), after consultation with appropriate representatives of the Centers for Medicare and Medicaid Services, the Indian Health Service, and the Office of Rural Health Policy of the Department of Health and Human Services, the Social Security Administration, the Department of Labor, the Department of Agriculture (acting through the Under Secretary for Rural Development), and other Federal, State, and local government agencies.

''(E) Work with all personnel and resources of the Department to develop, refine, and promulgate policies, best practices, lessons learned, and innovative and successful programs to improve care and services for rural veterans.

''(F) Perform such other functions and duties as the Secretary considers appropriate.

''(3) The Secretary shall ensure that the Assistant Secretary for Rural Veterans has the budget, authority, and control necessary for the development, approval, implementation, integration, and oversight of policies, procedures, processes, activities, and systems of the Department relating to the care of rural veterans. The Secretary shall identify a Rural Veterans Coordinator in each Veterans Integrated Service Network, who shall report to the Assistant Secretary for Rural Veterans and coordinate the functions authorized under this subsection within such network.

''(4) The Assistant Secretary for Rural Veterans, under the direction of the Secretary, shall supervise the employees of the Department who are responsible for implementing the policies and procedures described in paragraph (1).''; and

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''18'' and inserting ''19''; and

(ii) by adding at the end the following: ''One of the Deputy Assistant Secretaries appointed under this paragraph shall be the Deputy Assistant Secretary for Rural Veterans, who shall perform such functions as the Assistant Secretary for Rural Veterans prescribes.'';

(B) in paragraph (2), by inserting ''or, in the case of the Deputy Assistant Secretary for Rural Veterans, comparable service in a management position in the Armed Forces'' after ''Secretary''.

SEC. 3. RESPONSIBILITIES OF ASSISTANT SECRETARY FOR RURAL VETERANS.

(a) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Assistant Secretary for Rural Veterans, appointed under section 308 of title 38, United States Code, shall carry out demonstration projects to examine alternatives for expanding care in rural areas, including—

(A) establishing a partnership between the Department of Veterans Affairs and the Centers for Medicare and Medicaid Services of the Department of Health and Human Services to coordinate care for rural veterans conducted at critical access hospitals (as designated or certified under section 1820 of the Social Security Act (42 U.S.C. 1395i–4));

(B) establishing a partnership between the Department of Veterans Affairs and the Department of Health and Human Services to coordinate care for rural veterans conducted at community health centers;

(C) expanding the use of fee basis care through which private hospitals, health care facilities, and other third-party providers are reimbursed for providing care closer to the homes of veterans living in rural areas, as authorized under section 7405(a)(2); and

(D) expanding coordination between the Department of Veterans Affairs and the Indian Health Service to expand care for Native American veterans.

(2) GEOGRAPHIC DISTRIBUTION.—The Assistant Secretary for Rural Veterans shall ensure that the demonstration projects authorized under paragraph (1) are located at facilities that are geographically distributed throughout the United States.

(3) REPORT.—Not later than two years after the date of enactment of this Act, the Assistant Secretary for Rural Veterans shall submit a report on the results of the demonstration projects conducted under paragraph (1) to—

(A) the Committee on Veterans Affairs of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Veterans Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(b) POLICY REVISIONS.—Not later than one year after the date of enactment of this Act, the Assistant Secretary for Rural Veterans shall—

(1) reevaluate directives 5005 and 5007 of the Department of Veterans Affairs and other guidance and procedures related to the use of fee basis care nationwide; and

(2) revise established policies to—

(A) provide stronger guidance to units of the Department of Veterans Affairs; and

(B) strengthen the use of fee basis care to extend health care services to rural and remote rural areas.

(c) REPORTS TO CONGRESS.—The Secretary of Veterans Affairs shall submit to Congress, in conjunction with the documents submitted in support of the President's budget for each fiscal year, an assessment of the implementation during the most recently completed fiscal year of the provisions of this Act and the amendments made by this Act.

SEC. 4. PILOT PROGRAM ON ENHANCED ACCESS TO HEALTH CARE FOR VETERANS IN HIGHLY RURAL AND GEOGRAPHICALLY REMOTE AREAS.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a pilot program to evaluate the feasability and advisability of utilizing various means to improve the access of veterans who reside in highly rural or geographically remote areas to health care services referred to in subsection (d).

(2) PROVISION OF SERVICES UNDER PILOT PROGRAM.—In conducting the pilot program, the Secretary shall provide health care services referred to in subsection (d) to eligible veterans who reside in highly rural or geographically remote areas in the geographic service regions selected for purposes of the pilot program utilizing the contract authority of the Secretary under section 1703 of title 38, United States Code, and such other authorities available to the Secretary as the Secretary considers appropriate for purposes of the pilot program.

(b) ELIGIBLE VETERANS.—A veteran is an eligible veteran for purposes of this section if the veteran—

(1) has a service-connected disability; or

(2) is enrolled in the veterans health care system under section 1705 of title 38, United States Code.

(c) HIGHLY RURAL OR GEOGRAPHICALLY REMOTE AREAS.—An eligible veteran resides in a highly rural or geographically remote area for purposes of this section if the veteran—

(1) resides in a location that is more than 60 miles driving distance from the nearest Department of Veterans Affairs health care facility; or

(2) in the case of an eligible veteran who resides in a location that is less than 60 miles driving distance from such a facility, experiences such hardship or other difficulties (as determined pursuant to regulations prescribed by the Secretary for purposes of this section) in travel to the nearest Department of Veterans Affairs health care facility that such travel is not in the best interests of the veteran.

(d) HEALTH CARE SERVICES.—The health care services referred to in this section are—

(1) acute or chronic symptom management;

(2) nontherapeutic medical services; and

(3) any other medical services jointly determined appropriate for an eligible veteran for purposes of this section by the physician of the department responsible for primary care of such eligible veteran and the director of the Veterans Integrated Service Network concerned.

(e) AREAS FOR CONDUCT OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be conducted in 3 of the geographic service regions of the Veterans Health Administration (referred to as Veterans Integrated Service Networks) selected by the Secretary for purposes of the pilot program.

(2) SELECTION.—In selecting geographic service regions for the purposes of the pilot program, the Secretary, based on the recommendations of the Assistant Secretary for Rural Veterans, shall select from among the Veterans Integrated Service Networks that have a substantial population of veterans who reside in highly rural or geographically remote areas.

(f) PERIOD OF PILOT PROGRAM.—The pilot program shall be conducted during fiscal years 2007, 2008, and 2009.

(g) FUNDING FOR PILOT PROGRAM.—

(1) IN GENERAL.—For each fiscal year during which the pilot program is conducted, the Secretary shall allocate for the pilot program an amount equal to 0.9 percent of the total amount appropriated for such fiscal year for medical services.

(2) TIMING OF ALLOCATION.—The allocation under paragraph (1) for a fiscal year shall be made before any other allocation of funds for medical care is made for such fiscal year, and any remaining allocation of funds for medical care for such fiscal year shall be made without regard to the allocation under subsection (a) in such fiscal year.

(h) REPORT TO CONGRESS.—Not later than February 1, 2009, the Secretary shall submit to Congress a report on the pilot program. The Secretary shall include in the report such recommendations as the Secretary considers appropriate concerning extension of the pilot program or other means to improve the access of veterans who reside in highly rural or geographically remote areas to health care services referred to in subsection (d).

SEC. 5. TRAVEL REIMBURSEMENT FOR VETERANS RECEIVING TREATMENT AT FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 111 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''subsistence),'' and inserting ''subsistence at a rate equivalent to the rate provided to Federal employees under section 5702 of title 5),''; and

(B) by striking ''traveled,'' and inserting ''(at a rate equivalent to the rate provided to Federal employees under section 5704 of title 5),'';

(2) by striking subsection (g); and

(3) by redesignating subsection (h) as subsection (g).

SEC. 6. CENTERS FOR RURAL HEALTH RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7329. Centers for rural health research, education, and clinical activities

''(a) ESTABLISHMENT OF CENTERS.—The Assistant Secretary for Rural Veterans shall establish and operate not less than one and not more than five centers of excellence for rural health research, education, and clinical activities, which shall—

''(1) conduct research on rural health services;

''(2) allow the Department to use specific models for furnishing services to treat rural veterans;

''(3) provide education and training for health care professionals of the Department; and

''(4) develop and implement innovative clinical activities and systems of care for the Department.

''(b) GEOGRAPHIC DISPERSION.—The Assistant Secretary for Rural Veterans shall ensure that the centers authorized under paragraph (1) are located at health care facilities that are geographically dispersed throughout the United States.

''(c) SELECTION CRITERIA.—The Assistant Secretary for Rural Veterans may not designate a health care facility as a location for a center under this section unless—

''(1) the peer review panel established under subsection (d) determines that the proposal submitted by such facility meets the highest competitive standards of scientific and clinical merit; and

''(2) the Assistant Secretary for Rural Veterans determines that the facility has, or may reasonably be anticipated to develop—

''(A) an arrangement with an accredited medical school to provide residents with education and training in care for rural veterans;

''(B) the ability to attract the participation of scientists who are capable of ingenuity and creativity in health care research efforts;

''(C) a policymaking advisory committee, composed of appropriate health care and research representatives of the facility and of the affiliated school or schools, to advise the directors of such facility and such center on policy matters pertaining to the activities of such center during the period of the operation of such center; and

''(D) the capability to effectively conduct evaluations of the activities of such center.

''(d) PANEL TO EVALUATE PROPOSALS.—(1) The Assistant Secretary for Rural Veterans shall establish a panel to—

''(A) evaluate the scientific and clinical merit of proposals submitted to establish centers under this section; and

''(B) provide advice to the Assistant Secretary for Rural Veterans regarding the implementation of this section.

''(2) The panel shall review each proposal received from the Assistant Secretary for Rural Veterans and shall submit its views on the relative scientific and clinical merit of each such proposal to the Assistant Secretary.

''(3) The panel established under paragraph (1) shall be comprised of experts in the fields of public health research, education, and clinical care.

''(4) Members of the panel shall serve as consultants to the Department for a period not to exceed two years.

''(5) The panel shall not be subject to the Federal Advisory Committee Act.

''(e) FUNDING.—(1) There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a).

''(2) The Assistant Secretary for Rural Veterans shall allocate such amounts as the

Under Secretary for Health determines to be appropriate to the centers established pursuant to subsection (a) from funds appropriated for the Medical Care Account and the Medical and Prosthetics Research Account.

''(3) Activities of clinical and scientific investigation at each center established under subsection (a)—

''(A) shall be eligible to compete for the award of funding from funds appropriated for the Medical and Prosthetics Research Account; and

''(B) shall receive priority in the award of funding from such account to the extent that funds are awarded to projects for research in the care of rural veterans.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 38, United States Code, is amended by inserting after the item relating to section 7328 the following new item:

''7329. Centers for rural health research, education, and clinical activities.''.

By Mr. WYDEN (for himself and Mr. GRAHAM):

S. 2434. A bill to limit the amount of time Senators spend on non-legislative activities; to the Committee on Rules and Administration.

Mr. WYDEN. Mr. President, the Senate has been working away at a lobbying reform bill, which is a good start at curbing the influence of special interests, but that alone is not enough. Everyone knows the root of the problem is money. Money is the oil that runs the engine of a viable campaign for office.

Every single one of my colleagues and I are in a perpetual campaign. Whether you were born a multi-millionaire or come from more humble origins, you are chasing money. Senators are elected or reelected on a Tuesday, sleep in on Wednesday and by Thursday they are back on the phone, dialing supporters for contributions to fuel the next campaign.

I do not believe Senators should have to operate this way. I believe the people send Senators to the Capitol to resolve their and the Nation's problems; I don't believe they send us to the United States Senate to spend all our time calling donors for support.

Senators are here to do the people's business, and that's why Senator GRAHAM and I are introducing the first bipartisan bill that would let Senators focus on what the voters of our States sent us here to do. This would be the first serious step toward shutting the door on the 6-year stockpiling of campaign contributions. Our bill would amend the Senate rules to prohibit incumbent Senators from raising money until 18 months prior to their re-election. An exception to this ban would be triggered if an opposing candidate or group targeted a Senator with more than $100,000 in paid advertisements. Such a targeted campaign would free an incumbent Senator from the prohibition on soliciting contributions. Likewise, the ban would not apply to contributions to retire campaign debt.

I have long admired the system used in many European countries for keeping campaigns focused on a short but intense period. That would require an amendment to the Constitution, an avenue that time and again has proved too difficult to navigate. Short of a Constitutional amendment I believe the new approach Senator GRAHAM and I are offering could prove viable.

Campaign finance reform is much like nuclear disarmament: everyone is for it but few are willing to take the first step unilaterally. I believe that those of us who are already here in the Senate bear the responsibility to take that first step.

Our proposal aims not just to treat the symptoms of scandal and corruption; it aims to cure the overall disease by going after the endless race for money in politics. Our bipartisan approach enjoys the support of a number of groups, including Common Cause, Democracy21, US PIRG and Public Citizen.

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

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

S. 2434

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 ''Senate Campaign Reform Act of 2006''.

SEC. 2. LIMITATION ON SOLICITATION OR ACCEPTANCE OF CONTRIBUTIONS.

Paragraph 1 of rule XLI of the Standing Rules of the Senate is amended—

(1) by inserting ''(a)'' after ''1.''; and

(2) by adding at the end the following:

''(b)(1) A Member of the Senate, or officer or employee of the Senate, shall not solicit, receive, direct, or authorize the acceptance of a contribution with respect to a political committee authorized by or affiliated with a Senator at any time other than during the period beginning on the date that is 18 months prior to the date of the next general election for the office held by such Senator and ending on the date of such election.

''(2) This subparagraph shall not apply for the period beginning on the date in which a candidate opposing a Senator receives contributions or makes expenditures in excess of $100,000.

''(3)(A) This subparagraph shall not apply in any case in which a Senator is targeted (by name or office) in broadcast advertisements paid for by an individual or group that is not affiliated with any candidate for the Senate, but only to the extent that contributions do not exceed the amount paid by the individual or group for such advertisements.

''(B) Contributions permitted by subclause (A) shall be used for the sole purpose of responding to such advertisements, and funds remaining at the conclusion of such response shall be returned to the individual contributors (based on the percentage of the total amount contributed).

''(C) Not later than 30 days after the date on which a response is made under subclause (B), the Senator shall submit for review to the Select Committee on Ethics of the Senate the amount raised, copies of the advertisements in question, and the dates and outlets on which the advertisements were run.

''(4) This subparagraph shall not apply to any authorized committee of a Senator who is a candidate for an office other than Senator, but only if such committee is established for the purpose of running for such other office and no contribution accepted by the committee is used for the purpose of running for the office of Senator.

''(5) Any term used in this subparagraph which is also used in the Federal Election Campaign Act of 1971 (2 U.S.C. 331 et seq.) shall have the meaning given such term under such Act.''.

By Mr. LUGAR:

S. 2435. A bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce the ''Energy Diplomacy and Security Act,'' legislation that recognizes energy security to be a foremost concern for United States national security, and would realign our diplomatic priorities to meet energy security challenges.

Energy issues pose a multitude of challenges for United States national security, foreign policy, economy, and environment. Meeting these challenges requires a rigorous and farsighted policy to move us toward a sustainable energy future, which will include international partnership. The bill calls upon the President to improve the focus and coordination of Federal agency activities in international energy affairs. The bill further would ensure that concern for energy security is integrated into the State Department's core mission and activities, and to this end, it calls for the creation of a Coordinator for International Energy Affairs within the Office of the Secretary.

The bill calls upon the Federal Government to expand international cooperation on energy issues. The bill seeks to enhance international preparedness for major disruptions in oil supplies. A particular priority is to offer a formal coordination agreement with China and India as they develop strategic petroleum reserves. This would help draw them into the international system, providing supply reassurance, and thereby reducing potential for conflict. The bill also calls for extension of petroleum supply disruption to developing nations which are most vulnerable.

The bill would also stimulate regional partnerships in the Western Hemisphere. Most of our oil and virtually all of our gas imports come from this Hemisphere. The bill would create a Western Hemisphere Energy Forum modeled on the APEC energy working group. This would provide a badly-needed mechanism for hemispheric energy cooperation and consultation, and would promote private investment in the Hemisphere.

Finally, the bill would enhance international partnerships with both major energy producing and consuming countries. We must engage major oil and natural gas producing countries. Not working with major oil and gas exporters will lead to unproductive political

showdowns and conflict. Strategic energy partnerships with other major consuming countries are also crucial for our national security. Energy security is a priority we hold in common with other import dependent countries, and partnership with the world's largest consumers will increase leverage in relation to petro-states and speed our own conversion to sustainable energy sources. In addition to seeking new avenues of cooperation, the bill would give focus to existing bilateral energy dialogues, which have lacked clear objectives and political backing.

I look forward to working with my colleagues and the Administration to pursue a foreign policy that meets the grave national security challenges posed by the global energy situation.

By Mr. NELSON of Florida (for himself and Mr. MENENDEZ):

S. 2436. A bill to establish an Office of Consumer Advocacy and Outreach within the Federal Trade Commission to protect consumers from certain unfair or deceptive acts or practices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I rise today on behalf of myself, and Senator ROBERT MENENDEZ of New Jersey, to introduce a bill to create an Office of Consumer Advocacy and Outreach within the Federal Trade Commission.

Pyramid schemes, too-good-to-be-true business opportunities, miracle weight loss products—these are all examples of how average Americans are taken advantage of on a daily basis. These schemes have the potential to deplete an innocent person's bank accounts and ruin their finances and credit record for years to come. Some even damage people's health permanently—all for sake a making a few bucks.

Unfortunately, Hispanics are twice as likely as other Americans to become victims of consumer fraud. In fact, 14.3 percent of Hispanics will fall prey to this type of crime. It's hard to know exactly why this is affecting Hispanics disproportionately. Some believe that disreputable businesses target certain communities because they believe victims are less likely to report crimes. In fact, data has shown that Hispanics are less likely to report incidents of fraud than other segments of the population.

The Federal Trade Commission has levied an increasing number of complaints against deceptive Spanish-language advertisements, including fraudulent driving permits and junk computers in recent years. Two of these complaints were filed against businesses in South Florida that targeted Spanish speakers with advertisements for ''scientifically unfeasible'' weight-loss pills.

The Office of Consumer Advocacy and Outreach created by this bill will provide information to targeted consumers in these communities on how to protect themselves against fraudulent schemes and where to seek redress if they become a victim. The Office will work with law enforcement to track and investigate fraud schemes that target immigrants, the elderly, minorities and other communities.

This legislation will create, develop, and manage an anonymous tip program that will allow individuals to report fraud schemes that specifically target their community. The tip program will allow anyone with knowledge of a fraud scheme involving deceptive advertising to get a reward for reporting it directly to the experts who work at the Federal Trade Commission.

To help publicize the reward program, the number for this newly created hotline would be included in a Spanish-language public service advertising campaign produced by the Federal Trade Commission that warns against consumer fraud and provides the number for this newly created anonymous hotline.

Finally, the Office will work with law enforcement to increase their level of participation in the Consumer Sentinel database system. This database, currently in existence, collects information from local, State and Federal agencies on consumer complaints to assist in the tracking and investigating of consumer fraud issues.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2436

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 ''Federal Trade Commission Consumer Advocacy Act''.

SEC. 2. ESTABLISHMENT OF THE OFFICE OF CONSUMER ADVOCACY AND OUTREACH.

There is established within the Federal Trade Commission an Office of Consumer Advocacy and Outreach.

SEC. 3. PURPOSE OF THE OFFICE OF CONSUMER ADVOCACY AND OUTREACH.

The purpose of the Office of Consumer Advocacy and Outreach is to protect minority consumers, disabled consumers, and other targeted consumers from unfair or deceptive acts or practices that violate section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

SEC. 4. RESPONSIBILITIES OF THE OFFICE OF CONSUMER ADVOCACY AND OUTREACH.

The head of the Office of Consumer Advocacy and Outreach shall—

(1) assist law enforcement personnel in—

(A) investigating unfair or deceptive acts or practices that violate section 5 of the Federal Trade Commission Act (15 U.S.C. 45) and that affect minority, disabled, or other targeted consumers; and

(B) increasing the amount of information available about such acts or practices through the Consumer Sentinel database system or an equivalent database system;

(2) provide consumers, including minority, disabled, or other targeted consumers, information regarding detecting unfair or deceptive acts or practices;

(3) administer a program that permits individuals to anonymously report information regarding an unfair or deceptive act or practice that affects minority, disabled, or other targeted consumers;

(4) carry out a program to provide a monetary reward to an individual who reports an unfair or deceptive act or practice that affects minority, disabled, or other targeted consumers if such report results in the Federal Trade Commission obtaining a civil penalty from a person liable for such act or practice; and

(5) carry out a public awareness campaign in Spanish to inform Spanish-speaking consumers about the services provided by the Office and the award program described in paragraph (4).

By Mr. STEVENS (for himself, Mrs. HUTCHISON, Mrs. DOLE, Mr. TALENT, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mr. BYRD):

S. 2437. A bill to increase penalties for trafficking with respect to peonage, slavery, involuntary servitude, or forced labor; to the Committee on the Judiciary.

Mr. STEVENS. Mr. President, over 100 years ago, our country criminalized slavery with the 13th amendment to the U.S. constitution. Yet, thousands of people in our country still live a life of slavery and forced prostitution.

According to the State Department, up to 800,000 people worldwide are trafficked across borders each year. As many as 17,000 persons are believed to be trafficked in the United States annually.

The majority of these victims are women and children. Most of them are trafficked into commercial sexual exploitation.

Human trafficking is a highly profitable and dangerous business. It generates an estimated $9.5 billion annually and is closely connected to organized crime. Human trafficking operations have been linked to money-laundering, drug-trafficking, document forgery, and the funding of terrorist activities.

Those involved in human trafficking prey on the most vulnerable in our society. They seek out those living in poverty and those who have not had access to a good education.

Human traffickers hold their victims against their will and force them into slavery or the sex industry, where they are threatened and often physically or sexually abused.

The State Department is working with other nations to combat this problem internationally, and we must do more here at home.

Those involved in human trafficking should face severe criminal penalties. It is my hope that such penalties will discourage this type of activity. Our country is a beacon of freedom for the world, and the idea that thousands of people a year are enslaved right in our own backyard sickens me. This must be stopped.

In the past, Congress has passed laws increasing the penalties for human trafficking. I urge my colleagues to join me in increasing these penalties once again.

This bill makes the trafficking of humans a capital offense. It not only

holds those who lure men, women, and children into a life of slavery and prostitution responsible; it also punishes those involved in the transport or purchase of these victims.

This bill gives our courts the tools they need to curb this ongoing epidemic. I urge my colleagues to support this legislation.

By Mr. REID:

2439. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide for certain nuclear weapons program workers to be included in the Special Exposure Cohort under the compensation program established by that Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today to introduce a bill to provide compensation for civilian veterans of the Cold War who contracted cancer as a result of their work at our nuclear weapons facilities, The Nevada Test Site Veteran's Compensation Act of 2006.

The Nevada Test Site Veteran's Compensation Act of 2006 will ensure that employees who worked at the Nevada Test Site during the years of above and below ground nuclear weapons testing and suffer from radiation-induced cancers as a result of that work finally receive the compensation they deserve. These Cold War veterans sacrificed their health and wellbeing for their county. We can wait no longer to acknowledge those sacrifices and to try, in some small way, to compensate for the cancers they have suffered as a result of their service to their country.

United States citizens have served their country working in facilities producing and testing nuclear weapons and engaging in other atomic energy defense activities that served as a deterrent during the Cold War. Many of these workers were exposed to cancer-causing levels of radiation and placed in harm's way by the Department of Energy and contractors, subcontractors, and vendors of the Department without the knowledge and consent of the workers, without adequate radiation monitoring, and without necessary protections from internal or external occupational radiation exposures.

Six years ago, I worked with President Clinton to pass The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (EEOICPA) to ensure fairness and equity for the men and women who performed duties uniquely related to the nuclear weapons production and testing programs by establishing a program that would provide timely, uniform, and adequate compensation for 22 specified radiation-related cancers.

Research by the Department of Energy, the National Institute for Occupational Safety and Health (NIOSH), NIOSH's contractors, the President's Advisory Board on Radiation and Worker Health, and congressional committees indicates that workers were not adequately monitored for internal or external exposures to ionizing radiation to which the workers were exposed and records were not maintained, are not reliable, are incomplete, or fail to indicate the radioactive isotopes to which workers were exposed.

Because of the inequities posed by the factors described above and the resulting harm to the workers, EEOICPA has an expedited process for groups of workers whose radiation dose cannot be estimated with sufficient accuracy or whose dose cannot be estimated in a timely manner. These workers are placed into a Special Exposure Cohort (SEC). Workers in an SEC do not have to go through the dose reconstruction process, which can take years and be extremely difficult as these workers are often unable to produce information because it was or is classified.

Congress has already legislatively designated classes of atomic energy veterans at the Paducah, Kentucky, Portsmouth, Ohio, Oak Ridge K–25, Tennessee, and the Amchitka Island, Alaska, sites as members of the Special Exposure Cohort under EEOICPA. Amchitka Island was designated because three underground nuclear tests were conducted on the Island.

Nevada Test Site workers deserve the same designation.

I and many other Nevadans remember watching explosions at the Nevada Test Site. We were struck with awe and wonder at the power and strength of these explosions. Little did we know that there was another side to those atomic tests—the exposure of men and women working at the site to cancer-causing substances. Now, hundreds, perhaps thousands, of these Cold War veterans face deadly cancers. Many have already passed away.

The contribution of the State of Nevada to the security ofthe United States throughout the Cold War and since has been unparalleled. In 1950, President Harry S. Truman designated what would later be called the Nevada Test Site as the Nation's nuclear proving grounds and, a month later, the first atmospheric test at the Nevada Test Site was detonated. The United States conducted 100 aboveground and 828 underground nuclear tests at the Nevada Test Site from 1951–1992. Out of the 1054 nuclear tests conducted in the United States, 928, or 88 percent, were conducted at the Nevada Test Site.

Unfortunately, Nevada Test Site workers, despite having worked with significant amounts of radioactive materials and having known exposures leading to serious health effects, have been denied compensation under EEOICPA as a result of flawed calculations based on records that are incomplete or in error as well as the use of faulty assumptions and incorrect models.

It has become evident that it is not feasible to estimate with sufficient accuracy the radiation dose received by employees at the Department of Energy facility in Nevada known as Nevada Test Site at all in some cases and in other in a timely manner. There are many reasons for this, including inadequate monitoring, incomplete radionuclide lists, and DOE's ignoring nearly a dozen tests conducted at the site that vented. Because of these problems, Nevada Test Site workers have been denied compensation under the Act, some of which have waited for decades for their government to acknowledge the sacrifices they made for their country and compensate them.

Unfortunately, 6 years since the passage of EEOICPA and in some cases decades after their service to their country, very few of those Nevada Test Site Cold War veterans who have cancer have received compensation. In fact, Nevada Test Site workers are receiving compensation at a rate lower than the national average and many who have waited decades are being told that they have to wait longer. And many have already died while waiting for their compensation.

Last November, I sent a letter to President Bush asking him to initiate this process himself. He still has not responded. However, his Administration is trying to re-write the law via regulation and cut funding to this program in order to delay compensation further and halt it for some workers altogether.

This is unacceptable. That is why I am committed to ensuring that Nevada Test Site workers through 1993 are designated as a ''Special Exposure Cohort.'' This will streamline and speed up the recovery process for those workers.

The Nevada Test Site Veteran's Compensation Act of 2006 would ensure employees and survivors of employees who worked at the Nevada Test Site through 1993 that they receive compensation. They helped this country win the cold war, sacrificing their personal health in the process and after decades of waiting and suffering, it is time the government honored these sacrifices

This bill would include within the Special Exposure Cohort, Nevada Test Site workers employed at the site from 1950–1993 who were: (1) Present during an atmospheric or underground nuclear test or performed drillbacks, re-entry, or clean up work following such test; (2) present at an episodic event involving radiation releases; or (3) employed at Nevada Test Site for at least 250 work days and in a job activity that was monitored for exposure to ionizing radiation or worked in a job activity that is or was comparable to a job that is, was or should have been monitored for exposure to ionizing radiation.

The Nevada Test Site has served, and continues to serve, as the premier research, testing, and development site for our nuclear defense capabilities. The Nevada Test Site and its workers have been, and are, an essential and irreplaceable part of our Nation's defense capabilities. This bill would honor the service of our Atomic Energy veterans

and provide them with the compensation they deserve.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2439

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 ''Nevada Test Site Veterans' Compensation Act of 2006''.

SEC. 2. FINDINGS.

(a) Congress makes the following findings:

(1) Employees working on Cold War-era nuclear weapons programs were employed in facilities owned by the Federal Government and the private sector producing and testing nuclear weapons and engaging in related atomic energy defense activities for the national defense beginning in the 1940s.

(2) These Cold War atomic energy veterans helped to build and test the nuclear arsenal that served as a deterrent during the Cold War, sacrificing their personal health and well-being in service of their country.

(3) During the Cold War, many of these workers were exposed to radiation and placed in harm's way by the Department of Energy and contractors, subcontractors, and vendors of the Department without their knowledge and consent, without adequate radiation monitoring, and without necessary protections from internal or external occupational radiation exposure.

(4) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (in this section referred to as ''EEOICPA'') was enacted to ensure fairness and equity for the men and women who, during the past 60 years, performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy, its predecessor agencies, and contractors by establishing a program that would provide timely, uniform, and adequate compensation for beryllium- and radiation-related health conditions.

(5) Research by the Department of Energy, the National Institute for Occupational Safety and Health (NIOSH), NIOSH contractors, the President's Advisory Board on Radiation and Worker Health, and congressional committees indicates that at certain nuclear weapons facilities—

(A) workers were not adequately monitored for internal or external exposure to ionizing radiation; and

(B) records were not maintained, are not reliable, are incomplete, or fail to indicate the radioactive isotopes to which workers were exposed.

(6) Due to the inequities posed by the factors described above and the resulting harm to the workers, Congress designated classes of atomic weapons employees at the Paducah, Kentucky, Portsmouth, Ohio, Oak Ridge K–25, Tennessee, and the Amchitka Island, Alaska, sites as members of the Special Exposure Cohort under EEOICPA.

(7) The contribution of the State of Nevada to the security of the United States throughout the Cold War and since has been unparalleled.

(8) In 1950, President Harry S. Truman designated what would later be called the Nevada Test Site as the country's nuclear proving grounds and, a month later, the first atmospheric test at the Nevada Test Site was detonated.

(9) The United States conducted 100 aboveground and 828 underground nuclear tests at the Nevada Test Site from 1951 to 1992.

(10) Out of the 1,054 nuclear tests conducted in the United States, 928, or 88 percent, were conducted at the Nevada Test Site.

(11) The Nevada Test Site has served, and continues to serve, as the premier research, testing, and development site for our nuclear defense capabilities.

(12) The Nevada Test Site and its workers are an essential and irreplaceable part of our nation's defense capabilities.

(13) It has become evident that it is not feasible to estimate with sufficient accuracy in a timely manner the radiation dose received by employees at the Department of Energy facility at the Nevada Test Site for many reasons, including the following:

(A) The NIOSH Technical Basis Document, the threshold document for radiation dose reconstruction under EEOICPA, has incomplete radionuclide lists.

(B) NIOSH has not demonstrated that it can estimate dose from exposure to large, nonrespirable hot particles.

(C) There are significant gaps in environmental measurement and exposure data.

(D) Resuspension doses are seriously underestimated.

(E) NIOSH has not been able to estimate accurately exposures to bomb assembly workers and radon levels.

(F) NIOSH has not demonstrated that it can accurately sample tritiated water vapor.

(G) External dose records lack integrity.

(H) There are no beta dose data until 1966.

(I) There are no neutron dose data until 1966 and only partial data after such date.

(J) There are no internal dose data until late 1955 or 1956, and limited data until well into the 1960s.

(K) NIOSH has ignored exposure from more than a dozen underground tests that vented, including Bianca, Des Moines, Baneberry, Camphor, Diagonal Line, Riola, Agrini, Midas Myth, Misty Rain, and Mighty Oak.

(L) Instead of monitoring individuals, groups were monitored, resulting in unreliable personnel monitoring.

(14) Amchitka Island, where only 3 underground nuclear tests were conducted, has been designated a Special Exposure Cohort under EEOICPA.

(15) Some Nevada Test Site workers, despite having worked with significant amounts of radioactive materials and having known exposures leading to serious health effects, have been denied compensation under EEOICPA as a result of flawed calculations based on records that are incomplete, in error, or based on faulty assumptions and incorrect models.

SEC. 3. INCLUSION OF CERTAIN NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) The employee was so employed at the Nevada Test Site or other similar sites located in Nevada during the period beginning on January 1, 1950, and ending on December 31, 1993, and, during such employment—

''(i) was present during an atmospheric or underground nuclear test or performed drillbacks, re-entry, or clean-up work following such a test (without regard to the duration of employment);

''(ii) was present during an episodic event involving radiation releases (without regard to the duration of employment); or

''(iii) was employed at the Nevada Test Site for a number of work days aggregating at least 250 work days and was employed in a job activity that—

''(I) was monitored through the use of dosimetry badges or bioassays for exposure to ionizing radiation; or

''(II) worked in a job activity that is or was, comparable to a job that is, was, or should have been monitored for exposure to ionizing radiation through the use of dosimetry badges or bioassay.''.

(b) DEADLINE FOR CLAIMS ADJUDICATION.—Claims for compensation under section 3621(14)(C) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as added by subsection (a), shall be adjudicated and a final decision issued—

(1) in the case of claims pending as of the date of the enactment of this Act, not later than 30 days after such date; and

(2) in the case of claims filed after the date of the enactment of this Act, not later than 30 days after the date of such filing.

By Ms. CANTWELL (for herself, Mr. LAUTENBERG, Mr. KERRY, and Mr. WYDEN):

S 2440. A bill to provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Oil Pollution Prevention and Response Act of 2006 with my colleagues Senators LAUTENBERG, KERRY, and WYDEN. The Oil Pollution Act of 1990 (OPA 90) was passed shortly after the *Exxon Valdez* ran aground in 1989, spilling 11 million gallons of crude oil in Alaska's pristine Prince William Sound—the largest spill in US. history. OPA 90 revolutionized oil spill risk management and we have OPA 90 to thank for improving oil spill prevention, preparedness, and response.

However, in a report and testimony recently provided to Congress, the U.S. Coast Guard identified serious shortcomings in our oil spill management system. First, in a report transmitted to Congress on May 12, 2005, the Coast Guard noted that the Oil Spill Liability Trust Fund was in danger of being depleted. And they noted that every state or U.S. territory has received money from the Fund for oil spills. Without the Fund, states would have to provide funds for these emergency events.

Through legislation that I cosponsored last year with Senator STEVENS and Senator INOUYE, which became law as part of the Energy Policy Act, we solved part of this problem by reinstating OPA 90's per-barrel fee on oil, in order to replenish the Fund, and raising the total level of principal from $1 billion to $2.7 billion. However, the Coast Guard also noted that the costs of oil spills increasingly exceed the liability limits for responsible parties that were set back in 1990. Under OPA 90, responsible parties can be reimbursed for costs above their liability limit from the Fund—and this practice continues to deplete the Fund. This

issue also was highlighted at a field hearing of the Senate Commerce Committee's Subcommittee on Fisheries and Coast Guard that I chaired last August in Seattle, where the Coast Guard testified that the current limits are too low. The bill I introduce today will increase these caps so that we return to the ''polluter pays'' principle enshrined in OPA 90.

The devastating hurricane Katrina also led to an historic number of oil spills. The Coast Guard has estimated that such spills could amount to close to $1 billion. If these claims are made against the Fund, the Fund will be quickly wiped out. That's why the Oil Pollution Prevention and Response Act of 2006 would ensure that such claims would be covered through the Stafford Act process and supplemental funding, and not through the regular claims process of OPA 90. Finally, this bill would require improved accountability of how monies from the Fund are expended by Federal agencies.

The Coast Guard also testified in our hearing that we must remain vigilant in our efforts to prevent oil spills. According to Coast Guard data, although the number of oil spills from vessels has decreased enormously since passage of OPA 90, the volume of oil spilled nationwide is still significant. In fact, vessels spilled 665,432 gallons of oil in 1992, while in 2004, the total was higher, at 722,768 gallons. Significant numbers of spills are still occurring. In 2004, there were 36 spills from tank ships, 141 spills from barges, and 1,562 spills from other vessels, including cargo ships. And even though the number of spills from tankers declined from 193 spills in 1992 to 36 spills in 2004, a single incident from a vessel like the *Exxon Valdez* can be devastating, as the recent *Athos I* incident in the Delaware River and Bay demonstrates.

The bill I introduce today addresses a number of key areas to improve prevention and response. Because human error is the leading cause of accidental oil spills, the Coast Guard would be required to identify and pass regulations to address the most frequent sources of human error that have led to oil spills from vessels and ''near-misses.'' It would require the Coast Guard to ensure the safety of single hull tankers and other high-risk vessels by increasing inspections of such vessels. The Oil Pollution Prevention and Response Act of 2006 also would require the Coast Guard to address and reduce the increased risk of oil spills from oil transfers. It would also make companies who knowingly hire substandard single-hull tank vessels after 2010 ''responsible parties'' in order to provide a disincentive for such contracts.

Of particular importance to my state, the bill would provide a mechanism for year-round funding of the Neah Bay rescue tug, a central element of the oil spill prevention safety net for Washington state's outer coast. It would also increase oil spill preparedness in the Strait of Juan de Fuca by changing the definition of ''High Volume Port'' for Puget Sound to make the westerly boundary begin at the entry to the Strait. This change would require oil spill response equipment to be stationed along the entire Strait and not just east of the current line at Port Angeles. In addition, the Oil Pollution Prevention and Response Act of 2006 would require improved coordination with federally-recognized tribes on oil spill prevention, preparedness, and response. Finally, the bill would codify into federal law the establishment of the Oil Spill Advisory Council, which was created by the Washington State Legislature and Governor Gregoire in the wake of the October 2004 Daleo Passage Oil Spill. My bill would provide $1 million annually to support the Council's important work.

The slow response to the oil spill in Dalco Passage in the Puget Sound was largely attributed to difficulties with detecting the oil that was spilled. The Oil Pollution Prevention and Response Act of 2006 would reinvigorate a federal research program on oil spill prevention, detection, and response, and would establish a grant program for the development of cost-effective technologies for detecting discharges of oil from vessels, including infrared, pressure sensors, and remote sensing. It would also require the Secretary of Homeland Security, in conjunction with other federal agencies, to conduct an analysis of the condition and safety of all aspects of oil transportation in the United States, and provide recommendations to improve such safety. This was a specific recommendation of the U.S. Commission on Ocean Policy.

The Department of Justice has also noted that a major category of oil spills are intentional discharges of oil from vessels. The United States cannot address this problem alone. Thus, the bill would require the Coast Guard to pursue stronger enforcement measures for oil discharges in the International Maritime Organization and other appropriate international organizations.

Oil spill prevention and response is timely for Congress' consideration because waterborne transportation of oil in the United States continues to increase, significant volumes of oil continue to be released, and the potential for a major spill remains unacceptably high. Recent spills involving significant quantities of oil have occurred off the coasts of Alaska, Maine, Massachusetts, Oregon, Virginia, and Washington, and involved barges, tankers, and non-tank vessels.

One thing we've learned from these spills is that it is more cost-effective to prevent oil spills than it is to clean-up oil once it is released into the environment. We've also learned that although double hulls and redundant steering do increase tanker safety, these technologies are not a panacea and we need to do more to ensure against oil spills.

The Federal Government has a responsibility to protect the Nation's natural resources, public health, and environment by improving Federal measures to prevent and respond to oil spills. I urge my colleagues to consider this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2440

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 ''Oil Pollution Prevention and Response Act of 2006''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Definitions.

TITLE I—PREVENTION OF OIL SPILLS

SUBTITLE A—COAST GUARD PROVISIONS

Sec. 101. Rulemakings.
Sec. 102. Safety standards for towing vessels.
Sec. 103. Inspections by Coast Guard.
Sec. 104. Oil transfers from vessels.
Sec. 105. Improvements to reduce human error.
Sec. 106. Navigational measures for protection of natural resources.
Sec. 107. Existing areas to be avoided.
Sec. 108. Higher volume port area regulatory definition change.
Sec. 109. Recreational boater outreach program.
Sec. 110. Improved coordination with tribal governments.
Sec. 111. Oil spill advisory council.

SUBTITLE B—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROVISIONS

Sec. 151. Hydrographic surveys.
Sec. 152. Electronic navigational charts.

TITLE II—RESPONSE

Sec. 201. Rapid response system.
Sec. 202. Coast Guard oil spill database.
Sec. 203. Reports on certain Oil Spill Liability Trust Fund expenditures.
Sec. 204. Use of funds.
Sec. 205. Limits on liability.
Sec. 206. Liability for use of unsafe single-hull vessels.
Sec. 207. Rescue tugs.
Sec. 208. International efforts on enforcement.
Sec. 209. Investment of amounts in damage assessment and restoration revolving fund.

TITLE III—RESEARCH AND MISCELLANEOUS REPORTS

Sec. 301. Federal Oil Spill Research Committee.
Sec. 302. Grant project for development of cost-effective detection technologies.
Sec. 303. Status of implementation of recommendations by the National Research Council.
Sec. 304. GAO report.
Sec. 305. Oil transportation infrastructure analysis.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) Oil released into the Nation's marine waters can cause substantial, and in some cases irreparable, harm to the marine environment.

(2) The economic impact of oil spills is substantial. Billions of dollars have been spent

in the United States for cleanup of, and damages due to, oil spills.

(3) The Oil Pollution Act of 1990, enacted in response to the worst vessel oil spill in United States history, substantially reduced the amount of oil spills from vessels. However, significant volumes of oil continue to be released, and the potential for a major spill remains unacceptably high.

(4) Although the total number of oil spills from vessels has decreased since passage of the Oil Pollution Act of 1990, more oil was spilled in 2004 from vessels nationwide than was spilled from vessels in 1992.

(5) Waterborne transportation of oil in the United States continues to increase.

(6) Although the number of oil spills from tankers declined from 193 in 1992 to 36 in 2004, spills from oil tankers tend to be large with devastating impacts.

(7) While the number of oil spills from tank barges has declined since 1992 (322 spills to 141 spills in 2004), the volume of oil spilled from tank barges has remained constant at approximately 200,000 gallons spilled each year.

(8) Oil spills from non-tank vessels averaged between 125,000 gallons and 400,000 gallons per year from 1992 through 2004 and accounted for over half of the total number of spills from all sources, including vessels and non-vessel sources.

(9) Recent spills involving significant quantities of oil have occurred off the coasts of Alaska, Maine, Massachusetts, Oregon, Virginia, and Washington, and involved barges, tank vessels, and non-tank vessels.

(10) The existing statutory caps that limit liability for responsible parties were set in 1990 and have not been modified since. These liability levels no longer reflect the costs of oil spills, particularly for barges and large non-tank vessels. For example, the liability limit for the ATHOS I oil spill was $45,400,000, but costs could exceed $267,000,000. Similarly, the liability limit for the SELENDANG AYU spill was $23,800,000 while the actual costs will likely exceed $100,000,000.

(11) It is more cost-effective to prevent oil spills than it is to clean-up oil once it is released into the environment.

(12) Of the 20 major vessel oil spill incidents since 1990 where liability limits have been exceeded, 10 involved tank barges, 8 involved non-tank vessels, 2 involved tankers, and only 1 involved a vessel that was double-hulled.

(13) Although recent technological improvements in oil tanker design, such as double hulls and redundant steering, increase tanker safety, these technologies are not a panacea and cannot ensure against oil spills, the leading cause of which is human error.

(14) The Federal government has a responsibility to protect the nation's natural resources, public health, and environment by improving Federal measures to prevent and respond to oil spills.

SEC. 4. DEFINITIONS.

In this Act:

(1) AREA TO BE AVOIDED.—The term ''area to be avoided'' means a routing measure established by the International Maritime Organization as an area to be avoided.

(2) NON-TANK VESSEL.—The term ''non-tank vessel'' means a self-propelled vessel other than a tank vessel.

(3) OIL.—The term ''oil'' has the meaning given that term by section 1001(23) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(23)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating except where otherwise explicitly stated.

(5) TANK VESSEL.—The term ''tank vessel'' has the meaning given that term by section 1001(34) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(34)).

(6) WATERS SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term ''waters subject to the jurisdiction of the United States'' means navigable waters (as defined in section 1001(21) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(21)) as well as—

(A) the territorial sea of the United States as defined in Presidential Proclamation Number 5928 of December 27, 1988; and

(B) the Exclusive Economic Zone of the United States established by Presidential Proclamation Number 5030 of March 10, 1983.

TITLE I—PREVENTION OF OIL SPILLS

Subtitle A—Coast Guard Provisions

SEC. 101. RULEMAKINGS.

(a) STATUS REPORT.—

(1) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of all Coast Guard rulemakings required (but for which no final rule has been issued as of the date of enactment of this Act)—

(A) under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.); and

(B) for—

(i) automatic identification systems required under section 70114 of title 46, United States Code; and

(ii) inspection requirements for towing vessels required under section 3306(j) of that title.

(2) INFORMATION REQUIRED.—The Secretary shall include in the report required by paragraph (1)—

(A) a detailed explanation with respect to each such rulemaking as to—

(i) what steps have been completed;

(ii) what areas remain to be addressed; and

(iii) the cause of any delays; and

(B) the date by which a final rule may reasonably be expected to be issued.

(b) FINAL RULES.—The Secretary shall issue a final rule in each pending rulemaking under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) as soon as practicable, but in no event later than 18 months after the date of enactment of this Act.

SEC. 102. SAFETY STANDARDS FOR TOWING VESSELS.

In promulgating regulations for towing vessels under chapter 33 of title 46, United States Code, the Secretary shall—

(1) give priority to completing such regulations for towing operations involving tank vessels;

(2) ensure that such regulations appropriately address the risks from such operations, taking into account such factors as vessel age and hull configuration; and

(3) consider the possible application of standards that, as of the date of enactment of this Act, apply to self-propelled tank vessels, and any modifications that may be necessary for application to towing vessels due to ship design, safety, and other relevant factors.

SEC. 103. INSPECTIONS BY COAST GUARD.

(a) IN GENERAL.—The Secretary shall ensure that the inspection schedule for all United States and foreign-flag tank vessels that enter a United States port or place increases the frequency and comprehensiveness of Coast Guard safety inspections based on such factors as vessel age, hull configuration, past violations of any applicable discharge and safety regulations under United States and international law, indications that the class societies inspecting such vessels may be substandard, and other factors relevant to the potential risk of an oil spill.

(b) ENHANCED VERIFICATION OF STRUCTURAL CONDITION.—The Coast Guard shall adopt, as part of its inspection requirements for tank vessels, additional procedures for enhancing the verification of the reported structural condition of such vessels, taking into account the Condition Assessment Scheme adopted by the International Maritime Organization by Resolution 94(46) on April 27, 2001.

SEC. 104. OIL TRANSFERS FROM VESSELS.

(a) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to reduce the risks of oil spills in operations involving the transfer of oil from or to a tank vessel. The regulations—

(1) shall focus on operations that have the highest risks of discharge, including operations at night and in inclement weather; and

(2) shall include—

(A) requirements for use of equipment such as putting booms in place for transfers;

(B) operational procedures such as manning standards, communications protocols, and restrictions on operations in high-risk areas; or

(C) both such requirements and operational procedures.

(b) APPLICATION WITH STATE LAWS.—The regulations promulgated under subsection (a) do not preclude the enforcement of any State law or regulation the requirements of which are at least as stringent as requirements under the regulations (as determined by the Secretary) that—

(1) applies in State waters; and

(2) does not conflict with, or interfere with the enforcement of, requirements and operational procedures under the regulations.

SEC. 105. IMPROVEMENTS TO REDUCE HUMAN ERROR AND NEAR-MISS INCIDENTS.

(a) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that—

(1) identifies the types of human errors that, combined, account for over 50 percent of all oil spills involving vessels that have been caused by human error in the past 10 years;

(2) identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, groundings, and loss of propulsion in the past 10 years; and

(3) includes recommendations by the Secretary to address the identified types of errors and incidents.

(b) REGULATIONS.—Based on the findings contained in the report required by subsection (a), the Secretary shall promulgate regulations designed to reduce the risks of oil spills from human errors.

(c) INTERNATIONAL MEASURES.—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action at the International Maritime Organization to reduce the risk of oil spills from human error internationally.

SEC. 106. NAVIGATIONAL MEASURES FOR PROTECTION OF NATURAL RESOURCES.

(a) DESIGNATION OF AT-RISK AREAS.—The Secretary and the Undersecretary of Commerce for Oceans and Atmosphere shall jointly identify areas where routing or other navigational measures are warranted in waters subject to the jurisdiction of the United States to reduce the risk of oil spills and potential damage to natural resources. In identifying those areas, the Secretary and the Undersecretary shall give priority consideration to natural resources of particular ecological importance or economic importance, including commercial fisheries, aquaculture

facilities, marine sanctuaries designated by the Secretary of Commerce pursuant to the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), estuaries of national significance designated under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1330), critical habitats (as defined in section 3(5) of the Endangered Species Act of 1973 (16 U.S.C. 1532(5)), estuarine research reserves within the National Estuarine Research Reserve System established by section 315 of the Coastal Zone Management Act of 1972, and national parks and national seashores administered by the National Park Service under the National Park Service Organic Act (16 U.S.C. 1 et seq.).

(b) FACTORS CONSIDERED.—In determining whether navigational measures are warranted, the Secretary and the Undersecretary shall consider, at a minimum—

(1) the frequency of transits of vessels required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j));

(2) the type and quantity of oil transported as cargo or fuel;

(3) the expected benefits of routing measures in reducing risks of spills;

(4) the costs of such measures;

(5) the safety implications of such measures; and

(6) the nature and value of the resources to be protected by such measures.

(c) ESTABLISHMENT OF ROUTING AND OTHER NAVIGATIONAL MEASURES.—The Secretary shall establish such routing or other navigational measures for areas identified under subsection (a).

(d) ESTABLISHMENT OF AVOIDANCE AREAS.—To the extent that the Secretary and the Undersecretary conclude that the establishment of areas to be avoided is warranted under this section, they shall seek to establish such areas through the International Maritime Organization or establish comparable areas pursuant to regulations and in a manner that is consistent with international law.

(e) OIL SHIPMENT DATA AND REPORT.—

(1) DATA COLLECTION.—The Secretary, through the Commandant of the Coast Guard and in consultation with the Army Corps of Engineers, shall collect and analyze data on oil transported as cargo on vessels in the navigable waters of the United States, including information on—

(A) the quantity and type of oil being transported;

(B) the vessels used for such transportation;

(C) the frequency with which each type of oil is being transported; and

(D) the point of origin, transit route, and destination of each such shipment of oil.

(2) REPORT.—The Secretary shall transmit a report, not less frequently than quarterly, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, on the data collected and analyzed under paragraph (1) in a format that does not disclose information exempted from disclosure under section 552b(e) of title 5, United States Code.

SEC. 107. EXISTING AREAS TO BE AVOIDED.

(a) ENFORCEMENT OF EXISTING AREAS TO BE AVOIDED PROVISIONS.—The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere shall cooperate in tracking compliance by vessels with the conditions and requirements of areas to be avoided established in United States waters, and shall enforce compliance with those conditions and requirements. A violation of those conditions and requirements is subject to a civil penalty of not more than $100,000, and each day of a continuing violation constitutes a separate violation.

(b) OLYMPIC COAST NATURAL MARINE SANCTUARY AREA TO BE AVOIDED.—The Secretary and the Undersecretary of Commerce for Oceans and Atmosphere shall—

(1) revise the area to be avoided off the coast of the State of Washington so that restrictions apply to all vessels required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) (other than fishing vessels while engaged in fishing within the area to be avoided); and

(2) revise the area to be avoided to make the conditions and requirements for that area to be avoided mandatory, consistent with international law.

(c) EMERGENCY DRILL.—Beginning with 1 year after the date of enactment of this Act, the Secretary shall conduct, jointly with other Federal agencies and State, local, and tribal governmental entities, regular, unannounced emergency drills for responding to an oil spill in the Olympic Coast National Marine Sanctuary.

(d) RACON BEACONS.—The Secretary shall place 1 or more radar beacons in or near the area to be avoided described in subsection (b) in sites that maximize warnings to vessels of the boundaries of that area.

SEC. 108. HIGHER VOLUME PORT REGULATORY DEFINITION CHANGE.

Within 30 days after the date of enactment of this Act, notwithstanding subchapter 5 of title 5, United States Code, the Commandant of the Coast Guard shall modify the definition of the term ''higher volume port area'' contained in section 155.1020 of the Coast Guard regulations (33 C.F.R. 155.1020) by striking ''Port Angeles, WA'' in paragraph (13) of that section and inserting ''Cape Flattery, WA'' without initiating a rulemaking proceeding.

SEC. 109. RECREATIONAL BOATER OUTREACH PROGRAM.

The Secretary shall establish an outreach program for recreational boaters and commercial and recreational fishermen to inform them about ways in which they can assist in reducing the risk of an oil spill or release. The program shall focus initially on regions in the country where, in the past 10 years, the incidence of such spills has been the highest.

SEC. 110. IMPROVED COORDINATION WITH TRIBAL GOVERNMENTS.

(a) IN GENERAL.—The Secretary shall take such action as may be necessary to improve the Coast Guard's consultation and coordination with the tribal governments of Federally recognized Indian tribes with respect to oil spill prevention, preparedness, and response.

(b) INCLUSION OF TRIBAL GOVERNMENT.—The Secretary shall ensure that, as soon as practicable after identifying an oil spill that is likely to have an impact on natural resources owned or utilized by a Federally recognized Indian tribe, the Coast Guard will—

(1) ensure that representatives of the tribal government of the affected tribes are included as part of the incident response team established by the Coast Guard to respond to the spill;

(2) share nonconfidential information about the oil spill with the tribal government of the affected tribe; and

(3) to the extent practicable, involve tribal governments in deciding how to respond to such spill.

(c) COOPERATIVE ARRANGEMENTS.—The Coast Guard may enter into memoranda of understanding or similar arrangements with tribal governments in order to establish cooperative arrangements for oil pollution prevention, preparedness, and response. Such memoranda may include training for preparedness and response and provisions on coordination in the event of a spill.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $500,000 for each of fiscal years 2007 through 2011 to be used to execute and implement memoranda of understanding under this section.

SEC. 111. OIL SPILL ADVISORY COUNCIL.

Section 5002(k) of the Oil Pollution Act of 1990 (33 U.S.C. 2732(k)) is amended by adding at the end the following:

''(4) WASHINGTON STATE PROGRAM.—

''(A) IN GENERAL.—For purposes of this paragraph, the oil spill advisory council established by section 90.56.120 of title 90 of the Revised Code of Washington is deemed to be an advisory council established under this section. The provisions of this section, other than this paragraph, do not apply to that oil spill advisory council.

''(B) FUNDING.—The owners or operators of terminal facilities or crude oil tankers operating in Washington State waters shall provide, on an annual basis, an aggregate amount of not more than $1,000,000, as determined by the Secretary. Such amount—

''(i) shall be made available to the oil spill advisory council established by section 90.56.120 of title 90 of the Revised Code of Washington;

''(ii) shall be adjusted annually by the Consumer Price Index; and

''(iii) may be adjusted periodically upon the mutual consent of the owners or operators of terminal facilities or crude oil tankers operating in Washington State waters and the Council.''.

Subtitle B—National Oceanic and Atmospheric Administration Provisions

SEC. 151. HYDROGRAPHIC SURVEYS.

(a) REDUCTION OF BACKLOG.—The Undersecretary of Commerce for Oceans and Atmosphere shall continue survey operations to reduce the survey backlog in navigationally significant waters outlined in its National Survey Plan, concentrating on areas where oil and other hazardous materials are transported.

(b) NEW SURVEYS.—By no later than January 1, 2010, the Undersecretary shall complete new surveys, together with necessary data processing, analysis, and dissemination, for all areas in United States coastal areas determined by the Undersecretary to be critical areas.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Undersecretary for the purpose of carrying out the new surveys required by subsection (b) $68,000,000 for each of fiscal years 2007 through 2011.

SEC. 152. ELECTRONIC NAVIGATIONAL CHARTS.

(a) IN GENERAL.—By no later than September 1, 2007, the Undersecretary of Commerce for Oceans and Atmosphere shall complete the electronic navigation chart suite for all coastal waters of the United States.

(b) PRIORITIES.—In completing the suite, the Undersecretary shall give priority to producing and maintaining the electronic navigation charts of the entrances to major ports and the coastal transportation routes for oil and hazardous materials, and for estuaries of national significance designated under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Undersecretary for the purpose of completing the electronic navigation chart suite $6,200,000 for fiscal years 2007 and 2008.

TITLE II—RESPONSE

SEC. 201. RAPID RESPONSE SYSTEM.

The Undersecretary of Commerce for Oceans and Atmosphere shall develop and implement a rapid response system to collect and predict in situ information about oil

spill behavior, trajectory and impacts, and a mechanism to provide such information rapidly to Federal, State, tribal, and other entities involved in a response to an oil spill.

SEC. 202. COAST GUARD OIL SPILL DATABASE.

The Secretary shall modify the Coast Guard's oil spill database as necessary to ensure that it—

(1) includes information on the cause of oil spills maintained in the database; and

(2) is capable of facilitating the analysis of trends and the comparison of accidents involving oil spills.

SEC. 203. REPORTS ON CERTAIN OIL SPILL LIABILITY TRUST FUND EXPENDITURES.

(a) ANNUAL SPENDING REPORT.—Title I of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is amended by adding at the end the following:

"SEC. 1021. ANNUAL EXPENDITURE REPORT.

''(a) IN GENERAL.—No later than March 1 of each year after 2006, the Secretary shall provide an annual report on spending for the preceding fiscal year on expenditures from the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986, whether or not subject to annual appropriations, to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Transportation and Infrastructure and to the National Pollution Funds Center, which shall make the report available to the public on its Internet website.

''(b) CONTENTS.—The report shall include—

''(1) a list of each expenditure of $500,000 or more from the Fund during the fiscal year to which the report relates; and

''(2) a description of how each such expenditure related to—

''(A) oil pollution liability and compensation;

''(B) oil pollution prevention;

''(C) oil pollution preparedness;

''(D) oil spill removal;

''(E) natural resource damage assessment and restoration;

''(F) oil pollution research and development; or

''(G) other pollution-related activities.

''(c) AGENCY REPORTS.—Each Federal agency that receives appropriated funds for use from the Fund shall—

''(1) maintain records of the purposes for which such funds were obligated or expended in such detail as the Secretary may require for purposes of the report required by subsection (a); and

''(2) transmit the information contained in such records to the Secretary at such time, in such form, and in such detail as the Secretary may require for purposes of that report, including a breakdown of expenditures described in subsection (b)(1) and a description of the use of such expenditures in accordance with subsection (b)(2).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.''.

(b) AUDIT COOPERATION.—Section 1012(g) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(g)) is amended by striking the last sentence and inserting the following: ''Each Federal agency that receives appropriated funds for use from the Fund shall cooperate with, and provide requested documentation to, the Comptroller General in carrying out this subsection and the Secretary in carrying out section 1021.''.

(c) USE OF FUND IN NATIONAL EMERGENCIES.—Notwithstanding any provision of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) to the contrary, no amount may be made available from the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 for claims described in section 1012(a)(4) of that Act (33 U.S.C. 2712(a)(4)) attributable to any national 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.).

(d) CONFORMING AMENDMENT.—Section 2 of the Oil Pollution Act of 1990 (33 U.S.C. 2701 note) is amended by inserting after the item relating to section 1020 the following:

''Sec. 1021. Annual expenditure report.''.

SEC. 204. USE OF FUNDS.

Section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

''(B) not more than $25,000,000 in each fiscal year shall be available to the Secretary of Commerce for expenses incurred by, and activities related to, response and damage assessment capabilities of the National Oceanic and Atmospheric Administration;''.

SEC. 205. LIMITS ON LIABILITY.

(a) INCREASE OF LIABILITY LIMITS.—Within 6 months after the date of enactment of this Act, the Secretary, acting through the Commandant of the Coast Guard, shall by regulation revise the limits of liability specified in section 1004(a) of that Act (33 U.S.C. 2704(a)) as follows:

(1) For a tank vessel under paragraph (1)—

(A) by substituting ''$2,400'' for ''$1,200'' in subparagraph (A);

(B) by substituting ''$20,000,000'' for ''$10,000,000'' in subparagraph (B)(i); and

(C) by substituting ''$6,000,000'' for ''$2,000,000'' in subparagraph (B)(ii).

(2) For other vessels under paragraph (2)—

(A) by substituting ''$1,800'' for ''$600''; and

(B) by substituting ''$1,000,000'' for ''$500,000''.

(3) For offshore facilities other than deepwater ports, by substituting ''$150,000,000'' for ''$75,000,000'' in paragraph (3).

(b) INFLATION ADJUSTMENT.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended by striking ''significant''.

(c) FINANCIAL RESPONSIBILITY.—Section 1016(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(a)) is amended—

(1) by striking ''or'' after the semicolon in paragraph (1);

(2) by inserting ''or'' after the semicolon in paragraph (2); and

(3) by inserting after paragraph (2) the following:

''(3) any tank vessel over 100 gross tons (except a non-self-propelled vessel that does not carry oil as cargo) using any place subject to the jurisdiction of the United States;''.

SEC. 206. LIABILITY FOR USE OF UNSAFE SINGLE-HULL VESSELS.

Section 1001(32) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(d)) is amended by striking subparagraph (A) and inserting the following:

''(A) VESSELS.—In the case of a vessel—

''(i) any person owning, operating, or demise chartering the vessel; and

''(ii) the owner of oil being transported in a tank vessel with a single hull after December 31, 2010, if the owner of the oil knew, or should have known, from publicly available information that the vessel had a poor safety or operational record.''.

SEC. 207. RESCUE TUGS.

Paragraph (5) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

''(J) RESCUE TUGS.—

''(i) IN GENERAL.—The Secretary shall require the stationing of a rescue tug in the entry to the Strait of Juan de Fuca near Neah Bay and other areas designated by the Secretary as areas where the risk of oil spill and the remoteness of the area warrants. In selecting such areas for designation, the Secretary shall consider the frequency of transits by vessels required to prepare a response plan under this paragraph, weather conditions, distance to existing Federally required response equipment and vessels, and other relevant criteria.

''(ii) SHARED RESOURCES.—The Secretary may authorize compliance with the rescue tug stationing requirement of paragraph (1) through joint or shared resources between or among entities to which this subsection applies.

''(iii) STATE REQUIREMENTS.—Nothing in this subparagraph preempts the authority of any State to require the stationing of rescue tugs in any area under State law or regulations.''.

SEC. 208. INTERNATIONAL EFFORTS ON ENFORCEMENT.

The Secretary, in consultation with the heads of other appropriate Federal agencies, shall ensure that the Coast Guard pursues stronger enforcement in the International Maritime Organization of agreements related to oil discharges, including joint enforcement operations, training, and stronger compliance mechanisms.

SEC. 209. INVESTMENT OF AMOUNTS IN DAMAGE ASSESSMENT AND RESTORATION REVOLVING FUND.

The Secretary of the Treasury shall invest such portion of the damage assessment and restoration revolving fund described in title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (33 U.S.C. 2706 note) as is not, in the Secretary's judgment, required to meet current withdrawals in interest-bearing obligations of the United States in accordance with section 9602 of the Internal Revenue Code of 1986.

TITLE III—RESEARCH AND MISCELLANEOUS REPORTS

SEC. 301. FEDERAL OIL SPILL RESEARCH COMMITTEE.

(a) ESTABLISHMENT.—There is established a committee to be known as the Federal Oil Spill Research Committee.

(b) MEMBERSHIP.—The members of the Committee shall be designated by the Undersecretary of Commerce for oceans and Atmosphere and shall include representatives from the National Oceanic and Atmospheric Administration, the United States Coast Guard, the Environmental Protection Agency, and such other Federal agencies as the President may designate. A representative of the National Oceanic and Atmospheric Administration, designated by the Undersecretary, shall serve as Chairman.

(c) DUTIES.—The Committee shall coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, universities, research institutions, State governments, tribal governments, and other nations, as appropriate, and shall foster cost-effective research mechanisms, including the joint funding of research.

(d) REPORTS TO CONGRESS.—

(1) Not later than 180 days after the date of enactment of this Act, the Committee shall submit to Congress a report on the current state of oil spill prevention and response capabilities that—

(A) identifies current research programs conducted by governments, universities, corporate entities;

(B) assesses the current status of knowledge on oil pollution prevention, response, and mitigation technologies;

(C) establishes national research priorities and goals for oil pollution technology development related to prevention, response, mitigation, and environmental effects;

(D) identifies regional oil pollution research needs and priorities for a coordinated program of research at the regional level developed in consultation with the State and local governments, tribes;

(E) assesses the current state of spill response equipment, and determines areas in need of improvement including amount, age, quality, effectiveness, or necessary technological improvements;

(F) assesses the current state of real time data available to mariners, including water level, currents and weather information and predictions, and assesses whether lack of timely information increases the risk of oil spills; and

(G) includes such recommendations as the Committee deems appropriate.

(2) QUINQUENNIAL UPDATES.—The Committee shall submit a report every fifth year after its first report under paragraph (1) updating the information contained in its previous report under this subsection.

(e) ADVICE AND GUIDANCE.—The Committee shall accept comments and input from State and local governments, Indian tribes, industry representatives, and other stakeholders.

(f) NATIONAL ACADEMY OF SCIENCE PARTICIPATION.—The Chairman, through the National Oceanic and Atmospheric Administration, shall contract with the National Academy of Sciences to—

(1) provide advice and guidance in the preparation and development of the research plan; and

(2) assess the adequacy of the plan as submitted, and submit a report to Congress on the conclusions of such assessment.

(g) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Committee shall establish a program for conducting oil pollution research and development. Within 180 days after submitting its report to the Congress under subsection (c), the Committee shall submit to Congress a plan for the implementation of the program.

(2) PROGRAM ELEMENTS.—The program established under paragraph (1) shall provide for research, development, and demonstration of new or improved technologies which are effective in preventing, detecting, or mitigating oil discharges and which protect the environment, and include—

(A) high priority research areas described in the report;

(B) environmental effects of acute and chronic oil spills;

(C) long-term effects of major spills and the long-term cumulative effects of smaller endemic spills;

(D) new technologies to detect accidental or intentional overboard discharges;

(E) response capabilities, such as improved booms, oil skimmers, and storage capacity;

(F) methods to restore and rehabilitate natural resources damaged by oil discharges; and

(G) research and training, in consultation with the National Response Team, to improve industry's and Government's ability to remove an oil discharge quickly and effectively.

(h) GRANT PROGRAM.—

(1) IN GENERAL.—The Undersecretary of Commerce for Oceans and Atmosphere shall manage a program of competitive grants to universities or other research institutions, or groups of universities or research institutions, for the purposes of conducting the program established under subsection (g).

(2) APPLICATIONS AND CONDITIONS.—In conducting the program, the Undersecretary—

(A) shall establish a notification and application procedure;

(B) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program; and

(C) may make grants under the program on a matching or nonmatching basis.

(i) FACILITATION.—The Committee may develop memoranda of agreement or memoranda of understanding with universities, States, or other entities to facilitate the research program.

(j) ANNUAL REPORTS.—The chairman of the Committee shall submit an annual report to Congress on the activities carried out under this section in the preceding fiscal year, and on activities proposed to be carried out under this section in the current fiscal year.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce to carry out this section—

(1) $200,000 for fiscal year 2007, to remain available until expended, for contracting with the National Academy of Sciences and other expenses associated with developing the report and research program; and

(2) $2,000,000 for each of fiscal years 2007, 2008, and 2009, to remain available until expended, to fund grants under subsection (h).

(l) COMMITTEE REPLACES EXISTING AUTHORITY.—The authority provided by this section supersedes the authority provided by section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) for the establishment of the Interagency Committee on Oil Pollution Research under subsection (a) of that section, and that Committee shall cease operations and terminate on the date of enactment of this Act.

SEC. 302. GRANT PROJECT FOR DEVELOPMENT OF COST-EFFECTIVE DETECTION TECHNOLOGIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall, by regulation, establish a grant program for the development of cost-effective technologies for detecting discharges of oil from vessels including infrared, pressure sensors, and remote sensing.

(b) MATCHING REQUIREMENT.—The Federal share of any project funded under subsection (a) may not exceed 50 percent of the total cost of the project.

(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure on the results of the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $5,000,000 for each of fiscal years 2007, 2008, and 2009, to remain available until expended.

SEC. 303. STATUS OF IMPLEMENTATION OF RECOMMENDATIONS BY THE NATIONAL RESEARCH COUNCIL.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on whether the Coast Guard has implemented each of the recommendations directed at the Coast Guard, or at the Coast Guard and other entities, in the following National Research Council reports:

(1) ''Double-Hull Tanker Legislation, An Assessment of the Oil Pollution Act of 1990'', dated 1998.

(2) ''Oil in the Sea III, Inputs, Fates and Effects'', dated 2003.

(b) CONTENT.—The report shall contained a detailed explanation of the actions taken by the Coast Guard pursuant to the National Research Council reports. If the Secretary determines that the Coast Guard has not fully implemented the recommendations, the Secretary shall include a detailed explanation of the reasons any such recommendation has not been fully implemented, together with any recommendations the Secretary deems appropriate for implementing any such non-implemented recommendation.

SEC. 304. GAO REPORT.

Within 1 year after the date of enactment of this Act, the Comptroller General shall provide a written report with recommendations for reducing the risks and frequency of releases of oil from vessels (both intentional and accidental) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that includes the following:

(1) CONTINUING OIL RELEASES.—A summary of continuing sources of oil pollution from vessels, the major causes of such pollution, the extent to which the Coast Guard or other Federal or State entities regulate such sources and enforce such regulations, possible measures that could reduce such releases of oil.

(2) DOUBLE HULLS.—

(A) A description of the various types of double hulls, including designs, construction, and materials, authorized by the Coast Guard for United States flag vessels, and by foreign flag vessels pursuant to international law, and any changes with respect to what is now authorized compared to the what was authorized in the past.

(B) A comparison of the potential structural and design safety risks of the various types of double hulls described in subparagraph (A) that have been observed or identified by the Coast Guard, or in public documents readily available to the Coast Guard, including susceptibility to corrosion and other structural concerns, unsafe temperatures within the hulls, the build-up of gases within the hulls, ease of inspection, and any other factors affecting reliability and safety.

(3) ALTERNATIVE DESIGNS FOR NON-TANK VESSELS.—A description of the various types of alternative designs for non-tank vessels to reduce risk of an oil spill, known effectiveness in reducing oil spills, and a summary of how extensively such designs are being used in the United States and elsewhere.

(4) RESPONSE EQUIPMENT.—An assessment of the sufficiency of oil pollution response and salvage equipment, the quality of existing equipment, new developments in the United States and elsewhere, and whether new technologies are being used in the United States.

SEC. 305. OIL TRANSPORTATION INFRASTRUCTURE ANALYSIS.

The Secretary of the Department of Homeland Security shall, in conjunction with the Secretary of Commerce, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies, contract with the National Research Council to conduct an analysis of the condition and safety of all aspects of oil transportation infrastructure in the United States, and provide recommendations to improve such safety, including an assessment of the adequacy of contingency and emergency plans in the event of a natural event.

By Mr. OBAMA:

S. 2441. A bill to authorize resources for a grant program for local educational agencies to create innovation districts; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, I rise today to introduce a bill—the ''Innovation Districts for School Improvement Act''—to establish grants to 20 school districts across the country. Through competitive grants, these districts would be offered new resources in return for systematic reforms and measurable results.

Today, in my own state, out of every 100 African-American or Latino males in the Chicago schools at age 13, only 3 or fewer will continue on to earn a degree from a 4-year college. The chances of success for a young man of color in many of our urban school districts are the same as the chance of a soldier in Napoleon's Grand Army surviving in the dismal march to Moscow. That is considered a great historical folly, a waste of a generation of young talent. How will we be judged?

Today, a good education is parceled out to some and denied to others, handed down, as a privilege, from generation to generation. A good education is denied not only to children of color in our cities, but also to children living in poverty in our rural areas.

Today, 6 million middle and high school students are reading with skills far below their grade level. Half of all teenagers are unable to understand basic fractions, and half of all 9 year olds are unable to perform basic multiplication or division. We now have one of the highest high school dropout rates of any industrialized country.

This is a folly and a failure that hurts us all. As we continue in this failure, other nations are moving ahead of us. We know that China and India are training more skilled engineers, who are developing new technologies and innovating in ways that result from their investments in education. We live in a world where few American jobs are secure, and we know that to compete successfully, we must better educate our students. All our students: urban and rural, black and white, rich and poor.

In fact, America's richest untapped source of talent may be in our underserved cities and poor rural areas, among students now trapped in inadequate schools. The best strategy for maintaining America's economic preeminence is to give more students the knowledge and the skills to innovate. To achieve this, our schools, too, must innovate.

That is why today I am introducing the Innovation Districts for School Improvement Act. We need to make sure there is an effective teacher in every classroom and an effective principal in every school. We need to make sure teachers are not distributed in a way that disproportionately places inexperienced and untrained teachers in classrooms with students who need the best teachers. We need to help young teachers get the training and coaching they need, and make sure that experienced teachers have the career opportunities that make use of their talents, giving the best ones a chance to train younger teachers, and a reason to stay in their schools and take on added roles.

Many schools do this and achieve encouraging results. The Innovation Districts for School Improvement Act would apply lessons from these successes, with school districts from across the country becoming seedbeds for further reform. Innovation Districts will focus on teacher recruitment, training, and retention, using successful residency-based programs as a model. They would offer performance pay increases to high-performing teachers, and financial incentives to teachers willing to work in low income schools.

Innovation Districts would partner with local universities, charitable foundations or community institutions to develop, execute, and evaluate their reforms. Most importantly, Innovation Districts would look at new ways to do things better, identify current practices that prevent them from innovating, and show us that if we are willing to support and rethink our schools, all our children can learn, all our children can compete, and our schools can be the best in the world.

I hope my colleagues will support this important legislation.

By Mr. DURBIN:

S. 2442. A bill to require the President or the Committee on Foreign Investment in the United States to submit to Congress draft investigation reports on national security related investigations, to address mandatory investigations by such committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I rise today to introduce common sense legislation that would improve the way we review proposed purchases of American assets by foreign companies and governments.

Much has already been said about the prospect of Dubai Ports World taking responsibility for some of the operations of our nation's ports. The way that the Bush Administration has handled this situation has made it very clear that the process we currently use to review the national security implications of foreign acquisitions is simply not working. We must do better.

Let me be clear: I do not believe that we should automatically dismiss out of hand any potential foreign investments in this country. Vibrant trade, when conducted sensibly and fairly, is good for America.

However, I think that for any proposed deal in which a foreign company would take over important responsibilities related to America's critical infrastructure—whether it be our ports, our railroads, our airports, or anything else that is fundamental to our national security—we should take a very close look at such a deal.

For any proposed deal in which a foreign country would take over any of our nations' companies, we should take an even closer look.

I strongly believe that we should be building our ties with friendly Arab nations, through diplomacy, trade, and all of the other mechanisms we have at our disposal. However, the process by which this Dubai Ports World deal was waved through by the Bush Administration without anything resembling a thorough review of the security risks is simply not good enough.

This bill would improve the review process in five ways.

First, my legislation would require that a more thorough 45–day investigation be undertaken by the Committee on Foreign Investment in the United States (CFIUS) when either of two situations occurs: when a foreign government wants to purchase any assets in the United States, and when a foreign-owned company wants to purchase critical infrastructure in the United States.

Second, my bill would mandate that at least 7 days before the end of a foreign investment review, the CFIUS chair must submit a draft of its report to the Homeland Security committees in each chamber.

Third, when the CFIUS review is completed, each cabinet secretary whose agency has been involved in the review must certify in writing his or her agreement or dissent.

Fourth, under current law, the President can only block a transaction when the buyer ''might fail to take necessary action to prevent impairment of the national security,'' which is an extraordinarily high threshold for action. My bill would lower the threshold so that the President can realistically take action in more ambiguous situations where there is credible evidence that the buyer itself presents a national security threat.

Fifth, the bill would mandate that CFIUS should be chaired by the Secretary of Homeland Security instead of the Secretary of the Treasury.

I believe that these common sense reforms will support healthy trade and investment, but will at the same time ensure that foreign investments in American assets do not compromise our national security. I look forward to working with my colleagues to combine my bill with the many other good ideas that have been proposed in order to pass legislation that will make this review process stronger.

Our national security—and our economic strength—depend on it.

By Mr. McCAIN:

S. 2443. A bill to grant the power to the President to reduce budget authority; to the Committee on Rules and Administration.

Mr. McCAIN. Mr. President, in his final State of the Union Address, President Reagan stood for the last time before both Houses of Congress and asked for line-item veto authority for future Presidents.

On that evening, the President had with him three pieces of legislation: an

appropriations bill that was 1,053 pages long and weighed 14 pounds; a budget reconciliation bill that was 1,186 pages long and weighed 15 pounds; and a continuing resolution that was 1,057 pages long and weighed 14 pounds. President Reagan slammed down on the lectern the 43 pounds of paper and ink, which represented 1 trillion dollars' worth of spending. He did so to emphasize the magnitude of wasteful spending in the bills—spending that the President could not stop unless he was willing to veto each piece of legislation in its entirety. In the case of the continuing resolution, that would have meant that the Federal government would shut down.

Almost 20 years later we are in exactly the same situation we were in when President Reagan said to Congress, ''Let's help ensure our future of prosperity by giving the President a tool that, though I will not get use to use it, is one I know future Presidents of either party must have. Give the President the same authority that 43 Governors use in their States: the right to reach into massive appropriation bills, pare away the waste, and enforce budget discipline. Let's approve the line-item veto.''

Last week, President Bush rightly renewed Ronald Reagan's call for line-item veto authority by sending to Congress a legislative proposal for a form of line-item veto authority known as expedited rescission. That proposal was introduced as the Line Item Rescission Act of 2006 shortly after the President offered it. I am an original cosponsor of that legislation, which would authorize the President to propose spending and targeted tax benefits that would ultimately have to be approved by a majority of each House of Congress. The Line Item Rescission Act is one way to give the President more authority to impose fiscal restraint, and if it were enacted it would constitute a significant move in Washington, DC, towards fiscal discipline.

Today, I am introducing the Separate Enrollment and Line Item Veto Act of 2006 to present what I believe is a stronger approach to granting the President true line-item veto power. Under this proposal, which is crafted to ensure its constitutionality, each item of every appropriation measure and authorization measure containing new direct spending or new targeted tax benefits passed by Congress would be separately enrolled. The President would then be able to consider each item as a separate bill and would have the power to veto items that, as President Bush has said, constitute unneeded spending that reflects special interests instead of the people's interest.

We must keep in mind that even strong line-item veto authority will not solve all of our fiscal problems. We also desperately need to reform our earmarking process and our lobbying practices—and we must remember that it is ultimately Congress's responsibility to control spending. However, granting the President line-item veto authority would go a long way toward restoring credibility to a system ravaged by congressional waste and special interest pork. I look forward to the Senate's consideration of line-item veto legislation, and I trust that Congress will act on such legislation soon.

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

S. 2444. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Environment and Public Works.

Mr. AKAKA. Mr. President, I rise today, along with my good friend and colleague Senator DANIEL INOUYE, to introduce the Senate companion to H.R. 1105, the Dam Rehabilitation and Repair Act, which was introduced by Representative SUE KELLY and co-sponsored by my colleagues from the State of Hawaii, Representatives NEIL ABERCROMBIE and ED CASE.

The Dam Rehabilitation and Repair Act will improve the safety of our Nation's dams by establishing a Federal program to assist Hawaii and other states in rehabilitating publicly owned dams that pose a risk to public safety.

Storms that struck Hawaii in recent weeks remind us that the devastation wrought by the collapse of a dam can be severe and tragic. All too often, these catastrophic collapses come with little or no warning, leaving those in the path of flooding with no time to avoid danger.

Dam safety is a neglected aspect of our homeland security. While we plan for the possibility that terrorists may attack our infrastructure, we fail to fully recognize that critical infrastructure is also subject to the forces of nature and, therefore, prone to wear and tear. Just as we must guard against attacks on our critical infrastructure, we must also be attentive to its maintenance.

Our Nation has thousands of dams. The homes and businesses of millions of Americans are in the path of potentially catastrophic flooding that could result from dam failures. Some of our great cities are at risk, as are vast tracts of our most productive agricultural land. Although dams are often out of sight and given little regard in everyday life, we put lives and property at peril when we fail to properly maintain them.

The Dam Rehabilitation and Repair Act takes an important step forward by allocating Federal funds for the repair and rehabilitation of publicly owned dams that are deemed to be unsafe. Specifically, this bill will: Mandate the Director of the Federal Emergency Management Agency (FEMA) to establish a program providing grant assistance to states for the repair of dams that pose a public safety risk; require the FEMA Director to determine appropriate procedures for awarding grants and allocating funds; establish a risk-based priority system to identify dams in need of repair; and establish a cost sharing arrangement between the Federal Government and States.

In addition, I am working to ensure that both public and private dams receive the maintenance they need for the public's safety, and I appreciate the technical assistance that the American Society of Civil Engineers has given me on this critical problem. I look forward to working with my colleagues to pass legislation that augments the National Dam Safety Program and provides states with the necessary assistance to protect the public.

I ask unanimous consent to print in the RECORD at this point a letter from the Dam Safety Coalition endorsing this legislation and that text of the legislation be printed in the RECORD.

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

DAM SAFETY COALITION,
March 16, 2006.

Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The dam safety, engineering, and construction community would like to commend you for your commitment to dam safety and for introducing the Dam Repair and Rehabilitation Act in U.S. Senate. The legislation would fill a vital need in our infrastructure by developing a federal funding program devoted to repairing the nation's unsafe dams.

Dams are a vital part of our nation's aging infrastructure and provide enormous benefits to the majority of Americans—benefits that include drinking water, flood protection, renewable hydroelectric power, navigation, irrigation and recreation. Yet, these critical daily benefits' provided by the nation's dams are inextricably linked to the potential consequences of a dam failure if the dam is not maintained, or is unable to impound water, pass large flood events or withstand earthquake events in a safe manner.

In 2005, ASCE published the Report Card for America's Infrastructure giving the condition of our nation's dams a grade of D, equal to the overall infrastructure grade. States have identified 3,500 unsafe or deficient dams, many being susceptible to large flood events or earthquakes. The Association of State Dam Safety Officials, in its October 2003 report entitled ''The Cost of Rehabilitating Our Nation's Dams'', estimated that $10 billion would be needed to repair the most critical dams over the next 12 years.

It is a reasonable expectation of every American to be protected by our government; including protection from preventable disasters such as dam failures.

We look forward to working with you to enact the Dam Rehabilitation and Repair Act in the 109th Congress.

Sincerely,

BRIAN PALLASCH,
Co-Chair, Dam Safety Coalition.

S. 2444

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 ''Dam Rehabilitation and Repair Act of 2006''.

SEC. 2. REHABILITATION AND REPAIR OF DEFICIENT DAMS.

(a) DEFINITIONS.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) as paragraphs (4), (5), (6), (7), (8), (9), (10), (12), (13), (14), and (15), respectively;

(2) by inserting after paragraph (2) the following:

''(3) DEFICIENT DAM.—The term 'deficient dam' means a dam that, as determined by the State within the boundaries of which the dam is located—

''(A) fails to meet minimum dam safety standards of the State; and

''(B) poses an unacceptable risk to the public.''; and

(3) by inserting after paragraph (10) (as redesignated by paragraph (1)) the following:

''(11) REHABILITATION.—The term 'rehabilitation' means the repair, replacement, reconstruction, or removal of a dam to meet applicable State dam safety and security standards.''.

(b) PROGRAM FOR REHABILITATION AND REPAIR OF DEFICIENT DAMS.—The National Dam Safety Program Act is amended by inserting after section 8 (33 U.S.C. 467f) the following:

''SEC. 8A. REHABILITATION AND REPAIR OF DEFICIENT DAMS.

''(a) ESTABLISHMENT OF PROGRAM.—The Director shall establish, within FEMA, a program to provide grants to States for use in rehabilitation of publicly-owned deficient dams.

''(b) GRANTS.—

''(1) IN GENERAL.—In carrying out the program established under subsection (a), the Director—

''(A) may provide grants to States for the rehabilitation of deficient dams; and

''(B) shall enter into a project grant agreement with each State that receives a grant to establish the terms of the grant and the project, including the amount of the grant.

''(2) APPLICATION.—To receive a grant under this section, a State shall submit to the Director an application at such time, in such manner, and containing such information as the Director may require, by regulation.

''(c) PRIORITY SYSTEM.—The Director, in consultation with the Board, shall develop a risk-based priority system for use in identifying deficient dams for which grants may be provided under this section.

''(d) ALLOCATION OF FUNDS.—During a fiscal year, of amounts appropriated pursuant to subsection (f)(1) for that fiscal year—

''(1) ⅓ shall be distributed equally among the States that receive grants under this section; and

''(2) ⅔ shall be distributed among the States described in paragraph (1) based on the ratio that—

''(A) the number of non-Federal publicly-owned dams located within the boundaries of a State that the Secretary of the Army identifies in the national inventory of dams maintained under section 6 as constituting a danger to human health; bears to

''(B) the number of non-Federal publicly-owned dams so identified located within the boundaries of all States that receive grants under this section.

''(e) COST SHARING.—The Federal share of the cost of rehabilitation of a deficient dam for which a grant is made under this section shall be not more than 65 percent.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, to remain available until expended—

''(A) $50,000,000 for fiscal year 2007; and

''(B) $100,000,000 for each of fiscal years 2008 through 2010.

''(2) STAFF.—There is authorized to be appropriated to provide for the employment of such additional staff of FEMA as the Director determines to be necessary to carry out this section $400,000 for each of fiscal years 2007 through 2009, to remain available until expended.''.

SEC. 3. RULEMAKING.

(a) PROPOSED RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response, acting through the Director of the Federal Emergency Management Agency, shall issue a notice of proposed rulemaking regarding the amendments made by section 2 to the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

(b) FINAL RULE.—Not later than 120 days after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response, acting through the Director of the Federal Emergency Management Agency, shall promulgate a final rule regarding the amendments described in subsection (a).

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2445. A bill to permit certain school districts in Illinois to be reconstituted for purposes of determining assistance under the Impact Aid program; to the Committee on Health, Education, Labor, and Pensions.

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

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

S. 2445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY FOR IMPACT AID PAYMENT.

(a) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)(B)), North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.

(b) COMPUTATION.—Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a))) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—

(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and

(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.

By Mr. DURBIN:

S. 2448. A bill to increase the minimum penalties for violations of the Federal Mine Safety and Health Act of 1977, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce the Mine Safety Enforcement, Reporting, and Training Act. This bill will raise the minimum fine for safety violations from $60 to $500, require coal mine operators to pay fines up front, require a public yearly report of fine payments, and double funding for education and training grants to States from $10 million to $20 million.

The recent tragic events in West Virginia and Kentucky have captured the Nation's attention and exposed the serious dangers our miners face every day. Safety violations often result in injuries that cost miners their health, livelihood or lives. Safety inspectors have advised me that the fines need to be tougher when a company violates our safety laws and that we need to put more resources into training inspectors.

The vast majority of fines issued in 2005 were under $100. Unfortunately, many multimillion dollar mining companies view these fines no worse than a minor speeding ticket. Hopefully, raising the minimum fine from $60 to $500 will prompt these companies to get serious about making safety improvements.

Many coal operators are taking advantage of the current system which allows them to withhold payment of fines levied against them while negotiating to reduce the amount of those fines. From 2001 to 2003, more than two-thirds of all major fines were reduced from the original amount imposed by safety inspectors from the Mine Safety and Health Administration (MSHA). MSHA reports that of the fines that are appealed, the average reduction is 47 percent.

Moreover, since 2001, almost half of all fines have not been collected. Federal records also show that in the last two years the federal mine safety agency has failed to hand over any delinquent cases to the Treasury Department for further collection efforts, as is supposed to occur after 180 days. I believe that a public report card of fine payments gives us the chance to grade these companies and make necessary changes before we have another tragic accident on our hands.

Over the years, funding for education and training grants has steadily declined—seriously impacting the agency's ability to meet the training needs of individual States. Nationally, MSHA awards up to $10 million in grants annually, and like many other states, my home state of Illinois has witnessed a reduction in grants in the past ten years, which is especially troublesome during a time of revived coal mining activity. State regulating agencies, such as the Illinois Office of Mines and Minerals, uses the funds it receives from MSHA to purchase safety vehicles, rescue training equipment and to

help train new coal mine employees. Not only are state mine agencies unable to purchase new equipment as old equipment wears out, but state agencies are having trouble purchasing modern mine rescue training equipment.

I hope that my colleagues will join me in this effort to increase enforcement efforts, public reporting of violations, and education and training grants for the benefit of our coal miners across the country. Our coal miners deserve no less.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2448

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 ''Mine Safety Enforcement, Reporting, and Training Act''.

SEC. 2. INCREASED MINIMUM PENALTIES FOR, AND IMMEDIATE PAYMENT OF, MINE SAFETY VIOLATIONS.

(a) INCREASED MINIMUM PENALTIES.—Section 110 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820) is amended—

(1) by redesignating subsection (*l*) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l) MINIMUM PENALTY.—The amount of a fine or civil penalty assessed for a violation of a mandatory health or safety standard or other provision of this Act shall be not less than $500.''; and

(3) in subsection (g), by striking ''shall not be more than $250'' and inserting ''shall be $500''.

(b) IMMEDIATE PAYMENT OF PENALTIES.—Section 110(j) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820(j)) is amended by adding at the end the following: ''An operator shall pay a civil penalty owed under this Act promptly after such penalty is assessed and prior to contesting the penalty before the Commission or appealing the decision to the appropriate court.''.

(c) REPORT.—Section 110 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820) is further amended by adding at the end the following:

''(n) REPORT.—

''(1) IN GENERAL.—The Secretary shall annually prepare and submit a report to Congress detailing, for the previous fiscal year—

''(A) the amount of fines assessed under this Act for each operator;

''(B) the amount of fines actually collected from each operator; and

''(C) the total amount of fines assessed, and the total amount of fines collected, under this Act.

''(2) AVAILABILITY ON INTERNET.—The Secretary shall post the report described in paragraph (1) on the website of the Department of Labor in a conspicuous and prominent location.''.

SEC. 3. INCREASING AUTHORIZATION OF APPROPRIATIONS FOR HEALTH AND SAFETY GRANTS.

Section 503(h) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 953(h)) is amended in the first sentence by striking ''$10,000,000'' and inserting ''$20,000,000''.

By Mr. KERRY (for himself, Mr. DAYTON, Mr. DURBIN, Mr. JOHNSON, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. MENENDEZ, and Mr. REID):

S. 2449. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age; to the Committee on Armed Services.

Mr. KERRY. Mr. President, for several years members of this Chamber have worked to reduce the age that retired members of the National Guard and Reserve can receive their retirement pay from 60 to 55. Senator Corzine offered such legislation in the first session of this Congress, and I was delighted to co-sponsor it. With Senator Corzine's departure from the Senate for the New Jersey State House, we have reassembled the body of co-sponsors and are introducing this legislation again to signal our continued commitment to addressing this issue.

The issue is simple. If you join the active duty Army at age 18 and serve 20 years on active duty, retiring at age 38, you are immediately eligible to receive retirement pay. If you join the National Guard or Reserves, you may retire after 20 years, but you must wait until age 60 to begin collecting retirement pay. A 38-year-old veteran of the Guard and Reserves must wait 22 years to see any of their retirement pay.

To be sure, everyone recognizes the difference between service in the active component and the reserve component in peace time. But since September 11, 2001, as we are reminded almost daily, we have been a Nation at war. Our National Guard and Reserves have been fully engaged in the War against al Qaeda and the War in Iraq. As of last week, nearly 120,000 reservists were mobilized, including 1,230 troops from my home state of Massachusetts. And sadly, almost 600 members of the Guard and Reserves have made the ultimate sacrifice for this country.

We can never fully express our Nation's gratitude for their service and sacrifice, but we can try to make benefits and compensation more worthy of the commitment and service shown by America's citizen soldiers. That's exactly what the legislation I introduce today seeks to accomplish. I'm delighted to be joined in this effort by Senators DAYTON, DURBIN, JOHNSON, LAUTENBERG, MIKULSKI, MENENDEZ, and REID.

It is no secret that our all volunteer force is stretched. Recruiting numbers have sagged under the anxieties and concerns of a nation at war. Retention has remained healthy to date, but as the nation approaches its 5th year of war, we must be proactive in seeking to support those who have already done so much for us. Reducing the age at which members of the Guard and Reserves can receive their retirement pay can help make continued service more attractive, retaining those in whom America has already invested so much.

We are asking for more from our National Guard and Reserve members than ever before. In turn we should be providing them with what they deserve and have certainly earned. This legislation would be a small step in the right direction to honor the service of these Americans and to ensure their continued strength.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN AGE FOR RECEIPT OF MILITARY RETIRED PAY FOR NONREGULAR SERVICE.

(a) REDUCTION IN AGE.—Section 12731(a)(1) of title 10, United States Code, is amended by striking ''at least 60 years of age'' and inserting ''at least 55 years of age''.

(b) APPLICATION TO EXISTING PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age, a reference to the age in effect for qualification for such retired pay under section 12731(a) of title 10, United States Code, as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply to retired pay payable for that month and subsequent months.

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

S. 2450. A bill to strengthen national security by encouraging and assisting in the expansion and improvement of educational programs in order to meet critical needs at the elementary, secondary, and higher education levels, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I rise today to reintroduce legislation with Senator DURBIN that will increase educational opportunities in science, technology, engineering, mathematics (STEM), and foreign languages for all students.

Last month, I shared with my colleagues the need to expand educational opportunities in these areas so that the youth of today can meet the challenges of tomorrow. The President, in his State of the Union address, said that America's ability to compete in global markets and to defend the nation against foreign threats depends on the strength of our educational system. On this point, he and I agree. Our future national and economic security are tied directly to our mathematical, scientific, and linguistic acumen.

For example, prior to 9/11, the Intelligence Community was not prepared

to handle the challenge of translating the volumes of foreign language counter-terrorism intelligence it had collected. The Intelligence Community faced backlogs in material awaiting translation, a shortage of language specialists and language-qualified field officers, and a readiness level of only 30 percent in the most critical foreign languages. This news, however, was not new. In 2000, Ellen Laipson, Vice Chairman of the National Intelligence Council, reported similar problems and said that thousands of technical papers providing details on foreign research and development in scientific or technical areas were not being translated because of the lack of personnel to interpret the material, which could lead to the possibility of ''a technological surprise.''

It is clear that our national security relies on having a workforce skilled in the areas of science, technology, engineering, math, and foreign languages. We need to take action to strengthen education in these areas so that the United States can compete, prosper, and be secure in the 21st Century. A major investment in America's education system is necessary to ensure that we can communicate with and understand the cultures of our world partners and competitors. In the words of the Committee for Economic Development, ''we must redefine, as each generation has done, what it means to be an educated American in a changing world.'' Enactment of the Homeland Security Education Act provides the framework to enhance our education system to ensure that our nation's youth will have the skills needed for success.

Our education system must be reenergized and reinvigorated to meet the needs of our nation by preparing students to be proficient in foreign languages and leaders in the scientific and engineering fields. Our schools need the equipment and the materials to teach the critical STEM and foreign language courses and bring these subjects to life. To address these issues our bill would: encourage public private partnerships to improve science and math curricula; upgrade laboratory facilities; provide scholarships for students to study math, science, or engineering at the university level; and establish internship and mentoring opportunities for students in grades K through 12; develop cultural awareness and immersion programs in colleges and universities that combine science, technology, and engineering instruction with foreign language to expand international understanding and scientific collaboration; and create language learning pathways to facilitate proficiency in critical foreign languages from Kindergarten through graduate school.

However, no amount of funding or new programs will address the problem if there are not enough teachers trained in these subjects. To address the shortage of STEM and foreign language teachers, our bill includes provisions to award scholarships in the amount of $15,000 to language-proficient individuals and practicing scientists and engineers to return to school and earn their degrees and become certified to teach these critical skills to students in high-need, low income schools. Our bill would also allow National Security Education Program scholarship and fellowship recipients to meet their service requirements by teaching in these critical areas if they cannot find a national security position in the Federal Government.

A key provision in the Homeland Security Education Act focuses on foreign language teacher training by awarding grants to facilitate partnerships between K through 12 schools and institutions of higher education to build professional development programs, summer workshops or institutes, and foreign language distance learning programs for elementary and secondary school teachers.

In addition to providing new programs and teachers, we must encourage students to study these subjects. The U.S. currently lags far behind other countries in the number of students majoring in these critical areas. We must reverse this trend if we are to ensure an adequate supply of science, technology, engineering, and mathematics expertise in the years ahead. For example, only 32 percent of undergraduates in the United States receive their degrees in science and engineering, compared to 59 percent in China and 66 percent in Japan. The statistics are even worse for foreign language education, where fewer than one in 10 college students enroll in a foreign language class. Our bill would provide financial incentives for students to take the tough classes, earn their degrees, and be trained in the skills that will help America succeed by providing them with $5,000 scholarships to earn degrees in STEM or a foreign language.

I am proud of my home State of Hawaii, which appreciates the importance of learning other languages and understanding other cultures and where high school seniors take Advanced Placement (AP) exams in calculus, chemistry, physics, and science at rates that are higher than, and in some cases nearly double, the national average. Still, there definitely is room for more students to take AP exams and excel in these important areas.

The Homeland Security Education Act would help make this a reality by complementing efforts such as the PACE bills, Senator KENNEDY's legislation, and the President's education initiatives—all of which I support because they are positive steps to increasing educational opportunities in critical STEM and foreign language studies.

Professor Richard Schmidt, Director of the National Foreign Language Resource Center at the University of Hawaii, said that ''this legislation has strong potential to produce the kind of close articulation between K through 12 and higher education programs that has been very difficult in the past.''

I wish to thank Professor Schmidt, the University of Hawaii College of Education, and the National Council for Languages and International Studies for supporting this bill. I ask unanimous consent that letters of support be printed in the RECORD

Education serves as the catalyst to ensure our Nation's long-term security. To remain a world leader we need Americans who are well-educated and who can communicate in the global marketplace. The bill we introduce today will help us meet these essential requirements.

I urge my colleagues to support the Homeland Security Education Act, and I look forward to working with them to strengthen our national security through enactment of our bill.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL FOR LANGUAGES AND INTERNATIONAL STUDIES,
Washington, DC, March 6, 2006.

Hon. DANIEL AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: I am writing on behalf of the National Council for Languages and International Studies, representing 54 member language and international education associations, to thank you for sponsoring the Homeland Security Education Act (HSEA), which increases federal investment in foreign language education, specifically in languages of critical need to national security.

The benefits of language learning as a part of a basic education cannot be overstated. In addition to learning another language, studies indicate that students develop better problem-solving and cognitive skills. In addition to being an essential part of a basic education, recent events have demonstrated that early language learning is also imperative for national security. The events of September 11th brought to light the scarcity of highly qualified language professionals in the federal government workforce. Our nation cannot develop the high-level language expertise necessary to national security and economic competitiveness if we do not have the programs that encourage proficiency in critical languages.

Recent studies and initiatives such as the National Security Language Initiative, the Lincoln Commission Report, and the Center for Education Development's report, Education for Global Leadership: The Importance of lnternational Studies and Foreign Language Education for U.S. Economic and National Security provide a much-needed framework to develop foreign language skills by calling for the implementation of new and expanded language programs at all levels of education and in the workforce. HSEA will provide the resources needed to develop such critical programs.

Legislation like HSEA provides the framework and funding that is critical to carrying out these initiatives at the primary, secondary and higher education levels. Its focus on encouraging students to continue their language education as well as providing the grants needed for institutions of higher education to develop and strengthen foreign language programs, this bill will create the resources needed to address the issues facing the U.S. in today's world.

This comprehensive and forward thinking legislation is sorely needed. Thank you for

your assistance and support of languages, international education and programs that promote better understanding of other languages and cultures. If there is anything we can do to help, please let us know.

Sincerely,

J. DAVID EDWARDS, PhD,
Executive Director.

UNIVERSITY OF HAWAI'I AT MÁNOA,
COLLEGE OF EDUCATION,
Honolulu, Hawai'i, March 9, 2006.

Hon. DANIEL K. AKAKA,
U.S. Senate, 141 Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: I am writing on behalf of the faculty and students of the University of Hawai'i, College of Education to express my enthusiastic support for the Homeland Security Education Act proposed by you and Senator Durbin.

It is clear that if we are to remain leaders in this increasingly competitive world, America needs a workforce skilled in science, mathematics, computer science, and engineering. We also need a larger population of people able to speak foreign languages and relate well with people from other countries and cultures.

The Homeland Security Education Act is designed very well to address this need, as it provides scholarships for college students entering those fields and for teacher candidates in the sciences, mathematics, and languages. It also provides grants to assist K–12 schools in improving related instruction, to improve facilities and obtain equipment. Three different grant programs support efforts to improve the numbers of foreign language speakers. The student loan program also holds promise of encouraging more people to enter these fields.

As Dean of the College of Education, I know first hand how difficult it is to attract teacher candidates into mathematics or science. The scholarships provided through the Homeland Security Education Act will help us encourage more students to enter these teaching fields. It may also be helpful if the student loan repayment program could be applied to individuals who enter the teaching profession and teach in some of our more difficult to staff public schools.

I am also finding it very difficult to find mathematics and science educators to teach in our teacher preparation programs. There is a severe national shortage of mathematics and science educators with doctoral degrees. You may want to consider providing support to individuals to obtain doctorates in these areas.

Your Homeland Security Education Act addresses a very serious problem. If we do not address this problem today, our nation will suffer because of it in the near future and for many years to come. I sincerely hope that your colleagues in congress will share your vision and choose to support this important legislation.

Thank you for your good leadership and for your continued support for excellent education for all children.

Sincerely,

RANDY HITZ,
Dean.

By Mr. SPECTER:

S. 2453. A bill to establish procedures for the review of electronic surveillance programs; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today to introduce a bill to regulate electronic surveillance programs designed to gather intelligence for national security purposes.

On Friday, December 16, 2005, the New York Times reported that in late 2001, President Bush signed a highly classified directive that authorized the National Security Agency to intercept communications between people inside the United States and terrorism suspects overseas. And so the debate began. Did the President have the authority to authorize this program? Did it violate the Foreign Intelligence Surveillance Act—or FISA? Had Congress independently granted the President this authority? Did he have these inherent powers under the Constitution? Lawyers and laymen throughout our country have debated the issue. The Senate Judiciary Committee initiated two hearings on the legality of the NSA program and, pursuant to our oversight function, brought in Attorney General Alberto Gonzales and seven leading scholars and experts to testify. After questioning General Gonzales for some 7 hours, and the panel of scholars for hours more, we were still left troubled by two competing concerns.

On the one hand, we are a Nation at war. On September 11 we suffered the worst attack on civilians in our country's history by an enemy like none we had faced before. The more we learn about this enemy, the more we learn about a cruel and brutal opponent who will stop at nothing to terrorize and harm our country. This is an enemy that knows no honor. It seeks to inflict ever-escalating violence on defenseless civilians. This is an enemy that knows no mercy. It beheads innocent aid workers and journalists and proudly broadcasts these murders for the world to see. This is an enemy that knows no bounds of decency. It recruits women and children to strap bombs to their bodies and blow themselves up, knowing that American soldiers are likely to come close to help them. This is an enemy that is patient. It infiltrates our borders and waits quietly for an opportunity to attack. Most frighteningly, this is an enemy that is capable. It roams the globe, organizing terrorist cells along its path. It has the ability to master and exploit modem technology and organize attacks on America from anywhere on the globe.

On the other hand, we are a Nation that believes in the rule of law. We are a people that hold dear the rights and liberties enshrined in our Constitution. Although we recognize the threat we face, we are not willing to sacrifice our rights and live in a state of perpetual fear. Our enemy is the enemy of freedom, and we will not give that enemy the satisfaction of making us give up the very freedom we cherish.

The question remains, what is a society like ours to do?

I do not agree with those who contend that the current FISA law is just fine. When the FISA bill was enacted in 1978, we faced a very different enemy. That enemy did not attack on our soil; that enemy was organized into nation states that we could negotiate with; that enemy did not use terrorist tactics on our civilian population. And in 1978, we were grappling with very different technologies. We were worried about telephone and telegraphs, not e-mail, cell phones, handheld computers, and Internet chat rooms. Accordingly, the Congress passed a law in 1978 that required case-by-case warrants; warrants that identified individual persons and places; warrants a lot like those a prosecutor would seek in a routine criminal investigation. These case-by-case warrants, however, simply may not be sufficient today, when we are in a time of war and we need to track an amorphous enemy that moves quickly and is often able to evade detection.

At the same time, I do not agree with those who insist that we are facing an entirely new situation, and that the checks and balances our nation has long embraced are now outdated. I think these advocates are wrong when they insist that the best we can do is to give the Executive Branch a blank check and hope that it will do the right thing.

I believe that there is a middle ground. I believe it is possible to provide the President with the flexibility and secrecy he needs to track terrorists, while providing for meaningful supervision outside of the Executive Branch. It may be surprising to some, but I think we can get some insight from, of all places, a Senate hearing.

Let's step back and survey the situation. The country had recently discovered that the NSA had secretly worked with major communication companies for years. We learned that initially the program focused on certain foreign targets, but it grew to cover communications from U.S. citizens. Amid accusations that the President had violated the Constitution and Federal statute, a Senate Committee called the Attorney General to testify and address the ''serious legal and constitutional questions . . . raised by the program.''

If this sounds familiar, it should. It is what took place in November 1975, when the nation discovered a secret NSA program to monitor telegraph messages, and a special Senate Committee called Attorney General Edward Levi to testify.

That hearing, like the hearing the Senate Judiciary Committee held last week, elicited discussions on the importance of preserving civil liberties and upholding the Bill of Rights, and the need to protect national security and preserve secrecy in foreign intelligence. That hearing also elicited a possible solution.

During his testimony to the Church Committee on U.S. Intelligence Activities, Attorney General Levi suggested that one method for granting the President the needed flexibility, while maintaining supervision by the courts, was to give a special court the power to issue broader, program-wide warrants. Attorney General Levi reasoned that for programs ''designed to gather foreign-intelligence information essential to the security of the Nation,'' the court should have the power to approve

a ''program of surveillance.'' He explained that the traditional warrant procedure works only when surveillance ''involves a particular target location or individual at a specific time.'' While this procedure was fine for routine, criminal investigations, the Nation needed a different solution for enemies that require ''virtually continuous surveillance, which by its nature does not have specifically predetermined targets.'' Attorney General Levi suggested that in approving a surveillance plan, the court should determine whether the program ''strikes a reasonable balance between the government's need for the information and the protection of individuals' rights.''

Unfortunately, we did not follow Attorney General Levi's suggestion. It is not too late to do so, however. The National Security Surveillance Act of 2006 seeks to pick up where the Congress of 1978 left off.

I believe that the National Security Surveillance Act sets forth workable and effective procedures for the FISA Court to evaluate surveillance programs. Its procedures, in fact, are very similar to those Attorney General Levi advocated thirty years ago.

First, in order to continue the NSA program, or any similar programs, the Attorney General must apply to the FISA court for permission to initiate a surveillance program and then seek reauthorization of that program every 45 days. The Attorney General must explain his legal basis for concluding that the surveillance program is constitutional. He must also provide a good deal of information to the court. He must: identify or describe the foreign country or terrorist group he seeks to monitor; provide enough facts to indicate one of the parties on the line is a member of that foreign country or terrorist group or has had communications with it; identify the steps he is taking to make sure that innocent Americans are not being swept into the surveillance program; determine that at least one of the parties is in the U. S.; estimate the number of communications to be monitored; and provide data so the FISA court can evaluate the program, including information on how long the program has existed and what type of intelligence it has uncovered.

The Attorney General should feel no concern in sharing information about the program with the FISA court. The FISA court has proven that it is capable of maintaining the secrecy with which it has been charged and that it possesses the requisite expertise and discretion for adjudicating sensitive issues of national security.

The FISA court must then determine whether approving the program is consistent with the U.S. Constitution. It must also balance the interests at stake and decide whether to approve the program. Specifically, the court must: determine whether probable cause exists to authorize the surveillance; evaluate whether historically the government has implemented the electronic surveillance program in accordance with its proposals; determine that at least one of the participants to the electronic communication is a member of the foreign country or terrorist group that the Attorney General has identified; consider the privacy costs of the program as measured by the number of communications subjected to the electronic surveillance program, the length of time the electronic surveillance program has been in existence, and the effectiveness of the minimization procedures; and consider the benefits of the program as measured by the intelligence information obtained or the number of plots uncovered or cells disrupted.

The Attorney General must resubmit the program to the FISA court every 45 days. In the event the FISA court refuses to approve the electronic surveillance program, that does not end the matter. The Attorney General may modify the program and then submit a new application, until the FISA court concludes that the program satisfies the Constitution and the standards set forth in this bill. In the alternative, the Attorney General may conclude that implementing an amended program is inappropriate in light of the FISA court's concerns. The FISA court would itself be required to notify Congress of its decision with respect to the proffered program's constitutionality. Finally, the bill requires the Attorney General to submit information on the program's scope and effectiveness to the Chairman and Ranking Member of the Senate and House Intelligence Committees every 6 months.

In the case at hand, the Attorney General would be required to justify the NSA surveillance program to the FISA court, which would, in turn, determine whether the program met all constitutional and legal requirements. The court would be required to consider, for example, whether members of Al Qaeda were appropriately targeted, whether proper minimization techniques were being followed, and whether the program satisfied the demands of the Fourth Amendment.

There are those who will say that we should not act. That currently, things are fine. I would remind my colleagues that our enemies are not so content to sit still. A country that does not understand that our enemy has changed since the 1970s will come to regret it. And a Congress that pauses when it should act, denies its duty to adapt to the enemy we currently face. But, ultimately, the enemies of democracy win when civil liberties are lost. We must maintain our democracy and defeat our enemies.

This legislation does both and I urge my colleagues to support it.

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

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

S. 2453

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 ''National Security Surveillance Act of 2006''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) After the terrorist attacks of September 11, 2001, President Bush authorized the National Security Agency to intercept communications between people inside the United States, including American citizens, and terrorism suspects overseas.

(2) One of the lessons learned from September 11, 2001, is that the enemies who seek to greatly harm and terrorize our Nation utilize technologies and techniques that defy conventional law enforcement practices.

(3) The Commander in Chief requires the ability and means to detect and track an enemy that can master and exploit modern technology.

(4) Although it is essential that the President have all necessary means to protect us against our enemies, it is equally essential that, in doing so, the President does not compromise the very civil liberties that the President seeks to safeguard. As Justice Hugo Black observed, ''The President's power, if any, to issue [an] order must stem either from an Act of Congress or from the Constitution itself.''. Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 585 (1952) (opinion by Black, J.).

(5) In 2004, Justice Sandra Day O'Connor explained in her plurality opinion for the Supreme Court in Hamdi v. Rumsfeld: ''We 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. Youngstown Sheet & Tube, 343 U.S., at 587, 72 S.Ct. 863. Whatever power the United States Constitution envisions for the Executive in its exchanges with other nations or with enemy organizations in times of conflict, it most assuredly envisions a role for all three branches when individual liberties are at stake.''. Hamdi v. Rumsfeld, 542 U.S. 507, 536 (2004) (citations omitted).

(6) Similarly, as Justice Jackson famously observed in his Youngstown concurrence: ''When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate . . . . When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility . . . When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive Presidential control in such a case only by disabling the Congress from acting upon the subject.''. Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 635–38 (1952) (Jackson, J., concurring).

(7) The Constitution provides Congress with broad powers of oversight over national security and foreign policy, under article I, section 8 of the Constitution of the United States, which confers on Congress numerous powers, including the powers—

(A) ''To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water'';

(B) ''To raise and support Armies'';

(C) ''To provide and maintain a Navy'';

(D) ''To make Rules for the Government and Regulation of the land and naval Forces'';

(E) ''To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions''; and

(F) ''To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States''.

(8) It is in our Nation's best interest for Congress to use its oversight power to establish a system to ensure that electronic surveillance programs do not infringe on the constitutional rights of Americans, while at the same time making sure that the President has all the powers and means necessary to detect and track our enemies.

(9) While Attorney General Alberto Gonzales explained that the executive branch reviews the electronic surveillance program of the National Security Agency every 45 days to ensure that the program is not overly broad, it is the belief of Congress that approval and supervision of electronic surveillance programs should be conducted outside of the executive branch, by the Article III court established under section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803). It is also the belief of Congress that it is appropriate for an Article III court to pass upon the constitutionality of electronic surveillance programs that may implicate the rights of Americans.

(10) The Foreign Intelligence Surveillance Court is the proper court to approve and supervise classified electronic surveillance programs because it is adept at maintaining the secrecy with which it was charged and it possesses the requisite expertise and discretion for adjudicating sensitive issues of national security.

(11) In 1975, then-Attorney General Edward Levi, a strong defender of executive authority, testified that in times of conflict, the President needs the power to conduct long-range electronic surveillance and that a foreign intelligence surveillance court should be empowered to issue special warrants in these circumstances.

(12) This Act clarifies and definitively establishes that the Foreign Intelligence Surveillance Court has the authority to review electronic surveillance programs and pass upon their constitutionality. Such authority is consistent with well-established, long-standing practices.

(13) The Foreign Intelligence Surveillance Court already has broad authority to approve surveillance of members of international conspiracies, in addition to granting warrants for surveillance of a particular individual under sections 104, 105, and 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804, 1805, and 1842).

(14) Prosecutors have significant flexibility in investigating domestic conspiracy cases. Courts have held that flexible warrants comply with the fourth amendment to the Constitution of the United States when they relate to complex, far reaching, and multi-faceted criminal enterprises like drug conspiracies and money laundering rings. The courts recognize that applications for search warrants must be judged in a common sense and realistic fashion, and the courts permit broad warrant language where, due to the nature and circumstances of the investigation and the criminal organization, more precise descriptions are not feasible.

(15) Federal agents investigating international terrorism by foreign enemies are entitled to tools at least as broad as those used by Federal agents investigating domestic crimes by United States citizens. The Supreme Court, in the ''Keith Case'', United States v. United States District Court for the Eastern District of Michigan, 407 U.S. 297 (1972), recognized that the standards and procedures used to fight ordinary crime may not be applicable to cases involving national security. The Court recognized that national ''security surveillance may involve different policy and practical considerations from the surveillance of ordinary crime'' and that courts should be more flexible in issuing warrants in national security cases. United States v. United States District Court for the Eastern District of Michigan, 407 U.S. 297, 322 (1972).

(16) By authorizing the Foreign Intelligence Surveillance Court to review electronic surveillance programs, Congress preserves the ability of the Commander in Chief to use the necessary means to guard our national security, while also protecting the civil liberties and constitutional rights that we cherish.

SEC. 3. DEFINITIONS.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by redesignating title VII as title VIII;

(2) by redesignating section 701 as section 801; and

(3) by inserting after title VI the following:

''TITLE VII—ELECTRONIC SURVEILLANCE

''SEC. 701. DEFINITIONS.

''As used in this title—

''(1) the terms 'agent of a foreign power', 'Attorney General', 'foreign intelligence information' ,'foreign power', 'international terrorism', 'minimization procedures', 'person', 'United States', and 'United States person' have the same meaning as in section 101;

''(2) the term 'congressional intelligence committees' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives;

''(3) the term 'electronic communication' means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system, cable, or other like connection furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of communications;

''(4) the term 'electronic surveillance' means the acquisition by an electronic, mechanical, or other surveillance device of the substance of any electronic communication sent by, received by, or intended to be received by a person who is in the United States, where there is a reasonable possibility that the surveillance will intercept communication in which a person in the United States participating in the communication has a reasonable expectation of privacy;

''(5) the term 'electronic surveillance program' means a program to engage in electronic surveillance—

''(A) to gather foreign intelligence information or to protect against international terrorism or clandestine intelligence activities by obtaining the substance of or information regarding electronic communications sent by, received by, or intended to be received by a foreign power, an agent or agents of a foreign power, or a person or persons who have had communication with a foreign power seeking to commit an act of international terrorism or clandestine intelligence activities against the United States;

''(B) where it is not feasible to name every person or address every location to be subjected to electronic surveillance; and

''(C) where effective gathering of foreign intelligence information requires an extended period of electronic surveillance;

''(6) the term 'Foreign Intelligence Surveillance Court' means the court, sitting en banc, established under section 103(a);

''(7) the term 'Foreign Intelligence Surveillance Court of review' means the court established under section 103(b);

(8) the term 'intercept' means the acquisition of the substance of any electronic communication by a person through the use of any electronic, mechanical, or other device; and

''(9) the term 'substance' means any information concerning the words, purport, or meaning of a communication, and does not include information identifying the sender, origin, or recipient of the communication or the date or time of its transmission.''.

SEC. 4. FOREIGN INTELLIGENCE SURVEILLANCE COURT JURISDICTION TO REVIEW ELECTRONIC SURVEILLANCE PROGRAMS.

Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 3, is amended by adding at the end the following:

''SEC. 702. FOREIGN INTELLIGENCE SURVEILLANCE COURT JURISDICTION TO REVIEW ELECTRONIC SURVEILLANCE PROGRAMS.

''(a) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to issue an order under this title, lasting not longer than 45 days, that authorizes an electronic surveillance program to obtain foreign intelligence information or to protect against international terrorism or clandestine intelligence activities.

''(b) REAUTHORIZATION.—In order to continue an electronic surveillance program after the time period described in subsection (a), the Attorney General shall submit a new application under section 703. There shall be no limit on the number of times the Attorney General may seek approval of an electronic surveillance program.

''(c) MODIFICATIONS AND APPEAL IN EVENT APPLICATION IS DENIED.—

''(1) IN GENERAL.—In the event that the Foreign Intelligence Surveillance Court refuses to approve an application under subsection (a), the court shall state its reasons in a written opinion.

''(2) OPINION.—The court shall submit a written opinion described in paragraph (1) to the Attorney General and to each member of the congressional intelligence committees (or any subcommittee thereof designated for oversight of electronic surveillance programs under this title).

''(3) RESUBMISSION OR APPEAL.—The Attorney General shall be permitted to submit a new application under section 703 for the electronic surveillance program, reflecting modifications to address the concerns set forth in the written opinion of the Foreign Intelligence Surveillance Court. There shall be no limit on the number of times the Attorney General may seek approval of an electronic surveillance program. Alternatively, the Attorney General shall be permitted to appeal the decision of the Foreign Intelligence Surveillance Court to the Foreign Intelligence Surveillance Court of Review.

''(d) COMMUNICATIONS SUBJECT TO THIS TITLE.—

''(1) IN GENERAL.—The provisions of this title requiring authorization by the Foreign Intelligence Surveillance Court apply only to interception of the substance of electronic communications sent by, received by, or intended to be received by a person who is in the United States, where there is a reasonable possibility that a participant in the communication has a reasonable expectation of privacy.

''(2) EXCLUSION.—The provisions of this title requiring authorization by the Foreign Intelligence Surveillance Court do not apply

to information identifying the sender, origin, or recipient of the electronic communication or the date or time of its transmission that is obtained without review of the substance of the electronic communication.

''(e) EXISTING PROGRAMS SUBJECT TO THIS TITLE.—

''(1) IN GENERAL.—The Attorney General shall submit an application to the Foreign Intelligence Surveillance Court for any electronic surveillance program to obtain foreign intelligence information or to protect against international terrorism or clandestine intelligence activities.

''(2) EXISTING PROGRAMS.—Not later than 45 days after the date of enactment of this title, the Attorney General shall submit an application under this title for approval of the electronic surveillance program sometimes referred to as the 'Terrorist Surveillance Program' and discussed by the Attorney General before the Committee on the Judiciary of the United States Senate on February 6, 2006. Not later than 120 days after the date of enactment of this title, the Attorney General shall submit applications under this title for approval of any other electronic surveillance program in existence on the date of enactment of this title that has not been submitted to the Foreign Intelligence Surveillance Court.''.

SEC. 5. APPLICATIONS FOR APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 4, is amended by adding at the end the following:

''SEC. 703. APPLICATIONS FOR APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

''(a) IN GENERAL.—Each application for approval of an electronic surveillance program under this title shall—

''(1) be made by the Attorney General;

''(2) include a statement of the authority conferred on the Attorney General by the President of the United States;

''(3) include a statement setting forth the legal basis for the conclusion by the Attorney General that the electronic surveillance program is consistent with the requirements of the Constitution of the United States;

''(4) certify that the information sought cannot reasonably be obtained by conventional investigative techniques or through an application under section 104;

''(5) include the name, if known, identity, or description of the foreign power or agent of a foreign power seeking to commit an act of international terrorism or clandestine intelligence activities against the United States that the electronic surveillance program seeks to monitor or detect;

''(6) include a statement of the means and operational procedures by which the surveillance will be executed and effected;

''(7) include a statement of the facts and circumstances relied upon by the Attorney General to justify the belief that at least 1 of the participants in the communications to be intercepted by the electronic surveillance program will be the foreign power or agent of a foreign power that is specified under paragraph (5), or a person who has had communication with the foreign power or agent of a foreign power that is specified under paragraph (5), and is seeking to commit an act of international terrorism or clandestine intelligence activities against the United States;

''(8) include a statement of the proposed minimization procedures;

''(9) include a detailed description of the nature of the information sought and the type of communication to be intercepted by the electronic surveillance program;

''(10) include an estimate of the number of communications to be intercepted by the electronic surveillance program during the requested authorization period;

''(11) specify the date that the electronic surveillance program that is the subject of the application was initiated, if it was initiated before submission of the application;

''(12) certify that any electronic surveillance of a person in the United States under this title shall cease 45 days after the date of the authorization, unless the Government has obtained judicial authorization for continued surveillance of the person in the United States under section 104 or another Federal statute;

''(13) include a statement of the facts concerning all previous applications that have been made to the Foreign Intelligence Surveillance Court under this title involving the electronic surveillance program in the application, including the minimization procedures and the means and operational procedures proposed, and the Foreign Intelligence Surveillance Court's decision on each previous application; and

''(14) include a statement of the facts concerning the implementation of the electronic surveillance program described in the application, including, for any period of operation of the program authorized at least 45 days prior to the date of submission of the application—

''(A) the minimization procedures implemented;

''(B) the means and operational procedures by which the surveillance was executed and effected;

''(C) the number of communications subjected to the electronic surveillance program;

''(D) the identity, if known, or a description of any United States person whose communications sent or received in the United States were intercepted by the electronic surveillance program; and

''(E) a description of the foreign intelligence information obtained through the electronic surveillance program.

''(b) ADDITIONAL INFORMATION.—The Foreign Intelligence Surveillance Court may require the Attorney General to furnish such other information as may be necessary to make a determination under section 704.''.

SEC. 6. APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 5, is amended by adding at the end the following:

''SEC. 704. APPROVAL OF ELECTRONIC SURVEILLANCE PROGRAMS.

''(a) NECESSARY FINDINGS.—Upon receipt of an application under section 703, the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested, or as modified, approving the electronic surveillance program if it finds that—

''(1) the President has authorized the Attorney General to make the application for electronic surveillance for foreign intelligence information;

''(2) approval of the electronic surveillance program in the application is consistent with the duty of the Foreign Intelligence Surveillance Court to uphold the Constitution of the United States;

''(3) there is probable cause to believe that the electronic surveillance program will intercept communications of the foreign power or agent of a foreign power specified in the application, or a person who has had communication with the foreign power or agent of a foreign power that is specified in the application and is seeking to commit an act of international terrorism or clandestine intelligence activities against the United States;

''(4) the proposed minimization procedures meet the definition of minimization procedures under section 101 (h);

''(5) the application contains all statements and certifications required by section 703; and

''(6) an evaluation of the implementation of the electronic surveillance program, as described in subsection (b), supports approval of the application.

''(b) EVALUATION OF THE IMPLEMENTATION OF THE ELECTRONIC SURVEILLANCE PROGRAM.—In determining whether the implementation of the electronic surveillance program supports approval of the application for purposes of subsection (a)(6), the Foreign Intelligence Surveillance Court shall consider the performance of the electronic surveillance program for at least 3 previously authorized periods, to the extent such information is available, and shall—

''(1) evaluate whether the electronic surveillance program has been implemented in accordance with the proposal by the Federal Government by comparing—

''(A) the minimization procedures proposed with the minimization procedures implemented;

''(B) the nature of the information sought with the nature of the information obtained; and

''(C) the means and operational procedures proposed with the means and operational procedures implemented;

''(2) consider the number of communications intercepted by the electronic surveillance program and the length of time the electronic surveillance program has been in existence; and

''(3) consider the effectiveness of the electronic surveillance program, as reflected by the foreign intelligence information obtained.''.

SEC. 7. CONGRESSIONAL OVERSIGHT.

Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 6, is amended by adding at the end the following:

''SEC. 705. CONGRESSIONAL OVERSIGHT.

''(a) IN GENERA1.—The President shall submit to each member of the congressional , intelligence committees (or any subcommittee thereof designated for oversight of electronic surveillance programs under this title) a report on the management and operational details of the electronic surveillance program generally and on any specific surveillance conducted under the electronic surveillance program whenever requested by either of the committees, or any such subcommittee, as applicable.

''(b) Semi-Annual Reports.—

''(1) IN GENERAL.—In addition to any reports required under subsection (a), the President shall, not later than 6 months after the date of enactment of this Act and every 6 months thereafter, fully inform each member of the congressional intelligence committees (or any subcommittee thereof designated for oversight of electronic surveillance programs under this title) on all electronic surveillance conducted under the electronic surveillance program.

''(2) CONTENTS.—Each report under paragraph (1) shall include the following:

''(A) A complete discussion of the management, operational details, effectiveness, and necessity of the electronic surveillance program generally, and of the management, operational details, effectiveness, and necessity of all electronic surveillance conducted under the program, during the 6-month period ending on the date of such report.

''(B) The total number of targets of electronic surveillance commenced or continued under the electronic surveillance program.

''(C) The total number of United States persons targeted for electronic surveillance under the electronic surveillance program.

''(D) The total number of targets of electronic surveillance under the electronic surveillance program for which an application

was submitted under section 104 for an order under section 105 approving electronic surveillance, and, of such applications, the total number either granted, modified, or denied.

''(E) Any other information specified, in writing, to be included in such report by the congressional intelligence committees or any subcommittees thereof designated for oversight of the electronic surveillance program.

''(F) A description of the nature of the information sought under the electronic surveillance program, the types of communications subjected to such program, and whether the information sought under such program could be reasonably obtained by less intrusive investigative techniques in a timely and effective manner.

''(c) FORM OF REPORTS.—Any report or information submitted under this section shall be submitted in classified form.''.

SEC. 8. EMERGENCY AUTHORIZATION.

Title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 6, is amended by adding at the end the following:

''SEC. 706. EMERGENCY AUTHORIZATION.

''Notwithstanding any other provision of law, the President, through the Attorney General, may authorize electronic surveillance without a court order under this title to acquire foreign intelligence information for a period not to exceed 45 days following a declaration of war by Congress.''.

SEC. 9. CONFORMING AMENDMENT.

The table of contents for the Foreign Intelligence Surveillance Act of 1978 is amended I by striking the items related to title VII and section 701 and inserting the following:

''TITLE VII—ELECTRONIC SURVEILLANCE

''Sec. 701. Definitions.
''Sec. 702. Foreign Intelligence Surveillance Court jurisdiction to review electronic surveillance programs.
''Sec. 703. Applications for approval of electronic surveillance programs.
''Sec. 704. Approval of electronic surveillance programs.
''Sec. 705. Congressional oversight.
''Sec. 706. Emergency Authorization.

''TITLE VIII—EFFECTIVE DATE

''Sec. 801. Effective date.''.

By Mr. FRIST:

S. 2454. A bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; placed on the calendar.

Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill and a section by section analysis be printed in the RECORD.

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

S. 2454

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 ''Securing America's Borders Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference to the Immigration and Nationality Act.
Sec. 3. Definitions.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

Sec. 101. Enforcement personnel.
Sec. 102. Technological assets.
Sec. 103. Infrastructure.
Sec. 104. Border patrol checkpoints.
Sec. 105. Ports of entry.
Sec. 106. Construction of strategic border fencing and vehicle barriers.

Subtitle B—Border Security Plans, Strategies, and Reports

Sec. 111. Surveillance plan.
Sec. 112. National Strategy for Border Security.
Sec. 113. Reports on improving the exchange of information on North American security.
Sec. 114. Improving the security of Mexico's southern border.

Subtitle C—Other Border Security Initiatives

Sec. 121. Biometric data enhancements.
Sec. 122. Secure communication.
Sec. 123. Border patrol training capacity review.
Sec. 124. US-VISIT System.
Sec. 125. Document fraud detection.
Sec. 126. Improved document integrity.
Sec. 127. Cancellation of visas.
Sec. 128. Biometric entry-exit system.
Sec. 129. Border study.
Sec. 130. Secure Border Initiative financial accountability.

TITLE II—INTERIOR ENFORCEMENT

Sec. 201. Removal and denial of benefits to terrorist aliens.
Sec. 202. Detention and removal of aliens ordered removed.
Sec. 203. Aggravated felony.
Sec. 204. Terrorist bars.
Sec. 205. Increased criminal penalties related to gang violence, removal, and alien smuggling.
Sec. 206. Illegal entry or unlawful presence of an alien.
Sec. 207. Illegal reentry.
Sec. 208. Reform of passport, visa, and immigration fraud offenses.
Sec. 209. Inadmissibility and removal for passport and immigration fraud offenses.
Sec. 210. Incarceration of criminal aliens.
Sec. 211. Encouraging aliens to depart voluntarily.
Sec. 212. Deterring aliens ordered removed from remaining in the United States unlawfully.
Sec. 213. Prohibition of the sale of firearms to, or the possession of firearms by certain aliens.
Sec. 214. Uniform statute of limitations for certain immigration, naturalization, and peonage offenses.
Sec. 215. Diplomatic security service.
Sec. 216. Field agent allocation and background checks.
Sec. 217. Denial of benefits to terrorists and criminals.
Sec. 218. State criminal alien assistance program.
Sec. 219. Transportation and processing of illegal aliens apprehended by State and local law enforcement officers.
Sec. 220. State and local law enforcement of Federal immigration laws.
Sec. 221. Reducing illegal immigration and alien smuggling on tribal lands.
Sec. 222. Alternatives to detention.
Sec. 223. Conforming amendment.
Sec. 224. Reporting requirements.
Sec. 225. Mandatory detention for aliens apprehended at or between ports of entry.
Sec. 226. Removal of drunk drivers.
Sec. 227. Expedited removal.
Sec. 228. Protecting immigrants from convicted sex offenders
Sec. 229. Law enforcement authority of States and political subdivisions and transfer to Federal custody.
Sec. 230. Listing of immigration violators in the National Crime Information Center database.
Sec. 231. Laundering of monetary instruments.
Sec. 232. Severability.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

Sec. 301. Unlawful employment of aliens.
Sec. 302. Employer Compliance Fund.
Sec. 303. Additional worksite enforcement and fraud detection agents.
Sec. 304. Clarification of ineligibility for misrepresentation.

TITLE IV—BACKLOG REDUCTION AND VISAS FOR STUDENTS AND ALIENS WITH ADVANCED DEGREES

Sec. 401. Elimination of existing backlogs.
Sec. 402. Country limits.
Sec. 403. Allocation of immigrant visas.
Sec. 404. Relief for minor children.
Sec. 405. Student visas.
Sec. 406. Visas for individuals with advanced degrees.
Sec. 407. Medical services in underserved areas.

TITLE V—IMMIGRATION LITIGATION REDUCTION

Sec. 501. Consolidation of immigration appeals.
Sec. 502. Additional immigration personnel.
Sec. 503. Board of immigration appeals removal order authority.
Sec. 504. Judicial review of visa revocation.
Sec. 505. Reinstatement of removal orders.
Sec. 506. Withholding of removal.
Sec. 507. Certificate of reviewability.
Sec. 508. Discretionary decisions on motions to reopen or reconsider.
Sec. 509. Prohibition of attorney fee awards for review of final orders of removal.
Sec. 510. Board of Immigration Appeals.

TITLE VI—MISCELLANEOUS

Sec. 601. Technical and conforming amendments.

SEC. 2. REFERENCE TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—Except as otherwise provided, the term ''Department'' means the Department of Homeland Security.

(2) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

TITLE I—BORDER ENFORCEMENT

Subtitle A—Assets for Controlling United States Borders

SEC. 101. ENFORCEMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) CUSTOMS AND BORDER PROTECTION OFFICERS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 250 the number of positions for full-time active duty Customs and Border Protection officers.

(2) PORT OF ENTRY INSPECTORS.—In each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 250

the number of positions for full-time active duty port of entry inspectors and provide appropriate training, equipment, and support to such additional inspectors.

(3) BORDER PATROL AGENT.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended—

(A) by striking ''2010'' both places it appears and inserting ''2011''; and

(B) by striking ''2,000'' and inserting ''2,400''.

(4) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INSPECTORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ''800'' and inserting ''1000''.

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) CUSTOMS AND BORDER PROTECTION OFFICERS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (1) of subsection (a).

(2) PORT OF ENTRY INSPECTORS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out paragraph (2) of subsection (a).

(3) BORDER PATROL AGENTS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734), as amended by subsection (a)(3).

SEC. 102. TECHNOLOGICAL ASSETS.

(a) ACQUISITION.—Subject to the availability of appropriations, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary and the Secretary of Defense shall submit to Congress a report that contains—

(1) a description of the current use of Department of Defense equipment to assist the Secretary in carrying out surveillance of the international land borders of the United States and assessment of the risks to citizens of the United States and foreign policy interests associated with the use of such equipment;

(2) the plan developed under subsection (b) to increase the use of Department of Defense equipment to assist such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by the Secretary of Defense under such plan during the 1-year period beginning on the date of the submission of the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

(e) CONSTRUCTION.—Nothing in this section may be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 103. INFRASTRUCTURE.

(a) CONSTRUCTION OF BORDER CONTROL FACILITIES.—Subject to the availability of appropriations, the Secretary shall construct all-weather roads and acquire additional vehicle barriers and facilities necessary to achieve operational control of the international borders of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SEC. 104. BORDER PATROL CHECKPOINTS.

The Secretary may maintain temporary or permanent checkpoints on roadways in border patrol sectors that are located in proximity to the international border between the United States and Mexico.

SEC. 105. PORTS OF ENTRY.

The Secretary is authorized to—

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 25 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector.

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) CONSTRUCTION DEADLINE.—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a) and (b), and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a) and (b).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Border Security Plans, Strategies, and Reports

SEC. 111. SURVEILLANCE PLAN.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

SEC. 112. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 111.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism,

narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 111 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 113. REPORTS ON IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) REQUIREMENT FOR REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary and the heads of other appropriate Federal agencies, shall submit to Congress a report on improving the exchange of information related to the security of North America.

(b) CONTENTS.—Each report submitted under subsection (a) shall contain a description of the following:

(1) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The progress made toward the development of common enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

(A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

(i) passports;

(ii) visas; and

(iii) permanent resident cards;

(B) working with Canada and Mexico to encourage foreign governments to enact laws to combat alien smuggling and trafficking, and laws to forbid the use and manufacture of fraudulent travel documents and to promote information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are committed to travel document verification before the citizens of such countries travel internationally, including travel by such citizens to the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(2) IMMIGRATION AND VISA MANAGEMENT.—The progress of efforts to share information regarding high-risk individuals who may attempt to enter Canada, Mexico, or the United States, including the progress made—

(A) in implementing the Statement of Mutual Understanding on Information Sharing, signed by Canada and the United States in February 2003; and

(B) in identifying trends related to immigration fraud, including asylum and document fraud, and to analyze such trends.

(3) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by Canada, Mexico, and the United States to enhance the security of North America by cooperating on visa policy and identifying best practices regarding immigration security, including the progress made—

(A) in enhancing consultation among officials who issue visas at the consulates or embassies of Canada, Mexico, or the United States throughout the world to share information, trends, and best practices on visa flows;

(B) in comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

(i) application process;

(ii) interview policy;

(iii) general screening procedures;

(iv) visa validity;

(v) quality control measures; and

(vi) access to appeal or review;

(C) in exploring methods for Canada, Mexico, and the United States to waive visa requirements for nationals and citizens of the same foreign countries;

(D) in providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) in developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advance automated reporting and risk targeting of international passengers;

(F) in sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of Canada, Mexico, and the United States; and

(G) in collecting 10 fingerprints from each individual who applies for a visa.

(4) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made by Canada and the United States in implementing parallel entry-exit tracking systems that, while respecting the privacy laws of both countries, share information regarding third country nationals who have overstayed their period of authorized admission in either Canada or the United States.

(5) TERRORIST WATCH LISTS.—The progress made in enhancing the capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including the progress made—

(A) in developing and implementing bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) in establishing appropriate linkages among Canada, Mexico, and the United States Terrorist Screening Center; and

(C) in exploring with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(6) MONEY LAUNDERING, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made in improving information sharing and law enforcement cooperation in combating organized crime, including the progress made—

(A) in combating currency smuggling, money laundering, alien smuggling, and trafficking in alcohol, firearms, and explosives;

(B) in implementing the agreement between Canada and the United States known as the Firearms Trafficking Action Plan;

(C) in determining the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) in developing a joint threat assessment on organized crime between Canada and the United States;

(E) in determining the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) in developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) in developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(7) LAW ENFORCEMENT COOPERATION.—The progress made in enhancing law enforcement cooperation among Canada, Mexico, and the United States through enhanced technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with known and suspected criminals or terrorists, including exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures for such teams.

SEC. 114. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary, shall work to cooperate with the head of Foreign Affairs Canada and the appropriate officials of the Government of Mexico to establish a program—

(1) to assess the specific needs of Guatemala and Belize in maintaining the security of the international borders of such countries;

(2) to use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) to provide technical assistance to Guatemala and Belize to promote issuance of secure passports and travel documents by such countries; and

(4) to encourage Guatemala and Belize—

(A) to control alien smuggling and trafficking;

(B) to prevent the use and manufacture of fraudulent travel documents; and

(C) to share relevant information with Mexico, Canada, and the United States.

(b) BORDER SECURITY FOR BELIZE, GUATEMALA, AND MEXICO.—The Secretary, in consultation with the Secretary of State, shall work to cooperate—

(1) with the appropriate officials of the Government of Guatemala and the Government of Belize to provide law enforcement assistance to Guatemala and Belize that specifically addresses immigration issues to increase the ability of the Government of Guatemala to dismantle human smuggling organizations and gain additional control over the international border between Guatemala and Belize; and

(2) with the appropriate officials of the Government of Belize, the Government of Guatemala, the Government of Mexico, and the governments of neighboring contiguous countries to establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international borders between Mexico and Guatemala and between Mexico and Belize.

(c) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary and the Director of the Federal Bureau of Investigation, shall work to cooperate with the appropriate officials of the Government of Mexico, the Government of Guatemala, the Government of Belize, and the governments of other Central American countries—

(1) to assess the direct and indirect impact on the United States and Central America of deporting violent criminal aliens;

(2) to establish a program and database to track individuals involved in Central American gang activities;

(3) to develop a mechanism that is acceptable to the governments of Belize, Guatemala, Mexico, the United States, and other appropriate countries to notify such a government if an individual suspected of gang activity will be deported to that country prior to the deportation and to provide support for the reintegration of such deportees into that country; and

(4) to develop an agreement to share all relevant information related to individuals connected with Central American gangs.

Subtitle C—Other Border Security Initiatives

SEC. 121. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2007, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

SEC. 122. SECURE COMMUNICATION.

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

SEC. 123. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 124. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.-Visitor and Immigrant Status Indicator Technology (US-VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

SEC. 125. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 126. IMPROVED DOCUMENT INTEGRITY.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in the heading, by striking ''**ENTRY AND EXIT DOCUMENTS**'' and inserting ''**TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS**'';

(3) in subsection (b)(1)—

(A) by striking ''Not later than October 26, 2004, the'' and inserting ''The''; and

(B) by striking ''visas and'' both places it appears and inserting ''visas, evidence of status, and'';

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

''(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.''.

SEC. 127. CANCELLATION OF VISAS.

Section 222(g) (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by inserting ''and any other nonimmigrant visa issued by the United States that is in the possession of the alien'' after ''such visa''; and

(2) in paragraph (2)(A), by striking ''(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality'' and inserting ''(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence''.

SEC. 128. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

''(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.''.

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225(d)) is amended by adding at the end the following:

''(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

''(A) any applicant for admission or alien seeking to transit through the United States; or

''(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).''.

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

''(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.''.

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

''(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who knowingly fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible.''; and

(2) in subsection (d), by inserting after paragraph (1) the following:

''(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) of subsection (a)(7) and may waive the application of such subparagraph for an individual alien or a class of aliens, at the discretion of the Secretary.''.

(e) IMPLEMENTATION.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

''(3) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register.''; and

(2) in subsection (l)—

(A) by striking ''There are authorized'' and inserting the following:

''(1) IN GENERAL.—There are authorized''; and

(B) by adding at the end the following:

''(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 and 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.''.

SEC. 129. BORDER STUDY.

(a) SOUTHERN BORDER STUDY.—The Secretary, in consultation with the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall conduct a study on the construction of a system of physical barriers along the southern international land and maritime border of the United States. The study shall include—

(1) an assessment of the necessity of constructing such a system, including the identification of areas of high priority for the construction of such a system determined after consideration of factors including the amount of narcotics trafficking and the number of illegal immigrants apprehended in such areas;

(2) an assessment of the feasibility of constructing such a system;

(3) an assessment of the international, national, and regional environmental impact of such a system, including the impact on zoning, global climate change, ozone depletion, biodiversity loss, and transboundary pollution;

(4) an assessment of the necessity for ports of entry along such a system;

(5) an assessment of the impact such a system would have on international trade, commerce, and tourism;

(6) an assessment of the effect of such a system on private property rights including issues of eminent domain and riparian rights;

(7) an estimate of the costs associated with building a barrier system, including costs associated with excavation, construction, and maintenance; and

(8) an assessment of the effect of such a system on Indian reservations and units of the National Park System.

(b) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study described in subsection (a).

SEC. 130. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department shall review each contract action relating to the Secure Border Initiative having a value of more than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and time lines. The Inspector General shall complete a review under this subsection with respect to each contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) INSPECTOR GENERAL.—

(1) ACTION.—If the Inspector General becomes aware of any improper conduct or wrongdoing in the course of conducting a contract review under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information relating to such improper conduct or wrongdoing to the Secretary, or to another appropriate official of the Department, who shall determine whether to temporarily suspend the contractor from further participation in the Secure Border Initiative.

(2) REPORT.—Upon the completion of each review described in subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding—

(A) cost overruns;

(B) significant delays in contract execution;

(C) lack of rigorous departmental contract management;

(D) insufficient departmental financial oversight;

(E) bundling that limits the ability of small businesses to compete; or

(F) other high risk business practices.

(c) REPORTS BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 30 days after the receipt of each report required under subsection (b)(2), the Secretary shall submit a report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, that describes—

(A) the findings of the report received from the Inspector General; and

(B) the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(2) CONTRACTS WITH FOREIGN COMPANIES.—Not later than 60 days after the initiation of each contract action with a company whose headquarters is not based in the United States, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, regarding the Secure Border Initiative.

(d) REPORTS ON UNITED STATES PORTS.—Not later that 30 days after receiving information regarding a proposed purchase of a contract to manage the operations of a United States port by a foreign entity, the Committee on Foreign Investment in the United States shall submit a report to Congress that describes—

(1) the proposed purchase;

(2) any security concerns related to the proposed purchase; and

(3) the manner in which such security concerns have been addressed.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General of the Department, there are authorized to be appropriated to the Office, to enable the Office to carry out this section—

(1) for fiscal year 2007, not less than 5 percent of the overall budget of the Office for such fiscal year;

(2) for fiscal year 2008, not less than 6 percent of the overall budget of the Office for such fiscal year; and

(3) for fiscal year 2009, not less than 7 percent of the overall budget of the Office for such fiscal year.

TITLE II—INTERIOR ENFORCEMENT

SEC. 201. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A)(v) (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking ''or (VI)'' and inserting ''(V), (VI), (VII), or (VIII)''.

(b) CANCELLATION OF REMOVAL.—Section 240A(c)(4) (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking ''inadmissible under'' and inserting ''described in''; and

(2) by striking ''deportable under'' and inserting ''described in''.

(c) VOLUNTARY DEPARTURE.—Section 240B(b)(1)(C) (8 U.S.C. 1229c(b)(1)(C)) is

amended by striking ''deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)'' and inserting ''described in paragraph (2)(A)(iii) or (4) of section 237(a)''.

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking ''or'' at the end;

(2) in clause (iv) by striking the period at the end and inserting ''; or'';

(3) by inserting after clause (iv) the following:

''(v) the alien is described in section 237(a)(4)(B) (other than an alien described in section 212(a)(3)(B)(i)(IV) if the Secretary of Homeland Security determines that there are not reasonable grounds for regarding the alien as a danger to the security of the United States).''; and

(4) in the undesignated paragraph, by striking ''For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States.''.

(e) RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

''SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

''A record of lawful admission for permanent residence may be made, in the discretion of the Secretary of Homeland Security and under such regulations as the Secretary may prescribe, for any alien, as of the date of the approval of the alien's application or, if entry occurred before July 1, 1924, as of the date of such entry if no such record is otherwise available, if the alien establishes that the alien—

''(1) is not described in section 212(a)(3)(E) or in section 212(a) (insofar as it relates to criminals, procurers, other immoral persons, subversives, violators of the narcotics laws, or smugglers of aliens);

''(2) entered the United States before January 1, 1972;

''(3) has resided in the United States continuously since such entry;

''(4) is a person of good moral character;

''(5) is not ineligible for citizenship; and

''(6) is not described in section 237(a)(4)(B).''.

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to—

(A) any aliens in a removal, deportation, or exclusion proceeding pending on or after the date of the enactment of this Act; and

(B) any act or condition constituting a ground for inadmissibility, excludability, or removal occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(A) by striking ''Attorney General'' the first place it appears and inserting ''Secretary of Homeland Security'';

(B) by striking ''Attorney General'' any other place it appears and inserting ''Secretary'';

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

''(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.''.

(ii) by amending subparagraph (C) to read as follows:

''(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

''(i) make all reasonable efforts to comply with the removal order; or

''(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal.''; and

(iii) by adding at the end the following:

''(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.'';

(D) in paragraph (2), by adding at the end the following: ''If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.'';

(E) in paragraph (3), by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

''(i) to prevent the alien from absconding;

''(ii) for the protection of the community; or

''(iii) for other purposes related to the enforcement of the immigration laws.'';

(F) in paragraph (6), by striking ''removal period and, if released,'' and inserting ''removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien'';

(G) by redesignating paragraph (7) as paragraph (10); and

(H) by inserting after paragraph (6) the following:

''(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

''(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

''(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with subparagraphs (C) and (E).

''(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

''(i) has effected an entry into the United States;

''(ii) has made all reasonable efforts to comply with the alien's removal order;

''(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

''(iv) has not conspired or acted to prevent removal.

''(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

''(i) shall consider any evidence submitted by the alien;

''(ii) may consider any other evidence, including—

''(I) any information or assistance provided by the Department of State or other Federal agency; and

''(II) any other information available to the Secretary pertaining to the ability to remove the alien.

''(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

''(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

''(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

''(ii) certifies in writing—

''(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

''(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

''(IV) that—

''(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

''(bb) the alien—

''(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies or such crimes, for an aggregate term of imprisonment of at least 5 years; or

''(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

''(V) that—

''(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

''(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

''(F) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

''(G) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (H).

''(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) to any employee reporting to the Assistant Secretary for Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

''(H) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

''(I) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

''(i) the alien fails to comply with the conditions of release;

''(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

''(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

''(J) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

''(K) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

''(i) has effected an entry into the United States; and

''(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

''(aa) failed or refused to make all reasonable efforts to comply with a removal order;

''(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

''(cc) conspired or acted to prevent removal; or

''(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (G).

''(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

''(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to—

(i) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(ii) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(b) CRIMINAL DETENTION OF ALIENS.—Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by inserting ''(1)'' before ''If, after a hearing'';

(C) in subparagraphs (B) and (C), as redesignated, by striking ''paragraph (1)'' and inserting ''subparagraph (A)''; and

(D) by adding after subparagraph (C), as redesignated, the following:

''(2) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

''(A) is an alien; and

''(B)(i) has no lawful immigration status in the United States;

''(ii) is the subject of a final order of removal; or

''(iii) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, chapter 75 or 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 2327, and 1328).''; and

(2) in subsection (g)(3)—

(A) in subparagraph (A), by striking ''and'' at the end; and

(B) by adding at the end the following:

''(C) the person's immigration status; and''.

SEC. 203. AGGRAVATED FELONY.

Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking ''The term 'aggravated felony' means—'' and inserting ''Notwithstanding any other provision of law (including any provision providing an effective date), the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law and to such an offense in violation of the law of a foreign country, for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—'';

(2) in subparagraph (N), by striking ''paragraph (1)(A) or (2) of'';

(3) in subparagraph (O), by striking ''section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph'' and inserting ''section 275 or 276 for which the term of imprisonment is at least 1 year'';

(4) in subparagraph (U), by striking ''an attempt or conspiracy to commit an offense described in this paragraph'' and inserting ''aiding or abetting an offense described in this paragraph, or soliciting, counseling, procuring, commanding, or inducing another, attempting, or conspiring to commit such an offense''; and

(5) by striking the undesignated matter following subparagraph (U).

SEC. 204. TERRORIST BARS.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

''(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;'';

(2) in paragraph (8), by striking ''(as defined in subsection (a)(43))'' and inserting the following: '', regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

''(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

''(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or''; and

(3) in the undesignated matter following paragraph (9), by striking ''a finding that for other reasons such person is or was not of good moral character'' and inserting the following: ''a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.''.

(b) PENDING PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: ''A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.''.

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting ''if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting ''if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting '', not later than 120 days after the Secretary of Homeland Security's final determination,'' after ''may''; and

(2) by adding at the end the following: ''The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law. Except in a proceeding under section 340, and notwithstanding any other provision of law, no court shall have jurisdiction to determine, or to review a determination of the Secretary regarding, whether, for purposes of an application for naturalization, an alien—

''(1) is a person of good moral character;

''(2) understands and is attached to the principles of the Constitution of the United States; or

''(3) is well disposed to the good order and happiness of the United States.''.

(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

''(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).''.

(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking ''the Attorney General if'' and all that follows and inserting: ''the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.''.

(g) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

''(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. Such district court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary of Homeland Security for the Secretary's determination on the application.''.

(h) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act;

(2) shall apply to any act that occurred before, on, or after such date of enactment; and

(3) shall apply to any application for naturalization or any other case or matter under the immigration laws pending on, or filed after, such date of enactment.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE, REMOVAL, AND ALIEN SMUGGLING.

(a) CRIMINAL STREET GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (J); and

(B) by inserting after subparagraph (E) the following:

''(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe—

''(i) is, or has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

''(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is inadmissible.''.

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(F) MEMBERS OF CRIMINAL STREET GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

''(i) is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

''(ii) has participated in the activities of a criminal street gang, knowing or having reason to know that such activities promoted, furthered, aided, or supported the illegal activity of the criminal gang,

is deportable.''.

(3) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—

(A) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(B) in subsection (b)(3)—

(i) in subparagraph (B), by striking the last sentence and inserting the following: ''Notwithstanding any other provision of this section, the Secretary of Homeland Security may, for any reason (including national security), terminate or modify any designation under this section. Such termination or modification is effective upon publication in the Federal Register, or after such time as the Secretary may designate in the Federal Register.'';

(ii) in subparagraph (C), by striking ''a period of 12 or 18 months'' and inserting ''any other period not to exceed 18 months'';

(C) in subsection (c)—

(i) in paragraph (1)(B), by striking ''The amount of any such fee shall not exceed $50.'';

(ii) in paragraph (2)(B)—

(I) in clause (i), by striking '', or'' at the end;

(II) in clause (ii), by striking the period at the end and inserting ''; or''; and

(III) by adding at the end the following:

''(iii) the alien is, or at any time after admission has been, a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code).''; and

(D) in subsection (d)—

(i) by striking paragraph (3); and

(ii) in paragraph (4), by adding at the end the following: ''The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.''.

(b) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by inserting ''212(a) or'' after ''section''; and

(B) in the matter following subparagraph (D)—

(i) by striking ''or imprisoned not more than four years'' and inserting ''and imprisoned for not less than 6 months or more than 5 years''; and

(ii) by striking '', or both'';

(2) in subsection (b), by striking ''not more than $1000 or imprisoned for not more than one year, or both'' and inserting ''under title 18, United States Code, and imprisoned for not less than 6 months or more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a))''; and

(3) by amending subsection (d) to read as follows:

''(d) DENYING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may instruct the Secretary of State to deny a visa to any citizen, subject, national, or resident of that country until the country accepts the alien that was ordered removed.''.

(c) ALIEN SMUGGLING AND RELATED OFFENSES.—

(1) IN GENERAL.—Section 274 (8 U.S.C. 1324), is amended to read as follows:

''SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

''(a) CRIMINAL OFFENSES AND PENALTIES.—

''(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

''(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

''(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

''(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from 1 country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or legal authority;

''(D) encourages or induces a person to reside or remain in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in or remain in the United States;

''(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien's illegal entry into or illegal presence in the United States;

''(F) harbors, conceals, or shields from detection a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States; or

''(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).

''(2) CRIMINAL PENALTIES.—A person who violates any provision under paragraph (1)—

''(A) except as provided in subparagraphs (C) through (G), if the offense was not committed for commercial advantage, profit, or private financial gain, shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

''(B) except as provided in subparagraphs (C) through (G), if the offense was committed for commercial advantage, profit, or private financial gain—

''(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not more than 20 years, or both; or

''(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not less than 3 years or more than 20 years, or both;

''(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 5 years or more than 20 years, or both;

''(D) shall be fined under such title, imprisoned not less than 5 years or more than 20 years, or both, if the offense created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

''(i) transporting the person in an engine compartment, storage compartment, or other confined space;

''(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

''(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

''(E) if the offense caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, shall be fined under such title, imprisoned for not less than 7 years or more than 30 years, or both;

''(F) shall be fined under such title and imprisoned for not less than 10 years or more than 30 years if the offense involved an alien who the offender knew or had reason to believe was—

''(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

''(ii) intending to engage in terrorist activity;

''(G) if the offense caused or resulted in the death of any person, shall be punished by death or imprisoned for a term of years not less than 10 years and up to life, and fined under title 18, United States Code.

''(3) LIMITATION.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1)—

''(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year; or

''(B) for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered, provided that such assistance is rendered without compensation or the expectation of compensation.

''(4) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

''(b) EMPLOYMENT OF UNAUTHORIZED ALIENS.—

''(1) CRIMINAL OFFENSE AND PENALTIES.—Any person who, during any 12-month period, knowingly employs 10 or more individuals with actual knowledge or in reckless disregard of the fact that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

''(2) DEFINITION.—An alien described in this paragraph is an alien who—

''(A) is an unauthorized alien (as defined in section 274A(h)(3));

''(B) is present in the United States without lawful authority; and

''(C) has been brought into the United States in violation of this subsection.

''(c) SEIZURE AND FORFEITURE.—

''(1) IN GENERAL.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

''(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

''(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law shall include—

''(A) any order, finding, or determination concerning the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or immigration officer) during any judicial or administrative proceeding authorized under Federal immigration law;

''(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

''(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

''(d) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except—

''(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

''(2) other officers responsible for the enforcement of Federal criminal laws.

''(e) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if—

''(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

''(2) the deposition otherwise complies with the Federal Rules of Evidence.

''(f) OUTREACH PROGRAM.—

''(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall—

''(A) develop and implement an outreach program to educate people in and out of the United States about the penalties for bringing in and harboring aliens in violation of this section; and

''(B) establish the American Local and Interior Enforcement Needs (ALIEN) Task Force to identify and respond to the use of Federal, State, and local transportation infrastructure to further the trafficking of unlawful aliens within the United States.

''(2) FIELD OFFICES.—The Secretary of Homeland Security, after consulting with State and local government officials, shall establish such field offices as may be necessary to carry out this subsection.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are necessary for the fiscal years 2007 through 2011 to carry out this subsection.

''(g) DEFINITIONS.—In this section:

''(1) CROSSED THE BORDER INTO THE UNITED STATES.—An alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

''(2) LAWFUL AUTHORITY.—The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

''(3) PROCEEDS.—The term 'proceeds' includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

''(4) UNLAWFUL TRANSIT.—The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which the alien is traveling or moving.''.

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 274 and inserting the following:

''Sec. 274. Alien smuggling and related offenses.''.

(d) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting '', alien smuggling crime,'' after ''any crime of violence'';

(B) in subparagraph (A), by inserting '', alien smuggling crime,'' after ''such crime of violence'';

(C) in subparagraph (D)(ii), by inserting '', alien smuggling crime,'' after ''crime of violence''; and

(2) by adding at the end the following:

''(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).''.

SEC. 206. ILLEGAL ENTRY OR UNLAWFUL PRESENCE OF AN ALIEN.

(a) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

"SEC. 275. ILLEGAL ENTRY OR UNLAWFUL PRESENCE OF AN ALIEN.

''(a) IN GENERAL.—

''(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

''(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

''(B) knowingly eludes examination or inspection by an immigration officer;

''(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact; or

''(D) is otherwise present in the United States, knowing that such presence violates the terms and conditions of any admission, parole, immigration status, or authorized stay granted the alien under this Act.

''(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

''(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

''(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

''(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

''(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

''(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

''(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(A) alleged in the indictment or information; and

''(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

''(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

''(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

''(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

''(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

''(2) CROSSED THE BORDER DEFINED.—In this section, an alien is deemed to have crossed the border if the act was voluntary, regardless of whether the alien was under observation at the time of the crossing.''.

(b) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

''Sec. 275. Illegal entry or unlawful presence of an alien.''.

SEC. 207. ILLEGAL REENTRY.

Section 276 (8 U.S.C. 1326) is amended to read as follows:

"SEC. 276. REENTRY OF REMOVED ALIEN.

''(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

''(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

''(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

''(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

''(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

''(5) was convicted, before such removal or departure, for murder, rape, kidnaping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

''(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

''(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(1) alleged in the indictment or information; and

''(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

''(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

''(2) with respect to an alien previously denied admission and removed, the alien—

''(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

''(B) had complied with all other laws and regulations governing the alien's admission into the United States.

''(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

''(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

''(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

''(3) the entry of the order was fundamentally unfair.

''(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

''(h) LIMITATION.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency humanitarian assistance, including emergency medical care and food, or to transport the alien to a location where such assistance can be rendered, provided that such assistance is rendered without compensation or the expectation of compensation.

''(i) DEFINITIONS.—In this section:

''(1) CROSSES THE BORDER.—The term 'crosses the border' applies if an alien acts voluntarily, regardless of whether the alien was under observation at the time of the crossing.

''(2) FELONY.—Term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

''(3) MISDEMEANOR.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

''(4) REMOVAL.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

''(5) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) IN GENERAL.—Chapter 75 of title 18, United States Code, is amended to read as follows:

"CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

''Sec.
''1541. Trafficking in passports.
''1542. False statement in an application for a passport.
''1543. Forgery and unlawful production of a passport.
''1544. Misuse of a passport.
''1545. Schemes to defraud aliens.
''1546. Immigration and visa fraud.

''1547. Marriage fraud.
''1548. Attempts and conspiracies.
''1549. Alternative penalties for certain offenses.
''1550. Seizure and forfeiture.
''1551. Additional jurisdiction.
''1552. Additional venue.
''1553. Definitions.
''1554. Authorized law enforcement activities.

''§ 1541. Trafficking in passports

''(a) MULTIPLE PASSPORTS.—Any person who, during any 3-year period, knowingly–

''(1) and without lawful authority produces, issues, or transfers 10 or more passports;

''(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

''(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

''(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation), knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

''(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not more than 20 years, or both.

''§ 1542. False statement in an application for a passport

''Any person who knowingly—

''(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation);

''(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing the application to contain any false statement or representation; or

''(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), if such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports,

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1543. Forgery and unlawful production of a passport

''(a) FORGERY.—Any person who—

''(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

''(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority, shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

''(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

''(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

''(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1544. Misuse of a passport

''(a) IN GENERAL.—Any person who—

''(1) knowingly uses any passport issued or designed for the use of another;

''(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

''(3) knowingly secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

''(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) ENTRY; FRAUD.—Any person who knowingly uses any passport, knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another—

''(1) to enter or to attempt to enter the United States; or

''(2) to defraud the United States, a State, or a political subdivision of a State,

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1545. Schemes to defraud aliens

''(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws, or any matter the offender claims or represents is authorized by or arises under Federal immigration laws—

''(1) to defraud any person, or

''(2) to obtain or receive from any person, by means of false or fraudulent pretenses, representations, promises, money or anything else of value,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) MISREPRESENTATION.—Any person who knowingly and falsely represents himself to be an attorney in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1546. Immigration and visa fraud

''(a) IN GENERAL.—Any person who knowingly—

''(1) uses any immigration document issued or designed for the use of another;

''(2) forges, counterfeits, alters, or falsely makes any immigration document;

''(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

''(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

''(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

''(6) transfers or furnishes an immigration document to a person without lawful authority for use if such person is not the person for whom the immigration document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) MULTIPLE VIOLATIONS.—Any person who, during any 3-year period, knowingly—

''(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

''(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

''(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

''(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

''(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material, used to make an immigration document shall be fined under this title, imprisoned not more than 20 years, or both.

''§ 1547. Marriage fraud

''(a) EVASION OR MISREPRESENTATION.—Any person who—

''(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

''(2) knowingly misrepresents the existence or circumstances of a marriage—

''(A) in an application or document authorized by the immigration laws; or

''(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),

shall be fined under this title, imprisoned not more than 10 years, or both.

''(b) MULTIPLE MARRIAGES.—Any person who—

''(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

''(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law,

shall be fined under this title, imprisoned not more than 20 years, or both.

''(c) COMMERCIAL ENTERPRISE.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

''(d) DURATION OF OFFENSE.—

''(1) IN GENERAL.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

''(2) COMMERCIAL ENTERPRISE.—An offense under subsection (c) continues until the fraudulent nature of commercial enterprise is discovered by an immigration officer or other law enforcement officer.

''§ 1548. Attempts and conspiracies

''Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

''§ 1549. Alternative penalties for certain offenses

''(a) TERRORISM.—Any person who violates any section of this chapter—

''(1) knowing that such violation will facilitate an act of international terrorism or domestic terrorism (as those terms are defined in section 2331); or

''(2) with the intent to facilitate an act of international terrorism or domestic terrorism,

shall be fined under this title, imprisoned not more than 25 years, or both.

''(b) OFFENSE AGAINST GOVERNMENT.—Any person who violates any section of this chapter—

''(1) knowing that such violation will facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year; or

''(2) with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year,

shall be fined under this title, imprisoned not more than 20 years, or both.

''§ 1550. Seizure and forfeiture

''(a) FORFEITURE.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

''(b) APPLICABLE LAW.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

''§ 1551. Additional jurisdiction

''(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

''(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

''(1) the offense involves a United States immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

''(2) the offense is in or affects foreign commerce;

''(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

''(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

''(5) the offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act); or

''(6) the offender is a stateless person whose habitual residence is in the United States.

''§ 1552. Additional venue

''(a) IN GENERAL.—An offense under section 1542 may be prosecuted in—

''(1) any district in which the false statement or representation was made;

''(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

''(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

''(b) SAVINGS CLAUSE.—Nothing in this section limits the venue otherwise available under sections 3237 and 3238.

''§ 1553. Definitions

''As used in this chapter:

''(1) The term 'falsely make' means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

''(A) contains a statement or representation that is false, fictitious, or fraudulent;

''(B) has no basis in fact or law; or

''(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

''(2) The term a 'false statement or representation' includes a personation or an omission.

''(3) The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

''(4) The term 'immigration document'—

''(A) means—

''(i) any passport or visa; or

''(ii) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States; and

''(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

''(5) The term 'immigration laws' includes—

''(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

''(B) the laws relating to the issuance and use of passports; and

''(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2).

''(6) The term 'immigration proceeding' includes an adjudication, interview, hearing, or review.

''(7) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

''(8) The term 'passport' means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

''(9) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

''(10) The term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

''§ 1554. Authorized law enforcement activities

''Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).''.

(b) CLERICAL AMENDMENT.—The table of chapters in title 18, United States Code, is amended by striking the item relating to chapter 75 and inserting the following:

''75. Passport, visa, and immigration fraud ..... 1541''.

SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended–

(1) in subclause (I), by striking '', or'' at the end and inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after subclause (II) the following:

''(III) a violation of (or a conspiracy or attempt to violate) any provision of chapter 75 of title 18, United States Code,''.

(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

''(iii) of a violation of any provision of chapter 75 of title 18, United States Code,''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the ''Program'') or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 2007 through 2011 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) INSTEAD OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the

alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.''';

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

''(2) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.'';

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

''(A) INSTEAD OF REMOVAL.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.'';

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

''(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.'';

(iv) in subparagraph (C), as redesignated, by striking ''subparagraphs (C) and(D)(ii)'' and inserting ''subparagraphs (D) and (E)(ii)'';

(v) in subparagraph (D), as redesignated, by striking ''subparagraph (B)'' each place that term appears and inserting ''subparagraph (C)''; and

(vi) in subparagraph (E), as redesignated, by striking ''subparagraph (B)'' each place that term appears and inserting ''subparagraph (C)''; and

(F) in paragraph (4), by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)'';

(2) in subsection (b)(2), by striking ''a period exceeding 60 days'' and inserting ''any period in excess of 45 days'';

(3) by amending subsection (c) to read as follows:

''(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

''(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

''(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

''(3) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

''(4) FAILURE TO COMPLY WITH AGREEMENT.—

''(A) IN GENERAL.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

''(i) ineligible for the benefits of the agreement;

''(ii) subject to the penalties described in subsection (d); and

''(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).

''(B) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

''(5) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.'';

(4) by amending subsection (d) to read as follows:

''(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

''(1) CIVIL PENALTY.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

''(2) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

''(3) REOPENING.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien's failure to depart, or upon the alien's other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

''(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

''(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.''; and

(5) by amending subsection (e) to read as follows:

''(e) ELIGIBILITY.—

''(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

''(2) RULEMAKING.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens.''; and

(6) in subsection (f), by adding at the end the following: ''Notwithstanding section 242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.''.

(b) RULEMAKING.—The Secretary shall promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking ''seeks admission within 5 years of the date of such removal (or within 20 years'' and inserting ''seeks admission not later than 5 years after the date of the alien's removal (or not later than 20 years after the alien's removal''; and

(2) in clause (ii), by striking ''seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of'' and inserting ''seeks admission not later than 10 years after the date of the

alien's departure or removal (or not later than 20 years after''.

(b) BAR ON DISCRETIONARY RELIEF.—Section 274D (9 U.S.C. 324d) is amended—

(1) in subsection (a), by striking ''Commissioner'' and inserting ''Secretary of Homeland Security''; and

(2) by adding at the end the following:

''(c) INELIGIBILITY FOR RELIEF.—

''(1) IN GENERAL.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien's departure from the United States.

''(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

''(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

''(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal, whether the removal order was entered before, on, or after such date.

SEC. 213. PROHIBITION OF THE SALE OF FIREARMS TO, OR THE POSSESSION OF FIREARMS BY CERTAIN ALIENS.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)(5)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking ''(y)(2)'' and all that follows and inserting ''(y), is in a nonimmigrant classification; or''; and

(C) by adding at the end the following:

''(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));''; and

(2) in subsection (g)(5)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking ''(y)(2)'' and all that follows and inserting ''(y), is in a nonimmigrant classification; or''; and

(C) by adding at the end the following:

''(C) has been paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));''.

(3) in subsection (y)—

(A) in the header, by striking ''ADMITTED UNDER NONIMMIGRANT VISAS'' and inserting ''IN A NONIMMIGRANT CLASSIFICATION'';

(B) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) the term 'nonimmigrant classification' includes all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or otherwise described in the immigration laws (as defined in section 101(a)(17) of such Act).'';

(C) in paragraph (2), by striking ''has been lawfully admitted to the United States under a nonimmigrant visa'' and inserting ''is in a nonimmigrant classification''; and

(D) in paragraph (3)(A), by striking ''Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5)'' and inserting ''Any alien in a nonimmigrant classification may receive a waiver from the requirements of subsection (g)(5)(B)''.

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

''§ 3291. Immigration, naturalization, and peonage offenses

''No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons), for an attempt or conspiracy to violate any such section, for a violation of any criminal provision under section 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1306, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information filed not later than 10 years after the commission of the offense.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

''3291. Immigration, naturalization, and peonage offenses.''.

SEC. 215. DIPLOMATIC SECURITY SERVICE.

Section 2709(a)(1) of title 22, United States Code, is amended to read as follows:

''(1) conduct investigations concerning—

''(A) illegal passport or visa issuance or use;

''(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

''(C) violations of chapter 77 of title 18, United States Code; and

''(D) Federal offenses committed within the special maritime and territorial jurisdiction of the United States (as defined in section 7(9) of title 18, United States Code);''.

SEC. 216. FIELD AGENT ALLOCATION AND BACKGROUND CHECKS.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended—

(1) by amending subsection (f) to read as follows:

''(f) MINIMUM NUMBER OF AGENTS IN STATES.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall allocate to each State—

''(A) not fewer than 40 full-time active duty agents of the Bureau of Immigration and Customs Enforcement to—

''(i) investigate immigration violations; and

''(ii) ensure the departure of all removable aliens; and

''(B) not fewer than 15 full-time active duty agents of the Bureau of Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

''(2) WAIVER.—The Secretary may waive the application of paragraph (1) for any State with a population of less than 2,000,000, as most recently reported by the Bureau of the Census''; and

(2) by adding at the end the following:

''(i) Notwithstanding any other provision of law, appropriate background and security checks, as determined by the Secretary of Homeland Security, shall be completed and assessed and any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act shall be investigated and resolved before the Secretary or the Attorney General may—

''(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

''(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

''(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on the date that is 90 days after the date of the enactment of this Act.

SEC. 217. DENIAL OF BENEFITS TO TERRORISTS AND CRIMINALS.

(a) IN GENERAL.—Chapter 4 of title III (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

''SEC. 362. CONSTRUCTION.

''(a) IN GENERAL.—Nothing in this Act or in any other provision of law shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any Federal agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

''(1) any alien described in subparagraph (A)(i), (A)(iii), (B), or (F) of section 212(a)(3) or subparagraph (A)(i), (A)(iii), or (B) of section 237(a)(4);

''(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status or benefit sought; or

''(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.

''(b) DENIAL; WITHHOLDING.—An official described in subsection (a) may deny or withhold (with respect to an alien described in subsection (a)(1)) or withhold pending resolution of the investigation, case, or law enforcement checks (with respect to an alien described in paragraph (2) or (3) of subsection (a)) any such application, petition, status, or benefit on such basis.''.

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 361 the following:

''Sec. 362. Construction.''.

SEC. 218. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) REIMBURSEMENT FOR COSTS ASSOCIATED WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—The Secretary of Homeland Security shall reimburse States and units of local government for costs associated with processing undocumented criminal aliens through the criminal justice system, including—

(1) indigent defense;

(2) criminal prosecution;

(3) autopsies;

(4) translators and interpreters; and

(5) courts costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROCESSING CRIMINAL ILLEGAL ALIENS.—There are authorized to be appropriated $400,000,000 for each of the fiscal years 2007 through 2012 to carry out subsection (a).

(2) COMPENSATION UPON REQUEST.—Section 241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows:

''(5) There are authorized to be appropriated to carry this subsection—

''(A) such sums as may be necessary for fiscal year 2007;

''(B) $750,000,000 for fiscal year 2008;

''(C) $850,000,000 for fiscal year 2009; and

''(D) $950,000,000 for each of the fiscal years 2010 through 2012.''.

(c) TECHNICAL AMENDMENT.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

SEC. 219. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS APPREHENDED BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary of Homeland Security shall provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a Department of Homeland Security detention facility.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

SEC. 220. STATE AND LOCAL ENFORCEMENT OF FEDERAL IMMIGRATION LAWS.

(a) IN GENERAL.—Section 287(g) (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (2), by adding at the end the following: ''If such training is provided by a State or political subdivision of a State to an officer or employee of such State or political subdivision of a State, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security.''; and

(2) in paragraph (4), by adding at the end the following: ''The cost of any equipment required to be purchased under such written agreement and necessary to perform the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 221. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.

(a) GRANTS AUTHORIZED.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for—

(1) law enforcement activities;

(2) health care services;

(3) environmental restoration; and

(4) the preservation of cultural resources.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—

(1) describes the level of access of Border Patrol agents on tribal lands;

(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;

(3) contains a strategy for improving such access through cooperation with tribal authorities; and

(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 222. ALTERNATIVES TO DETENTION.

The Secretary shall conduct a study of—

(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders;

(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and

(3) other alternatives to detention, including—

(A) release on an order of recognizance;

(B) appearance bonds; and

(C) electronic monitoring devices.

SEC. 223. CONFORMING AMENDMENT.

Section 101(a)(43)(P) (8 U.S.C. 1101(a)(43)(P)) is amended—

(1) by striking ''(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)'' and inserting ''which is described in chapter 75 of title 18, United States Code, and''; and

(2) by inserting the following: ''that is not described in section 1548 of such title (relating to increased penalties), and'' after ''first offense''.

SEC. 224. REPORTING REQUIREMENTS.

(a) CLARIFYING ADDRESS REPORTING REQUIREMENTS.—Section 265 (8 U.S.C. 1305) is amended—

(1) in subsection (a)—

(A) by striking ''notify the Attorney General in writing'' and inserting ''submit written or electronic notification to the Secretary of Homeland Security, in a manner approved by the Secretary,'';

(B) by striking ''the Attorney General may require by regulation'' and inserting ''the Secretary may require''; and

(C) by adding at the end the following: ''If the alien is involved in proceedings before an immigration judge or in an administrative appeal of such proceedings, the alien shall submit to the Attorney General the alien's current address and a telephone number, if any, at which the alien may be contacted.'';

(2) in subsection (b), by striking ''Attorney General'' each place such term appears and inserting ''Secretary'';

(3) in subsection (c), by striking ''given to such parent'' and inserting ''given by such parent''; and

(4) by inserting at the end the following:

''(d) ADDRESS TO BE PROVIDED.—

''(1) IN GENERAL.—Except as otherwise provided by the Secretary under paragraph (2), an address provided by an alien under this section shall be the alien's current residential mailing address, and shall not be a post office box or other non-residential mailing address or the address of an attorney, representative, labor organization, or employer.

''(2) SPECIFIC REQUIREMENTS.—The Secretary may provide specific requirements with respect to—

''(A) designated classes of aliens and special circumstances, including aliens who are employed at a remote location; and

''(B) the reporting of address information by aliens who are incarcerated in a Federal, State, or local correctional facility.

''(3) DETENTION.—An alien who is being detained by the Secretary under this Act is not required to report the alien's current address under this section during the time the alien remains in detention, but shall be required to notify the Secretary of the alien's address under this section at the time of the alien's release from detention.

''(e) USE OF MOST RECENT ADDRESS PROVIDED BY THE ALIEN.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may provide for the appropriate coordination and cross referencing of address information provided by an alien under this section with other information relating to the alien's address under other Federal programs, including—

''(A) any information pertaining to the alien, which is submitted in any application, petition, or motion filed under this Act with the Secretary of Homeland Security, the Secretary of State, or the Secretary of Labor;

''(B) any information available to the Attorney General with respect to an alien in a proceeding before an immigration judge or an administrative appeal or judicial review of such proceeding;

''(C) any information collected with respect to nonimmigrant foreign students or exchange program participants under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372); and

''(D) any information collected from State or local correctional agencies pursuant to the State Criminal Alien Assistance Program.

''(2) RELIANCE.—The Secretary may rely on the most recent address provided by the alien under this section or section 264 to send to the alien any notice, form, document, or other matter pertaining to Federal immigration laws, including service of a notice to appear. The Attorney General and the Secretary may rely on the most recent address provided by the alien under section 239(a)(1)(F) to contact the alien about pending removal proceedings.

''(3) OBLIGATION.—The alien's provision of an address for any other purpose under the Federal immigration laws does not excuse the alien's obligation to submit timely notice of the alien's address to the Secretary under this section (or to the Attorney General under section 239(a)(1)(F) with respect to an alien in a proceeding before an immigration judge or an administrative appeal of such proceeding).''.

(b) CONFORMING CHANGES WITH RESPECT TO REGISTRATION REQUIREMENTS.—Chapter 7 of title II (8 U.S.C. 1301 et seq.) is amended—

(1) in section 262(c), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(2) in section 263(a), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(3) in section 264—

(A) in subsections (a), (b), (c), and (d), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(B) in subsection (f)—

(i) by striking ''Attorney General is authorized'' and inserting ''Secretary of Homeland Security and Attorney General are authorized''; and

(ii) by striking ''Attorney General or the Service'' and inserting ''Secretary or the Attorney General''.

(c) PENALTIES.—Section 266 (8 U.S.C. 1306) is amended—

(1) by amending subsection (b) to read as follows:

''(b) FAILURE TO PROVIDE NOTICE OF ALIEN'S CURRENT ADDRESS.—

''(1) CRIMINAL PENALTIES.—Any alien or any parent or legal guardian in the United States of any minor alien who fails to notify the Secretary of Homeland Security of the alien's current address in accordance with section 265 shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both.

''(2) EFFECT ON IMMIGRATION STATUS.—Any alien who violates section 265 (regardless of whether the alien is punished under paragraph (1)) and does not establish to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful

shall be taken into custody in connection with removal of the alien. If the alien has not been inspected or admitted, or if the alien has failed on more than 1 occasion to submit notice of the alien's current address as required under section 265, the alien may be presumed to be a flight risk. The Secretary or the Attorney General, in considering any form of relief from removal which may be granted in the discretion of the Secretary or the Attorney General, may take into consideration the alien's failure to comply with section 265 as a separate negative factor. If the alien failed to comply with the requirements of section 265 after becoming subject to a final order of removal, deportation, or exclusion, the alien's failure shall be considered as a strongly negative factor with respect to any discretionary motion for reopening or reconsideration filed by the alien.'';

(2) in subsection (c), by inserting ''or a notice of current address'' before ''containing statements''; and

(3) in subsections (c) and (d), by striking ''Attorney General'' each place it appears and inserting ''Secretary''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SEC. 225. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) IN GENERAL.—Beginning on October 1, 2006, an alien who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land or maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) REQUIREMENTS DURING INTERIM PERIOD.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2006, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) RULES OF CONSTRUCTION.—

(1) ASYLUM AND REMOVAL.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) TREATMENT OF CERTAIN ALIENS.—The mandatory detention requirement in subsection (a) shall not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

(3) DISCRETION.—Nothing in this section shall be construed as limiting the authority of the Secretary, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

SEC. 226. REMOVAL OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(F)) is amended by inserting '', including a third drunk driving conviction, regardless of the States in which the convictions occurred or whether the offenses are classified as misdemeanors or felonies under State or Federal law,'' after ''offense)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to convictions entered before, on, or after such date.

SEC. 227. EXPEDITED REMOVAL.

(a) IN GENERAL.—Section 238 (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting ''EXPEDITED REMOVAL OF CRIMINAL ALIENS'';

(2) in subsection (a), by striking the subsection heading and inserting: ''EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—'';

(3) in subsection (b), by striking the subsection heading and inserting: ''REMOVAL OF CRIMINAL ALIENS.—'';

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

''(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien, whether or not admitted into the United States, was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).'';

(5) in the subsection (c) that relates to presumption of deportability, by striking ''convicted of an aggravated felony'' and inserting ''described in subsection (b)(2)'';

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking '', who is deportable under this Act,''.

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears; and

(B) by adding at the end the following new subclause:

''(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.''.

(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking ''and who arrives by aircraft at a port of entry'' and inserting ''and—''; and

(B) by adding at the end the following:

''(i) who arrives by aircraft at a port of entry; or

''(ii) who is present in the United States and arrived in any manner at or between a port of entry.''.

(c) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)(2) (8 U.S.C. 1252(f)(2)) is amended by inserting ''or stay, whether temporarily or otherwise,'' after ''enjoin''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 228. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i) by striking ''Any'' and inserting ''Except as provided in clause (viii), any'';

(2) in subparagraph (A) by inserting after clause (vii) the following:

''(viii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in section 101(a)(43)(A), section 101(a)(43)(I), or section 101(a)(43)(K), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.''; and

(3) in subparagraph (B)(i)—

(A) by striking ''Any alien'' and inserting the following: ''(I) Except as provided in subclause (II), any alien''; and

(B) by adding at the end the following:

''(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in section 101(a)(43)(A), section 101(a)(43)(I), or section 101(a)(43)(K), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.''.

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting ''(other than a citizen described in section 204(a)(1)(A)(viii))'' after ''citizen of the United States'' each place that phrase appears.

SEC. 229. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following new section:

''SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

''(a) AUTHORITY.—Notwithstanding any other provision of law, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the criminal provisions of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

''(b) CONSTRUCTION.—Nothing in this subsection shall be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

''(c) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security

that the alien be taken into Federal custody, the Secretary of Homeland Security—

''(1) shall—

''(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

''(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States, either—

''(i) not later than 72 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, not later than 72 hours after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government; or

''(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

''(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

''(d) REIMBURSEMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State or a political subdivision of a State for expenses, as verified by the Secretary of Homeland Security, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

''(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

''(A) the product of—

''(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

''(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

''(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

''(C) The cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

''(e) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that aliens incarcerated in a Federal facility pursuant to this subsection are held in facilities which provide an appropriate level of security, and that, where practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

''(f) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States and political subdivisions of States which routinely submit requests described in subsection (c) into Federal custody.

''(g) AUTHORITY FOR CONTRACTS.—

''(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

''(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or where appropriate, the political subdivision in which the agencies are located has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 230. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) (as amended by section 211(a)(1)(C)), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; or

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180 time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and''.

SEC. 231. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting ''section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),'' after ''section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),''; and

(2) by inserting ''section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens),'' after ''section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),''.

SEC. 232. SEVERABILITY.

If any provision of this title, any amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any other person or circumstance shall not be affected by such holding.

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

''SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

''(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

''(1) IN GENERAL.—It is unlawful for an employer—

''(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to such employment; or

''(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

''(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing or with reason to know that the alien is (or has become) an unauthorized alien with respect to such employment.

''(3) USE OF LABOR THROUGH CONTRACT.—In this section, an employer who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of the Securing America's Borders Act, to obtain the labor of an alien in the United States knowing, or with reason to know, that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

''(4) REBUTTABLE PRESUMPTION OF UNLAWFUL HIRING.—If the Secretary determines that an employer has hired more than 10 unauthorized aliens during a calendar year, a rebuttable presumption is created for the purpose of a civil enforcement proceeding, that the employer knew or had reason to know that such aliens were unauthorized.

''(5) DEFENSE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has

established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

''(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is permitted to participate in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) without a showing of compliance with subsection (d).

''(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

''(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

''(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the chief executive officer or similar official of the employer shall certify under penalty of perjury that—

''(A) the employer is in compliance with the requirements of subsections (c) and (d); or

''(B) that the employer has instituted a program to come into compliance with such requirements.

''(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

''(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification and for specific record keeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

''(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall take all reasonable steps to verify that the individual is eligible for such employment. Such steps shall include meeting the requirements of subsection (d) and the following paragraphs:

''(1) ATTESTATION BY EMPLOYER.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining—

''(I) a document described in subparagraph (B); or

''(II) a document described in subparagraph (C) and a document described in subparagraph (D).

''(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(iii) STANDARDS FOR EXAMINATION.—An employer has complied with the requirement of this paragraph with respect to examination of documentation if, based on the totality of the circumstances, a reasonable person would conclude that the document examined is genuine and establishes the individual's identity and eligibility for employment in the United States.

''(iv) REQUIREMENTS FOR EMPLOYMENT ELIGIBILITY SYSTEM PARTICIPANTS.—A participant in the Electronic Employment Verification System established under subsection (d), regardless of whether such participation is voluntary or mandatory, shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to comply with the attestation requirement, and to comply with the employment eligibility verification requirements contained in this section.

''(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT ELIGIBILITY AND IDENTITY.—A document described in this subparagraph is an individual's—

''(i) United States passport; or

''(ii) permanent resident card or other document designated by the Secretary, if the document—

''(I) contains a photograph of the individual and such other personal identifying information relating to the individual that the Secretary proscribes in regulations is sufficient for the purposes of this subparagraph;

''(II) is evidence of eligibility for employment in the United States; and

''(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

''(C) DOCUMENTS EVIDENCING EMPLOYMENT ELIGIBILITY.—A document described in this subparagraph is an individual's—

''(i) social security account number card issued by the Commissioner of Social Security (other than a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or

''(ii) any other documents evidencing eligibility of employment in the United States, if—

''(I) the Secretary has published a notice in the Federal Register stating that such document is acceptable for purposes of this subparagraph; and

''(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

''(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is an individual's—

''(i) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that complies with the requirements of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302);

''(ii) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that is not in compliance with the requirements of the REAL ID Act of 2005, if the license or identity card—

''(I) is not required by the Secretary to comply with such requirements; and

''(II) contains the individual's photograph or information, including the individual's name, date of birth, gender, and address; and

''(iii) identification card issued by a Federal agency or department, including a branch of the Armed Forces, or an agency, department, or entity of a State, or a Native American tribal document, provided that such card or document—

''(I) contains the individual's photograph or information including the individual's name, date of birth, gender, eye color, and address; and

''(II) contains security features to make the card resistant to tampering, counterfeiting, and fraudulent use; or

''(iv) in the case of an individual who is under 16 years of age who is unable to present a document described in clause (i), (ii), or (iii) a document of personal identity of such other type that—

''(I) the Secretary determines is a reliable means of identification; and

''(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

''(E) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

''(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B), (C), or (D) is not reliable to establish identity or eligibility for employment (as the case may be) or is being used fraudulently to an unacceptable degree, the Secretary is authorized to prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

''(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

''(2) ATTESTATION OF EMPLOYEE.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form prescribed by the Secretary, that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, recruited or referred for a fee, in the United States.

''(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

''(3) RETENTION OF ATTESTATION.—An employer shall retain a paper, microfiche, microfilm, or electronic version of an attestation submitted under paragraph (1) or (2) for an individual and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

''(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 7 years after the date of the recruiting or referral; or

''(B) in the case of the hiring of an individual the later of—

''(i) 7 years after the date of such hiring;

''(ii) 1 year after the date the individual's employment is terminated; or

''(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

''(4) DOCUMENT RETENTION AND RECORD KEEPING REQUIREMENTS.—

''(A) RETENTION OF DOCUMENTS.—An employer shall retain, for the applicable period described in paragraph (3), the following documents:

''(i) IN GENERAL.—Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall reflect the signature of the employer and the individual and the date of receipt of such documents.

''(ii) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

''(B) RETENTION OF SOCIAL SECURITY CORRESPONDENCE.—The employer shall maintain records related to an individual of any no-

match notice from the Commissioner of Social Security regarding the individual's name or corresponding social security account number and the steps taken to resolve each issue described in the no-match notice.

''(C) RETENTION OF CLARIFICATION DOCUMENTS.—The employer shall maintain records of any actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the validity of the individual's identity or eligibility for employment in the United States.

''(D) RETENTION OF OTHER RECORDS.—The Secretary may require that an employer retain copies of additional records related to the individual for the purposes of this section.

''(5) PENALTIES.—An employer that fails to comply with the requirement of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

''(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

''(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

''(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') as described in this subsection.

''(2) MANAGEMENT OF SYSTEM.—

''(A) IN GENERAL.—The Secretary shall, through the System—

''(i) provide a response to an inquiry made by an employer through the Internet or other electronic media or over a telephone line regarding an individual's identity and eligibility for employment in the United States;

''(ii) establish a set of codes to be provided through the System to verify such identity and authorization; and

''(iii) maintain a record of each such inquiry and the information and codes provided in response to such inquiry.

''(B) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquire to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

''(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

''(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, a tentative nonconfirmation notice, including the appropriate codes for such nonconfirmation notice.

''(C) VERIFICATION PROCESS IN CASE OF A TENTATIVE NONCONFIRMATION NOTICE.—

''(i) IN GENERAL.—If a tentative nonconfirmation notice is issued under subparagraph (B)(ii), not later than 10 days after the date an individual submits information to contest such notice under paragraph (7)(C)(ii)(III), the Secretary, through the System, shall issue a final confirmation notice or a final nonconfirmation notice to the employer, including the appropriate codes for such notice.

''(ii) DEVELOPMENT OF PROCESS.—The Secretary shall consult with the Commissioner of Social Security to develop a verification process to be used to provide a final confirmation notice or a final nonconfirmation notice under clause (i).

''(D) DESIGN AND OPERATION OF SYSTEM.—The Secretary, in consultation with the Commissioner of Social Security, shall design and operate the System—

''(i) to maximize reliability and ease of use by employers in a manner that protects and maintains the privacy and security of the information maintained in the System;

''(ii) to respond to each inquiry made by an employer; and

''(iii) to track and record any occurrence when the System is unable to receive such an inquiry;

''(iv) to include appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

''(v) to allow for monitoring of the use of the System and provide an audit capability; and

''(vi) to have reasonable safeguards, developed in consultation with the Attorney General, to prevent employers from engaging in unlawful discriminatory practices, based on national origin or citizenship status.

''(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

''(i) a determination of whether the name and social security account number provided in an inquiry by an employer match such information maintained by the Commissioner in order to confirm the validity of the information provided;

''(ii) a determination of whether such social security account number was issued to the named individual;

''(iii) determination of whether such social security account number is valid for employment in the United States; and

''(iv) a confirmation notice or a nonconfirmation notice under subparagraph (B) or (C), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

''(F) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by subparagraphs (B) and (C)—

''(i) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer match such information maintained by the Secretary in order to confirm the validity of the information provided;

''(ii) a determination of whether such number was issued to the named individual;

''(iii) a determination of whether the individual is authorized to be employed in the United States; and

''(iv) any other related information that the Secretary may require.

''(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary shall update the information maintained in the System in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

''(3) REQUIREMENTS FOR PARTICIPATION.—Except as provided in paragraphs (4) and (5), the Secretary shall require employers to participate in the System as follows:

''(A) CRITICAL EMPLOYERS.—

''(i) REQUIRED PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Securing America's Borders Act, the Secretary shall require any employer or class of employers to participate in the System, with respect to employees hired by the employer prior to, on, or after such date of enactment, if the Secretary determines, in the Secretary's sole and unreviewable discretion, such employer or class of employer is—

''(I) part of the critical infrastructure of the United States; or

''(II) directly related to the national security or homeland security of the United States.

''(ii) DISCRETIONARY PARTICIPATION.—As of the date that is 180 days after the date of the enactment of the Securing America's Borders Act, the Secretary may require additional any employer or class of employers to participate in the System with respect to employees hired on or after such date if the Secretary designates such employer or class of employers, in the Secretary's sole and unreviewable discretion, as a critical employer based on immigration enforcement or homeland security needs.

''(B) LARGE EMPLOYERS.—Not later than 2 years after the date of the enactment of the Securing America's Borders Act, Secretary shall require an employer with more than 5,000 employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

''(C) MID-SIZED EMPLOYERS.—Not later than 3 years after the date of enactment of the Securing America's Borders Act, the Secretary shall require an employer with less than 5,000 employees and with more than 1,000 employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

''(D) SMALL EMPLOYERS.—Not later than 4 years after the date of the enactment of the Securing America's Borders Act, the Secretary shall require all employers with less than 1,000 employees and with more than 250 employees in the United States to participate in the System, with respect to all employees hired by the employer after the date the Secretary requires such participation.

''(E) REMAINING EMPLOYERS.—Not later than 5 years after the date of the enactment of the Securing America's Borders Act, the Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by an employer after the date the Secretary requires such participation.

''(F) REQUIREMENT TO PUBLISH.—The Secretary shall publish in the Federal Register the requirements for participation in the System as described in subparagraphs (A), (B), (C), (D), and (E) prior to the effective date of such requirements.

''(4) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (3), the Secretary has the authority, in the Secretary's sole and unreviewable discretion—

''(A) to permit any employer that is not required to participate in the System under paragraph (3) to participate in the System on a voluntary basis; and

''(B) to require any employer that is required to participate in the System under paragraph (3) with respect to newly hired employees to participate in the System with respect to all employees hired by the employer prior to, on, or after the date of the enactment of the Securing America's Borders Act, if the Secretary has reasonable causes to believe that the employer has engaged in violations of the immigration laws.

''(5) WAIVER.—The Secretary is authorized to waive or delay the participation requirements of paragraph (3) respect to any employer or class of employers if the Secretary provides notice to Congress of such waiver prior to the date such waiver is granted.

''(6) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an individual—

''(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to such individual; and

''(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) of this section, however such presumption may not apply to a prosecution under subsection (f)(1).

''(7) SYSTEM REQUIREMENTS.—

''(A) IN GENERAL.—An employer that participates in the System shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, shall—

''(i) obtain from the individual and record on the form designated by the Secretary—

''(I) the individual's social security account number; and

''(II) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such identification or authorization number that the Secretary shall require; and

''(ii) retain the original of such form and make such form available for inspection for the periods and in the manner described in subsection (c)(3).

''(B) SEEKING VERIFICATION.—The employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

''(i) not later than 3 working days (or such other reasonable time as may be specified by the Secretary of Homeland Security) after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

''(ii) in the case of an employee hired prior to the date of enactment of the Securing America's Borders Act, at such time as the Secretary shall specify.

''(C) CONFIRMATION OR NONCONFIRMATION.—

''(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (2)(B)(i) for an individual, the employer shall record, on the form specified by the Secretary, the appropriate code provided in such notice.

''(ii) NONCONFIRMATION AND VERIFICATION.—

''(I) NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (2)(B)(ii) for an individual, the employer shall inform such individual of the issuances of such notice in writing and the individual may contest such nonconfirmation notice.

''(II) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice under subclause (I) within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form specified by the Secretary, the appropriate code provided in the nonconfirmation notice.

''(III) CONTEST.—If the individual contests the tentative nonconfirmation notice under subclause (I), the individual shall submit appropriate information to contest such notice to the System within 10 days of receiving notice from the individual's employer and shall utilize the verification process developed under paragraph (2)(C)(ii).

''(IV) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION.—A tentative nonconfirmation notice shall remain in effect until a final such notice becomes final under clause (II) or a final confirmation notice or final nonconfirmation notice is issued by the System.

''(V) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (II) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

''(VI) RECORDING OF CONCLUSION ON FORM.—If a final confirmation or nonconfirmation is provided by the System regarding an individual, the employer shall record on the form designated by the Secretary the appropriate code that is provided under the System to indicate a confirmation or nonconfirmation of the identity and employment eligibility of the individual.

''(D) CONSEQUENCES OF NONCONFIRMATION.—

''(i) TERMINATION OF CONTINUED EMPLOYMENT.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the nonconfirmed individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

''(8) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

''(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States to utilize any information, database, or other records used in the System for any purpose other than as provided for under this subsection.

''(10) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection, including requirements with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

''(11) FEES.—The Secretary is authorized to require any employer participating in the System to pay a fee or fees for such participation. The fees may be set at a level that will recover the full cost of providing the System to all participants. The fees shall be deposited and remain available as provided in subsection (m) and (n) of section 286 and the System is providing an immigration adjudication and naturalization service for purposes of section 286(n).

''(12) REPORT.—Not later than 1 year after the date of the enactment of the Securing America's Borders Act, the Secretary shall submit to Congress a report on the capacity, systems integrity, and accuracy of the System.

''(e) COMPLIANCE.—

''(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

''(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

''(B) for the investigation of those complaints that the Secretary deems it appropriate to investigate; and

''(C) for the investigation of such other violations of subsection (a), as the Secretary determines are appropriate.

''(2) AUTHORITY IN INVESTIGATIONS.—

''(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

''(i) shall have reasonable access to examine evidence of any employer being investigated; and

''(ii) if designated by the Secretary of Homeland Security, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

''(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

''(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this title, or any regulation or order issued under this title.

''(3) COMPLIANCE PROCEDURES.—

''(A) PRE-PENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

''(i) describe the violation;

''(ii) specify the laws and regulations allegedly violated;

''(iii) disclose the material facts which establish the alleged violation; and

''(iv) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

''(B) REMISSION OR MITIGATION OF PENALTIES.—

''(i) PETITION BY EMPLOYER.—Whenever any employer receives written notice of a fine or other penalty in accordance with subparagraph (A), the employer may file within 30 days from receipt of such notice, with the Secretary a petition for the remission or mitigation of such fine or penalty, or a petition for termination of the proceedings. The petition may include any relevant evidence or proffer of evidence the employer wishes to present, and shall be filed and considered in accordance with procedures to be established by the Secretary.

''(ii) REVIEW BY SECRETARY.—If the Secretary finds that such fine or other penalty was incurred erroneously, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

''(iii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1)(A), (1)(B), or (2) of subsection (a) or of any other requirements of this section.

''(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer pursuant to subparagraph (B), the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which

the determination is based and the appropriate penalty.

''(4) CIVIL PENALTIES.—

''(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1)(A) or (2) of subsection (a) shall pay civil penalties as follows:

''(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

''(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

''(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

''(B) RECORD KEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the requirements of the subsection (b), (c), and (d), shall pay a civil penalty as follows:

''(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

''(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

''(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of $6,000 for each such violation.

''(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the civil penalty described in subsection (g)(2).

''(D) REDUCTION OF PENALTIES.—Notwithstanding subparagraphs (A), (B), and (C), the Secretary is authorized to reduce or mitigate penalties imposed upon employers, based upon factors including the employer's hiring volume, compliance history, good-faith implementation of a compliance program, participation in a temporary worker program, and voluntary disclosure of violations of this subsection to the Secretary.

''(E) ADJUSTMENT FOR INFLATION.—All penalties in this section may be adjusted every 4 years to account for inflation, as provided by law.

''(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

''(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

''(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

''(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 6 months for the entire pattern or practice, or both.

''(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

''(g) PROHIBITION OF INDEMNITY BONDS.—

''(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

''(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

''(h) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

''(1) EMPLOYERS WITH NO CONTRACTS, GRANTS OR AGREEMENTS.—

''(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 2 years.

''(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

''(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary of Homeland Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of Federal contracts, grants, or cooperative agreements for a period of 2 years.

''(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

''(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation shall not be judicially reviewed.

''(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

''(i) MISCELLANEOUS PROVISIONS.—

''(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

''(2) PREEMPTION.—The provisions of this section preempt any State or local law—

''(A) imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens; or

''(B) requiring as a condition of conducting, continuing, or expanding a business that a business entity—

''(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

''(ii) take other steps that facilitate the employment of day laborers by others.

''(j) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

''(k) DEFINITIONS.—In this section:

''(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

''(2) NO-MATCH NOTICE.—The term 'no-match notice' means written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W–2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

''(3) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(4) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

''(A) an alien lawfully admitted for permanent residence; or

''(B) authorized to be so employed by this Act or by the Secretary.''.

(b) CONFORMING AMENDMENT.—

(1) AMENDMENT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a) are repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under such sections 401, 402, 403, 404, and 405 in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking ''274A(h)(3)'' and inserting ''274A''.

(2) DOCUMENT REQUIREMENTS.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking ''274A(b)'' and inserting ''274A(d)''; and

(B) in subsection (g)(2)(B)(ii), by striking ''274A(b)(5)'' and inserting ''274A(d)(9)''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

''(w) EMPLOYER COMPLIANCE FUND.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

''(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

''(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

''(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.''.

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, and 1324a) during the 5-year period beginning date of the enactment of this Act.

(b) FRAUD DETECTION.—The Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for agents of the Bureau of Immigration and Customs Enforcement dedicated to immigration fraud detection during the 5-year period beginning date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking ''citizen'' and inserting ''national''.

TITLE IV—BACKLOG REDUCTION AND VISAS FOR STUDENTS, MEDICAL PROVIDERS, AND ALIENS WITH ADVANCED DEGREES

SEC. 401. ELIMINATION OF EXISTING BACKLOGS.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

''(1) 480,000;

''(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year;

''(3) the difference between—

''(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those fiscal years; and

''(B) the number of visas calculated under subparagraph (A) that were issued after fiscal year 2005.''.

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

''(A) 290,000;

''(B) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

''(C) the difference between—

''(i) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those fiscal years; and

''(ii) the number of visas calculated under clause (i) that were issued after fiscal year 2005.

''(2) VISAS FOR SPOUSES AND CHILDREN.—Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).''.

SEC. 402. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking '', (4), and (5)'' and inserting ''and (4)''; and

(B) by striking ''7 percent (in the case of a single foreign state) or 2 percent'' and inserting ''10 percent (in the case of a single foreign state) or 5 percent''; and

(2) by striking paragraph (5).

SEC. 403. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

''(a) PREFERENCE ALLOCATIONS FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

''(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

''(A) 10 percent of such worldwide level; and

''(B) any visas not required for the class specified in paragraph (4).

''(2) SPOUSES AND UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENT ALIENS.—

''(A) IN GENERAL.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants who are—

''(i) the spouses or children of an alien lawfully admitted for permanent residence; or

''(ii) the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

''(B) MINIMUM PERCENTAGE.—Visas allocated to individuals described in subparagraph (A)(i) shall constitute not less than 77 percent of the visas allocated under this paragraph.

''(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed the sum of—

''(A) 10 percent of such worldwide level; and

''(B) any visas not required for the classes specified in paragraphs (1) and (2).

''(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of a citizen of the United States who is at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level.''.

(b) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking ''28.6 percent'' and inserting ''15 percent'';

(2) in paragraph (2)(A), by striking ''28.6 percent'' and inserting ''15 percent'';

(3) in paragraph (3)(A)—

(A) by striking ''28.6 percent'' and inserting ''35 percent''; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking ''7.1 percent'' and inserting ''5 percent'';

(7) by inserting after paragraph (4), as redesignated, the following:

''(5) OTHER WORKERS.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States.''; and

(8) by striking paragraph (6).

(c) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) (8 U.S.C. 1101(a)(27)(M)) is amended by striking ''subject to the numerical limitations of section 203(b)(4),''.

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American

Relief Act (Public Law 105–100; 8 U.S.C. 1153 note) is repealed.

SEC. 404. RELIEF FOR MINOR CHILDREN.

(a) IN GENERAL.—Section 201(b)(2) (8 U.S.C. 1151(b)(2)) is amended to read as follows:

''(2)(A)(i) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa under section 203(a) to their accompanying parent who is an immediate relative.

''(ii) In this subparagraph, the term 'immediate relative' means a child, spouse, or parent of a citizen of the United States (and each child of such child, spouse, or parent who is accompanying or following to join the child, spouse, or parent), except that, in the case of parents, such citizens shall be at least 21 years of age.

''(iii) An alien who was the spouse of a citizen of the United States for not less than 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, and each child of such alien, shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death if the spouse files a petition under section 204(a)(1)(A)(ii) before the earlier of—

''(I) 2 years after such date; or

''(II) the date on which the spouse remarries.

''(iv) In this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) remains an immediate relative if the United States citizen spouse or parent loses United States citizenship on account of the abuse.

''(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.''.

(b) PETITION.—Section 204(a)(1)(A)(ii) (8 U.S.C. 1154 (a)(1)(A)(ii)) is amended by striking ''in the second sentence of section 201(b)(2)(A)(i) also'' and inserting ''in section 201(b)(2)(A)(iii) or an alien child or alien parent described in the 201(b)(2)(A)(iv)''.

SEC. 405. STUDENT VISAS.

(a) IN GENERAL.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i)—

(A) by striking ''he has no intention of abandoning, who is'' and inserting the following: ''except in the case of an alien described in clause (iv), the alien has no intention of abandoning, who is—

''(I)'';

(B) by striking ''consistent with section 214(l)'' and inserting ''(except for a graduate program described in clause (iv)) consistent with section 214(m)'';

(C) by striking the comma at the end and inserting the following: ''; or

''(II) engaged in temporary employment for optional practical training related to the alien's area of study, which practical training shall be authorized for a period or periods of up to 24 months;'';

(2) in clause (ii)—

(A) by inserting ''or (iv)'' after ''clause (i)''; and

(B) by striking '', and'' and inserting a semicolon;

(3) in clause (iii), by adding ''and'' at the end; and

(4) by adding at the end the following:

''(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree.''.

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking ''subparagraph (L) or (V)'' and inserting ''subparagraph (F)(iv), (L), or (V)''.

(c) REQUIREMENTS FOR F-4 VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

''(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—''; and

(2) by adding at the end the following:

''(3) A visa issued to an alien under section 101(a)(15)(F)(iv) shall be valid—

''(A) during the intended period of study in a graduate program described in such section;

''(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

''(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.''.

(d) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

(e) ADJUSTMENT OF STATUS.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The status of an alien, who was inspected and admitted or paroled into the United States, or who has an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), may be adjusted by the Secretary of Homeland Security or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

''(A) the alien makes an application for such adjustment;

''(B) the alien is eligible to receive an immigrant visa;

''(C) the alien is admissible to the United States for permanent residence; and

''(D) an immigrant visa is immediately available to the alien at the time the application is filed.

''(2) STUDENT VISAS.—Notwithstanding the requirement under paragraph (1)(C), an alien may file an application for adjustment of status under this section if—

''(A) the alien has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(F)(iv), or would have qualified for such nonimmigrant status if section 101(a)(15)(F)(iv) had been enacted before such alien's graduation;

''(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

''(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

''(D) a fee of $1,000 is remitted to the Secretary on behalf of the alien.

''(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.''.

(f) USE OF FEES.—

(1) JOB TRAINING; SCHOLARSHIPS.—Section 286(s)(1) (8 U.S.C. 1356(s)(1)) is amended by inserting ''and 80 percent of the fees collected under section 245(a)(2)(D)'' before the period at the end.

(2) FRAUD PREVENTION AND DETECTION.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting ''and 20 percent of the fees collected under section 245(a)(2)(D)'' before the period at the end.

SEC. 406. VISAS FOR INDIVIDUALS WITH ADVANCED DEGREES.

(a) ALIENS WITH CERTAIN ADVANCED DEGREES NOT SUBJECT TO NUMERICAL LIMITATIONS ON EMPLOYMENT BASED IMMIGRANTS.—

(1) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

''(F) Aliens who have earned an advanced degree in science, technology, engineering, or math and have been working in a related field in the United States under a nonimmigrant visa during the 3-year period preceding their application for an immigrant visa under section 203(b).

''(G) Aliens described in subparagraph (A) or (B) of section 203(b)(1)(A) or who have received a national interest waiver under section 203(b)(2)(B).

''(H) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any visa application—

(A) pending on the date of the enactment of this Act; or

(B) filed on or after such date of enactment.

(b) LABOR CERTIFICATION.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) in subclause (I), by striking ''or'' at the end;

(2) in subclause (II), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(III) has an advanced degree in the sciences, technology, engineering, or mathematics from an accredited university in the United States and is employed in a field related to such degree.''.

(c) TEMPORARY WORKERS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''(beginning with fiscal year 1992)''; and

(B) in subparagraph (A)—

(i) in clause (vii), by striking ''each succeeding fiscal year; or'' and inserting ''each of fiscal years 2004, 2005, and 2006;''; and

(ii) by adding after clause (vii) the following:

''(viii) 115,000 in the first fiscal year beginning after the date of the enactment of this clause; and

''(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or'';

(2) in paragraph (5)—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(D) has earned an advanced degree in science, technology, engineering, or math.'';

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

''(9) If the numerical limitation in paragraph (1)(A)—

''(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

''(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.''.

(d) APPLICABILITY.—The amendment made by subsection (c)(2) shall apply to any visa application—

(1) pending on the date of the enactment of this Act; or

(2) filed on or after such date of enactment.

SEC. 407. MEDICAL SERVICES IN UNDERSERVED AREAS.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note; Public Law 103–416) is amended by striking ''Act and before June 1, 2006.'' and inserting ''Act.''.

TITLE V—IMMIGRATION LITIGATION REDUCTION

SEC. 501. CONSOLIDATION OF IMMIGRATION APPEALS.

(a) REAPPORTIONMENT OF CIRCUIT COURT JUDGES.—The table in section 44(a) of title 28, United States Code, is amended in the item relating to the Federal Circuit by striking ''12'' and inserting ''15''.

(b) REVIEW OF ORDERS OF REMOVAL.—Section 242(b) (8 U.S.C. 1252(b)) is amended—

(1) in paragraph (2), by striking the first sentence and inserting ''The petition for review shall be filed with the United Sates Court of Appeals for the Federal Circuit.'';

(2) in paragraph (5)(B), by adding at the end the following: ''Any appeal of a decision by the district court under this paragraph shall be filed with the United States Court of Appeals for the Federal Circuit.''; and

(3) in paragraph (7), by amending subparagraph (C) to read as follows:

''(C) CONSEQUENCE OF INVALIDATION AND VENUE OF APPEALS.—

''(i) INVALIDATION.—If the district court rules that the removal order is invalid, the court shall dismiss the indictment for violation of section 243(a).

''(ii) APPEALS.—The United States Government may appeal a dismissal under clause (i) to the United States Court of Appeals for the Federal Circuit within 30 days after the date of the dismissal. If the district court rules that the removal order is valid, the defendant may appeal the district court decision to the United States Court of Appeals for the Federal Circuit within 30 days after the date of completion of the criminal proceeding.''.

(c) REVIEW OF ORDERS REGARDING INADMISSABLE ALIENS.—Section 242(e) (8 U.S.C. 1252(e)) is amended by adding at the end the following new paragraph:

''(6) VENUE.—The petition to appeal any decision by the district court pursuant to this subsection shall be filed with the United States Court of Appeals for the Federal Circuit.''.

(d) EXCLUSIVE JURISDICTION.—Section 242(g) (8 U.S.C. 1252(g)) is amended—

(1) by striking ''Except''; and inserting the following:

''(1) IN GENERAL.—Except''; and

(2) by adding at the end the following:

''(2) APPEALS.—Notwithstanding any other provision of law, the United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction to review a district court order arising from any action taken, or proceeding brought, to remove or exclude an alien from the United States, including a district court order granting or denying a petition for writ of habeas corpus.''.

(e) JURISDICTION OF THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—

(1) EXCLUSIVE JURISDICTION.—Section 1295(a) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(15) of an appeal to review a final administrative order or a district court decision arising from any action taken, or proceeding brought, to remove or exclude an alien from the United States.''.

(2) CONFORMING AMENDMENTS.—Such section 1295(a) is further amended—

(A) in paragraph (13), by striking ''and''; and

(B) in paragraph (14), by striking the period at the end and inserting a semicolon and ''and''.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Court of Appeals for the Federal Circuit for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of additional attorneys for the such Court.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of this Act and shall apply to any final agency order or district court decision entered on or after the date of enactment of this Act.

SEC. 502. ADDITIONAL IMMIGRATION PERSONNEL.

(a) DEPARTMENT OF HOMELAND SECURITY.—

(1) TRIAL ATTORNEYS.—In each of fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase the number of positions for attorneys in the Office of General Counsel of the Department who represent the Department in immigration matters by not less than 100 above the number of such positions for which funds were made available during each preceding fiscal year.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection.

(b) DEPARTMENT OF JUSTICE.—

(1) LITIGATION ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys in the Office of Immigration Litigation of the Department of Justice.

(2) UNITED STATES ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of attorneys in the United States Attorneys' office to litigate immigration cases in the Federal courts.

(3) IMMIGRATION JUDGES.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase by not less than 20 the number of full-time immigration judges compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase by not less than 80 the number of positions for personnel to support the immigration judges described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year.

(4) STAFF ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose—

(A) increase by not less than 10 the number of positions for full-time staff attorneys in the Board of Immigration Appeals compared to the number of such positions for which funds were made available during the preceding fiscal year; and

(B) increase by not less than 10 the number of positions for personnel to support the staff attorneys described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of necessary support staff.

(c) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—In each of the fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, increase by not less than 50 the number of attorneys in the Federal Defenders Program who litigate criminal immigration cases in the Federal courts.

SEC. 503. BOARD OF IMMIGRATION APPEALS REMOVAL ORDER AUTHORITY.

(a) IN GENERAL.—Section 101(a)(47) (8 U.S.C. 1101(a)(47)) is amended to read as follows:

''(47)(A)(i) The term 'order of removal' means the order of the immigration judge, the Board of Immigration Appeals, or other administrative officer to whom the Attorney General or the Secretary of Homeland Security has delegated the responsibility for determining whether an alien is removable, concluding that the alien is removable, or ordering removal.

''(ii) The term 'order of deportation' means the order of the special inquiry officer, immigration judge, the Board of Immigration Appeals, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable, or ordering deportation.

''(B) An order described under subparagraph (A) shall become final upon the earlier of—

''(i) a determination by the Board of Immigration Appeals affirming such order;

''(ii) the entry by the Board of Immigration Appeals of such order;

''(iii) the expiration of the period in which any party is permitted to seek review of such order by the Board of Immigration Appeals;

''(iv) the entry by an immigration judge of such order, if appeal is waived by all parties; or

''(v) the entry by another administrative officer of such order, at the conclusion of a process authorized by law other than under section 240.''.

(b) CONFORMING AMENDMENTS.—The Immigration and Nationality Act is amended—

(1) in section 212(d)(12)(A) (8 U.S.C. 1182(d)(12)(A)), by inserting ''an order of'' before ''removal''; and

(2) in section 245A(g)(2)(B) (8 U.S.C. 1255a(g)(2)(B))—

(A) in the heading, by inserting ''REMOVAL,'' after ''DEPORTATION''; and

(B) in clause (i), by striking ''deportation,'' and inserting ''deportation or an order of removal,''.

SEC. 504. JUDICIAL REVIEW OF VISA REVOCATION.

Section 221(i) (8 U.S.C. 1201(i)) is amended by striking the last sentence and inserting ''Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.''.

SEC. 505. REINSTATEMENT OF REMOVAL ORDERS.

(a) REINSTATEMENT.—

(1) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1231(a)(5)) is amended to read as follows:

''(5) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—

''(A) IN GENERAL.—If the Secretary of Homeland Security finds that an alien has entered the United States illegally after having been removed, deported, or excluded or having departed voluntarily, under an order of removal, deportation, or exclusion, regardless of the date of the original order or the date of the illegal entry—

''(i) the order of removal, deportation, or exclusion is reinstated from its original date and is not subject to being reopened or reviewed notwithstanding section 242(a)(2)(D);

''(ii) the alien is not eligible and may not apply for any relief under this Act, regardless of the date that an application or request for such relief may have been filed or made; and

''(iii) the alien shall be removed under the order of removal, deportation, or exclusion at any time after the illegal entry.

''(B) NO OTHER PROCEEDINGS.—Reinstatement under this paragraph shall not require proceedings under section 240 or other proceedings before an immigration judge.''.

(2) CONFORMING AMENDMENT.—Section 242(a)(2)(D) (8 U.S.C. 1252(a)(2)(D)) is amended by striking ''section)'' and inserting ''section or section 241(a)(5))''.

(b) JUDICIAL REVIEW.—Section 242 (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

''(h) JUDICIAL REVIEW OF REINSTATEMENT UNDER SECTION 241(a)(5).—

''(1) REVIEW OF REINSTATEMENT.—Judicial review of a determination under section 241(a)(5) is available under subsection (a) of this section.

''(2) NO REVIEW OF ORIGINAL ORDER.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review any cause or claim, arising from or relating to any challenge to the original order.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if enacted on April 1, 1997, and shall apply to all orders reinstated on or after that date by the Secretary (or by the Attorney General prior to March 1, 2003), regardless of the date of the original order.

SEC. 506. WITHHOLDING OF REMOVAL.

(a) IN GENERAL.—Section 241(b)(3) (8 U.S.C. 1231(b)(3)) is amended—

(1) in subparagraph (A), by adding at the end ''The burden of proof is on the alien to establish that the alien's life or freedom would be threatened in that country, and that race, religion, nationality, membership in a particular social group, or political opinion would be at least one central reason for such threat.''; and

(2) in subparagraph (C), by striking ''In determining whether an alien has demonstrated that the alien's life or freedom would be threatened for a reason described in subparagraph (A)'' and inserting ''For purposes of this paragraph,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on May 11, 2005, and shall apply to applications for withholding of removal made on or after such date.

SEC. 507. CERTIFICATE OF REVIEWABILITY.

(a) BRIEFS.—Section 242(b)(3)(C) (8 U.S.C. 1252(b)(3)(C)) is amended to read as follows:

''(C) BRIEFS.—

''(i) ALIEN'S BRIEF.—The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available. The court may not extend this deadline except upon motion for good cause shown. If an alien fails to file a brief within the time provided in this subparagraph, the court shall dismiss the appeal unless a manifest injustice would result.

''(ii) UNITED STATES BRIEF.—The United States shall not be afforded an opportunity to file a brief in response to the alien's brief until a judge issues a certificate of reviewability as provided in subparagraph (D), unless the court requests the United States to file a reply brief prior to issuing such certification.''.

(b) CERTIFICATE OF REVIEWABILITY.—Section 242(b)(3) (8 U.S.C. 1252 (b)(3)) is amended by adding at the end the following new subparagraphs:

''(D) CERTIFICATE OF REVIEWABILITY.—

''(i) After the alien has filed a brief, the petition for review shall be assigned to one judge on the Federal Circuit Court of Appeals.

''(ii) Unless such judge issues a certificate of reviewability, the petition for review shall be denied and the United States may not file a brief.

''(iii) Such judge may not issue a certificate of reviewability under clause (ii) unless the petitioner establishes a prima facie case that the petition for review should be granted.

''(iv) Such judge shall complete all action on such certificate, including rendering judgment, not later than 60 days after the date on which the judge is assigned the petition for review, unless an extension is granted under clause (v).

''(v) Such judge may grant, on the judge's own motion or on the motion of a party, an extension of the 60-day period described in clause (iv) if—

''(I) all parties to the proceeding agree to such extension; or

''(II) such extension is for good cause shown or in the interests of justice, and the judge states the grounds for the extension with specificity.

''(vi) If no certificate of reviewability is issued before the end of the period described in clause (iv), including any extension under clause (v), the petition for review shall be denied, any stay or injunction on petitioner's removal shall be dissolved without further action by the court or the Government, and the alien may be removed.

''(vii) If such judge issues a certificate of reviewability under clause (ii), the Government shall be afforded an opportunity to file a brief in response to the alien's brief. The alien may serve and file a reply brief not later than 14 days after service of the Government brief, and the court may not extend this deadline except upon motion for good cause shown.

''(E) NO FURTHER REVIEW OF DECISION NOT TO ISSUE A CERTIFICATE OF REVIEWABILITY.—The decision of a judge on the Federal Circuit Court of Appeals not to issue a certificate of reviewability or to deny a petition for review, shall be the final decision for the Federal Circuit Court of Appeals and may not be reconsidered, reviewed, or reversed by the such Court through any mechanism or procedure.''.

SEC. 508. DISCRETIONARY DECISIONS ON MOTIONS TO REOPEN OR RECONSIDER.

(a) EXERCISE OF DISCRETION.—Section 240(c) (8 U.S.C. 1229a(c)) is amended—

(1) in paragraph (6), by adding at the end the following new subparagraph:

''(D) DISCRETION.—The decision to grant or deny a motion to reconsider is committed to the Attorney General's discretion.''; and

(2) in paragraph (7), by adding at the end the following new subparagraph:

''(D) DISCRETION.—The decision to grant or deny a motion to reopen is committed to the Attorney General's discretion.''.

(b) ELIGIBILITY FOR PROTECTION FROM REMOVAL TO ALTERNATIVE COUNTRY.—Section 240(c) (8 U.S.C. 1229a(c)), as amended by subsection (a), is further amended by adding at the end of paragraph (7)(C) the following new clause:

''(v) SPECIAL RULE FOR ALTERNATIVE COUNTRIES OF REMOVAL.—The requirements of this paragraph may not apply if—

''(I) the Secretary of Homeland Security is seeking to remove the alien to an alternative or additional country of removal under paragraph (1)(C), 2(D), or 2(E) of section 241(b) that was not considered during the alien's prior removal proceedings;

''(II) the alien's motion to reopen is filed within 30 days after receiving notice of the Secretary's intention to remove the alien to that country; and

''(III) the alien establishes a prima facie case that the alien is entitled by law to withholding of removal under section 241(b)(3) or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, with respect to that particular country.''.

(c) EFFECTIVE DATE.—This amendment made by this section shall apply to motions to reopen or reconsider which are filed on or after the date of the enactment of this Act in removal, deportation, or exclusion proceedings, whether a final administrative order is entered before, on, or after the date of the enactment of this Act.

SEC. 509. PROHIBITION OF ATTORNEY FEE AWARDS FOR REVIEW OF FINAL ORDERS OF REMOVAL.

(a) IN GENERAL.—Section 242 (8 U.S.C. 1252), as amended by section 505(b), is further amended by adding at the end the following new subsection:

''(i) PROHIBITION ON ATTORNEY FEE AWARDS.—Notwithstanding any other provision of law, a court may not award fees or other expenses to an alien based upon the alien's status as a prevailing party in any proceedings relating to an order of removal issued under this Act, unless the court of appeals concludes that the determination of the Attorney General or the Secretary of Homeland Security that the alien was removable under sections 212 and 237 was not substantially justified.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to proceedings relating to an order of removal issued on or after the date of the enactment of this Act, regardless of the date that such fees or expenses were incurred.

SEC. 510. BOARD OF IMMIGRATION APPEALS.

(a) REQUIREMENT TO HEAR CASES IN 3-MEMBER PANELS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), cases before the Board of Immigration Appeals of the Department of Justice shall be heard by 3-member panels of such Board.

(2) HEARING BY A SINGLE MEMBER.—A 3-member panel of the Board of Immigration Appeals or a member of such Board alone may—

(A) summarily dismiss any appeal or portion of any appeal in any case which—

(i) the party seeking the appeal fails to specify the reasons for the appeal;

(ii) the only reason for the appeal specified by such party involves a finding of fact or a conclusion of law that was conceded by that party at a prior proceeding;

(iii) the appeal is from an order that granted such party the relief that had been requested;

(iv) the appeal is determined to be filed for an improper purpose, such as to cause unnecessary delay; or

(v) the appeal lacks an arguable basis in fact or in law and is not supported by a good faith argument for extension, modification, or reversal of existing law;

(B) grant an unopposed motion or a motion to withdraw an appeal pending before the Board; or

(C) adjudicate a motion to remand any appeal—

(i) from the decision of an officer of the Department if the appropriate official of the Department requests that the matter be remanded back for further consideration;

(ii) if remand is required because of a defective or missing transcript; or

(iii) if remand is required for any other procedural or ministerial issue.

(3) HEARING EN BANC.—The Board of Immigration Appeals may, by a majority vote of the Board members—

(A) consider any case as the full Board en banc; or

(B) reconsider as the full Board en banc any case that has been considered or decided by a 3-member panel.

(b) AFFIRMANCE WITHOUT OPINION.—Upon individualized review of a case, the Board of Immigration Appeals may affirm the decision of an immigration judge without opinion only if—

(1) the decision of the immigration judge resolved all issues in the case;

(2) the issue on appeal is squarely controlled by existing Board or Federal court precedent and does not involve the application of precedent to a novel fact situation;

(3) the factual and legal questions raised on appeal are so insubstantial that the case does not warrant the issuance of a written opinion in the case; and

(4) the Board approves both the result reached in the decision below and all of the reasoning of that decision.

(c) REQUIREMENT FOR REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall promulgate regulations to carry out this section.

TITLE VI—MISCELLANEOUS

SEC. 601. TECHNICAL AND CONFORMING AMENDMENTS.

The Attorney General, in consultation with the Secretary, shall, as soon as practicable but not later than 90 days after the date of the enactment of this Act, submit to Congress a draft of any technical and conforming changes in the Immigration and Nationality Act which are necessary to reflect the changes in the substantive provisions of law made by the Homeland Security Act of 2002, this Act, or any other provision of law.

SECURING AMERICA'S BORDERS ACT (SABA)—SECTION BY SECTION ANALYSIS

TITLE I—BORDER ENFORCEMENT

SUBTITLE A—ASSETS FOR CONTROLLING UNITED STATES BORDERS

Section 101. Enforcement personnel

Section 101 authorizes such sums as necessary to recruit, hire, and train 250 new Custom and Border Protection officers, 200 new positions for investigative personnel to investigate alien smuggling, and 250 additional port of entry inspectors, annually from FY 2007 to FY 2011. It also increases the number of customs enforcement inspectors by 200 in section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004. Finally, it authorizes appropriations as necessary for the hiring of 2,400 additional border patrol agents annually for six years—adding an additional 4,400 agents to the border over 6 years to the 10,000 already added by the Intelligence Reform and Terrorism Prevention Act of 2004 (for a total of 14,400 new Border Patrol Agents by 2011).

Section 102. Technological assets

Section 202 authorizes such sums as necessary for the acquisition of unmanned aerial vehicles, cameras, poles, sensors and other technologies to achieve operational control of the borders. It also requires the Secretary of DHS and the Secretary of Defense to increase the availability and use of Defense equipment to assist in controlling the borders and submit a report to Congress.

Section 103. Infrastructure

Section 103 authorizes such sums as necessary to construct all-weather roads and add vehicle barriers along the borders.

Section 104. Border Patrol checkpoints

Section 104 authorizes the Secretary to maintain temporary or permanent border patrol checkpoints in close proximity to the southern border.

Section 105. Ports of entry

Section 105 authorizes the Secretary to construct additional ports of entry and to make improvements to existing ports of entry along the land borders.

Section 106. Construction of strategic border fencing and vehicle barriers

Section 106 requires DHS, over the next two years, to replace all aged, deteriorating, or damaged primary fencing with double or triple layered fencing in Arizona population centers on the border. The fencing must be extended no less than 2 miles beyond those population centers. This section also requires DHS to construct at least 200 miles of vehicle barriers and all-weather roads in areas that are known transit points for illegal cross border traffic.

SUBTITLE B—BORDER SECURITY PLANS, STRATEGIES AND REPORTS

Section 111. Surveillance plan

Section 111 requires the Secretary of DHS to submit a comprehensive plan for the systematic surveillance of the U.S. land and sea borders.

Section 112. National strategy for border security

Section 112 requires the Secretary of DHS, in consultation with the heads of other appropriate Federal agencies, to develop and submit to Congress a National Strategy for Border Security.

Section 113. Reports on Improving the exchange of information on North American security

Section 113 requires the Secretary of State, in coordination with the Secretary of DHS and the Secretary of Defense, to submit to Congress a report on improving the exchange of information related to the security of North America, including a description of progress made on security clearances and document integrity, immigration and visa management, visa policy coordination, counterterrorism and terrorist watch lists, and law enforcement cooperation among the United States, Mexico, and Canada.

Section 114. Improving the security of Mexico's southern border

Section 114 directs the Secretary of State and Secretary of DHS to work with Canada and Mexico to establish a program to assess the needs of Guatemala and Belize in maintaining the security of their borders, and to work with Guatemala and Belize to provide law enforcement assistance to dismantle human smuggling organizations and gain additional control over the border between Guatemala and Belize. It also directs the Secretaries and the Director of the FBI to establish a database to track criminal gang activities in Central America.

SUBTITLE C—OTHER BORDER SECURITY INITIATIVES

Section 121. Biometric data enhancements

Section 121 requires the Secretary of DHS, by October 1, 2007, to enhance the connectivity between the Automated Biometric Fingerprint Identification System (IDENT) and Integrated Automated Fingerprint Identification System (IAFIS) biometric databases and collect all fingerprints from individuals through the United States Visitor and Immigrant Status Indicator Technology (US–VISIT) program during their initial enrollment.

Section 122. Secure communication

Section 122 requires the Secretary of DHS to implement a two-way communication system between Border Patrol agents in the field and their station offices, as well as between appropriate DHS border security agencies at the State, local and tribal law enforcement agencies.

Section 123. Border Patrol training capacity review

Section 123 requires the Comptroller General to review the basic training provided to new Border Patrol agents to ensure that such training is provided as efficiently and cost effectively as possible.

Section 124. US–VISIT system

Section 124 requires the Secretary of DHS, in consultation with the heads of other appropriate Federal agencies, to submit to Congress a timeline for equipping all land border ports of entry with the US–VISIT system, deploying at all land border ports of entry the exit component of the US–VISIT system, and making all immigration screening systems interoperable.

Section 125. Document fraud detection

Section 125 requires that all immigration inspectors receive training in identifying and detecting fraudulent travel documents and obtain access to the Forensic Document Laboratory. It also requires the Inspector General of DHS to conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory and to submit a report to Congress.

Section 126. Improved document integrity

Section 126 requires that immigration-status documents, other than interim documents, issued by DHS be machine-readable, tamper-resistant, and incorporate biometric identifiers by October 26, 2007.

Section 127. Cancellation of visas

Section 127 voids visas held by a nonimmigrant alien if the alien remains in the U.S. beyond the period of authorized stay, and requires aliens who overstay to return to their consulate abroad to undergo additional

screening before being able to return to the U.S.

Section 128. Biometric entry-exit system

Section 128 authorizes DHS to collect biometric data from any alien or LPR seeking admission to, exit from, transit through, or paroled into the U.S., and provides that failure to comply with the biometric requirements is a ground for inadmissibility.

Section 129. Border study

Section 129 requires the Secretary of DHS to conduct a study and submit a report to Congress on the construction of a physical barrier system along the southern and northern international land and maritime borders of the United States.

Section 130. Secure border initiative financial accountability

Section 130 requires the Inspector General of the Department of Homeland Security to review all contracts over $20 million that pertain to the Secure Border Initiative. The IG would have to provide a report to the Secretary on any cost overruns, delays in execution, or mismanagement of these contracts. This section would also require the Secretary of Homeland Security to disclose all contracts with foreign entities on the Secure Border Initiative and the Committee on Foreign Investment in the United States would have to report to Congress on proposed purchases of U.S. port operations by a foreign entity.

TITLE II.—INTERIOR ENFORCEMENT

Section 201. Removal and denial of benefits to terrorist aliens

Section 201(a) amends the INA so that all aliens inadmissible on terrorism-related grounds are ineligible for asylum.

Section 201(b) expands the class of aliens ineligible on security-related grounds for cancellation of removal. Current law provides that all aliens ''inadmissible'' and ''deportable'' on security-related grounds are ineligible; subsection (b) provides that all aliens ''described in'' those provisions are also ineligible.

Section 201(c) expands the class of aliens ineligible on security-related grounds for voluntary departure. Current law disqualifies from voluntary removal all aliens ''deportable'' on security-related grounds and because of conviction of an aggravated felony; subsection (c) extends this disqualification to all aliens ''described in'' those provisions.

Section 201(d) renders ineligible for withholding of removal all aliens ''described in'' the provisions of the INA rendering aliens inadmissible on terrorism grounds and most of the provisions rendering aliens deportable on terrorism grounds.

Section 201(e) narrows the class of aliens eligible for a record of admission for permanent residence if no such record is otherwise available. Current law requires an alien seeking such a record of admission to prove that he is not ''inadmissible'' on the grounds of participation in certain Nazi-related activities and certain other activities, and that he is not ''deportable'' for terrorist activities; subsection (e) requires aliens to prove they are not ''described in'' those provisions.

Section 201(f) provides that the amendments in this section apply to aliens in removal, deportation, and exclusion proceedings on the date of enactment, and to acts or conditions occurring before, on, or after the date of enactment.

Section 202. Detention and removal of aliens ordered removed

Section 202 responds to the Supreme Court's decision in Zadvydas v. Davis, 533 U.S. 678 (2001). The issue addressed in this section, and in Zadvydas, is what the Government may do if the removal period expires and the Government has not managed to remove the alien.

Section 202(a)(1)(E)–(G) addresses authority to detain beyond the removal period aliens ordered removed who are inadmissible; who are removable as a result of violations of status requirements or entry conditions, violations of criminal law, or reasons of security or foreign policy; or who have otherwise been determined by the Attorney General to constitute a risk to the community or to be unlikely to comply with the order of removal.

Section 202(a)(1)(E) provides that such aliens may be detained beyond the removal period in the discretion of DHS and without any limitations other than those specified in the statute. Section 202(a)(1)(G) sets forth detailed guidelines for detention following the removal period of the classes of aliens identified above:

With respect to aliens who have effected entry to the United States and have fully cooperated with the Government's efforts to carry out removal, DHS may detain such aliens until removal after making one of a variety of certifications. DHS must renew such a certification every six months for as long as it wants to continue detaining the alien. In the absence of a certification, the alien is to be released, although conditions may be imposed and re-detention is possible. DHS may not delegate the decision to certify or renew a certification to an officer inferior to the Commissioner of ICE.

With respect to aliens who have effected an entry to the United States and would be removed but for failure to cooperate fully with removal efforts, DHS may detain them until the alien makes all reasonable efforts to comply with the removal efforts.

With respect to aliens who have not effected an entry to the United States, DHS is required to follow the guidelines set forth in a specified provision of the CFR.

Section 202(a)(1)(G) authorizes DHS to parole the alien if she/he is an applicant for admission. Finally, it makes judicial review regarding the above paragraphs available only in habeas corpus proceedings after exhaustion of administrative remedies available as of right.

Section 202(a)(1)(A) provides that DHS, not DOJ, oversees detention and removal of aliens ordered removed.

Section 202(a)(1)(B) modifies the definition of one of the three events, the latest of which marks the beginning of the 90-day removal period. Under current law, one of the three events marking the beginning of the removal period is the date of the court's final order, if such a court has stayed the alien's removal so that it can review the removal order. Section 202(a)(1)(B) revises this clause so that the removal period would begin on the expiration of the stay of removal entered by a court, the BIA, or an immigration judge.

Section 202(a)(1)(B) also expands the authority of the Government to extend the removal period beyond 90 days, if the alien fails or refuses to make all reasonable efforts to comply with the removal order or to fully cooperate with DHS's efforts to establish the alien's identity and carry out the removal order.

Finally, Section 202(a)(1)(B) provides that in no event can the 90-day removal period begin until the alien is in DHS's custody. If DHS transfers custody of the alien during the removal period to another Federal, state, or local agency, the removal period is tolled and begins anew when the alien is returned to DHS's custody.

Section 202(a)(1)(C) provides explicit statutory authority for DHS to detain an alien during a stay of removal ordered by a court, the BIA, or an immigration judge, so long as the alien is otherwise subject to an administratively final order of removal.

Section 202(a)(1)(D) addresses the terms under which the alien is to be supervised if she has not been removed after the removal period expires to prevent the alien from absconding, to protect the community, or otherwise to enforce the immigration laws.

Section 202(a)(2) provides that the amendments made by Section 202(a)(1) will apply to all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of enactment of the Act.

Section 202(b) amends that portion of title 18 concerning release of a criminal defendant pending trial to establish a rebuttable presumption that no conditions of release will reasonably ensure the appearance of the defendant as required if the judge finds probable cause to believe that the person has no lawful immigration status, is the subject of a final order of removal, or has committed one in a list of immigration offenses.

Section 202(b) also amends that portion of title 18 enumerating the factors that a judge must consider when determining whether there are conditions of release that will reasonably assure the appearance of criminal defendants as required. The subsection provides that the judge shall consider the person's immigration status.

Section 203. Aggravated felony

Section 203(a) modifies the definition of the term ''aggravated felony.'' Sections 203(a)(1) and (a)(5) provide that convictions based on the term of imprisonment are covered even if the length of the sentence was based on recidivist or other enhancements.

Section 203(a)(2) broadens the term to include all bringing in and harboring certain aliens crimes.

Section 203(a)(3) broadens the definition to include any felony conviction under INA Section 275 (Improper Entry by an Alien) and Section 276 (''Reentry of Removed Alien''). The current definition covers only crimes under Sections 275(a) and 276 that were committed by an alien previously deported for another aggravated felony. By capturing the rest of Section 275, the definition now includes felony convictions for marriage fraud and immigration-related entrepreneurship fraud, in addition to a much broader swath of offenses for improper entry and reentry themselves.

Section 203(a)(4) expands the definition to include soliciting, aiding, abetting, counseling, commanding, inducing, or procuring another to commit one of the crimes listed already in the definition.

Section 203(b) bars a refugee convicted of an aggravated felony from eligibility for adjustment of status.

Section 203(c) provides that Sections 203(a) and 203(b) apply to acts occurring before, on, or after the date of enactment and to all proceedings in which the alien is required to establish admissibility on or after the date of enactment of the Act.

Section 204. Terrorist bars

Section 204(a)(1) provides that no alien shall be found to have ''good moral character'' for purposes of the INA if DHS or DOJ determines that the alien is described in sections 212(a)(3) (excludable on security or related grounds) or 237(a)(4) (removable on security or related grounds).

Section 204(a)(2) clarifies that the bar against aggravated felons being found to have ''good moral character'' applies even if the underlying crime was not classified as an aggravated felony at the time of conviction, and provides waiver authority when the completion of the term of imprisonment and sentence occurred 10 or more years prior to the date of application.

Section 204(a)(3) clarifies that the ''catch-all'' component of the definition of ''good moral character'' includes discretionary authority to find an alien lacks good moral character for reasons not enumerated in the definition. The provision also clarifies that this discretionary authority may be based upon the alien's conduct outside the period during which good moral character is required.

Section 204(b) provides that a petition for granting certain classes of immigrant status may not be granted if there is any proceeding pending that could result in the petitioner's denaturalization or loss of the petitioner's lawful permanent resident status.

Section 204(c) clarifies that an alien admitted as a conditional lawful permanent resident must have the condition removed before she can be lawfully admitted.

Section 204(d) modifies the law governing judicial review of naturalization decisions. Subsection (d)(1) requires an alien to seek review of the denial of his application for naturalization within 120 days of DHS's final determination. Subsection (d)(2) imposes on the alien the burden of showing that DHS's denial was contrary to law. It also removes jurisdiction from the courts, except in proceedings to revoke naturalization, to review or make any determination that an alien is a person of good moral character, understands and is attached to the principles of the Constitution, and is well-disposed to the good order and happiness of the United States.

Section 204(e) bars from being naturalized any alien whom DHS determines to have been at any time an alien described in INA sections 212(a)(3) (excludable on security or related grounds) or 237(a)(4) (removable on security or related grounds).

Section 204(f) provides that neither a court nor DHS may consider a naturalization application while there is pending any proceeding to determine inadmissibility, deportability, or rescission of eligibility for lawful permanent residence, regardless of when the proceeding commenced.

Section 204(g) modifies the circumstances under which an alien may seek judicial review of a pending naturalization application. The subsection limits the district court's jurisdiction to examining the basis for any delay and remanding to DHS for adjudication. The time after which the alien may seek judicial review is extended to 180 days after DOJ's examination of the applicant.

Section 204(h) provides that the amendments made by this section will apply to acts occurring before, on, or after the date of enactment and to all applicable cases or matters pending on or filed after the date of enactment of the Act.

Section 205. Increased criminal penalties related to gang violence, removal and alien smuggling

Section 205(a)(1) renders inadmissible any alien who a consular officer, DOJ, or DHS knows or has reason to believe is or has been a member of a gang (as defined in Title 18), or who has participated in such a gang's activities knowing or having reason to know that such activities supported the gang's illegal conduct. Section 205(a)(2) renders such aliens deportable as well, though it exempts aliens who were members of a gang only before admission to the country. (DHS and DOJ can waive application of both 205(a)(1) and (a)(2).)

Section 205(a)(3) modifies the rules concerning Temporary Protected Status (TPS). It transfers the authority over TPS from DOJ to DHS; provides DHS with authority to terminate a TPS designation for any reason; permits DHS to extend a country's TPS designation for any amount of time up to 18 months; abolishes the $50 cap on the TPS registration fee; denies TPS status to any alien who is a member of a gang, or has been at any time after admission; and clarifies that a TPS alien's immunity from detention on the basis of his/her immigration status does not extend to detentions authorized by other provisions of law.

Section 205(b):

Permits the government to penalize for failure to depart those aliens ordered removed because they were inadmissible.

Changes the base penalty for failure to depart to a mandatory minimum of 6 months and a maximum of 5 years, along with a fine.

Changes the penalty for an alien's willful failure to comply with the terms of release under supervision by removing any statutory limit on the fine and adding a mandatory minimum of 6 months and a maximum of 5 years, or 10 years for certain categories of deportable aliens.

Allows the Secretary of Homeland Security to instruct the Secretary of State to deny issuing a visa to any national of a country if that country refuses to accept the return of its nationals. The language only relates to visa issuance, not denial of admission at port-of-entry, ensuring that refugees/asylees are not impacted and that aliens know they will not be admitted before they travel to the U.S.

Section 205(c) strikes and replaces the provision of the INA covering alien smuggling and related offenses. One key purpose of this section is to clarify a provision of the INA that has become confusing and overly complicated after years of piecemeal amendments. But there are substantive changes as well, as the section:

Expands the alien-smuggling crime to cover individuals who ''facilitate[], encourage[], direct[], or induce[]'' an alien to enter the country at other than a designated port of entry, and to cover those who act with reckless disregard of the alien's unlawful immigration status;

Creates a new crime for transporting or harboring certain aliens in unlawful transit outside the U.S., under circumstances where the alien is seeking to enter the United States unlawfully; and

Criminalizes attempts to encourage or induce an alien to reside or remain in the United States.

Section 205(c) also dispenses with the current penalty scheme for alien smuggling and provides increasing penalties depending on whether the offense was not committed for profit (5 year stat max), if the offense was committed for commercial advantage, profit, or private financial gain (20 year stat max), if the offense was a second or subsequent violation and committed for profit (3 year mandatory minimum, 20 year stat max), if the offense was committed with the intent to further or aid another offense punishable by 1 year or more (5 year mandatory minimum, 20 year stat max), if the offense created a substantial risk of death or serious bodily injury (5 year mandatory minimum, 20 year stat max), if the offense caused serious bodily injury (7 year mandatory minimum, 30 year stat max), if the offense involved an alien who the offender knew or had reason to believe was engaged in terrorist activity (10 year mandatory minimum, 30 year stat max), or if death resulted (10 year mandatory minimum, life maximum). The subsection also provides for extraterritorial federal jurisdiction.

In addition, Section 205(c) clarifies that a religious organization is not guilty of alien smuggling if it provides room, board, travel, and medical assistance to an alien serving as a minister or missionary in a volunteer capacity, provided that the alien has been a member of the religious denomination for at least one year.

Section 205(c) also broadens the crime of hiring unauthorized aliens for employment to include those who knowingly hire in reckless disregard of the alien's unlawful immigration status and increases the maximum penalty to 10 years.

Section 205(c) also expands the forfeiture provisions of the alien-smuggling statute to cover any property used to commit or facilitate a violation of either alien smuggling or hiring of unauthorized aliens, proceeds of such a violation, and property traceable to either of them.

Finally, Section 205(c) simplifies and slightly expands the reach of provisions governing prima facie evidence in the determination of alien smuggling violations; makes two modest changes to the section governing admissibility of videotaped witness testimony to ensure compliance with the Confrontation Clause; and includes new definitions making it clear that for purposes of alien smuggling, an alien is deemed to have crossed the border into the United States regardless of whether the alien is free from official restraint.

Section 205(d) adds alien smuggling to the list of crimes during and in relation to which 18 U.S.C. §924(c) provides a mandatory minimum for carrying or using a firearm.

Section 206. Illegal entry or unlawful presence of an alien

Section 206 modifies INA Section 275, which currently covers illegal entry.

The new Section 275(a):

Adds a scienter requirement, ''knowingly,'' to the various improper entry crimes.

Criminalizes an alien's knowing unlawful presence in the United States;

Clarifies that the unlawful entry crime covers any alien who knowingly crosses the border, even if s/he was under observation at the time;

Provides higher maximum penalties for aliens convicted of illegal entry (and unlawful presence) who have a sufficiently serious criminal record; and

Clarifies that illegal entry and unlawful presence continue until the alien is discovered within the country by an immigration officer.

The new Section 275(b) clarifies that the civil penalties for unlawful entry cover any alien who knowingly crosses the border, even if s/he was under observation at the time.

Section 207. Illegal reentry

Section 207 provides higher maximum penalties for aliens convicted of illegal reentry who have a sufficiently serious criminal record. The penalty structure here is similar to that provided for illegal entry and unlawful presence in Section 206.

In addition, this section:

Adds an element to an affirmative defense available to aliens previously denied admission and removed;

Heightens the standard the alien must meet in order to collaterally attack the underlying removal order under this section; and

Clarifies that the illegal reentry crime covers any alien who knowingly crosses the border, even if s/he was under observation at the time.

Section 208. Reform of passport, visa, and immigration fraud offenses

Section 208 provides a comprehensive rewriting of chapter 75 of title 18, which currently covers Passports and Visas and is amended to cover Passport, Visa, and Immigration Fraud.

The proposed section 1541 creates a new crime for trafficking in passports. Section 1541(a) would punish those who unlawfully produce, issue, transfer, forge, or falsely make passports, as well as those who transact in passports they know to be forged or

counterfeited and those who prepare, submit, or mail applications for passports that they know include a false statement. The maximum penalty for these crimes would be 20 years.

Section 1541(b) would punish any individual who knowingly and without lawful authority produced, obtained, possessed, or used various papers, seals, symbols, or other materials used to make passports. This crime also would carry a maximum of 20 years.

The proposed section 1542 modifies the current penalization of false statements in a passport application:

For making a false statement in a passport application, modifies the requisite mens rea to ''willfully''; removing the requirement that the government show intent to induce or secure the issuance of a passport from the United States; and broadens the crime to cover the passport's supporting documentation;

Creates a new crime for completing, signing, or submitting a passport application (including supporting documentation), knowing that it contains a false statement or representation;

Creates a new crime for causing (or attempting to cause) the production of a passport by means of any fraud or false application for a U.S. passport, when such production occurs (or would occur) at an authorized facility; and

Creates a statutory maximum of 15 years for all these crimes, replacing the tiered penalty structure under current law.

The proposed section 1543 addresses ''Forgery and Unlawful Production of a Passport,'' and is analogous to existing section 1543, which covers ''Forgery or False Use of a Passport.'':

For falsely making or counterfeiting a passport, requires that the defendant knowingly counterfeited or falsely made the passport (in contrast to current law, which requires proof that the defendant falsely made or counterfeited a passport with intent that the same may be used);

For transferring a forged or counterfeited passport, requiring only that the defendant ''knowingly'' transferred the passport, knowing it to be forged or counterfeited (in contrast to current law, which requires proof that the defendant ''willfully and knowingly'' furnished such a passport to another);

For using a forged or counterfeited passport, reducing the mens rea to ''knowingly'';

Adding the new crime of knowingly and without lawful authority producing or issuing a passport for or to any person not owing allegiance to the United States;

Adding the new crime of knowingly and without lawful authority transferring a passport to a person for use when such person is not the person for whom the passport was issued or designed; and

Creating a statutory maximum of 15 years for all these crimes, replacing the tiered penalty structure under current law.

The proposed section 1544 covers ''Misuse of a Passport,'' the same title that section bears under current law. Changes include:

For using a passport issued or designed for another, reducing the mens rea to ''knowingly'';

For using a passport in violation of applicable rules, reducing the mens rea to ''knowingly'';

Expanding the crime of knowing use of a forged or counterfeit passport so that it covers the knowing possession, receipt, purchase, sale, or distribution of such a passport;

Amending the crime for violating the terms and conditions of any duly-obtained safe conduct by adding a mens rea of ''knowingly'';

Increasing the maximum penalty for violating the terms of any safe conduct from 10 to 15 years;

Creating a new crime for knowingly using a passport to enter or attempt to enter the country, knowing that the passport is forged or counterfeited;

Creating a new crime for knowingly using a passport to defraud an agency of the United States or a State, knowing that the passport is forged or counterfeited; and

Creating a statutory maximum of 15 years for all these crimes, replacing the tiered penalty structure under current law.

Section 1545 creates new crimes designed to punish schemes to defraud aliens. Section 1545(a) provides a maximum 15-year penalty for anyone who knowingly executes a scheme to defraud any person in connection with any matter arising under the immigration laws or that the offender claims arises under the immigration laws. Section 1545(b) provides a maximum 15-year penalty for anyone who knowingly and falsely represents himself to be an attorney in any matter arising under the immigration laws.

Section 1546, ''Immigration and Visa Fraud,'' revises and expands the current version of the same section, which is titled, ''Fraud and Misuse of Visas, Permits, and Other Documents.'' Changes to Section 1546(a) include:

Creating a new crime for knowing use of any immigration document issued or designed for use by another;

Penalizing those who knowingly forge or falsely make any immigrant document (in contrast to current law, which covers only those immigration documents ''prescribed by statute or regulation for entry into or as evidence of authorized stay or employment'' in the U.S.);

Expanding the crime for false statements in an application for immigration documents by striking the requirement that the statement was made under oath;

Expanding the crime of knowing use of a forged or counterfeit immigration document so that it covers ''any immigration document'';

Expanding the same crime so that it covers the knowing possession, receipt, purchase, sale, or distribution of such documents;

Creating a statutory maximum of 15 years for all these crimes, replacing the tiered penalty structure under current law.

Section 1546(b) creates new penalties for trafficking in immigration documents. The covered conduct is analogous to those covered in the proposed section 1541(a), concerning trafficking in passports. Also like the proposed section 1541(a), section 1546(b) provides a maximum penalty of 20 years.

Section 1546(c) creates new penalties analogous to section 1541(b). The new 1546(c) would punish any individual who knowingly and without lawful authority produced, obtained, possessed, or used various papers, seals, symbols, or other materials used to make immigration documents. Like its counterpart, section 1541(b), section 1546(c) would carry a maximum of 20 years.

Section 1547 strengthens the penalties for marriage fraud by:

Increasing the maximum penalty for marriage fraud from 5 years to 10 years;

Providing a new penalty of up to 10 years for those who misrepresent the existence or circumstances of a marriage in immigration documents or proceedings;

Providing a new penalty of up to 20 years for those who enter into multiple marriages in order to evade immigration law;

Providing new penalties of up to 20 years for those who arrange, support, or facilitate multiple such marriages;

Providing that the offenses continue until the fraudulent nature of the marriage is discovered; and

Penalizing attempts and conspiracies in the same manner as a completed violation.

Expanding the penalty for immigration-related entrepreneurship fraud from 5 years to 10 years.

Section 1548 provides that attempts and conspiracies to violate any section of chapter 75 carry the same punishment as a completed violation.

Section 1549 provides for a maximum penalty of 25 years for any violation of this chapter where the actor intends to facilitate an act of international or domestic terrorism, or where s/he knew that the violation would facilitate such an act. It also provides a maximum penalty of 20 years for any violation where the actor intends to facilitate any felony offense against the United States or a State, or where s/he knew that the violation would facilitate such a felony offense.

Section 1550 provides for seizure of property used to commit or facilitate any crime under this chapter, the gross proceeds of such a crime, and property traceable. Section 1551 extends the jurisdiction of U.S. courts to violations of this chapter committed outside the United States in certain circumstances. Section 1552 provides broad venue for the prosecution of false statements in an application for a passport. Section 1553 consists of definitions, and section 1554 clarifies that these amendments are not designed to modify certain tools of law enforcement.

Section 209. Inadmissibility and removal for passport and immigration fraud offenses

Section 209 renders inadmissible and removable any alien convicted of a passport or visa violation under Chapter 75 of title 18. Section 209(c) provides that these amendments apply to proceedings pending on or after the date of enactment.

Section 210. Incarceration of criminal aliens

Section 210(a) authorizes DHS to extend the Institutional Removal Program (IRP), which identifies removable aliens in Federal and State prisons and remove such aliens after completion of their sentences, to all states.

Section 210(b) authorizes States to hold an illegal alien for up to 14 days after completion of the alien's prison sentence in order to effectuate transfer of the alien to Federal custody. Alternatively, the State may issue a detainer allowing such an alien to be detained by the State prison until ICE can take the alien into custody.

Section 210(c) requires the use of technology ''to the maximum extent possible'' in order to make IRP available in remote locations. Section 210(d) requires reporting on State participation in the IRP or similar programs, and Section 210(e) authorizes appropriations.

Section 211. Encouraging aliens to depart voluntarily

Section 211(a)(1):

Expands the class of aliens ineligible for voluntary departure to those ''described in'' Section 237(a)(2)(A)(iii) (aggravated felony) and Section 237(a)(4) (security and related grounds, including terrorist grounds); and

Transfers the power to permit aliens to depart voluntarily in lieu of removal proceedings from the Attorney General to the Secretary of DHS.

Section 211(a)(1) also modifies the procedures for aliens who accept voluntary departure after the beginning, but prior to the completion, of removal proceedings, by:

Offering such an alien only 60 days to depart (in contrast to the 120 days allowed under current law) and allows for aliens who agree to voluntary departure in lieu of removal proceedings under both current law and the INA as amended by this Act); and

Requiring such an alien to post a voluntary departure bond, to be surrendered upon proof that the alien has left the country within the time specified, which can be waived on presentation of ''compelling'' evidence that the bond is unnecessary and would present a financial hardship.

Section 211(a)(2) makes one change with respect to aliens permitted to depart voluntarily at the conclusion of removal proceedings: reducing the period in which such an alien must depart from 60 days to 45 days.

Section 211(a)(3) sets forth various new provisions governing voluntary departure agreements, providing that:

Voluntary departure is granted only as part of an affirmative agreement by the alien;

An alien who accepts voluntary departure after the conclusion of removal proceedings must waive his or her right to any further appeal or petition relating to removal;

DHS has the authority, in connection with a voluntary departure agreement, to reduce the period of inadmissibility for certain aliens; and

Agreements as to voluntary departure reached during removal proceedings or at the conclusion of removal proceedings must be presented on the record before the immigration judge, and the judge must advise the alien of the consequences of the agreement.

In addition, Section 211(a)(3) provides that the failure of the alien to comply with any terms of a voluntary departure agreement renders the alien automatically ineligible for the benefits of that agreement, subject to civil penalties already authorized by the INA, and subject to an alternate order of removal. Moreover, if the alien agrees to voluntary departure but later files a timely appeal, such an appeal voids the agreement and renders the alien ineligible for voluntary departure while s/he remains in the country.

Finally, Section 211(a)(3) provides that unless expressly agreed to by DHS, an alien who has agreed to voluntary departure shall not have the period allowed for such departure tolled or otherwise affected by any motion, application, or other legal petition.

Section 211(a)(4) provides penalties for an alien's failure to comply with a voluntary departure agreement: an automatic $3,000 fine; ineligibility for certain forms of relief as long as the alien remains in the country and for 10 years thereafter; and ineligibility to reopen a final order of removal, except to apply for withholding of removal or protection under the Convention Against Torture.

Section 211(a)(5) provides that all aliens previously permitted to depart voluntarily are ineligible for a second or subsequent voluntary departure agreement. This subsection also transfers the power to issue regulations limiting eligibility for voluntary departure in lieu of removal proceedings from the Attorney General to the DHS Secretary, and provides the DHS Secretary authority concurrent with the Attorney General's to issue regulations limiting eligibility for voluntary departure in other circumstances.

Section 211(a)(6) removes jurisdiction from the courts to stay, toll, or otherwise affect the period allowed for voluntary departure.

Section 211(b) authorizes the DHS Secretary to promulgate rules to impose and collect penalties for failure to honor a voluntary departure agreement.

Section 212. Deterring aliens ordered removed from remaining in the U.S. unlawfully

Section 212(a) closes a loophole allowing aliens to avoid the bar on reentry by aliens ordered removed by unlawfully remaining in the United States. Specifically, Section 212(a) provides that the bar on admissibility applies to aliens who seek admission ''not later than'' 5 years (or 10, or 20, as the case may be) after the date of removal, in contrast to the current law's bar on admissibility for aliens who seek admission ''within'' 5 years (or 10, or 20, as the case may be) of the date of removal.

Section 212(b) renders ineligible for future discretionary relief any alien who absconds after receiving a final order of removal. The bar applies until the alien leaves the United States and for 10 years after. However, Section 213(b) clarifies that such an alien remains eligible for a motion to reopen to seek withholding of removal under certain circumstances.

Section 213. Prohibition of the sale of firearms to or the possession of firearms by certain aliens

Section 213(1) prohibits the transfer of firearms and ammunition to an alien by those knowing or having reason to know that the alien is a parolee. Section 214(2) prohibits aliens who are parolees from transporting, possessing, and receiving firearms and ammunition in interstate commerce. Section 214(3) makes several technical corrections.

Section 214. Uniform statute of limitations for certain immigration, naturalization, and peonage offenses

Section 214 provides a statute of limitations of 10 years for most immigration crimes under the INA and title 18.

Section 215. Diplomatic security services

Section 215 authorizes Special Agents of the State Department and the Foreign Service to investigate identity theft, document fraud, peonage, slavery, and Federal offenses committed within the special maritime and territorial jurisdiction of the United States.

Section 216. Field Agent Allocation and Background Checks

Section 216 mandates each State to have at least 40 immigration enforcement agents, and at least 15 service personnel (Secretary may waive requirement for states with smaller populations).

It also requires DHS and DOJ to wait until the completion of background and security checks before granting any immigration-related status or benefit or issuing documentation evidencing such a grant.

Section 217. Denial of benefits of terrorist and criminals

Section 217 provides that nothing in the INA shall be construed to require any federal agency to grant any application, status, or benefit to an alien who may pose a threat to national security, who is the subject of an investigation under certain circumstances, and for whom background checks have not been completed.

Section 218. State criminal alien assistance program

Section 218 directs DHS to reimburse States and units of local government for costs associated with detaining and processing illegal aliens through the criminal justice system.

Section 219. Transportation and processing of illegal aliens apprehended by state and local law enforcement officers

Section 219 requires DHS to provide sufficient transportation and officers to take all illegal aliens apprehended by State and local law enforcement officers into custody for processing at a DHS detention facility.

Section 220. State and local law enforcement of federal immigration laws

Section 220 requires the Secretary of Homeland Security to reimburse state/local police organizations for training required under §287(g). Under §287(g), Immigration and Customs Enforcement provides state and local law enforcement with the training and subsequent authorization to identify, process, and when appropriate, detain immigration offenders they encounter during their regular, daily law-enforcement activity.

Section 221. Reducing illegal immigration and alien smuggling on tribal lands

Section 221 authorizes DHS to award grants to Indian tribes with lands adjacent to international borders who may have been adversely affected by illegal immigration.

Section 222. Alternatives to detention

Section 222 directs the Secretary of DHS to study the effectiveness of alternatives to detention, including electronic monitoring and the Intensive Supervision Appearance Program (ISAP).

Section 223. Conforming amendment

Section 223 amends the definition of ''aggravated felony'' so that it covers all penalties for passport, visa, and immigration fraud under chapter 75 of title 18, as amended by Section 208 of this Act.

Section 224. Reporting requirements

Section 224(a)(I) and (2) amend the current provisions in INA Section 265 to take account of the transfer of immigration enforcement authority from the Attorney General to DHS.

Section 224(a)(4) adds several new registration requirements to the INA. Section 224(a)(4) makes clear that the Secretary should provide for appropriate coordination and cross-referencing of address information provided by aliens. This section also makes clear that the Secretary can rely on the most recent address provided by an alien to the Secretary for any purpose under the immigration laws as an address to contact the alien, and the Attorney General and the Secretary may rely on the most recent address provided by the alien pursuant to section 239 for purposes of contacting the alien with respect to pending removal proceedings. Section 224(a)(4) makes clear that there is a separate change of address requirement under existing law for aliens who are in pending removal proceedings.

Section 224(b) makes several conforming amendments with respect to related provisions of the INA.

Section 224(c) modifies the penalties provided in section 266(b) of the INA, by providing for an increase in fines (the current $200 fine has remained unchanged in the more than 50 years since enactment of the INA), and by providing for imprisonment up to 6 months for a second or subsequent violation. Subsection (c)(I) also adds a new paragraph (3) in section 266(b), providing that the Secretary and the Attorney General may take into account, as a negative discretionary factor in evaluating discretionary forms of relief from removal, an alien's previous failure to comply with section 265. Section 224(c) also amends the penalty provision for aliens who file an application for registration containing a statement known by them to be false, so that it covers the filing of a change of address notice containing a statement known to be false.

Section 225. Mandatory detention for aliens apprehended at or between ports of entry

Section 225 requires that as of October 1, 2006, all aliens attempting to cross the border illegally must be detained until removed, with some exceptions. This provision also requires that in the interim period before October 1, 2006, an alien who is released pending an immigration removal hearing will have to post bond of at least $5,000.

Section 226. Removal of drunk drivers

Section 226 establishes that a third DUI conviction is an aggravated felony and a reason for removal.

Section 227. Expedited removal

Section 227 mandates the use of expedited removal of illegal aliens who are apprehended within 100 miles of the border or 14

days of unauthorized entry. Additionally, this section amends the INA to expand the scope of offenses subject to the expedited removal program for incarcerated or deportable aliens and allows DHS to use expedited removal on criminal aliens found in correctional institutions.

Section 228. Protecting immigrants from convicted sex offenders

Section 228 prohibits certain criminals from sponsoring an alien (e.g. spouse or fiancée) for a green card unless the DHS determines that the sponsor poses no threat to the alien. Specifically, the prohibition would apply to any person convicted of (i) murder, rape or sexual abuse of a minor; (ii) certain crimes related to sexual exploitation of minors; or (iii) an offense that relates to a prostitution business or trafficking.

Section 229. Law enforcement authority of states and political subdivisions and transfer to federal custody

Section 229 reaffirms the existing inherent authority of State law enforcement personnel to assist the federal government in enforcing the immigration laws of the United States during the normal course of carrying out their law enforcement duties. It also requires DHS to promptly take aliens apprehended by state and local law enforcement entities into Federal custody. Alternatively, DHS can request that the relevant state or local law enforcement entity temporarily detain the illegal alien or transport them to the point of transfer to Federal custody. Finally, this section mandates that states and localities be fully reimbursed for all reasonable expenses incurred for detention and transportation.

Section 230. Listing of immigration violators in the NCIC database

Section 230 directs ICE to work with the FBI to place information on certain immigration violators into the already existing Immigration Violators File (IVF) of the National Crime Information Center database. The four categories of immigration violators whose information will be entered are: aliens with final orders of removal, aliens under voluntary departure agreements, aliens who have overstayed their authorized period of stay and aliens whose visas have been revoked.

Section 231. Laundering of monetary instruments

Section 231 permits those who engage in alien smuggling or the harboring of illegal aliens for financial gain to be prosecuted for money laundering based on the receipt of proceeds from their illegal activity.

Section 232. Severability

This section is a severability clause.

TITLE III—INCREASED WORKSITE ENFORCEMENT AND PENALTIES

Section 301. Unlawful employment of aliens

Section 301 amends Section 274A of the Immigration and Naturalization Act.

Subsection (a)(1) prohibits the hiring, recruiting, or referral of any alien with knowledge or with reason to know of the alien's illegal status, as well as the hiring of an individual without complying with the identification and employment documentation verification requirements of subsection (c) and the Electronic Employment Verification System requirements of subsection (d).

Subsections (a)(2) and (a)(3) bar the continued employment of an unauthorized alien after acquiring knowledge of the alien's illegal status, as well as the use of illegal aliens as laborers through contracts or subcontracts.

Subsection (a)(4) provides that, in a civil enforcement context, if the Secretary determines that an employer has hired more than ten unauthorized aliens within a calendar year, a rebuttable presumption is created that the employer knew or had reason to know that such aliens were unauthorized.

Subsection (a)(5) provides a defense for employers who comply in good faith with the requirements of subsections (c) and (d) and who voluntarily use the Electronic Employment Verification System.

Subsection (b): Order of internal review and certification of compliance

This provision authorizes the Secretary to require, when there is reasonable cause to believe that employers have failed to comply with this section, an employer to certify that it is in compliance with this section, or has instituted a program to come into compliance.

The purpose of this section is to allow the Secretary to obtain an employer's formal assurance that the employer is in fact in compliance with immigration laws or that it has developed a plan to come into compliance with the requirements of this section. The provision allows DHS to rely on an employer's self-assessment and self-certification rather than launching a formal DHS investigation. Within 60 days, the employer is required to certify completion of this review and that it is either in compliance or has instituted a program to come into compliance. At the request of the employer, the Secretary may extend the deadline for good cause.

Subsection (c): Document verification system

Subsection (c) requires employers hiring, recruiting, or referring employees to take reasonable steps to verify that such employees are authorized to work.

Subsection (c)(1) requires employers to attest under penalty of perjury that they have verified the identity and work authorization status of their employees by examining a document establishing both work authorization and identity (described in (c)(I)(B)) or a document establishing work authorization (described in (c)(I)(C)) and a document establishing identity (described in (c)(I)(D)).

Subsection (c)(1) also establishes the standard of compliance with regard to examination of a document. Section (c)(I)(E) authorizes the Secretary to prohibit or place conditions on the use of documents that do not reliably establish identity or work authorization or which are being used fraudulently to an unacceptable degree.

Subsection (c)(2) describes an employee's obligation to attest in writing to being legally authorized to work and prescribes a penalty for false representations.

Sections (c)(3) and (c)(4) require the employer to retain copies of the attestation form and supporting documentation.

Subsection (c)(5) subjects an employer that fails to comply with the documentation, recordkeeping, and other requirements of subsection (c) to penalties pursuant to subsection (e)(4)(B). As detailed in subsection (e)(4)(B), penalties for paperwork violations are progressive in their severity, depending upon whether the violation is a first, second or third offense.

Subsection (c)(6) provides that nothing in this subsection authorizes the issuance or use of a national identification card.

Subsection (d): Electronic employment verification system

Subsection (d)(1) requires the Secretary, in cooperation with the Commissioner of Social Security, to implement an Electronic Employment Verification System (EEVS).

Subsection (d)(2) incorporates existing Basic Pilot program language requiring the Secretary to operate the verification system through a toll-free phone number or other electronic media through which participating employers can make inquiries as to whether individuals are work authorized. This subsection also requires that the Secretary maintain records of inquiries and responses to inquiries, allowing for a robust audit capability. The verification system must provide an initial response within 3 days. Until the employer receives an answer, the employment relationship may continue. If the employer receives a tentative non-confirmation from the verification system, the employee may contest that finding. While the tentative nonconfirmation is being contested, the employer may not terminate the employee based on a lack of work authorization.

The system must be designed and operated for maximum reliability, ease of use, and safeguarding against unauthorized disclosure of private information as well as unlawful discriminatory practices. This section requires the SSA Commissioner to establish a system to compare names with SSNs in order to confirm or not confirm their correspondence as well as whether a SSN is authorized for employment, and prohibits the disclosure of SSN information to employers. The section requires the Secretary to establish a system to compare names with alien identification or authorization numbers in order to confirm or not confirm work authorization. This section also requires updating of information for maximum accuracy.

Subsection (d)(3) outline the requirements for employer participation into the System. As a general rule, the verification requirement will apply only to new employees and be rolled out gradually. As of the date of enactment, the Secretary is authorized through notice in the Federal Register to require participation in the EEVS by employers that the Secretary determines to be part of the critical infrastructure, or directly related to the national, or homeland security needs of the United States. Participation of these employers shall apply with respect to both newly hired and currently hired employees.

Two years after the date of enactment of this Act, the Secretary must require employers with more than 5,000 employees to participate in the EEVS. Three years after the date of enactment, the Secretary must require employers with less than 5,000 employees and with more than 1,000 employees to participate in the EEVS. Four years after the date of enactment, the Secretary must require employers with more than 250 employees and less than 1,000 employees to participate in the EEVS. Five years after the date of enactment, the Secretary must require all employers to participate in EEVS.

The Secretary also has the authority to require employers to participate in the EEVS based upon immigration enforcement. Participation of these employers shall apply with respect to their newly hired employees. The Secretary is authorized to waive or delay the participation in EEVS but must provide notice to Congress of such waiver prior to the date such waiver is granted.

Subsection (d)(6) states that any failure to comply with the EEVS's requirements by a shall be treated as a violation of subsection (a)(1)(B)' s prohibition against hiring individuals without complying with this section, including the requirements of subsections (c) and (d). Subsection (d)(6) further provides that such failure to comply shall be treated as presumed violations of subsection (a)(1)(A)'s prohibition against the hiring of unauthorized aliens.

Subsection (d)(7) establishes procedures for employers participating in the EEVS, including provision of identity and work authorization information, presentation of documentation, reliance on documentation, requirements for seeking confirmation or resolving non-confirmations of work authorizations, and consequences of final non-confirmations. This subsection largely incorporates language identical to that contained in the current Basic Pilot statute, in order to allow the current program to be expanded with a minimum of operational disruption.

Subsection (d)(8) protects from civil and criminal liability any person or entity who relies in good faith on information provided through the EEVS confirmation system. This incorporates existing language applicable to the Basic Pilot program authority.

Subsection (d)(9) prohibits use of the EEVS by any Federal agency for any purposes other than enforcement and administration of the immigration laws, the SSA, or the criminal laws.

Subsection (d)(10) authorizes the Secretary to modify the requirements of the EEVS.

Subsection (d)(11) allows the Secretary to establish, require, and modify fees for employers participating in the EEVS. Such fees may be set at a level that will recover the full cost of providing the EEVS to all participants. This provision further provides that fees are to be deposited and remain available as provided in INA sections 286(m) and (n), and that the EEVS is considered an immigration adjudication service under 286(n). This provision also allows the Secretary to modify the frequency or schedule for payment.

Subsection (d)(12) requires that the Secretary submit a report to Congress within one year after enactment on the capacity, integrity, and accuracy of the EEVS.

Subsection (e): Compliance

Subsection (e)(1) requires the Secretary to establish procedures for the filing of complaints and investigation of possible violations.

Subsection (e)(2) ensures that immigration officers have reasonable access to evidence of employers they are investigating. It also authorizes DHS to compel the production of evidence by subpoena and to fine or void any mitigation of penalties available to employers who fail to comply with subpoenas.

Subsection (e)(3) authorizes the Secretary to issue pre-penalty notices to employers when there is reasonable cause to believe the employer has violated this section. It would provide employers a reasonable opportunity to defend their actions and to petition the Secretary for the remission or mitigation of any fine or penalty or to terminate the proceedings. Mitigating circumstances would include good faith compliance and participation in the EEVS. The subsection also sets forth the procedures for the Secretary to follow when making a determination of whether there has been a violation and authorizes the Secretary to mitigate penalties or terminate proceedings in appropriate cases.

Subsection (e)(4) sets forth the civil monetary penalties for unlawfully hiring, recruiting, or referring unauthorized aliens or for continuing to employ an individual who is unauthorized to work, as well as penalties for recordkeeping or verification practice violations.

Subsection (e)(5) provides that an employer may appeal an adverse determination within 45 days of the issuance of the final determination.

Subsection (e)(6) authorizes the Government to file suit in Federal court if an employer fails to comply with a final determination.

Subsection (f): Criminal penalties

Subsection (f) establishes criminal penalties and injunction procedures for employers who engage in a pattern or practice of knowing violations of subsection (a)(1)(A), which prohibit hiring unauthorized aliens, or subsection (a)(2), which prohibits continuing to employ unauthorized aliens after employer is aware or has reason to be aware that the alien is not authorized to work. Such employers can be fined up to $10,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned up to six months, or both. This subsection further authorizes the Attorney General to bring a civil action requesting such monetary penalties or injunctive relief.

Subsection (g): Prohibition of indemnity bonds

Subsection (g) prohibits any employer from requiring prospective employees to post a bond or other security indemnifying the employer against liability arising from the employer's violation of this section. Violation of this prohibition is subject to civil penalties, and amounts obtained in the form of such bonds can be ordered to be deposited in the Employer Compliance Fund authorized by INA §286(w).

Subsection (h) bars noncompliant employers from eligibility for Federal contracts.

Subsection (i) contains provisions relating to work documentation from DHS and a federal preemption clause applicable to the provisions of this section.

Subsection (j) directs the deposit of funds paid for civil penalties into the employer compliance fund authorized by INA §286(w).

Section 302. Employer compliance fund

Section 302 establishes an Employer Compliance Fund into which funds derived from civil penalties are to be deposited. The Employer Compliance Fund shall be used for enhancing and enforcing employer compliance with section 274A.

Section 303. Additional worksite enforcement and fraud detection agents

Section 303 authorizes the hiring of additional DHS personnel dedicated to worksite enforcement fraud detection agents.

Section 304. Clarification of ineligibility for misrepresentation.

Section 304 is a technical change that conforms section 212 to section 274A. This provision closes a loophole in the ground of inadmissibility for falsely claiming U.S. nationality in section 212 of the INA that has been exploited to obtain unauthorized employment and subsequently evade removal.

The employment verification provisions in section 274A of the INA require an employee to certify that (unless claiming work authorized alien status) he is a ''citizen or national'' of the United States. The Form I–9 uses this formulation. The parallel ground of inadmissibility, although it refers specifically to section 274A verification, only uses the phrase ''citizen.'' Some aliens have escaped the consequences of their misrepresentations by successfully arguing that a false attestation that one is a ''citizen or national'' is not covered by the ground of inadmissibility. A false attestation to any form of U.S. nationality should have the same consequences in employment verification or in other circumstances.

TITLE IV—BACKLOG REDUCTION AND VISAS FOR STUDENTS AND ALIENS WITH ADVANCED DEGREES

Section 401. Elimination of existing backlogs

Section 401 reduces visa backlog waiting times by allowing the recapture of unused visa numbers and increases the number of employment-based green cards from 140,000 to 290,000. It also exempts immediate relatives of U.S. citizens from the 480,000 annual cap on family-based immigration.

Section 402. Country limits

Section 402 increases the per-country limits for family-sponsored and employment-based immigrants are from 7 percent to 10 percent (in the case of countries) and from 2 percent to 5 percent (in the case of dependent areas).

Section 403. Allocation of immigrant visas

The current 480,000 ceiling on family-sponsored immigrants is redistributed among existing family preference categories. Ten percent is allocated to the first preference—unmarried sons and daughters of U.S. citizens. Fifty percent is allocated to the second preference—spouses and unmarried sons and daughters of lawful permanent residents, of which seventy-seven percent of such visas will be allocated to spouses and minor children of lawful permanent residents. Ten percent is allocated to the third preference—married sons and daughters of U.S. citizens. Thirty percent is allocated to the fourth preference—brothers and sisters of U.S. citizens.

Section 403 restructures visa number availability to provide additional visas for unskilled workers (who are limited to 5,000/year right now) and other categories where visas have not kept up with demand. The 290,000 ceiling for employment-based immigrant visas is redistributed among the employment-based immigrant visa categories and certain modifications are made to current categories. 15% is allocated to the first preference—aliens with extraordinary ability, outstanding professors and researchers, and multinational executives and managers. 15% is allocated to the second preference—aliens holding advanced degrees or having exceptional ability. 35% is allocated to the third preference—skilled workers and professionals. 5% is allocated to a re-designated fourth preference—investors. 30% is allocated to a re-designated fifth preference—other workers performing labor or services (previously included in third preference).

Section 404. Relief for minor children

Section 404 amends the immediate relative category to allow the children of spouses and parents of U.S. citizens to obtain legal status and travel to the United States with their families.

Section 405. Student visas

Section 405 extends foreign students' post-curricular Optional Practical Training (and F–1 status) to 24 months. It also creates a new ''F–4'' student visa for students pursuing an advanced degree candidates studying in the fields of math, engineering, technology or the physical sciences. The new visa would allow eligible students to either to return to their country of origin or remain in the United States for up to one year and seek employment in their relevant field of study. Once such a student received such an offer of employment, the individual would be allowed to adjust status to that of a legal permanent resident once the alien paid a $1,000 fee and completed necessary security clearances. Eighty percent of this fee would be deposited into a fund for job training and scholarships for American workers, while twenty percent of the fee would go toward fraud prevention.

Section 406. Visas for individuals with advanced degrees

Section 406 exempts from the numerical cap on employment-based visas aliens with advanced degrees in science, technology, engineering, or math, and has worked in a related field in the U.S. during the 3 year period preceding their application for adjustment of status. It also exempts immediate relatives of aliens who are admitted as employment-based immigrants from the numerical limitations of 203(b). Finally, it increases the available visas numbers for H–1B nonimmigrants and provides an exemption from the numerical limitation aliens who

have earned advanced degrees in science, technology, engineering, or math. The numerical limitation is also supplemented with a flexible limitation that is set according to demand for foreign high-skilled workers.

Section 407. Medical services in underserved areas

Section 407 permanently authorizes the current J–1 visa waiver program. Under this program, participating states are allocated 30 J–1 visa waivers, which enables them to waive the 2 year home residency requirement for medical students and physicians who serve in ''medically underserved areas'' upon completion of their J–1 program. The program has been reauthorized twice before and is now set to expire on June 1, 2006.

TITLE V—IMMIGRATION LITIGATION REDUCTION

Section 501. Consolidation of immigration appeals

Section 501 consolidates all INA civil and administrative appeals into the United States Court of Appeals for the Federal Circuit, and increases the number of authorized judgeships in the Federal Circuit by three to 15. The amendments made by this section shall apply to any final agency order or District Court decision entered on or after the date of enactment of this Act.

Section 502. Additional immigration personnel

Section 502 directs the Secretary of Homeland Security to increase annually in FY 2007–2011 the number of investigative personnel investigating immigration violations by not less than 200 and the number of trial attorneys in the Office of General Counsel working on immigration by not less than 100, subject to the availability of appropriations. It also directs the Attorney General to increase annually in FY 2007–2011 the number of litigation attorneys in the Office of Immigration Litigation by not less than 50, the number of Assistant U.S. Attorneys who litigate immigration cases in Federal courts by not less than 50, and the number of immigration judges by not less than 50, subject to the availability of appropriations. Finally, it authorizes appropriations for additional Assistant Federal Public Defenders who litigate Federal criminal immigration cases in Federal court.

Section 503. Board of Immigration Appeals removal order authority

Section 503 grants the Board of Immigration Appeals (Board) authority to enter an order of removal without remanding to the immigration judge. It also conforms certain terminology to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) by inserting the term ''order of removal'', and the term ''immigration judge'' in place of the term ''special inquiry officer,'' and expands the situations in which orders of removal are deemed final.

Section 504. Judicial review of visa revocation

Section 504 provides that the decision to revoke a visa and the removal order predicated on that revocation are not reviewable. Review of a final order of removal, however, is still permitted under 8 U.S.C. §1252(a)(2)(D) when questions of statutory interpretation or alleged constitutional infirmity arise.

Section 505. Reinstatement of removal orders

Section 505 clarifies that section 241(a)(5) of the INA (8 U.S.C. 1231(a)(5)) does not require further hearing by an immigration judge in cases in which prior orders of removal are reinstated against aliens who illegally reenter the United States. This provision applies to orders of deportation or exclusion issued in cases initiated before April 1, 1997, and clarifies that the alien's ineligibility for relief is not dependent on when the alien applied for such relief. This section also provides that reinstatement orders are not reviewable.

Section 506. Withholding of removal

Section 506 clarifies an alien's burden of proof with respect to withholding of removal to make it consistent with the standard established for asylum by section 101(a)(3) of the REAL ID Act. Applicants for withholding, who have traditionally borne a higher burden than applicants for asylum, will bear the same burden of proof as applicants for asylum.

Section 507. Certificate of reviewability

Section 507 establishes a screening process for aliens' appeals of Board decisions under which appeals of removal orders will be referred to a single judge on the Federal Circuit Court of Appeals. If the alien establishes a prima facie case that the petition for review should be granted, the judge will issue a ''certificate of reviewability'' allowing the case to proceed to a three-judge panel; otherwise it is dismissed.

Section 508. Discretionary decisions on motions to reopen or reconsider

Section 508 revises the statutory provisions relating to motions to reopen and motions to reconsider to state expressly that the Attorney General's decision whether to grant or deny such motions are committed to his discretion, subject to existing statutory exceptions. This section adds a special provision providing for reopening in order to consider withholding of removal or protection under the Convention Against Torture claims in one limited circumstance. These amendments are applicable to all motions to reopen or reconsider filed on or after the date of enactment in any removal, deportation, or exclusion proceeding.

Section 509. Prohibition of attorney fee awards for review of final orders of removal

Section 509 abolishes EAJA fee awards in immigration cases for aliens who are removable, except when the Attorney General's or the Secretary's determination regarding removability was not substantially justified.

Section 510. Board of Immigration Appeals

Section 510 directs the Attorney General to promulgate regulations to require the Board of Immigration Appeals to hear cases in 3 member panels (unless certain conditions are met) and to permit the Board limited authority to issue affirmances without opinion.

TITLE VI—MISCELLANEOUS

Section 601. Technical and conforming amendments

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 403—RECOGNIZING THE BENEFITS OF BREASTFEEDING, AND FOR OTHER PURPOSES

Mr. DURBIN submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 403

Whereas the Surgeon General and the American Academy of Pediatrics recommend that most babies be exclusively fed with breast milk for the first 6 months of life, and continue on with breast milk through the first year of life;

Whereas studies have shown that children who were breastfed had a 20 percent lower risk of dying in the first year of life than children who were not breastfed;

Whereas promoting breastfeeding can potentially prevent up to 720 postneonatal deaths in the United States each year;

Whereas breast milk provides the right balance of nutrients to help an infant grow into a strong and healthy toddler, improves the chances of infant survival, and helps protect against common childhood illnesses and infections;

Whereas research also suggests that breastfeeding may be protective against chronic diseases such as type I and type II diabetes, leukemia, and obesity;

Whereas breast milk contains important amino acids, only found in natural breast milk, that help an infant's brain develop;

Whereas maternal benefits to breastfeeding include decreased postpartum bleeding, decreased risk of breast and ovarian cancer, and decreased risk of postmenopausal osteoporosis;

Whereas the health advantages for mothers and children of breastfeeding translate into economic benefits for the family, health care system, and workplace;

Whereas breastfeeding more children would reduce medical care costs, decrease spending for public health programs such as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and decrease parental absenteeism;

Whereas breastfeeding more children would have an environmental benefit by reducing trash and plastic waste from formula cans and bottle supplies;

Whereas 1 of the objectives for improving health in Focus Area 16, Maternal, Infant, and Child Health, from Healthy People 2010, is to increase the percentage of mothers who breastfeed to 75 percent in the postpartum period, 50 percent 6 months after birth, and 25 percent 1 year after birth; and

Whereas throughout the United States, mothers have encountered legal and systematic challenges while trying to breastfeed in public and upon returning to work when seeking out adequate places to express milk in the workplace: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the unique health, economic, and social benefits breastfeeding affords to children, mothers, and the community at large; and

(2) calls upon States to take steps to protect a mother's right to breastfeed and remove the barriers faced by women who breastfeed.

Mr. DURBIN. Mr. President, I speak today to recognize the importance of breastfeeding as a child and maternal health issue. Breastfeeding is widely accepted as the most complete form of nutrition for infants, and it provides an array of benefits for both infants and mothers.

Yet many mothers who choose to breastfeed find themselves in situations where they are discouraged, or even prohibited, from breastfeeding. I submitted a Senate resolution today to recognize the many benefits of breastfeeding and to encourage States to protect the rights of women to feed their children.

My home State of Illinois recently adopted legislation to exempt breastfeeding mothers from the State's public indecency laws. The impetus behind the State initiative came in no small part from a woman named Kasey Madden, a young mother turned advocate after she was asked one too many times not to breastfeed her infant daughter.

Kasey was at her local fitness center one day, exercising to get back into shape after pregnancy but also caring

for five-month-old Sadie. Sadie was in the day care center at the gym. At the moment, she was mad, and she was hungry. Kasey picked up the baby and sat down to let her nurse. Imagine how she felt when the gym manager came to her and asked her to leave the child care center, in case anyone there might be offended.

Today, Sadie is a healthy, red-haired, energetic toddler. Kasey knows more than she ever thought she would about how to affect public policy. That fitness center and every place like it in the State of Illinois now must respect the right of women to breastfeed their babies. I am not sure that gym manager realized what he was starting the day he asked Kasey Madden not to breastfeed her baby in the gym's child care center, but I commend Kasey. She recognized the value of breastfeeding—not just for Sadie—but for moms and babies everywhere who are frowned on or even prevented from breastfeeding.

The American Academy of Pediatricians and other organizations affiliated with the U.S. Breastfeeding Committee strongly support the Healthy People 2010 goal to increase the percentage of mothers who breastfeed to 75 percent.

I urge my Colleagues to join me in this Resolution to express the Sense of the Senate acknowledging the exceptional health benefits of breastfeeding and encouraging States to protect and promote a woman's right to breastfeed.

SENATE RESOLUTION 404—EXPRESSING THE SENSE OF THE SENATE THAT ALL PEOPLE IN THE UNITED STATES SHOULD PARTICIPATE IN A MOMENT OF SILENCE TO REFLECT UPON THE SERVICE AND SACRIFICE OF MEMBERS OF THE ARMED FORCES BOTH AT HOME AND ABROAD

Ms. STABENOW submitted the following resolution; which was considered and agreed to:

S. RES. 404

Whereas it was through the brave and noble efforts of the forefathers of the United States that the United States first gained freedom and became a sovereign country;

Whereas there are more than 1,300,000 active component and more than 1,100,000 reserve component members of the Armed Forces serving the Nation in support and defense of the values and freedom that all people in the United States cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of the people of the United States for putting their lives in danger for the sake of the freedoms enjoyed by all people of the United States;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all the people of the United States;

Whereas all people of the United States should participate in a moment of silence to support the troops; and

Whereas March 26th, 2006, is designated as ''National Support the Troops Day'': Now, therefore, be it

Resolved, That it is the sense of the Senate that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3133. Mr. CONRAD (for himself, Mr. OBAMA, Mrs. CLINTON, Mr. DURBIN, Mr. SCHUMER, and Mr. BAYH) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011.

SA 3134. Ms. SNOWE (for herself, Mr. KERRY, Mr. VITTER, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. COLEMAN, Mr. NELSON, of Florida, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra.

SA 3135. Mrs. CLINTON (for herself, Mr. REID, Mr. OBAMA, Mr. HARKIN, Mr. DURBIN, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3136. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3137. Mr. LAUTENBERG proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3138. Mr. LOTT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3139. Ms. LANDRIEU (for herself, Mr. CONRAD, Mr. DORGAN, and Mr. VITTER) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra.

SA 3140. Mr. LEVIN (for himself, Ms. STABENOW, Mr. BAUCUS, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3141. Ms. STABENOW (for herself, Ms. MIKULSKI, and Mr. JOHNSON) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3142. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3143. Mr. KERRY (for himself, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DORGAN, Mr. JOHNSON, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3144. Mr. OBAMA (for himself, Mr. DURBIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3145. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3146. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3147. Mrs. CLINTON (for herself, Ms. MIKULSKI, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, supra.

SA 3148. Mr. CONRAD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3149. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3150. Mr. LOTT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3151. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3115 proposed by Mr. REID (for Mrs. CLINTON (for herself, Mr. REID, and Mrs. MURRAY)) to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3152. Mr. LOTT (for himself, Mr. TALENT, Mr. REED, Mr. LIEBERMAN, Mr. DURBIN, Mr. BAUCUS, and Mr. WARNER) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3153. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3154. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3155. Mr. GREGG (for Mr. SALAZAR (for himself, Mr. ALLARD, Mr. CRAIG, Mr. DOMENICI, Mr. BURNS, Mr. ENSIGN, Mr. ENZI, Mr. THOMAS, Mr. BENNETT, Mr. HATCH, Mr. KYL, Mr. CRAPO, Mr. COLEMAN, Mrs. BOXER, Mr. REID, Mr. DORGAN, Mr. LEAHY , Mr. BAUCUS, and Mr. JOHNSON)) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3156. Mr. GREGG (for Ms. STABENOW (for herself and Mr. LEVIN)) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3157. Mr. FRIST submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3158. Mr. DODD (for himself, Mr. KENNEDY, Mrs. CLINTON, Ms. MIKULSKI, Mrs. MURRAY, Mr. DURBIN, Mr. LIEBERMAN, Ms. CANTWELL, Mr. KERRY, Mr. SALAZAR, Mr. BAUCUS, Mr. SCHUMER, Mr. LAUTENBERG, Mr. KOHL, Mrs. LINCOLN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3159. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3160. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3161. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3162. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3163. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra; which was ordered to lie on the table.

SA 3164. Ms. STABENOW proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3165. Mr. VITTER (for himself and Ms. LANDRIEU) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3166. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

SA 3167. Mr. GREGG (for Mr. BROWNBACK) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3168. Mr. GREGG (for Mr. BAUCUS) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3169. Mr. GREGG (for Mr. GRAHAM) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3170. Mr. GREGG (for Mr. CONRAD (for himself and Mr. GREGG)) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3171. Mr. GREGG (for Mr. BYRD) proposed an amendment to the concurrent resolution S. Con. Res. 83, supra.

SA 3172. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, supra.

TEXT OF AMENDMENTS

SA 3133. Mr. CONRAD (for himself, Mr. OBAMA, Mrs. CLINTON, Mr. DURBIN, Mr. SCHUMER, and Mr. BAYH) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $5,100,000,000.

On page 3, line 15, increase the amount by $100,000,000.

On page 3, line 17, increase the amount by $200,000,000.

On page 3, line 19, increase the amount by $200,000,000.

On page 3, line 21, increase the amount by $200,000,000.

On page 4, line 1, increase the amount by $5,100,000,000.

On page 4, line 2, increase the amount by $100,000,000.

On page 4, line 3, increase the amount by $200,000,000.

On page 4, line 4, increase the amount by $200,000,000.

On page 4, line 6, increase the amount by $200,000,000.

On page 4, line 13, increase the amount by $5,000,000,000.

On page 5, line 4, increase the amount by $1,000,000,000.

On page 5, line 6, increase the amount by $2,800,000,000.

On page 5, line 8, increase the amount by $800,000,000.

On page 5, line 10, increase the amount by $300,000,000.

On page 5, line 19, increase the amount by $4,100,000,000.

On page 5, line 21, decrease the amount by $2,700,000,000.

On page 5, line 23, decrease the amount by $600,000,000.

On page 5, line 25, decrease the amount by $100,000,000.

On page 6, line 2, increase the amount by $200,000,000.

On page 6, line 8, decrease the amount by $4,100,000,000.

On page 6, line 10, decrease the amount by $1,400,000,000.

On page 6, line 12, decrease the amount by $800,000,000.

On page 6, line 14, decrease the amount by $700,000,000.

On page 6, line 16, decrease the amount by $900,000,000.

On page 6, line 22, decrease the amount by $4,100,000,000.

On page 6, line 24, decrease the amount by $1,400,000,000.

On page 7, line 2, decrease the amount by $800,000,000.

On page 7, line 4, decrease the amount by $700,000,000.

On page 7, line 6, decrease the amount by $900,000,000.

On page 19, line 24, increase the amount by $5,000,000,000.

On page 19, line 25, increase the amount by $1,000,000,000.

On page 20, line 4, increase the amount by $2,800,000,000.

On page 20, line 8, increase the amount by $800,000,000.

On page 20, line 12, increase the amount by $300,000,000.

On page 53, line 1, increase the amount by $5,000,000,000.

On page 53, line 2, increase the amount by $1,000,000,000.

SA 3134. Ms. SNOWE (for herself, Mr. KERRY, Mr. VITTER, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. COLEMAN, Mr. NELSON of Florida, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 15, line 21, increase the amount by $130,000,000.

On page 15, line 22, increase the amount by $92,000,000.

On page 16, line 1, increase the amount by $30,000,000.

On page 16, line 5, increase the amount by $7,000,000.

On page 16, line 9, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $130,000,000.

On page 27, line 24, decrease the amount by $92,000,000.

On page 28, line 2, decrease the amount by $30,000,000.

On page 28, line 5, decrease the amount by $7,000,000.

On page 28, line 8, decrease the amount by $1,000,000.

SA 3135. Mrs. CLINTON (for herself, Mr. REID, Mr. OBAMA, Mr. HARKIN, Mr. DURBIN, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DEFICIT NEUTRAL RESERVE FUND FOR ENVIRONMENTAL HEALTH INITIATIVES.

(a) IN GENERAL.—If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted, that—

(1) increases the funding for research into the links between the environment and breast cancer, including the establishment of research centers to conduct multidisciplinary and multi-institutional research on environmental factors that may be related to the etiology of breast cancer;

(2) increases the funding for research into environmental health and the links between environmental pollutants and chronic diseases, including programs that—

(A) expand the Centers for Disease Control and Prevention's Environmental Public Health Tracking system and the ability of the agency to respond to, analyze and report environmental health information to the public;

(B) enhance the ability of States to collect and report environmental health data;

(C) train public health professionals to research, identify, and respond to the environmental factors that contribute to disease; and

(D) expand the biomonitoring activities of States and the Centers for Disease Control and Prevention; or

(3) increases the funding available for research into the links between indoor and outdoor environmental factors and asthma, including programs that—

(A) incorporate patient management into research;

(B) expand interagency programs through which the United States can develop a national response to the rising incidence of asthma among Americans, particularly children;

(C) establish training for professionals to research, identify, and respond to the environmental factors that contribute to asthma; and

(D) expand State and Federal programs in asthma surveillance, education and management;

the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution by $210,000,000 for that purpose, provided that such legislation would not increase the deficit for the period of fiscal years 2007 through 2011.

SA 3136. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

At the appropriate place, insert the following:

''Sec. . Deficit-Neutral Reserve Fund for Energy Legislation.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or conference report thereon, that would reduce our nation's dependence on foreign sources of energy, expand production and use of alternative fuels and alternative fuel vehicles, promote renewable energy development, improve electricity transmission, encourage responsible development of domestic oil and natural gas resources, and reward conservation and efficiency, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2011.

SA 3137. Mr. LAUTENBERG proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $1,230,000,000.

On page 4, line 1, increase the amount by $1,230,000,000.

On page 4, line 13, increase the amount by $1,230,000,000.

On page 5, line 4, increase the amount by $1,230,000,000.

On page 16, line 21, increase the amount by $1,230,000,000.

On page 16, line 22, increase the amount by $1,230,000,000.

On page 53, line 1, increase the amount by $1,230,000,000.

On page 53, line 2, increase the amount by $1,230,000,000.

SA 3138. Mr. LOTT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PERMANENT EXTENSION OF THE REDUCTIONS IN INDIVIDUAL INCOME TAX RATES.

It is the sense of the Senate that—

(1) the aggregate reduced levels of Federal revenues under section 101(1)(B) assume the extension of the reductions in the individual income tax rates provided under section 101 of the Economic Growth and Tax Relief and Reconciliation Act of 2001 through September 30, 2011, and

(2) such reductions should be made permanent.

SA 3139. Ms. LANDRIEU (for herself, Mr. CONRAD, Mr. DORGAN, and Mr. VITTER) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 9, line 20, increase the amount by $77,000,000.

On page 9, line 21, increase the amount by $43,000,000.

On page 9, line 24, increase the amount by $239,000,000.

On page 9, line 25, increase the amount by $188,000,000.

On page 10, line 3, increase the amount by $270,000,000.

On page 10, line 4, increase the amount by $238,000,000.

On page 10, line 7, increase the amount by $217,000,000.

On page 10, line 8, increase the amount by $240,000,000.

On page 10, line 11, increase the amount by $263,000,000.

On page 10, line 12, increase the amount by $246,000,000.

On page 10, line 20, decrease the amount by $77,000,000.

On page 10, line 21, decrease the amount by $43,000,000.

On page 10, line 24, decrease the amount by $239,000,000.

On page 10, line 25, decrease the amount by $188,000,000.

On page 11, line 3, decrease the amount by $270,000,000.

On page 11, line 4, decrease the amount by $238,000,000.

On page 11, line 7, decrease the amount by $217,000,000.

On page 11, line 8, decrease the amount by $240,000,000.

On page 11, line 11, decrease the amount by $263,000,000.

On page 11, line 12, decrease the amount by $246,000,000.

SA 3140. Mr. LEVIN (for himself, Ms. STABENOW, Mr. BAUCUS, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 24, line 24, increase the amount by $ 6,000,000.

On page 24, line 25, increase the amount by $ 4,000,000.

On page 25, line 4, increase the amount by $ 2,000,000.

On page 27, line 23, decrease the amount by $ 6,000,000.

On page 27, line 24, decrease the amount by $ 4,000,000.

On page 28, line 2, decrease the amount by $ 2,000,000.

SA 3141. Ms. STABENOW (for herself, Ms. MIKULSKI, and Mr. JOHNSON) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $6,900,000,000.

On page 3, line 15, increase the amount by $16,500,000,000.

On page 3, line 17, increase the amount by $22,200,000,000.

On page 3, line 19, increase the amount by $27,000,000,000.

On page 3, line 21, increase the amount by $31,600,000,000.

On page 4, line 1, increase the amount by $6,900,000,000.

On page 4, line 2, increase the amount by $16,500,000,000.

On page 4, line 3, increase the amount by $22,200,000,000.

On page 4, line 4, increase the amount by $27,000,000,000.

On page 4, line 6, increase the amount by $31,600,000,000.

On page 4, line 13, increase the amount by $6,900,000,000.

On page 4, line 15, increase the amount by $16,500,000,000.

On page 4, line 17, increase the amount by $22,200,000,000.

On page 4, line 19, increase the amount by $27,000,000,000.

On page 4, line 21, increase the amount by $31,600,000,000.

On page 5, line 4, increase the amount by $6,900,000,000.

On page 5, line 6, increase the amount by $16,500,000,000.

On page 5, line 8, increase the amount by $22,200,000,000.

On page 5, line 10, increase the amount by $27,000,000,000.

On page 5, line 12, increase the amount by $31,600,000,000.

On page 23, line 24, increase the amount by $6,900,000,000.

On page 23, line 25, increase the amount by $6,900,000,000.

On page 24, line 3, increase the amount by $16,500,000,000.

On page 24, line 4, increase the amount by $16,500,000,000.

On page 24, line 7, increase the amount by $22,200,000,000.

On page 24, line 8, increase the amount by $22,200,000,000.

On page 24, line 11, increase the amount by $27,000,000,000.

On page 24, line 12, increase the amount by $27,000,000,000.

On page 24, line 15, increase the amount by $31,600,000,000.

On page 24, line 16, increase the amount by $31,600,000,000.

SA 3142. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 25, line 24, increase the amount by $60,000,000.

On page 25, line 25, increase the amount by $13,200,000.

On page 26, line 4, increase the amount by $18,000,000.

On page 26, line 8, increase the amount by $12,000,000.

On page 26, line 12, increase the amount by $9,000,000.

On page 26, line 16, increase the amount by $7,800,000.

On page 27, line 23, decrease the amount by $60,000,000.

On page 27, line 24, decrease the amount by $13,200,000.

On page 28, line 2, decrease the amount by $18,000,000.

On page 28, line 5, decrease the amount by $12,000,000.

On page 28, line 8, decrease the amount by $9,000,000.

On page 28, line 11, decrease the amount by $7,800,000.

SA 3143. Mr. KERRY (for himself, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DORGAN, Mr. JOHNSON, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $592,000,000.

On page 3, line 15, increase the amount by $1,619,000,000.

On page 3, line 17, increase the amount by $2,188,000,000.

On page 3, line 19, increase the amount by $2,685,000,000.

On page 3, line 21, increase the amount by $3,271,000,000.

On page 4, line 1, increase the amount by $592,000,000.

On page 4, line 2, increase the amount by $1,619,000,000.

On page 4, line 3, increase the amount by $2,188,000,000.

On page 4, line 4, increase the amount by $2,685,000,000.

On page 4, line 6, increase the amount by $3,271,000,000.

On page 4, line 13, increase the amount by $735,000,000.

On page 4, line 15, increase the amount by $1,862,000,000.

On page 4, line 17, increase the amount by $2,322,000,000.

On page 4, line 19, increase the amount by $2,816,000,000.

On page 4, line 21, increase the amount by $3,424,000,000.

On page 5, line 4, increase the amount by $592,000,000.

On page 5, line 6, increase the amount by $1,619,000,000.
On page 5, line 8, increase the amount by $2,188,000,000.
On page 5, line 10, increase the amount by $2,685,000,000.
On page 5, line 12, increase the amount by $3,271,000,000.
On page 9, line 20, increase the amount by $735,000,000.
On page 9, line 21, increase the amount by $592,000,000.
On page 9, line 24, increase the amount by $1,862,000,000.
On page 9, line 25, increase the amount by $1,619,000,000.
On page 10, line 3, increase the amount by $2,322,000,000.
On page 10, line 4, increase the amount by $2,188,000,000.
On page 10, line 7, increase the amount by $2,816,000,000.
On page 10, line 8, increase the amount by $2,685,000,000.
On page 10, line 11, increase the amount by $3,424,000,000.
On page 10, line 12, increase the amount by $3,271,000,000.

SA 3144. Mr. OBAMA (for himself, Mr. DURBIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 23, line 24, increase the amount by $40,000,000.
On page 23, line 25, increase the amount by 5,000,000.
On page 24, line 4, increase the amount by 25,000,000.
On page 24, line 8, increase the amount by 6,000,000.
On page 24, line 12, increase the amount by 3,000,000.
On page 24, line 16, increase the amount by 1,000,000.
On page 27, line 23, decrease the amount by 40,000,000.
On page 27, line 24, decrease the amount by 5,000,000.
On page 28, line 2, decrease the amount by 25,000,000.
On page 28, line 5, decrease the amount by 6,000,000.
On page 28, line 8, decrease the amount by 3,000,000.
On page 28, line 11, decrease the amount by 1,000,000.

SA 3145. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $90,000,000.
On page 3, line 15, increase the amount by $60,000,000.
On page 3, line 17, increase the amount by $45,000,000.
On page 3, line 19, increase the amount by $46,000,000.
On page 3, line 21, increase the amount by $47,000,000.
On page 4, line 1, increase the amount by $90,000,000.
On page 4, line 2, increase the amount by $60,000,000.
On page 4, line 3, increase the amount by $45,000,000.
On page 4, line 4, increase the amount by $46,000,000.
On page 4, line 6, increase the amount by $47,000,000.
On page 4, line 13, increase the amount by $145,000,000.
On page 4, line 15, increase the amount by $129,000,000.
On page 5, line 4, increase the amount by $145,000,000.
On page 5, line 6, increase the amount by $129,000,000.
On page 5, line 19, decrease the amount by $55,000,000.
On page 5, line 21, decrease the amount by $69,000,000.
On page 5, line 23, increase the amount by $45,000,000.
On page 5, line 25, increase the amount by $46,000,000.
On page 6, line 2, increase the amount by $47,000,000.
On page 6, line 8, increase the amount by $55,000,000.
On page 6, line 10, increase the amount by $124,000,000.
On page 6, line 12, increase the amount by $79,000,000.
On page 6, line 14, increase the amount by $33,000,000.
On page 6, line 16, decrease the amount by $14,000,000.
On page 6, line 22, increase the amount by $55,000,000.
On page 6, line 24, increase the amount by $124,000,000.
On page 7, line 2, increase the amount by $79,000,000.
On page 7, line 4, increase the amount by $33,000,000.
On page 7, line 6, decrease the amount by $14,000,000.
On page 21, line 24, increase the amount by $145,000,000.
On page 21, line 25, increase the amount by $145,000,000.
On page 22, line 3, increase the amount by $129,000,000.
On page 22, line 4, increase the amount by $129,000,000.

SA 3146. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $5,000,000.
On page 3, line 15, increase the amount by $1,000,000.
On page 4, line 1, increase the amount by $5,000,000.
On page 4, line 2, increase the amount by $1,000,000.
On page 4, line 13, increase the amount by $6,000,000.
On page 5, line 4, increase the amount by $5,000,000.
On page 5, line 6, increase the amount by $1,000,000.
On page 24, line 24, increase the amount by $6,000,000.
On page 24, line 25, increase the amount by $5,000,000.
On page 25, line 4, increase the amount by $1,000,000.
On page 53, line 1, increase the amount by $6,000,000.
On page 53, line 2, increase the amount by $5,000,000.

SA 3147. Mrs. CLINTON (for herself, Ms. MIKULSKI, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 3, line 13, increase the amount by $26,000,000.
On page 3, line 15, increase the amount by $13,000,000.
On page 3, line 17, increase the amount by $1,000,000.
On page 4, line 1, increase the amount by $26,000,000.
On page 4, line 2, increase the amount by $13,000,000.
On page 4, line 3, increase the amount by $1,000,000.
On page 4, line 13, increase the amount by $41,000,000.
On page 5, line 4, increase the amount by $26,000,000.
On page 5, line 6, increase the amount by $13,000,000.
On page 5, line 8, increase the amount by $1,000,000.
On page 18, line 24, increase the amount by $41,000,000.
On page 18, line 25, increase the amount by $26,000,000.
On page 19, line 4, increase the amount by $13,000,000.
On page 19, line 8, increase the amount by $1,000,000.
On page 53, line 1, increase the amount by $41,000,000.
On page 53, line 2, increase the amount by $26,000,000.

SA 3148. Mr. CONRAD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

SEC. ____. RESERVE FUND FOR ADDRESSING THE LONG-TERM FISCAL CHALLENGES FACING THE NATION

The Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or a conference report thereon, that would provide for the bipartisan leadership of the House and Senate to work with the President to establish a commission (or other mutually agreeable process) to address the long-term fiscal challenges facing the nation, provided that such commission or process—(1) Addresses these long-term fiscal challenges in a manner in which both political parties are represented equally, and (2) Considers all parts of the budget by putting everything on the table for discussion provided that such legislation would not increase the deficit for fiscal year 2007 and the period of fiscal years 2007 to 2011.

SA 3149. Mr. BROWNBACK submitted an amendment intended to be proposed

by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. RESERVE FUND A COMMISSION FOR ACCOUNTABILITY AND REVIEW OF FEDERAL AGENCIES.

If—

(1) the Homeland Security and Governmental Affairs Committee of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conferecne report is submitted thereon, that creates a Commission for the review of the performances of Federal agencies, with the purpose of recommending legislation to realign or eliminate programs or agenices that are wasteful, duplicative, inefficient, outdated, irrelevant, or failed; and

(2) the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for 2007 or the period of fiscal yeas 2007 through 2011; the chairman of the Committee on Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3150. Mr. LOTT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 29, between lines 19 and 20, insert the following:

SEC. 202. REVENUE RECONCILIATION INSTRUCTIONS IN THE SENATE.

The Committee on Finance shall report to the Senate a reconciliation bill not later than September 15, 2006, that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than $61,200,000,000 for fiscal year 2007, and $428,900,000,000 for the period of fiscal years 2007 through 2011.

SA 3151. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 3115 proposed by Mr. REID (for Mrs. CLINTON (for herself, Mr. REID, and Mrs. MURRAY)) to the concurrent resolution S. Con. Res. 83, setting forth the cogressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 25, line 24, increase the amount by $60,000,000.

On page 25, line 25, increase the amount by $13,200,000.

On page 26, line 4, increase the amount by $18,000,000.

On page 26, line 8, increase the amount by $12,000,000.

On page 26, line 12, increase the amount by $9,000,000.

On page 26, line 16, increase the amount by $7,800,000.

On page 27, line 23, decrease the amount by $60,000,000.

On page 27, line 24, decrease the amount by $13,200,000.

On page 28, line 2, decrease the amount by $18,000,000.

On page 28, line 5, decrease the amount by $12,000,000.

On page 28, line 8, decrease the amount by $9,000,000.

On page 28, line 11, decrease the amount by $7,800,000.

SA 3152. Mr. LOTT (for himself, Mr. TALENT, Mr. REED, Mr. LIEBERMAN, Mr. DURBIN, Mr. BAUCUS, and Mr. WARNER) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 48, line 5, decrease the amount by $3,700,000,000.

On page 53, line 1, increase the amount by $3,700,000,000.

On page 53, line 2, increase the amount by $3,700,000,000.

SA 3153. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, decrease the amount by $4,500,000,000.

On page 3, line 15, decrease the amount by $3,300,000,000.

On page 4, line 1, decrease the amount by $4,500,000,000.

On page 4, line 2, decrease the amount by $3,300,000,000.

On page 4, line 13, increase the amount by $108,000,000.

On page 4, line 15, increase the amount by $297,810,000.

On page 4, line 17, increase the amount by $388,650,000.

On page 4, line 19, increase the amount by $406,710,000.

On page 4, line 21, increase the amount by $425,880,000.

On page 5, line 4, increase the amount by $108,000,000.

On page 5, line 6, increase the amount by $297,810,000.

On page 5, line 8, increase the amount by $388,650,000.

On page 5, line 10, increase the amount by $406,710,000.

On page 5, line 12, increase the amount by $425,880,000.

On page 5, line 19, decrease the amount by $4,608,000,000.

On page 5, line 21, decrease the amount by $3,597,810,000.

On page 5, line 23, decrease the amount by $388,650,000.

On page 5, line 25, decrease the amount by $406,710,000.

On page 6, line 2, decrease the amount by $425,880,000.

On page 6, line 8, increase the amount by $4,608,000,000.

On page 6, line 10, increase the amount by $8,205,810,000.

On page 6, line 12, increase the amount by $8,594,460,000.

On page 6, line 14, increase the amount by $9,001,170,000.

On page 6, line 16, increase the amount by $9,427,050,000.

On page 6, line 22, increase the amount by $4,608,000,000.

On page 6, line 24, increase the amount by $8,205,810,000.

On page 7, line 2, increase the amount by $8,594,460,000.

On page 7, line 4, increase the amount by $9,001,170,000.

On page 7, line 6, increase the amount by $9,427,050,000.

On page 26, line 24, increase the amount by $108,000,000.

On page 26, line 25, increase the amount by $108,000,000.

On page 27, line 3, increase the amount by $297,810,000.

On page 27, line 4, increase the amount by $297,810,000.

On page 27, line 7, increase the amount by $388,650,000.

On page 27, line 8, increase the amount by $388,650,000.

On page 27, line 11, increase the amount by $406,710,000.

On page 27, line 12, increase the amount by $406,710,000.

On page 27, line 15, increase the amount by $425,880,000.

On page 27, line 16, increase the amount by $425,880,000.

SA 3154. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 24, line 24, increase the amount by $14,000,000.

On page 24, line 25, increase the amount by 5,000,000.

On page 25, line 4, increase the amount by 11,000,000.

On page 25, line 8, increase the amount by 10,000,000.

On page 25, line 12, increase the amount by 8,000,000.

On page 25, line 16, increase the amount by 6,000,000.

On page 27, line 23, decrease the amount by 41,000,000.

On page 27, line 24, decrease the amount by 5,000,000.

On page 28, line 2, decrease the amount by 11,000,000.

On page 28, line 5, decrease the amount by 10,000,000.

On page 28, line 8, decrease the amount by 8,000,000.

On page 28, line 11, decrease the amount by 6,000,000.

SA 3155. Mr. GREGG (for Mr. SALAZAR (for himself, Mr. ALLARD, Mr. CRAIG, Mr. DOMENICI, Mr. BURNS, Mr. ENSIGN, Mr. ENZI, Mr. THOMAS, Mr. BENNETT, Mr. HATCH, Mr. KYL, Mr. CRAPO, Mr. COLEMAN, Mrs. BOXER, Mr. REID, Mr. DORGAN, Mr. LEAHY, Mr. BAUCUS, and Mr. JOHNSON)) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 25, line 24, increase the amount by $152,000,000.

On page 25, line 25, increase the amount by $152,000,000.

On page 27, line 23, decrease the amount by $152,000,000.

On page 27, line 24, decrease the amount by $152,000,000.

SA 3156. Mr. GREGG (for Ms. STABENOW (for herself and Mr. LEVIN)) proposed an amendment to concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 24, line 24, decrease the amount by $45,000,000.

On page 24, line 25, decrease the amount by $45,000,000.

On page 25, line 3, decrease the amount by $45,000,000.

On page 25, line 4, decrease the amount by $45,000,000.

On page 25, line 7, decrease the amount by $45,000,000.

On page 25, line 8, decrease the amount by $45,000,000.

On page 25, line 11, decrease the amount by $45,000,000.

On page 25, line 12, decrease the amount by $45,000,000.

On page 25, line 15, decrease the amount by $45,000,000.

On page 25, line 16, decrease the amount by $45,000,000.

On page 27, line 23, increase the amount by $45,000,000.

On page 27, line 24, increase the amount by $45,000,000.

On page 28, line 1, increase the amount by $ 45,000,000.

On page 28, line 2, increase the amount by $ 45,000,000.

On page 28, line 4, increase the amount by $ 45,000,000.

On page 28, line 5, increase the amount by $ 45,000,000.

On page 28, line 7, increase the amount by $ 45,000,000.

On page 28, line 8, increase the amount by $ 45,000,000.

On page 28, line 10, increase the amount by $ 45,000,000.

On page 28, line 11, increase the amount by $ 45,000,000.

SA 3157. Mr. FRIST submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

Amendment No. ___ Reserve Fund for Gulf Coast, Protection, Recons and on page 43, after line 22, add the following:

(1) the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Energy and Natural Resources of the Senate, or both Committees, reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that creates a Gulf Coast Protection, Reconstruction and Recovery Fund to provide assistance to coastal states for coastal conservation, mitigation and resource protection activities, or other purposes, based on the allocation formula provided in Section 31 of the Outer Continental Shelf Lands Act that is funded $10 billion from the following sources or any combination of funds thereof—

(A) Receipts deposited into the Digital Television Transition and Public Safety Fund that exceed estimates of the Congressional Budget Office for the Deficit Reduction Act of 2005 at the time of enactment;

(B) Receipts (including bonus bids, rents, royalties, and payments associated with royalties in kind) from the Arctic National Wildlife Refuge, if the Committee on Energy and Natural Resources of the Senate reports a bill, and such measure is enacted, to establish oil exploration and production in the Arctic National Wildlife Refuge;

(C) Receipts equal to the amount of receipts received by the United States government attributable to offshore energy production (including bonus bids, rents, royalties, and payments associated with royalties in kind) for each year that exceed estimates of the Congressional Budget Office as of March 16, 2006; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974; the chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3158. Mr. DODD (for himself, Mr KENNEDY, Mrs. CLINTON, Ms. MIKULSKI, Mrs. MURRAY, Mr. DURBIN, Mr. LIEBERMAN, Ms. CANTWELL, Mr. KERRY, Mr. SALAZAR, Mr. BAUCUS, Mr. SCHUMER, Mr. LAUTENBERG, Mr. KOHL, Mrs. LINCOLN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $2,230,000,000.

On page 3, line 15, increase the amount by $3,084,000,000.

On page 3, line 17, increase the amount by $1,024,000,000.

On page 3, line 19, increase the amount by $330,000,000.

On page 4, line 1, increase the amount by $2,230,000,000.

On page 4, line 2, increase the amount by $3,084,000,000.

On page 4, line 3, increase the amount by $1,024,000,000.

On page 4, line 4, increase the amount by $330,000,000.

On page 4, line 13, increase the amount by $3,334,000,000.

On page 5, line 4, increase the amount by $1,115,000,000.

On page 5, line 6, increase the amount by $1,542,000,000.

On page 5, line 8, increase the amount by $512,000,000.

On page 5, line 10, increase the amount by $165,000,000.

On page 5, line 19, increase the amount by $1,115,000,000.

On page 5, line 21, increase the amount by $1,542,000,000.

On page 5, line 23, increase the amount by $512,000,000.

On page 5, line 25, increase the amount by $165,000,000.

On page 6, line 8, decrease the amount by $1,115,000,000.

On page 6, line 10, decrease the amount by $2,657,000,000.

On page 6, line 12, decrease the amount by $3,169,000,000.

On page 6, line 14, decrease the amount by $3,334,000,000.

On page 6, line 16, decrease the amount by $3,334,000,000.

On page 6, line 22, decrease the amount by $1,115,000,000.

On page 6, line 24, decrease the amount by $2,657,000,000.

On page 7, line 2, decrease the amount by $3,169,000,000.

On page 7, line 4, decrease the amount by $3,334,000,000.

On page 7, line 6, decrease the amount by $3,334,000,000.

On page 18, line 24, increase the amount by $2,794,000,000.

On page 18, line 25, increase the amount by $732,000,000.

On page 19, line 4, increase the amount by $1,407,000,000.

On page 19, line 8, increase the amount by $490,000,000.

On page 19, line 12, increase the amount by $165,000,000.

On page 21, line 24, increase the amount by $540,000,000.

On page 21, line 25, increase the amount by $383,000,000.

On page 22, line 4, increase the amount by $135,000,000.

On page 22, line 8, increase the amount by $22,000,000.

On page 53, line 1, increase the amount by $3,334,000,000.

On page 53, line 2, increase the amount by $1,115,000,000.

SA 3159. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 3, line 13, increase the amount by $2,392,000,000.

On page 3, line 15, increase the amount by $2,138,000,000.

On page 3, line 17, increase the amount by $534,000,000.

On page 3, line 19, increase the amount by $97,000,000.

On page 3, line 21, increase the amount by $25,000,000.

On page 4, line 1, increase the amount by $2,392,000,000.

On page 4, line 2, increase the amount by $2,138,000,000.

On page 4, line 3, increase the amount by $534,000,000.

On page 4, line 4, increase the amount by $97,000,000.

On page 4, line 6, increase the amount by $25,000,000.

On page 4, line 13, increase the amount by $5,226,000,000.

On page 5, line 4, increase the amount by $2,392,000,000.

On page 5, line 6, increase the amount by $2,138,000,000.

On page 5, line 8, increase the amount by $534,000,000.

On page 5, line 10, increase the amount by $97,000,000.

On page 5, line 12, increase the amount by $25,000,000.

On page 9, line 20, increase the amount by $2,500,000,000.

On page 9, line 21, increase the amount by $1,275,000,000.

On page 9, line 25, increase the amount by $963,000,000.

On page 10, line 4, increase the amount by $223,000,000.

On page 10, line 8, increase the amount by $23,000,000.

On page 10, line 12, increase the amount by $5,000,000.
On page 11, line 21, increase the amount by $1,150,000,000.
On page 11, line 22, increase the amount by $713,000,000.
On page 12, line 1, increase the amount by $362,000.000.
On page 12, line 5, increase the amount by $53,000.000.
On page 12, line 9, increase the amount by $13,000,000.
On page 12, line 13, increase the amount by $4,000,000.
On page 15, line 21, increase the amount by $176,000,000.
On page 15, line 22, increase the amount by $47,000,000.
On page 16, line 1, increase the amount by $65,000,000.
On page 16, line 5, increase the amount by $44,000,000.
On page 16, line 9, increase the amount by $15,000,000.
On page 16, line 13, increase the amount by $5,000,000.
On page 19, line 24, increase the amount by $1,400,000,000.
On page 19, line 25, increase the amount by $357,000,000.
On page 20, line 4, increase the amount by $748,000,000.
On page 20, line 8, increase the amount by $214,000,000.
On page 20, line 12, increase the amount by $46,000,000.
On page 20, line 16, increase the amount by $11,000,000.
On page 53, line 1, increase the amount by $5,226,000,000.
On page 53, line 2, increase the amount by $2,392,000,000.

SA 3160. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 24, line 24, increase the amount by $19,000,000.
On page 24, line 25, increase the amount by $5,000,000.
On page 25, line 4, increase the amount by $11,000,000.
On page 25, line 8, increase the amount by $2,000,000.
On page 25, line 12, increase the amount by $1,000,000.
On page 27, line 23, decrease the amount by $19,000,000.
On page 27, line 24, decrease the amount by $5,000,000.
On page 28, line 2, decrease the amount by $11,000,000.
On page 28, line 5, decrease the amount by $2,000,000.
On page 28, line 8, decrease the amount by $1,000,000.

SA 3161. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. _____. RESERVE FUND REGARDING FORMULARY REQUIREMENTS UNDER MEDICARE PART D.

If the Committee on Finance of the Senate reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(1) requires Medicare prescription drug plans and MA-PD plans to follow—

(A) the same process for making formulary changes under the Federal Employees Health Benefits Program or under programs under the Department of Veterans Affairs; or

(B) if more favorable to beneficiaries than the processes described in subparagraph (A), the current process for making formulary changes under part D of the Medicare program; and

(2) requires that any formulary used under a Medicare prescription drug plan or an MA-PD plan include all or substantially all drugs in each of the following categories:

(A) Antidepressants.
(B) Antipsychotics.
(C) Anticancer.
(D) Anticonvulsants.
(E) Immunosuppressants.
(F) Drugs to treat HIV/AIDs;

the Chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3162. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

On page 24, line 24, increase the amount by $27,000,000.
On page 24, line 25, increase the amount by $21,600,000.
On page 25, line 4, increase the amount by $2,700,000.
On page 25, line 8, increase the amount by $2,700,000.
On page 27, line 23, decrease the amount by $27,000,000.
On page 27, line 24, decrease the amount by $21,600,000.
On page 28, line 2, decrease the amount by $2,700,000.
On page 28, line 5, decrease the amount by $2,700,000.

SA 3163. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. RESERVE FUND A COMMISSION FOR ACCOUNTABILITY AND REVIEW OF FEDERAL AGENCIES.

If—

(1) the Homeland Security and Governmental Affairs Committee of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conferecne report is submitted thereon, that creates a Commission for the review of the performances of Federal agencies, with the purpose of recommending legislation to realign or eliminate programs or agenices that are wasteful, duplicative, inefficient, outdated, irrelevant, or failed; and

(2) the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3164. Ms. STABENOW proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

At the end of title III, insert the following:

SEC. _____. RESERVE FUND TO ALLOW FOR DEFICIT-NEUTRAL LEGISLATION THAT WOULD PROVIDE SENIORS WITH A PRESCRIPTION DRUG BENEFIT OPTION THAT IS AFFORDABLE, USER-FRIENDLY, AND ADMINISTERED DIRECTLY BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill or joint resolution, or an amendment thereto or conference report thereon, that would—

(1) provide all Medicare beneficiaries with a Medicare-administered prescription drug plan option, while preserving the private prescription drug plan options;

(2) ensure that Medicare beneficiaries pay the lowest possible prescription drug prices by directing the Secretary of Health and Human Services to negotiate with pharmaceutical manufacturers with respect to the purchase price of covered part D drugs on behalf of beneficiaries enrolled in the Medicare-administered prescription drug plan;

(3) improve the part D standard prescription drug benefit; and

(4) guarantee that Medicare beneficiaries receive the FDA-approved drugs they need by preventing prescription drug plans and MA-PD plans from ending coverage of drugs, or imposing restrictions or limitations on coverage of drugs, that were covered when the beneficiary enrolled in the plan until the beneficiary has the opportunity to switch plans, with an exception to such guarantee for brand name drugs for which there is a generic drug approved under section 505(j) of the Food and Drug Cosmetic Act that is placed on the market during the period in which the guarantee applies;

by the amount provided in such measure for those purposes, provided that such legislation would not increase the deficit for the period of fiscal years 2007 through 2011.

SA 3165. Mr. VITTER (for himself and Ms. LANDRIEU) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

''If—

(1) the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Energy and Natural Resources of the Senate, or both Committees, reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is

submitted thereon, that creates a Gulf Coast Protection, Reconstruction and Recovery Fund to provide assistance to coastal states for coastal conservation, mitigation and resource protection activities, or other purposes, based on the allocation formula provided in Section 31 of the Outer Continental Shelf Lands Act that is funded $10 billion from the following sources or any combination of funds thereof—

(A) Receipts deposited into the Digital Television Transition and Public Safety Fund that exceed estimates of the Congressional Budget Office for the Deficit Reduction Act of 2005 at the time of enactment;

(B) Receipts (including bonus bids, rents, royalties, and payments associated with royalties in kind) from the Arctic National Wildlife Refuge, if the Committee on Energy and Natural Resources of the Senate reports a bill, and such measure is enacted, to establish oil exploration and production in the Arctic National Wildlife Refuge;

(C) Receipts equal to the amount of receipts received by the United States government attributable to offshore energy production (including bonus bids, rents, royalties, and payments associated with royalties in kind) for each year that exceed estimates of the Congressional Budget Office as of March 16, 2006; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011''.''

SA 3166. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 10, line 20, decrease the amount by $4,000,000.

On page 10, line 21, decrease the amount by $4,000,000.

On page 24, line 24, increase the amount by $4,000,000.

On page 24, line 25, increase the amount by $4,000,000.

SA 3167. Mr. GREGG (for Mr. BROWNBACK) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

At the end of title III, insert the following:

SEC. ___. RESERVE FUND A COMMISSION FOR ACCOUNTABILITY AND REVIEW OF FEDERAL AGENCIES.

If—

(1) the Homeland Security and Governmental Affairs Committee of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conferecne report is submitted thereon, that creates a Commission for the review of the performances of Federal agencies, with the purpose of recommending legislation to realign or eliminate programs or agenices that are wasteful, duplicative, inefficient, outdated, irrelevant, or failed; and

(2) the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SA 3168. Mr. GREGG (for Mr. BAUCUS) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 24, line 24, increase the amount by $19,000,000.

On page 24, line 25, increase the amount by $5,000,000.

On page 25, line 4, increase the amount by $11,000,000.

On page 25, line 8, increase the amount by $2,000,000.

On page 25, line 12, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $19,000,000.

On page 27, line 24, decrease the amount by $5,000,000.

On page 28, line 2, decrease the amount by $11,000,000.

On page 28, line 5, decrease the amount by $2,000,000.

On page 28, line 8, decrease the amount by $1,000,000.

SA 3169. Mr. GREGG (for Mr. GRAHAM) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 24, line 24, increase the amount by $27,000,000.

On page 24, line 25, increase the amount by $21,600,000.

On page 25, line 4, increase the amount by $2,700,000.

On page 25, line 8, increase the amount by $2,700,000.

On page 27, line 23, decrease the amount by $27,000,000.

On page 27, line 24, decrease the amount by $21,600,000.

On page 28, line 2, decrease the amount by $2,700,000.

On page 28, line 5, decrease the amount by $2,700,000.

SA 3170. Mr. GREGG (for Mr. CONRAD (for himself and Mr. GREGG)) proposed an amendment to concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 4, line 13, increase the amount by $363,000,000.

On page 5, line 4, increase the amount by $340,000,000.

On page 5, line 6, increase the amount by $14,000,000.

On page 5, line 8, increase the amount by $9,000,000.

On page 5, line 19, decrease the amount by $340,000,000.

On page 5, line 21, decrease the amount by $14,000,000.

On page 5, line 23 , decrease the amount by $9,000,000.

On page 6, line 8, increase the amount by $340,000,000.

On page 6, line 10, increase the amount by $354,000,000.

On page 6, line 12, increase the amount by $363,000,000.

On page 6, line 14, increase the amount by $363,000,000.

On page 6, line 16, increase the amount by $363,000,000.

On page 6, line 22, increase the amount by $340,000,000.

On page 6, line 24, increase the amount by $354,000,000.

On page 7, line 2, increase the amount by $363,000,000.

On page 7, line 4, increase the amount by $363,000,000.

On page, 7, line 6, increase the amount by $363,000,000.

On page 25, line 24, increase the amount by $363,000,000.

On page 25, line 25, increase the amount by $340,000,000.

On page 26, line 4, increase the amount by $14,000,000.

On page 26, line 8, increase the amount by $9,000,000.

On page 53, line 1, increase the amount by $137,000,000.

On page 53, line 2, increase the amount by $128,000,000.

On page 55, line 13, strike $274,000,000 and insert $500,000,000.

SA 3171. Mr. GREGG (for Mr. BYRD) proposed an amendment to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 4, line 13, increase the amount by $37,000,000.

On page 4, line 15, increase the amount by $38,000,000.

On page 4, line 17, increase the amount by $41,000,000.

On page 4, line 19, increase the amount by $43,000,000.

On page 4, line 21, increase the amount by $46,000,000.

On page 5, line 4, increase the amount by $33,000,000.

On page 5, line 6, increase the amount by $37,000,000.

On page 5, line 8, increase the amount by $40,000,000.

On page 5, line 10, increase the amount by $42,000,000.

On page 5, line 12, increase the amount by $45,000,000.

On page 5, line 19, decrease the amount by $33,000,000.

On page 5, line 21, decrease the amount by $37,000,000.

On page 5, line 23, decrease the amount by $40,000,000.

On page 5, line 25, decrease the amount by $42,000,000.

On page 6, line 2, decrease the amount by $45,000,000.

On page 6, line 8, increase the amount by $33,000,000.

On page 6, line 10, increase the amount by $70,000,000.

On page 6, line 12, increase the amount by $110,000,000.

On page 6, line 14, increase the amount by $152,000,000.

On page 6, line 16, increase the amount by $197,000,000.

On page 6, line 22, increase the amount by $33,000,000.
On page 6, line 24, increase the amount by $70,000,000.
On page 7, line 2, increase the amount by $110,000,000.
On page 7, line 4, increase the amount by $152,000,000.
On page 7, line 6, increase the amount by $197,000,000.
On page 19, line 24, increase the amount by $36,000,000.
On page 19, line 25, increase the amount by $32,000,000.
On page 20, line 3, increase the amount by $36,000,000.
On page 20, line 4, increase the amount by $35,000,000.
On page 20, line 7, increase the amount by $37,000,000.
On page 20, line 8, increase the amount by $36,000,000.
On page 20, line 11, increase the amount by $37,000,000.
On page 20, line 12, increase the amount by $36,000,000.
On page 20, line 15, increase the amount by $38,000,000.
On page 20, line 16, increase the amount by $37,000,000.
On page 26, line 24, increase the amount by $1,000,000.
On page 26, line 25, increase the amount by $1,000,000.
On page 27, line 3, increase the amount by $2,000,000.
On page 27, line 4, increase the amount by $2,000,000.
On page 27, line 7, increase the amount by $4,000,000.
On page 27, line 8, increase the amount by $4,000,000.
On page 27, line 11, increase the amount by $6,000,000.
On page 27, line 12, increase the amount by $6,000,000.
On page 27, line 15, increase the amount by $8,000,000.
On page 27, line 16, increase the amount by $8,000,000.
On page 53, line 1, increase the amount by $36,000,000.
On page 53, line 2, increase the amount by $32,000,000.
On page 53, line 4, increase the amount by $36,000,000.
On page 53, line 7, increase the amount by $37,000,000.

SA 3172. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011; as follows:

On page 25, line 24, increase the amount by $308,000,000.
On page 25, line 25, increase the amount by $9,000,000.
On page 26, line 4, increase the amount by $31,000,000.
On page 26, line 8, increase the amount by $65,000,000.
On page 26, line 12, increase the amount by $95,000,000.
On page 26, line 16, increase the amount by $77,000,000.
On page 27, line 23, decrease the amount by $308,000,000.
On page 27, line 24, decrease the amount by $9,000,000.
On page 28, line 2, decrease the amount by $31,000,000.
On page 28, line 5, decrease the amount by $65,000,000.
On page 28, line 8, increase/decrease the amount by $95,000,000.
On page 28, line 11, decrease the amount by $77,000,000.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 29, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1832, to authorize the Secretary of the Interior to lease oil and gas resources underlying Fort Reno, OK, to establish the Fort Reno Management Fund, and for other purposes; S. 2150, to direct the Secretary of Interior to convey certain Bureau of Land Management Land to the City of Eugene, OR, and H.R. 3507, to transfer certain land in Riverside County, CA, and San Diego County, CA, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545 or Sara Zecher 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 16, 2006, at 8:30 a.m., to receive testimony from combatant commanders on their military strategy and operational requirements, in review of the defense authorization request for Fiscal Year 2007 and the future years defense program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GREGG. Mr. President. I ask unanimous consent that the Subcommittee on Disaster Prediction and Prevention be authorized to meet on Thursday, March 16, 2006, at 10 a.m. on Volcanic Hazards.

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. GREGG. Mr. President. I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 16, 2006 at 3 p.m. on pending Committee business.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GREGG. Mr. President. I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a hearing on Thursday, March 16, 2006 at 10 a.m. on the Great Lakes Regional Collaboration's strategy to restore and protect the Great Lakes.

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

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President. I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, March 16, 2006 at 9:30 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Cuno and Competitiveness: Where to draw the line''.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, March 16, 2006 at 9:15 a.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, March 16, 2006, at 9 a.m. in The Mansfield Room, S–207 The Capitol.

Agenda

I. Nominations: Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Patrick J. Schiltz, to be U.S. District Court Judge for the District of Minnesota; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; John F. Clark to be Director of the United States Marshals Service.

II. Bills: S. , Comprehensive Immigration Reform; Chairman's Mark; S. 1768. A bill to permit the televising of Supreme Court proceedings; Specter, Leahy, Cornyn, Grassley, Schumer, Feingold, Durbin; S. 829, Sunshine in the Courtroom Act of 2005; Grassley, Schumer, Cornyn, Leahy, Feingold, Durbin, Graham, DeWine, Specter; S. 489, Federal Consent Decree Fairness Act; Alexander, Kyl, Cornyn, Graham, Hatch; S. 2039, Prosecutors and Defenders Incentive Act of 2005; Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold; S. 2292, A bill to provide relief for the Federal judiciary

from excessive rent charges; Specter, Leahy, Cornyn, Feinstein, Biden.

III. Matters: S.J. Res. 1, Marriage Protection Amendment; Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 16, 2006, for a committee hearing titled ''Looking At Our Homeless Veterans' Programs: How Effective Are They?'' The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, March 16, 2006, at 9:30 a.m. for a hearing regarding ''Earmark Reform: Understanding the Obligation of Funds Transparency Act''.

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

COMMITTEE ON CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup on Thursday, March 16, 2006 at 1:30 p.m. in Dirksen Senate Office Building Room 226 on S.J. Res. 12, the Flag Desecration Resolution.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. GREGG. Mr. President. I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on March 16, 2006 at time 3:30 p.m., in open session to receive testimony on global strike plans and programs in review of the defense authorization request for fiscal year 2007.

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

PRIVILEGES OF THE FLOOR

Mr. GREGG. Madam President, I ask unanimous consent that Mark Van de Water of the Senate Appropriations Committee be granted the privilege of the floor during the consideration of S. Con. Res. 83.

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

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

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

SENATE BUSINESS

Mr. FRIST. Mr. President, we have several items in wrapup in a little bit and a lot of activity is going on. Hopefully in 15 or 20 minutes we will be able to close the Senate. I come to the Senate to make a couple of statements.

I begin with the very brief comment on the budget itself. I thank my colleagues on both sides of the aisle for their tremendous efforts in bringing to a close passage of a budget resolution that this Senate can be very proud of. Overall management of the budget was superb. I thank Chairman JUDD GREGG and Senator KENT CONRAD for their leadership, for their patience on what is always a very difficult process that culminates in this vote-arama that we have been in from about 1:30 today up until about an hour ago. With these vote-aramas, everyone is on the floor and milling around, considering amendment after amendment. It is a challenge for all Senators, with tensions tending to rise. To have two cool heads calmly manage this bill is a real tribute to both of them. I thank them for their leadership.

The budget itself is a tough budget. It is a disciplined budget. It restrains spending and tackles the deficit. It reflects our commitment to America's future and to making America stronger and safer and more economically sound. Like so many of the issues we tackled this year, it is not an easy process. It has not been a very easy process. With determination and with focus, a lot of energy by leading on principle, we are delivering meaningful solutions for the American people. We have demonstrated this Senate can and does govern. We have been doing that consistently.

As we reflect over the last several weeks, no more so than with the confirmation of Justice Samuel Alito. A lot of our opponents had tried to distort his record and to undermine the process, but this Senate held firm, and with that Judge Alito did receive a fair up-or-down vote that he deserved in the Senate. But to get to that point was tough. We proved that the Senate can hold a free, a dignified, and a thorough debate while at the same time fulfilling our constitutional responsibility of giving advice and consent. Justice Alito now sits on the Supreme Court of the United States. In every respect Judge Alito was a nominee who meets the highest standards of excellence. I congratulate him once again on his most deserved achievement.

Principle and determination to protect the American people also guided more recently our passage of the PATRIOT Act. Again, the process got stymied. There was a lot of delay. There was a lot of postponement. But we pressed forward and after sustained negotiations we were able to secure law enforcement's No. 1 terrorist fighting tool, the USA PATRIOT Act.

The legislation itself works to promote information sharing and breaking down barriers between our intelligence agencies and our law enforcement agencies. It has proven to be an effective tool. It levels the playing field so we can effectively harness all of our resources to defeat terror. It appropriately balances the constitutional rights of all Americans against our need to effectively investigate and halt potential terrorist attacks. Every day it is helping the authorities dismantle terrorist organizations and stop our enemies in their tracks.

Keeping America strong also means keeping our economy thriving, and that is why also this past month we passed the Tax Relief Act of 2005. We know that tax cuts work. We know they grow the economy and help create jobs. In 2001 we delivered tax relief to the American people of $1.4 trillion; 2 years later, another $350 billion. We cut taxes on income and marriage. We doubled the child tax credit, we slashed taxes on capital gains and dividends. And the product we are seeing, our economy, has grown. We created over 5 million jobs in the last 36 months. Unemployment is the lowest it has been since before September 11, lower now than the average of the 1990s, those boom years, and the 1980s and the 1970s. Home ownership is up. Almost 70 percent of Americans own their homes. Minority ownership is at an all-time high. Tax relief has led to 3 years of continued strong growth.

The tax cuts are working. Even this past year we saw growth in revenues coming to the Government in over 10 percent, in double digits. When we return, I hope we will be able to address the conference report on this tax reconciliation bill.

That brings me to what will come in the 2 weeks after the current recess.

Our attention is to focus on border security when we come back. Our country needs security at our borders in order to stop the flow of illegal immigration and make America safer from foreign criminals and terrorists.

Today, I introduced a border security bill to ensure the Senate will have legislation available for consideration during that week of March 27. The Senate Judiciary Committee, under the fantastic leadership of ARLEN SPECTER, has been addressing border security and interior enforcement aggressively over the last 3 weeks. They have had what we all know of as a markup this week, including today and yesterday, on 2 days of last week and the week before. ARLEN SPECTER has been a tireless leader. Indeed, they will return on that first Monday to continue that markup.

Now is the time to take their outstanding work to the floor. That is exactly what we will do. The bill I introduced is based on the consensus enforcement, visa reform, and immigration litigation reform titles of Chairman SPECTER's bill, the markup of border security legislation. It focuses on ensuring strict enforcement of our Nation's immigration laws.

I do look forward to bringing a border security bill to the floor in the

early part of that week, on Monday or Tuesday of that week, and allowing the full Senate to work its will on border security and on interior law enforcement, as well as comprehensive immigration reform.

America will be more secure, and our constituents will be safer. I hope the Judiciary Committee will be able to report a bill that we can bring to the floor that meets these objectives. As a country of immigrants who respect the rule of law, I expect us to honor those heritages as the debate unfolds.

It is going to be a heated discussion. These are tough issues. This body will struggle with each of these issues. There will be a lot of debate, and I know there will be a lot of amendments. But it is important to the American people, for their safety, for their security, and to do what is right on the issue of border security and immigration. A country that cannot secure its borders cannot secure its destiny.

We made great strides in the past 2 months. We are working hard to secure America's future. We are working hard to deliver real outcomes on real issues. I look forward to continuing this work when we return.

TRIBUTE TO BILL HOAGLAND

Mr. FRIST. Mr. President, tonight, as we wrapped up our votes on the budget, I do want to take a minute to acknowledge someone who everybody in this body knows very well, but someone who has worked hard for many years behind the scenes—shirt sleeves rolled up, often with a furrowed brow. His name: Bill Hoagland, the Senate's undisputed budget guru, and my valued budget adviser.

No one knows the budget better than Bill Hoagland. No one understands better the stresses and strains it has undergone as Congress has struggled to find ways to control spending.

Bill has seen this process transform as Congress has added layer upon layer of complexity in our ongoing efforts to control deficits. There is no greater authority than Bill on how that process began, how it has changed, where it is going in the future.

He has amassed this deep reservoir of knowledge, in part, by being scrupulously frank and impeccably honest. Bill will always tell you what he thinks, and he does so in a way that is often maybe too open, but open and transparent. And never, ever does he have a hidden agenda.

He provided this service for many years for Senator DOMENICI when he served as the former Budget Committee chairman's staff director. He has done it for me since joining my team in the leader's office, and for any other Senator who has solicited his views.

Over the last 3 days, and especially over the course of today—when things started to get a little bit tough, when there was a question among Senators in their many small meetings, both on the floor and off the floor—the most common question was, as things got tough: Where is Bill Hoagland? Where is Bill? And indeed, Bill would come, and with his experience and with his discipline and with his focus, he would fix it. And fix it he did—again and again and again.

Bill is dedicated, well informed, and honest. He never trims his counsel to please the listener. These qualities have been a huge asset, an enormous asset, to me as leader. I know when I talk with him, I may not always necessarily hear what I want, but I always hear what I probably should.

This is Bill Hoagland's 22nd budget. It is my last. I want to take this opportunity to thank the Indiana native for his service to the Senate and to the American people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MOMENT OF SILENCE IN HONOR OF ARMED FORCES SERVING AT HOME AND ABROAD

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 404 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 404) expressing the sense of the Senate that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad.

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

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 404) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 404

Whereas it was through the brave and noble efforts of the forefathers of the United States that the United States first gained freedom and became a sovereign country;

Whereas there are more than 1,300,000 active component and more than 1,100,000 reserve component members of the Armed Forces serving the Nation in support and defense of the values and freedom that all people in the United States cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of the people of the United States for putting their lives in danger for the sake of the freedoms enjoyed by all people of the United States;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all the people of the United States;

Whereas all people of the United States should participate in a moment of silence to support the troops; and

Whereas March 26th, 2006, is designated as ''National Support the Troops Day'': Now, therefore, be it

Resolved, That it is the sense of the Senate that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad.

ROBERT T. STAFFORD WHITE ROCKS NATIONAL RECREATION AREA

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2447 introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 2447) to redesignate the White Rocks National Recreation Area in the State of Vermont as the ''Robert T. Stafford White Rocks National Recreation Area''.

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

Mr. LEAHY. Mr. President, I am pleased the Senate has agreed to unanimously approve this legislation to rename the White Rocks National Recreation Area in the Green Mountain National Forest as the Robert T. Stafford White Rocks National Recreation Area. Along with Senator JEFFORDS, I introduced this legislation as what we believed is a fitting tribute to our friend and former colleague, Senator Robert Stafford.

Bob Stafford is an absolute giant in Vermont politics. He spent almost 30 years representing our great State first in the U.S. House of Representatives and then in the United States Senate. Prior to his arrival in Washington in the early 1960s, he served his fellow Vermonters closer to home holding a number of prominent State positions. He served as Rutland County prosecuting attorney, as Rutland County State's Attorney, as deputy State attorney general, and finally as our State's attorney general. From 1957–1959 Bob Stafford held the post of lieutenant governor, and in 1959 he went on to become Governor.

In 1960, Bob Stafford was elected to Vermont's sole seat in the U.S. House of Representatives. He won five successive reelections. In September 1971, he resigned his House seat to accept appointment to the U.S. Senate following the death of Senator Winston Prouty. After winning a special election in January 1972, Bob proceeded to represent Vermont in the Senate during the next 17 years. I had the distinct privilege of

serving with him during all but two of those years. During his Senate service Bob Stafford became a national figure of stature, of vision and of courage in his leadership especially on environmental and education policy issues and legislation. His legacy endures in his many legislative achievements.

To honor our friend, Senator Jeffords and I introduced this legislation to name the White Rocks National Recreation Area in the Green Mountain National Forest as the ''Robert T. Stafford White Rocks National Recreation Area.'' White Rocks is among his most beloved natural areas in Vermont, and Bob Stafford protected more land in our State than anyone who came before him. I know he and Helen could actually see the towering white cliff face of White Rocks Mountain from their home. By passing this legislation, the Senate honors our former colleague and our friend.

Mr. JEFFORDS. Mr. President, I join my colleague from Vermont, Senator LEAHY, in seeking to rename the White Rocks National Recreation Area in the Green Mountain National Forest of Vermont in honor of our great friend, and my mentor and predecessor, Robert T. Stafford.

Twenty-two years ago, Senator Stafford introduced the Vermont Wilderness Act of 1984 on behalf of himself and Senator LEAHY. Senator Stafford said at that time, ''It is our intention to present this legislation to Vermonters and seek their comments . . . I am willing to listen to the voices of other Vermonters before a decision is made.'' And listen he did.

Senator Stafford then led Senator LEAHY and me back home to Vermont to hear from hundreds of our constituents. Their input changed the bill, and the result was the creation of the White Rocks National Recreation Area.

This magnificent, 36,000-acre recreation area exists because of Senator Stafford's insistence upon listening to Vermonters and seeing their views embodied in the law.

Senator Stafford's public service spanned four decades, and included six years as chairman of the Senate Committee on Environment and Public Works. Throughout his career, he proved himself a true steward of our environment. As he approached his retirement at the end of the 100th Congress, Senator Stafford gave a series of floor statements describing the environmental threats that faced our Nation.

On September 12, 1988, he said, ''We humans have degraded the environment of our world, and now we must set ourselves on the path of reversing that course. It will not be an easy task to accomplish, but it is a necessary one . . . If only we can recognize this circumstance for what it is—an opportunity to redirect ourselves toward a brighter future—then setting ourselves to the task ahead will not be a burden, but a joy.''

That was 18 years ago, and unfortunately, those threats remain very much with us today. But it is my hope that the White Rocks recreation area, which Senator Stafford can look out upon from his home in Rutland, Vermont, will be a constant reminder of Senator Stafford's devotion to Vermont and his devotion to our environment.

No monument or statement or park renaming can do justice to the unparalleled contributions Senator Stafford has made to both Vermont and this Nation. Senator Stafford has been one of the most devoted, capable and complished public servants the Senate has ever known. That said, naming the White Rocks area after Senator Stafford is as fitting a tribute as I can imagine.

Just as the Wilderness Act of 1984 named the George Aiken Wilderness Area in honor of that great Vermont Senator, we seek to bestow the same honor upon Senator Stafford with the naming of the Robert T. Stafford White Rocks National Recreation Area.

Mr. FRIST. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The bill (S. 2447) was read the third time and passed, as follows:

S. 2447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT T. STAFFORD WHITE ROCKS NATIONAL RECREATION AREA .

(a) REDESIGNATION.—The White Rocks National Recreation Area in the State of Vermont, as established by section 202 of the Vermont Wilderness Act of 1984 (16 U.S.C. 460nn–1), is redesignated as the ''Robert T. Stafford White Rocks National Recreation Area''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the recreation area referred to in subsection (a) shall be deemed to be a reference to the Robert T. Stafford White Rocks National Recreation Area.

TEMPORARY INCREASE IN THE BORROWING AUTHORITY OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. FRIST. Mr. President, I ask unanimous consent that the chair now lay before the Senate the House message to accompany S. 2275.

The Presiding Officer laid before the Senate the following message:

S. 2275

Resolved, That the bill from the Senate (S. 2275) entitled ''An Act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Flood Insurance Program Enhanced Borrowing Authority Act of 2006''.

SEC. 2. INCREASE IN BORROWING AUTHORITY.

The first sentence of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)), as amended by the National Flood Insurance Program Further Enhanced Borrowing Authority Act of 2005 (Public Law 109–106; 119 Stat. 2288), is amended by striking ''$18,500,000,000'' and inserting ''$20,775,000,000''.

SEC. 3. EMERGENCY SPENDING.

Amendments made pursuant to this Act are designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress).

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

PERMITTING USE OF THE CAPITOL ROTUNDA FOR A CEREMONY IN REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 350 received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 350) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 350) was agreed to.

AUTHORITY OF THE SECRETARY OF THE ARMY TO ACCEPT AND EXPEND FUNDS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4826, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 4826) to extend through December 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the

table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4826) was read the third time and passed.

UNDERTAKING SPAM, SPYWARE, AND FRAUD ENFORCEMENT WITH ENFORCERS BEYOND BORDERS ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calender No. 372, S. 1608.

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

The legislative clerk read as follows:

A bill (S. 1608) to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

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

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

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

The bill (S. 1608) was read the third time and passed, as follows:

S. 1608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the ''Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2005'' or the ''U.S. SAFE WEB Act of 2005''.

(b) FINDINGS.—The Congress finds the following:

(1) The Federal Trade Commission protects consumers from fraud and deception. Cross-border fraud and deception are growing international problems that affect American consumers and businesses.

(2) The development of the Internet and improvements in telecommunications technologies have brought significant benefits to consumers. At the same time, they have also provided unprecedented opportunities for those engaged in fraud and deception to establish operations in one country and victimize a large number of consumers in other countries.

(3) An increasing number of consumer complaints collected in the Consumer Sentinel database maintained by the Commission, and an increasing number of cases brought by the Commission, involve foreign consumers, foreign businesses or individuals, or assets or evidence located outside the United States.

(4) The Commission has legal authority to remedy law violations involving domestic and foreign wrongdoers, pursuant to the Federal Trade Commission Act. The Commission's ability to obtain effective relief using this authority, however, may face practical impediments when wrongdoers, victims, other witnesses, documents, money and third parties involved in the transaction are widely dispersed in many different jurisdictions. Such circumstances make it difficult for the Commission to gather all the information necessary to detect injurious practices, to recover offshore assets for consumer redress, and to reach conduct occurring outside the United States that affects United States consumers.

(5) Improving the ability of the Commission and its foreign counterparts to share information about cross-border fraud and deception, to conduct joint and parallel investigations, and to assist each other is critical to achieve more timely and effective enforcement in cross-border cases.

(c) PURPOSE.—The purpose of this Act is to enhance the ability of the Federal Trade Commission to protect consumers from illegal spam, spyware, and cross-border fraud and deception and other consumer protection law violations.

SEC. 2. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by adding at the end the following:

''`Foreign law enforcement agency' means—

''(1) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

''(2) any multinational organization, to the extent that it is acting on behalf of an entity described in paragraph (1).''.

SEC. 3. AVAILABILITY OF REMEDIES.

Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by adding at the end the following:

''(4)(A) For purposes of subsection (a), the term 'unfair or deceptive acts or practices' includes such acts or practices involving foreign commerce that—

''(i) cause or are likely to cause reasonably foreseeable injury within the United States; or

''(ii) involve material conduct occurring within the United States.

''(B) All remedies available to the Commission with respect to unfair and deceptive acts or practices shall be available for acts and practices described in this paragraph, including restitution to domestic or foreign victims.''.

SEC. 4. POWERS OF THE COMMISSION.

(a) PUBLICATION OF INFORMATION; REPORTS.—Section 6(f) of the Federal Trade Commission Act (15 U.S.C. 46(f)) is amended—

(1) by inserting ''(1)'' after ''such information'' the first place it appears; and

(2) by striking ''purposes.'' and inserting ''purposes, and (2) to any officer or employee of any foreign law enforcement agency under the same circumstances that making material available to foreign law enforcement agencies is permitted under section 21(b).''.

(b) OTHER POWERS OF THE COMMISSION.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is further amended by inserting after subsection (i) and before the proviso the following:

''(j) INVESTIGATIVE ASSISTANCE FOR FOREIGN LAW ENFORCEMENT AGENCIES.—

''(1) IN GENERAL.—Upon a written request from a foreign law enforcement agency to provide assistance in accordance with this subsection, if the requesting agency states that it is investigating, or engaging in enforcement proceedings against, possible violations of laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any provision of the laws administered by the Commission, other than Federal antitrust laws (as defined in section 12(5) of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211(5))), to provide the assistance described in paragraph (2) without requiring that the conduct identified in the request constitute a violation of the laws of the United States.

''(2) TYPE OF ASSISTANCE.—In providing assistance to a foreign law enforcement agency under this subsection, the Commission may—

''(A) conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance, using all investigative powers authorized by this Act; and

''(B) when the request is from an agency acting to investigate or pursue the enforcement of civil laws, or when the Attorney General refers a request to the Commission from an agency acting to investigate or pursue the enforcement of criminal laws, seek and accept appointment by a United States district court of Commission attorneys to provide assistance to foreign and international tribunals and to litigants before such tribunals on behalf of a foreign law enforcement agency pursuant to section 1782 of title 28, United States Code.

''(3) CRITERIA FOR DETERMINATION.—In deciding whether to provide such assistance, the Commission shall consider all relevant factors, including—

''(A) whether the requesting agency has agreed to provide or will provide reciprocal assistance to the Commission;

''(B) whether compliance with the request would prejudice the public interest of the United States; and

''(C) whether the requesting agency's investigation or enforcement proceeding concerns acts or practices that cause or are likely to cause injury to a significant number of persons.

''(4) INTERNATIONAL AGREEMENTS.—If a foreign law enforcement agency has set forth a legal basis for requiring execution of an international agreement as a condition for reciprocal assistance, or as a condition for provision of materials or information to the Commission, the Commission, with prior approval and ongoing oversight of the Secretary of State, and with final approval of the agreement by the Secretary of State, may negotiate and conclude an international agreement, in the name of either the United States or the Commission, for the purpose of obtaining such assistance, materials, or information. The Commission may undertake in such an international agreement to—

''(A) provide assistance using the powers set forth in this subsection;

''(B) disclose materials and information in accordance with subsection (f) and section 21(b); and

''(C) engage in further cooperation, and protect materials and information received from disclosure, as authorized by this Act.

''(5) ADDITIONAL AUTHORITY.—The authority provided by this subsection is in addition to, and not in lieu of, any other authority vested in the Commission or any other officer of the United States.

''(6) LIMITATION.—The authority granted by this subsection shall not authorize the Commission to take any action or exercise any power with respect to a bank, a savings and loan institution described in section 18(f)(3) (15 U.S.C. 57a(f)(3)), a Federal credit union described in section 18(f)(4) (15 U.S.C. 57a(f)(4)), or a common carrier subject to the Act to regulate commerce, except in accordance with the undesignated proviso following the last designated subsection of section 6 (15 U.S.C. 46).

''(7) ASSISTANCE TO CERTAIN COUNTRIES.—The Commission may not provide investigative assistance under this subsection to a foreign law enforcement agency from a foreign state that the Secretary of State has determined, in accordance with section 6(j)

of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

''(k) REFERRAL OF EVIDENCE FOR CRIMINAL PROCEEDINGS.—

''(1) IN GENERAL.—Whenever the Commission obtains evidence that any person, partnership, or corporation, either domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, to transmit such evidence to the Attorney General, who may institute criminal proceedings under appropriate statutes. Nothing in this paragraph affects any other authority of the Commission to disclose information.

''(2) INTERNATIONAL INFORMATION.—The Commission shall endeavor to ensure, with respect to memoranda of understanding and international agreements it may conclude, that material it has obtained from foreign law enforcement agencies acting to investigate or pursue the enforcement of foreign criminal laws may be used for the purpose of investigation, prosecution, or prevention of violations of United States criminal laws.

''(l) EXPENDITURES FOR COOPERATIVE ARRANGEMENTS.—To expend appropriated funds for—

''(1) operating expenses and other costs of bilateral and multilateral cooperative law enforcement groups conducting activities of interest to the Commission and in which the Commission participates; and

''(2) expenses for consultations and meetings hosted by the Commission with foreign government agency officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to the Commission's mission, development and implementation of cooperation agreements, and provision of technical assistance for the development of foreign consumer protection or competition regimes, such expenses to include necessary administrative and logistic expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including—

''(A) such incidental expenses as meals taken in the course of such attendance;

''(B) any travel and transportation to or from such meetings; and

''(C) any other related lodging or subsistence.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—The Federal Trade Commission is authorized to expend appropriated funds not to exceed $100,000 per fiscal year for purposes of section 6(l) of the Federal Trade Commission Act (15 U.S.C. 46(l)) (as added by subsection (b) of this section), including operating expenses and other costs of the following bilateral and multilateral cooperative law enforcement agencies and organizations:

(1) The International Consumer Protection and Enforcement Network.

(2) The International Competition Network.

(3) The Mexico-U.S.-Canada Health Fraud Task Force.

(4) Project Emptor.

(5) The Toronto Strategic Partnership and other regional partnerships with a nexus in a Canadian province.

(d) CONFORMING AMENDMENT.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by striking ''clauses (a) and (b)'' in the proviso following subsection (l) (as added by subsection (b) of this section) and inserting ''subsections (a), (b), and (j)''.

SEC. 5. REPRESENTATION IN FOREIGN LITIGATION.

Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended by adding at the end the following:

''(c) FOREIGN LITIGATION.—

''(1) COMMISSION ATTORNEYS.—With the concurrence of the Attorney General, the Commission may designate Commission attorneys to assist the Attorney General in connection with litigation in foreign courts on particular matters in which the Commission has an interest.

''(2) REIMBURSEMENT FOR FOREIGN COUNSEL.—The Commission is authorized to expend appropriated funds, upon agreement with the Attorney General, to reimburse the Attorney General for the retention of foreign counsel for litigation in foreign courts and for expenses related to litigation in foreign courts in which the Commission has an interest.

''(3) LIMITATION ON USE OF FUNDS.—Nothing in this subsection authorizes the payment of claims or judgments from any source other than the permanent and indefinite appropriation authorized by section 1304 of title 31, United States Code.

''(4) OTHER AUTHORITY.—The authority provided by this subsection is in addition to any other authority of the Commission or the Attorney General.''.

SEC. 6. SHARING INFORMATION WITH FOREIGN LAW ENFORCEMENT AGENCIES.

(a) MATERIAL OBTAINED PURSUANT TO COMPULSORY PROCESS.—Section 21(b)(6) of the Federal Trade Commission Act (15 U.S.C. 57b–2(b)(6)) is amended by adding at the end ''The custodian may make such material available to any foreign law enforcement agency upon the prior certification of an appropriate official of any such foreign law enforcement agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement purposes, if—

''(A) the foreign law enforcement agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) foreign laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any law administered by the Commission;

''(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government;

''(C) the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) or, in the case of a Federal credit union, the National Credit Union Administration, has given its prior approval if the materials to be provided under subparagraph (B) are requested by the foreign law enforcement agency for the purpose of investigating, or engaging in enforcement proceedings based on, possible violations of law by a bank, a savings and loan institution described in section 18(f)(3) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(3)), or a Federal credit union described in section 18(f)(4) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(4)); and

''(D) the foreign law enforcement agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

Nothing in the preceding sentence authorizes the disclosure of material obtained in connection with the administration of the Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)) to any officer or employee of a foreign law enforcement agency.''.

(b) INFORMATION SUPPLIED BY AND ABOUT FOREIGN SOURCES.—Section 21(f) of the Federal Trade Commission Act (15 U.S.C. 57b–2(f)) is amended to read as follows:

''(f) EXEMPTION FROM PUBLIC DISCLOSURE.—

''(1) IN GENERAL.—Any material which is received by the Commission in any investigation, a purpose of which is to determine whether any person may have violated any provision of the laws administered by the Commission, and which is provided pursuant to any compulsory process under this Act or which is provided voluntarily in place of such compulsory process shall not be required to be disclosed under section 552 of title 5, United States Code, or any other provision of law, except as provided in paragraph (2)(B) of this section.

''(2) MATERIAL OBTAINED FROM A FOREIGN SOURCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

''(i) any material obtained from a foreign law enforcement agency or other foreign government agency, if the foreign law enforcement agency or other foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

''(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

''(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign law enforcement agencies or other foreign government agencies.

''(B) SAVINGS PROVISION.—Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.''.

SEC. 7. CONFIDENTIALITY; DELAYED NOTICE OF PROCESS.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21 the following:

''SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF COMPULSORY PROCESS FOR CERTAIN THIRD PARTIES.

''(a) APPLICATION WITH OTHER LAWS.—The Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, shall apply with respect to the Commission, except as otherwise provided in this section.

''(b) PROCEDURES FOR DELAY OF NOTIFICATION OR PROHIBITION OF DISCLOSURE.—The

procedures for delay of notification or prohibition of disclosure under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, including procedures for extensions of such delays or prohibitions, shall be available to the Commission, provided that, notwithstanding any provision therein—

''(1) a court may issue an order delaying notification or prohibiting disclosure (including extending such an order) in accordance with the procedures of section 1109 of the Right to Financial Privacy Act (12 U.S.C. 3409) (if notification would otherwise be required under that Act), or section 2705 of title 18, United States Code, (if notification would otherwise be required under chapter 121 of that title), if the presiding judge or magistrate judge finds that there is reason to believe that such notification or disclosure may cause an adverse result as defined in subsection (g) of this section; and

''(2) if notification would otherwise be required under chapter 121 of title 18, United States Code, the Commission may delay notification (including extending such a delay) upon the execution of a written certification in accordance with the procedures of section 2705 of that title if the Commission finds that there is reason to believe that notification may cause an adverse result as defined in subsection (g) of this section.

''(c) EX PARTE APPLICATION BY COMMISSION.—

''(1) IN GENERAL.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the Commission may apply ex parte to a presiding judge or magistrate judge for an order prohibiting the recipient of compulsory process issued by the Commission from disclosing to any other person the existence of the process, notwithstanding any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia. The presiding judge or magistrate judge may enter such an order granting the requested prohibition of disclosure for a period not to exceed 60 days if there is reason to believe that disclosure may cause an adverse result as defined in subsection (g). The presiding judge or magistrate judge may grant extensions of this order of up to 30 days each in accordance with this subsection, except that in no event shall the prohibition continue in force for more than a total of 9 months.

''(2) APPLICATION.—This subsection shall apply only in connection with compulsory process issued by the Commission where the recipient of such process is not a subject of the investigation or proceeding at the time such process is issued.

''(3) LIMITATION.—No order issued under this subsection shall prohibit any recipient from disclosing to a Federal agency that the recipient has received compulsory process from the Commission.

''(d) NO LIABILITY FOR FAILURE TO NOTIFY.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the recipient of compulsory process issued by the Commission under this Act shall not be liable under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, or under any contract or other legally enforceable agreement, for failure to provide notice to any person that such process has been issued or that the recipient has provided information in response to such process. The preceding sentence does not exempt any recipient from liability for—

''(1) the underlying conduct reported;

''(2) a failure to comply with the record retention requirements under section 1104(c) of the Right to Financial Privacy Act (12 U.S.C. 3404), where applicable; or

''(3) any failure to comply with any obligation the recipient may have to disclose to a Federal agency that the recipient has received compulsory process from the Commission or intends to provide or has provided information to the Commission in response to such process.

''(e) VENUE AND PROCEDURE.—

''(1) IN GENERAL.—All judicial proceedings initiated by the Commission under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), chapter 121 of title 18, United States Code, or this section may be brought in the United States District Court for the District of Columbia or any other appropriate United States District Court. All ex parte applications by the Commission under this section related to a single investigation may be brought in a single proceeding.

''(2) IN CAMERA PROCEEDINGS.—Upon application by the Commission, all judicial proceedings pursuant to this section shall be held in camera and the records thereof sealed until expiration of the period of delay or such other date as the presiding judge or magistrate judge may permit.

''(f) SECTION NOT TO APPLY TO ANTITRUST INVESTIGATIONS OR PROCEEDINGS.—This section shall not apply to an investigation or proceeding related to the administration of Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211).

''(g) ADVERSE RESULT DEFINED.—For purposes of this section the term 'adverse result' means—

''(1) endangering the life or physical safety of an individual;

''(2) flight from prosecution;

''(3) the destruction of, or tampering with, evidence;

''(4) the intimidation of potential witnesses; or

''(5) otherwise seriously jeopardizing an investigation or proceeding related to fraudulent or deceptive commercial practices or persons involved in such practices, or unduly delaying a trial related to such practices or persons involved in such practices, including, but not limited to, by—

''(A) the transfer outside the territorial limits of the United States of assets or records related to fraudulent or deceptive commercial practices or related to persons involved in such practices;

''(B) impeding the ability of the Commission to identify persons involved in fraudulent or deceptive commercial practices, or to trace the source or disposition of funds related to such practices; or

''(C) the dissipation, fraudulent transfer, or concealment of assets subject to recovery by the Commission.''.

(b) CONFORMING AMENDMENT.—Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (C) by striking ''or'' after the semicolon;

(2) in subparagraph (D) by inserting ''or'' after the semicolon; and

(3) by inserting after subparagraph (D) the following:

''(E) under section 21A of this Act;''.

SEC. 8. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is further amended by adding after section 21A (as added by section 7 of this Act) the following:

''SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

''(a) IN GENERAL.—

''(1) NO LIABILITY FOR PROVIDING CERTAIN MATERIAL.—An entity described in paragraphs (2) or (3) of subsection (d) that voluntarily provides material to the Commission that such entity reasonably believes is relevant to—

''(A) a possible unfair or deceptive act or practice, as defined in section 5(a) of this Act; or

''(B) assets subject to recovery by the Commission, including assets located in foreign jurisdictions;

shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material.

''(2) LIMITATIONS.—Nothing in this subsection shall be construed to exempt any such entity from liability—

''(A) for the underlying conduct reported; or

''(B) to any Federal agency for providing such material or for any failure to comply with any obligation the entity may have to notify a Federal agency prior to providing such material to the Commission.

''(b) CERTAIN FINANCIAL INSTITUTIONS.—An entity described in paragraph (1) of subsection (d) shall, in accordance with section 5318(g)(3) of title 31, United States Code, be exempt from liability for making a voluntary disclosure to the Commission of any possible violation of law or regulation, including—

''(1) a disclosure regarding assets, including assets located in foreign jurisdictions—

''(A) related to possibly fraudulent or deceptive commercial practices;

''(B) related to persons involved in such practices; or

''(C) otherwise subject to recovery by the Commission; or

''(2) a disclosure regarding suspicious chargeback rates related to possibly fraudulent or deceptive commercial practices.

''(c) CONSUMER COMPLAINTS.—Any entity described in subsection (d) that voluntarily provides consumer complaints sent to it, or information contained therein, to the Commission shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material. This subsection shall not provide any exemption from liability for the underlying conduct.

''(d) APPLICATION.—This section applies to the following entities, whether foreign or domestic:

''(1) A financial institution as defined in section 5312 of title 31, United States Code.

''(2) To the extent not included in paragraph (1), a bank or thrift institution, a commercial bank or trust company, an investment company, a credit card issuer, an operator of a credit card system, and an issuer, redeemer, or cashier of travelers' checks, money orders, or similar instruments.

''(3) A courier service, a commercial mail receiving agency, an industry membership organization, a payment system provider, a consumer reporting agency, a domain name registrar or registry acting as such, and a

provider of alternative dispute resolution services.

''(4) An Internet service provider or provider of telephone services.''.

SEC. 9. STAFF EXCHANGES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by adding after section 25 the following new section:

''SEC. 25A. STAFF EXCHANGES.

''(a) IN GENERAL.—The Commission may—

''(1) retain or employ officers or employees of foreign government agencies on a temporary basis as employees of the Commission pursuant to section 2 of this Act or section 3101 or section 3109 of title 5, United States Code; and

''(2) detail officers or employees of the Commission to work on a temporary basis for appropriate foreign government agencies.

''(b) RECIPROCITY AND REIMBURSEMENT.—The staff arrangements described in subsection (a) need not be reciprocal. The Commission may accept payment or reimbursement, in cash or in kind, from a foreign government agency to which this section is applicable, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements.

''(c) STANDARDS OF CONDUCT.—A person appointed under subsection (a)(1) shall be subject to the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees that are applicable to the type of appointment.''.

SEC. 10. INFORMATION SHARING WITH FINANCIAL REGULATORS.

Section 1112(e) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(e)) is amended by inserting ''the Federal Trade Commission,'' after ''the Securities and Exchange Commission,''.

SEC. 11. AUTHORITY TO ACCEPT REIMBURSEMENTS, GIFTS, AND VOLUNTARY AND UNCOMPENSA TED SERVICES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating section 26 as section 28; and

(2) by inserting after section 25A, as added by section 9 of this Act, the following:

''SEC. 26. REIMBURSEMENT OF EXPENSES.

''The Commission may accept payment or reimbursement, in cash or in kind, from a domestic or foreign law enforcement agency, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, or employees in carrying out any activity pursuant to a statute administered by the Commission without regard to any other provision of law. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Commission.

''SEC. 27. GIFTS AND VOLUNTARY AND UNCOMPENSATED SERVICES.

''(a) IN GENERAL.—In furtherance of its functions the Commission may accept, hold, administer, and use unconditional gifts, donations, and bequests of real, personal, and other property and, notwithstanding section 1342 of 10 title 31, United States Code, accept voluntary and uncompensated services.

''(b) LIMITATIONS.—

''(1) CONFLICTS OF INTEREST.—The Commission shall establish written guidelines setting forth criteria to be used in determining whether the acceptance, holding, administration, or use of a gift, donation, or bequest pursuant to subsection (a) would reflect unfavorably upon the ability of the Commission or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

''(2) VOLUNTARY SERVICES.—A person who provides voluntary and uncompensated service under subsection (a) shall be considered a Federal employee for purposes of—

''(A) chapter 81 of title 5, United States Code, (relating to compensation for injury); and

''(B) the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees.

''(3) TORT LIABILITY OF VOLUNTEERS.—A person who provides voluntary and uncompensated service under subsection (a), while assigned to duty, shall be deemed a volunteer of a nonprofit organization or governmental entity for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.). Subsection (d) of section 4 of such Act (42 U.S.C. 14503(d)) shall not apply for purposes of any claim against such volunteer.''.

SEC. 12. PRESERVATION OF EXISTING AUTHORITY.

The authority provided by this Act, and by the Federal Trade Commission Act (15 U.S.C. 41 et seq.) and the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), as such Acts are amended by this Act, is in addition to, and not in lieu of, any other authority vested in the Federal Trade Commission or any other officer of the United States.

SEC. 13. REPORT.

Not later than 3 years after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report describing its use of and experience with the authority granted by this Act, along with any recommendations for additional legislation. The report shall include—

(1) the number of cross-border complaints received by the Commission;

(2) identification of the foreign agencies to which the Commission has provided nonpublic investigative information under this Act;

(3) the number of times the Commission has used compulsory process on behalf of foreign law enforcement agencies pursuant to section 6 of the Federal Trade Commission Act (15 U.S.C. 46), as amended by section 4 of this Act;

(4) a list of international agreements and memoranda of understanding executed by the Commission that relate to this Act;

(5) the number of times the Commission has sought delay of notice pursuant to section 21A of the Federal Trade Commission Act, as added by section 7 of this Act, and the number of times a court has granted a delay;

(6) a description of the types of information private entities have provided voluntarily pursuant to section 21B of the Federal Trade Commission Act, as added by section 8 of this Act;

(7) a description of the results of cooperation with foreign law enforcement agencies under section 21 of the Federal Trade Commission Act (15 U.S.C. 57–2) as amended by section 6 of this Act;

(8) an analysis of whether the lack of an exemption from the disclosure requirements of section 552 of title 5, United States Code, with regard to information or material voluntarily provided relevant to possible unfair or deceptive acts or practices, has hindered the Commission in investigating or engaging in enforcement proceedings against such practices; and

(9) a description of Commission litigation brought in foreign courts.

AUTHORITY TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and the senior Senator from New Mexico be authorized to sign duly enrolled bills or joint resolutions.

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

AUTHORITY TO MAKE APPOINTMENTS

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 361 which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 361) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 361) was agreed to, as follows:

H. CON. RES. 361

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, March 16, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, March 28, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, March 16, 2006, Friday, March 17, 2006, or Saturday, March 18, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, March 27, 2006, or such other time on that day as may be specified by its Majority

Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

MEASURES READ THE FIRST TIME

Mr. FRIST. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time, en bloc.

The legislative clerk read as follows:

A bill (H.R. 4472) to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

A bill (H.R. 4911) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

Mr. FRIST. I ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SECURING AMERICA'S BORDERS ACT—MOTION TO PROCEED

Mr. FRIST. Mr. President, I ask unanimous consent that the bill I introduced earlier today on border control be placed on the calendar. I further ask it now be in order to make a motion to proceed to the bill at this time.

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

Mr. FRIST. I now move to proceed to the bill. I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

Bill Frist, Craig Thomas, John Cornyn, Johnny Isakson, Jim Bunning, Mel Martinez, Saxby Chambliss, Charles E. Grassley, Elizabeth Dole, Christopher S. Bond, Judd Gregg, Chuck Hagel, Lisa Murkowski, Richard Burr, Conrad Burns, Kay Bailey Hutchison, Mitch McConnell.

Mr. FRIST. I ask unanimous consent the live quorum under rule XXII be waived.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar 523, 567, 568, 569, 570, 571, 574, 580—David Kustoff, for U.S. Attorney, Western Division of Tennessee—581, 582, 583, 584, 585, 586, 587, 588, 589, 594, 597 and 598, and all the nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Paul J. McNulty, of Virginia, to be Deputy Attorney General.

DEPARTMENT OF STATE

Mark D. Wallace, of Florida, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Mark D. Wallace, of Florida, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

Richard T. Miller, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Richard T. Miller, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

OVERSEAS PRIVATE INVESTMENT CORPORATION

John A. Simon, of Maryland, to be Executive Vice President of the Overseas Private Investment Corporation.

Alexander A. Karsner, of Virginia, to be an Assistant Secretary of Energy.

DEPARTMENT OF JUSTICE

David F. Kustoff, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

John A. Clark, of Virginia, to be Director of the United States Marshals Service.

IN THE AIR FORCE

The following named officer for appointment in the Regular Air Force of the United States to the position and grade indicated under title 10, U.S.C., section 8037:

To be major general and to be the deputy judge advocate general of the United States Air Force

Brig. Gen. Charles J. Dunlap, Jr., 5759

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William H. Walker, IV, 4035

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James L. Snyder, 3847

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Joseph C. Carter, 2435

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Robert R. Blackman, Jr., 0141

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, US.C., section 624:

To be major general

Brigadier General Ronald S. Coleman, 3216
Brigadier General James F. Flock, 6021
Brigadier General George J. Flynn, 5536
Brigadier General Kenneth J. Glueck, Jr., 6343
Brigadier General Dennis J. Hejik, 3767
Brigadier General Carl B. Jensen, 5079
Brigadier General Mary Ann Krusa-Dossin,
Brigadier General Robert B. Neller, 0298
Brigadier General John M. Paxton, Jr., 0190
Brigadier General Edward G. Usher, III, 6626

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 5046:

To be brigadier general

Col. James C. Walker, 5284

IN THE NAVY

The following named officer for appointment as Deputy Judge Advocate General of the United States Navy and for appointment to the grade indicated under title 10, U.S.C., section 5149:

To be rear admiral

Capt. James W. Houck, 4314

DEPARTMENT OF COMMERCE

Robert C. Cresanti, of Texas, to be Under Secretary of Commerce for Technology.

To be admiral

Vice Adm. Thad W. Allen, 4359

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under Title 10, U.S.C., Section 12203:

To be rear admiral

Rear Adm. (lh) John C. Acton, 3694

The following named officers for appointment in the United States Coast Guard to the grade indicated under Title 14, U.S.C., Section 271:

IN THE AIR FORCE

PN1208 AIR FORCE nominations (14) beginning BILLY P. CECIL II, and ending BRIAN K. WITT, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1336 AIR FORCE nomination of Thomas L. McKnight, which was received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1337 AIR FORCE nominations (4) beginning BARTLETT H. HAYES, and ending ZAIGA K. SEARS, which nominations were received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1377 AIR FORCE nomination of William M. Rogers, which was received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1378 AIR FORCE nomination of Kevin D. Brooks, which was received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1379 AIR FORCE nomination of Thomas L. Rempfer, which was received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1380 AIR FORCE nomination of Stephen R. Geringer, which was received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1381 AIR FORCE nomination of James D. Bone, which was received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1382 AIR FORCE nominations (102) beginning CLINTON E. ABELL, and ending ANNE K. WHITIS, which nominations were received by the Senate and appeared in the Congressional Record of March 7, 2006.

IN THE ARMY

PN1338 ARMY nomination of Jack L. Kaplan, Jr., which was received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1339 ARMY nomination of Marianne E. Watson, which was received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1340 ARMY nominations (2) beginning STERLING W. HEYMEN, and ending TIMOTHY J. WOJTECKI, which nominations were received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1341 ARMY nominations (94) beginning DAVID * ABDALLA, and ending ROBURT C. * YALE, which nominations were received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1342 ARMY nominations (1686) beginning ANDRE B. ABADIE, and ending *X1444, which nominations were received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1356 ARMY nomination of Eichel C. Joseph, which was received by the Senate and appeared in the Congressional Record of February 27, 2006.

PN1357 ARMY nomination of James E. Barker, which was received by the Senate and appeared in the Congressional Record of February 27, 2006.

PN1358 ARMY nomination of Chantel Newsome, which was received by the Senate and appeared in the Congressional Record of February 27, 2006.

PN1359 ARMY nomination of Clayton D. Chilcoat, which was received by the Senate and appeared in the Congressional Record of February 27, 2006.

PN1384 ARMY nominations (35) beginning MAZEN ABBAS, and ending LANCE C. VARNEY, which nominations were received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1385 ARMY nominations (2) beginning LEE R. YOAKAM, and ending TYSON J. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1386 ARMY nomination of Christopher D. Carrier, which was received by the Senate and appeared in the Congressional Record of March 7, 2006.

IN THE COAST GUARD

PN1350 COAST GUARD nominations (207) beginning Stephanie M. Adams, and ending Alexander T. Yuille, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2006.

IN THE FOREIGN SERVICE

P1111 FOREIGN SERVICE nominations (56) beginning Lisa Chiles, and ending Michael F. Walsh, which nominations were received by the Senate and appeared in the Congressional Record of December 13, 2005.

IN THE MARINE CORPS

PN1223–1 MARINE CORPS nominations (145) beginning JOHN A. AHO, and ending DANIEL D. YOO, which nominations were received by the Senate and appeared in the Congressional Record of January 27, 2006.

PN1243 MARINE CORPS nominations (113) beginning JOHN D. ADAMS, and ending BRANDON W. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1257 MARINE CORPS nominations (5) beginning STEPHEN J. MCNULTY, and ending DONALD C. WAYMAN, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1259 MARINE CORPS nominations (2) beginning CARNELL LUCKETT, and ending CARLOS D. SANABRIA, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1268 MARINE CORPS nominations (3) beginning DEAN L. JONES, and ending CHRISTOPHER A. SUTHERLAND, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1387 MARINE CORPS nomination of Christopher Ramsey, which was received by the Senate and appeared in the Congressional Record of March 7, 2006.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1320 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nomination of Stephen S. Meador, which was received hy the Senate and appeared in the Congressional Record of February 10, 2006.

Mr. FRIST. Mr. President, I did mention No. 580, David Kustoff, judicial nomination, as I mentioned, for U.S. Attorney for the Western Division of Tennessee, a colleague and a friend. I wish to congratulate him.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, MARCH 27, 2006

Mr. FRIST. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 361 until 1 p.m. on Monday, March 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved and the Senate then resume consideration of S. 2349, the lobbying reform bill.

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

PROGRAM

Mr. FRIST. Mr. President, after 4 full days of floor consideration and 36 rollcall votes, today the Senate passed the budget resolution. I congratulate, once again, Chairman GREGG and Senator CONRAD on moving this legislation to passage.

When we return from the recess, we will have a vote at 5:30 p.m. on Monday, March 27. I expect that vote to be in relation to the lobbying reform bill. We will work to finish that bill as quickly as possible.

Just a few moments ago, I filed cloture on the motion to proceed to the border security bill. We expect to have that cloture vote on Tuesday morning, unless an agreement is reached.

ADJOURNMENT UNTIL MONDAY, MARCH 27, 2006, AT 1 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 361.

There being no objection, the Senate, at 10:04 p.m., adjourned until March 27, 2006, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate. Thursday, March 16, 2006:

DEPARTMENT OF STATE

MARK D. WALLACE, OF FLORIDA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

MARK D. WALLACE, OF FLORIDA, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

RICHARD T. MILLER, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

RICHARD T. MILLER, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

OVERSEAS PRIVATE INVESTMENT CORPORATION

JOHN A. SIMON, OF MARYLAND, TO BE EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

DEPARTMENT OF ENERGY

ALEXANDER A. KARSNER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENERGY EFFICIENCY AND RENEWABLE ENERGY).

DEPARTMENT OF COMMERCE

ROBERT C. CRESANTI, OF TEXAS, TO BE UNDER SECRETARY OF COMMERCE FOR TECHNOLOGY.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE

GRADE INDICATED UNDER TITLE 10, U. S. C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN C. ACTON

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

PAUL J. MCNULTY, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL.

THE JUDICIARY

JACK ZOUHARY, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO.

STEPHEN G. LARSON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

DEPARTMENT OF JUSTICE

DAVID F. KUSTOFF, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

JOHN F. CLARK, OF VIRGINIA, TO BE DIRECTOR OF THE UNITED STATES MARSHALS SERVICE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE POSITION AND GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be major general and to be the deputy judge advocate general of the United States Air Force

BRIG. GEN. CHARLES J. DUNLAP, JR.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM H. WALKER IV

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES L. SNYDER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOSEPH C. CARTER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT R. BLACKMAN, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL RONALD S. COLEMAN
BRIGADIER GENERAL JAMES F. FLOCK
BRIGADIER GENERAL GEORGE J. FLYNN
BRIGADIER GENERAL KENNETH J. GLUECK, JR.
BRIGADIER GENERAL DENNIS J. HEJLIK
BRIGADIER GENERAL CARL B. JENSEN
BRIGADIER GENERAL MARY ANN KRUSA-DOSSIN
BRIGADIER GENERAL ROBERT B. NELLER
BRIGADIER GENERAL JOHN M. PAXTON, JR.
BRIGADIER GENERAL EDWARD G. USHER III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5046:

To be brigadier general

COL. JAMES C. WALKER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

To be rear admiral

CAPT. JAMES W. HOUCK

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) JODY A. BRECKENRIDGE
REAR ADM. (LH) ARTHUR E. BROOKS
REAR ADM. (LH) JOHN E. CROWLEY
REAR ADM. (LH) RICHARD R. HOUCK
REAR ADM. (LH) RICHARD R. KELLY
REAR ADM. (LH) DAVID P. PEKOSKE
REAR ADM. (LH) FRED M. ROSA
REAR ADM. (LH) TIMOTHY S. SULLIVAN

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH BILLY P. CECIL II AND ENDING WITH BRIAN K. WITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

AIR FORCE NOMINATION OF THOMAS L. MCKNIGHT TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH BARTLETT H. HAYES AND ENDING WITH ZAIGA K. SEARS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 17, 2006.

AIR FORCE NOMINATION OF WILLIAM M. ROGERS TO BE COLONEL.

AIR FORCE NOMINATION OF KEVIN D. BROOKS TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF THOMAS L. REMPFER TO BE MAJOR.

AIR FORCE NOMINATION OF STEPHEN R. GERINGER TO BE MAJOR.

AIR FORCE NOMINATION OF JAMES D. BONE TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH CLINTON E. ABELL AND ENDING WITH ANNE K. WHITIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 7, 2006.

IN THE ARMY

ARMY NOMINATION OF JACK L. KAPLAN, JR. TO BE COLONEL.

ARMY NOMINATION OF MARIANNE E. WATSON TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH STERLING W. HEYMEN AND ENDING WITH TIMOTHY J. WOJTECKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 17, 2006.

ARMY NOMINATIONS BEGINNING WITH DAVID ABDALLA AND ENDING WITH ROBURT C. YALE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 17, 2006.

ARMY NOMINATIONS BEGINNING WITH ANDRE B. ABADIE AND ENDING WITH X1444, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 17, 2006.

ARMY NOMINATION OF EICHEL C. JOSEPH TO BE COLONEL.

ARMY NOMINATION OF JAMES E. BARKER TO BE MAJOR.

ARMY NOMINATION OF CHANTEL NEWSOME TO BE MAJOR.

ARMY NOMINATION OF CLAYTON D. CHILCOAT TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MAZEN ABBAS AND ENDING WITH LANCE C. VARNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 7, 2006.

ARMY NOMINATIONS BEGINNING WITH LEE R. YOAKAM AND ENDING WITH TYSON J. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 7, 2006.

ARMY NOMINATION OF CHRISTOPHER D. CARRIER TO BE MAJOR.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH STEPHANIE M. ADAMS AND ENDING WITH ALEXANDER T. YUILLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2006.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH LISA CHILES AND ENDING WITH MICHAEL F. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 13, 2005.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH JOHN A. AHO AND ENDING WITH DANIEL D. YOO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 27, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH JOHN D. ADAMS AND ENDING WITH BRANDON W. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH STEPHEN J. MCNULTY AND ENDING WITH DONALD C. WAYMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH CARNELL LUCKETT AND ENDING WITH CARLOS D. SANABRIA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATIONS BEGINNING WITH DEAN L. JONES AND ENDING WITH CHRISTOPHER A. SUTHERLAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2006.

MARINE CORPS NOMINATION OF CHRISTOPHER RAMSEY TO BE MAJOR.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATION OF STEPHEN S. MEADOR TO BE LIEUTENANT.

EXTENSIONS OF REMARKS

COMMENDING CABRINA GOMEZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. PORTER. Mr. Speaker, I rise today to acknowledge the achievements of an outstanding young woman, Cabrina Gomez, and for her work with the Arthritis Foundation and Walk for A Cure.

As a young woman, Cabrina was always active in cheerleading and dance, however, late in the summer of 2003, she began to experience severe pain in her legs, arms, and hand muscles. In January 2004, doctors diagnosed Cabrina with chronic inflammatory demylating polyneuropathy (CIDP). This nerve disorder enlarges the spinal column, which prevents brain signals from controlling muscles. Cabrina stopped cheerleading and dance classes due to the onset of CIDP. About 1 in 300,000 children are diagnosed with this disease.

Cabrina fights this disease through several treatments including steroids and plasma phorenthis. However, these treatments do not have long-term results. Throughout her treatments, Cabrina continues to have a positive attitude, and she uses this disease to raise money for the Arthritis Foundation and Walk for A Cure.

Mr. Speaker, I appreciate the opportunity to recognize and honor Cabrina Gomez in front of my colleagues on the floor of the House of Representatives today.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. DAVIS of California. Mr. Speaker, during roll call vote No. 40 to order the previous question on H. Res. 725, I was on a leave of absence due to illness. Had I been present, I would have voted "nay."

A TRIBUTE TO DR. KATHLEEN CASHIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Dr. Kathleen Cashin, a distinguished member of the Brooklyn community.

Dr. Kathleen Cashin's career as an educator commenced more than 30 years ago. She was a teacher, staff developer, reading consultant, and program manager in the New York City public schools. Her expertise in school leadership and her compassion for staff and children enabled her to successfully lead P.S. 193, The Oil Hodges School, as principal, for 16 years.

As Superintendent of Community School District 23, Dr. Cashin continued her commitment to children. Her ability to lead supervisors, foster professional growth, and engage parents and the community was reflected in the educational resurgence of the District 23 community.

Presently, as Regional Superintendent of Region 5, Dr. Cashin continues to create an environment that offers growth opportunities for students and their families. She is committed to fostering professional growth on the part of all staff, as well as engaging parents and community leaders in all components of the educational program.

Dr. Cashin's educational background includes a Bachelor of Science Degree in Education from Brentwood College, a Master of Science degree in Education from Brooklyn College, and a Professional Diploma and Doctorate from Fordham University.

Outside of school, Dr. Cashin leads an active life. She is an athlete who enjoys jogging, swimming, and skiing. Possessing boundless energy, Dr. Kathleen Cashin has dedicated herself to educating children and ensuring that every child receives an equal opportunity to develop into a contributing member of society.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Dr. Kathleen Cashin, as she offers her talents and community services for the good of our local communities.

Mr. Speaker, Dr. Kathleen Cashin's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

Mr. Speaker, please join our community in honoring Dr. Kathleen Cashin for her dedication and outstanding service to our community.

CONGRATULATING OWEN GRAY AND BIG O'S SEAFOOD GRILL FOR RECEIVING THE 2005 RESTAURANT NEIGHBOR AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. Owen Gray, owner of Big O's Seafood Grill in Gulf Shores, Alabama, on the occasion of receiving the National Restaurant Association's 2005 Restaurant Neighbor Award.

Owen is a vital member of the Gulf Shores community. Following the devastation of Hurricane Ivan in 2004, Owen's restaurant, Big O's Seafood Grill, was one of the few restaurants in the area capable of continuing business. Over a two-week period, Owen, with the help of his manager, sister and fiancé, was able to provide more than 25,000 meals to relief workers. Working on just a generator with no power, gas, or water, he fed the relief workers, including state troopers and the National Guard, three meals a day! Owen, his employees, and volunteers worked 12- to 14-hour days providing these meals. Soon other restaurants that were too damaged to serve at their locations brought over food for Big O's to serve.

The National Restaurant Association's Restaurant Neighbor Award was designed to raise awareness of charitable giving like Owen's and honor restaurateurs from across the country for outstanding community service.

Mr. Speaker, I would like to offer my congratulations, as well, to Owen Gray and Big O's Seafood Grill for receiving the National Restaurant Association's 2005 Restaurant Neighbor Award. I know his family, his many friends, his employees, and especially his loyal customers join with me in praising his accomplishments and good deeds.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. BLUMENAUER. Mr. Chairman, there are important provisions in the supplemental appropriations that I support. Funding for upgraded military vehicles and tanks in Iraq will help protect troops and the National Guard. There is funding for programs such as Community Development Block Grants which will help in the recovery from Hurricane Katrina along the Gulf Coast and in New Orleans. I'm proud to have helped lead Congressional efforts requesting the administration to include funding for peacekeeping in Darfur. This supplemental includes $253 million for these efforts in Sudan.

However, I cannot support this bill collectively and as a supplemental that is outside of the regular order of the budget process. It is time we take the budget process seriously and get our spending priorities in order.

This is the largest supplemental appropriations measure ever considered by the House of Representatives at nearly $92 billion. The bulk of this spending, $68 billion, is for military operations in Iraq and Afghanistan. These efforts have now been ongoing for years and I will not support the administration's and Republican leadership's attempts to camouflage hundreds of billions of dollars by handling it through supplemental bills, which are for unexpected or emergency items. Most of this spending is neither unexpected nor emergency in nature.

The administration is asking Congress to raise the debt ceiling another $781 billion on top of the current $8.2 trillion limit and the House refuses to have a separate vote accepting responsibility to pay for its reckless fiscal policies. This supplemental spending bill is

a symbol for an administration and Congress that refuse to take our fiscal situation seriously.

TRIBUTE TO JUDGE ARTHUR K. WEINSTEIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Judge Arthur K. Weinstein on the occasion of his retirement. Judge Weinstein is being honored by his colleagues, family and friends for his lifelong commitment to public service.

After graduating from Boston University, Arthur's mother encouraged him to "do something for the world." Inspired by her words, he joined the Peace Corps. He was assigned to a small, remote village in Malawi, Africa where he helped build a clinic for infants which is still in use today. Although he had to extend his stay an additional year to complete the project, he never wavered. The clinic has helped save the lives of hundreds of thousands of children.

In 1969, not wanting to veer from his personal mission, Arthur moved to California to attend UCLA and earn a masters degree in public health. He then served as a senior health educator for the county of Los Angeles. During these years he married, raised a family and attended evening law school classes. His strong interest in public service led him to become a defense attorney for the State Compensation and Insurance Fund and a certified specialist in Workers Compensation Law.

Arthur Weinstein was appointed a Workers Compensation judge nearly 5 years ago, achieving a long sought after goal. He has earned a stellar reputation and the respect of his peers. Judge Weinstein is married to Dina and they have three grown children and six grandchildren.

I ask my colleagues to join me in saluting an outstanding member of the community, Judge Arthur Weinstein.

PAYING TRIBUTE TO LORI ANN FOUTZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Lori Ann Foutz who is the recipient of the 2006 Nevada Young Mother of the Year Award.

Lori graduated from Brigham Young University in 1989 with a bachelor's degree in art education and a minor in health. She and her husband, Tracy Foutz, moved to Henderson in 1990 where he has worked for Clark County and the city of Henderson as a city planner. They have four children: Lance Tracy, Travis Lee, Jaclyn Beth, and Victoria Jo.

Lori has been a weekly classroom volunteer in her children's classes for the past 12 years, specializing in fun Halloween parties, campaign manager for her kid's student council elections and homecoming floats. She has served as chairman for the PTA Reflections Art contest for 10-year-olds.

Lance and Travis have achieved their Eagle Scout award, run cross-country and played volleyball in high school. All four children have participated in soccer and basketball, and the girls attend dance classes.

Lori is very active in the LDS Church and has served as president of the Young Women's Organization and is currently the president of the women's auxiliary, the Relief Society. She is responsible for more than 150 women, seeing to their temporal and spiritual needs.

Mr. Speaker, it is an honor to recognize Lori Ann Foutz today. She is a fine example of motherhood and I commend her for her service to the State of Nevada.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 41 on H. Res. 725, providing for consideration of H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted "nay."

A TRIBUTE TO CLAUDETTE ELLIOT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Claudette Elliot, a distinguished member of the Brooklyn community.

Claudette Elliot is a quiet maverick and community trailblazer. Born in Trinidad West Indies, Claudette and her family emigrated to the United States of America in the mid-1960s where she pursued her dream of higher education. A staunch advocate of education, Claudette obtained an associate degree in business administration at Kingsborough Community College, a bachelor's degree in business management at Long Island University and a professional diploma in paralegal studies at Baruch College. During her 30 plus years of employment, Claudette worked in both the private and public sector. Presently, she is employed by the New York City Housing Authority where she tirelessly serves the residents of the Brownsville community.

Her socially conscious political work has brought her into contact with a number of organizations that have greatly benefited from her talents. Claudette is committed to public service in the East New York community and has served in various capacities. Claudette volunteers her service as the financial secretary to the Van Siclen Block Association that she incorporated. Also, she initiated and organized several fundraisers to achieve the goals for the block association residents and homeowners. As the treasurer of East New York Concerned Citizens, Inc., Claudette has spearheaded and coordinated various social events, which benefited the residents and seniors of the East New York community. In addition, she served as a committee member of the Beaux Arts Ball 2005 in memory of Ossie Davis.

Mr. Speaker, Claudette Elliot is a dedicated person who tirelessly serves our community and because of her devotion we bestow this honor upon her.

Mr. Speaker, please join our community in honoring Claudette Elliot for her dedication and outstanding service to our community.

HONORING TRINITY BAPTIST CHURCH ON THE OCCASION OF ITS 100TH YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BONNER. Mr. Speaker, today I rise to pay tribute to Trinity Baptist Church on the occasion of its 100th year.

Trinity Baptist Church has been a vital partner to the town of Wilmer, Alabama. The church was founded in 1906, and for a century, this congregation has been worshipping God and serving the people of south Alabama.

The congregation of Trinity Baptist Church has used its resources and opportunities to provide hope, comfort, instruction, and inspiration to so many in south Alabama.

It is my sincere hope that Trinity Baptist Church will continue to be such a source of inspiration, hope, and comfort to the people of Wilmer for another 100 years, and I rise today to salute this congregation and the many contributions they have made toward the spiritual enrichment of the community and the betterment of south Alabama.

IN CELEBRATION OF THE CITY OF CUDAHY'S 100TH ANNIVERSARY

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, It is an honor to rise today in celebration of the 100th anniversary of the City of Cudahy, a community that I am proud to serve as part of the Fourth Congressional District. Happy 100th Birthday, Cudahy!

Cudahy occupies a beautiful stretch of land that lies along the south shore of Lake Michigan. Settled on former Potawatomi tribal grounds, the City of Cudahy was incorporated in 1906, having emerged in the wake of Patrick Cudahy's decision to establish the Cudahy Brothers meatpacking plant there. Throughout the 20th century, the City of Cudahy contributed significantly to the development of the area's strong manufacturing economy, serving as home to a number of prominent local companies.

Cudahy's hallmark is its strong sense of community, a testament to the values and work ethic of the immigrant families who served as its backbone. Cudahy's slogan, Generations of Pride, conveys the sense of connection people feel to their hometown, and it is easy to see why. Early city planners ensured that generations of residents would have access to beautiful public parks, and preserved the shoreline for public use. From its

earliest days, Cudahy fostered a spirit of volunteerism and public involvement that is very much alive and well today. Modern-day community efforts—including the expansion of the local library, strong support for Cudahy Interfaith and Project Concern, and participation in a wide range of civic organizations—pay tribute to the actions of city founders who dedicated themselves to public service.

With the decline of manufacturing, Cudahy is now focused on redevelopment and identifying new engines for growth. Local leaders have proposed exciting projects and the community is engaging in vigorous debate. I am confident that city residents will continue to draw on their laudable history, carrying on the legacy of the generations that built this community. I am delighted to recognize the City of Cudahy on this occasion, to congratulate its founders and residents on their many accomplishments, and to offer my best wishes for the future.

THE OUTSOURCING OF AMERICA AND AMERICAN NATIONAL SECURITY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today in staunch opposition to the outsourcing of American national security. In the current climate, our national security must be paramount and we have an obligation to our constituents to make every effort to protect our homeland. As the Bush Administration recently learned, outsourcing the operations of our ports is a dangerous path and poses serious security concerns and grave implications for the safety of our Nation. Fortunately, the proposed sale of American seaports to Dubai Ports World, the government-owned company based in the United Arab Emirates, appears to have been stopped. But we must remain vigilant to prevent this potentially dangerous outsourcing of America.

The haphazard attitude towards American security policy that was on display in the Dubai Ports debacle, takes America backwards in our fight with terrorists. In a post 9/11 world, handing over management and daily operations to a country that funneled money to the 9/11 hijackers, served as a transfer point of nuclear components to Iran, Libya, and North Korea, and continues to participate in the boycott against Israel, is unwise at best.

In the last few weeks, I received hundreds of emails, letters, and phone calls from extremely alarmed and angry constituents about this transaction. As I meet people all across my district, they are asking, ''Is American security for sale?''

It is clear to me that the Administration only gave the Dubai Ports deal a cursory look before approving it in January. We should institute a mandatory review of all foreign transactions that could impact national security, requiring the President to notify Congress; and ensuring that Congress has a role in vetting the proposed foreign takeover. The CFIUS review process is in need of major reform, especially if they intend to take America down this spiraling path.

This controversy also brings to the forefront the enormous concerns that surround port security in our country. Even after 9/11, only six percent of containers entering our ports are screened, and the Administration has failed to develop container security standards. The President's 2007 Budget eliminates port security grants and there are still no minimum security standards for containers entering the United States. Seventy-five percent of our ports do not even have the capacity to screen containers for weapons of mass destruction. We must build a comprehensive port security system that closes these loopholes and strengthens safeguards.

But it should come as no surprise that America has begun to outsource our national security, since we continue to promote policies that encourage businesses to ship jobs overseas. Outsourcing comes with substantial costs to the American public and is reflected in our record trade deficit of 725 billion dollars in 2005.

Hundreds of thousands of American jobs continue to be shipped overseas. From accountants and computer programmers to factory personnel, American workers are losing their jobs because companies are outsourcing their production so they can hire low-wage workers abroad and not have to follow meaningful labor laws or environmental protections.

Manufacturing has been particularly hard hit. My district has lost thousands and thousands of manufacturing jobs, and the losses continue. These are good-paying jobs that have built the middle class in our country, the middle class which is the backbone of America. Some say that these job losses are insignificant because these are old industries that should be allowed to disappear in America. I could not disagree more. We must act now to help manufacturers keep jobs in this country. When these jobs are lost, not only do families suffer, but our national security suffers because we lose the ability to manufacture goods that are critical to the defense of our country.

Today, many companies that ship jobs to other countries receive federal tax breaks. This means that the current tax code actually encourages companies to move their production centers out of the U.S. to cut costs. We must end these tax breaks and instead cut taxes for companies that keep American jobs here in the U.S. These cuts will encourage companies to maintain factories and preserve jobs here, and give them the capital they need to grow and fuel our economy.

Mr. Speaker, first it was manufacturing, then high tech, and now our security that is being sold to the highest bidder. We cannot allow this to continue. We must protect America's families by defending our national security and preserving and growing American jobs. America must not be sold out.

PAYING TRIBUTE TO LAURIE RICHARDSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. PORTER. Mr. Speaker. I rise today to honor Laurie Richardson, who is the recipient of the 2006 Nevada Mother of the Year Award.

At an early age, Laurie found that she had a gift for advocating for children. After marrying her sweetheart Sullivan Richardson, Laurie opened her heart and home to abused and neglected children as a foster parent, of which she adopted four. She also gave birth to three children of her own.

Active in church programs, Laurie helped her children develop talents in music and sports, and encouraged their community involvement while serving as a Girl Scout and Cub Scout leader, leading to her son earning his Eagle Scout Award. She has organized several mother support groups, volunteered for PTA, and led many service opportunities.

While raising special-needs children, Laurie helped communities and schools recognize the unique needs of children with academic, social, and emotional problems. For twenty-nine years, Laurie has voluntarily advocated for children within school districts, taught parenting classes and represented abused children in court.

Mr. Speaker, it is an honor to recognize Laurie Richardson on the floor of the House today. She is an outstanding example to all parents and I commend her for her service to the communities and children of Nevada.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. DAVIS of California. Mr. Chairman, during rollcall vote No. 43 on the Gilchrest amendment to H.R. 4939, I was on a leave of absence due to illness. Had I been present, I would have voted ''no.''

A TRIBUTE TO MARY ANN HAWTHORNE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Mary Ann Hawthorne, a distinguished member of the Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Born, raised and entirely educated in the state of New York, Mary Ann Hawthorne has found a unique way to give back to her state's education system. Ms. Hawthorne earned her Bachelors in Education from Bernard Baruch College in New York City in 1972. During her first two years as a teacher, Ms. Hawthorne simultaneously worked her way through Graduate school and earned a Masters in Business Education from Long Island University. Four years later, Ms. Hawthorne received her Professional Diploma and Masters of Science in Administration and Supervision of Education.

Deeply committed to the education of New York's youth, Ms. Hawthorne worked as a teacher, an Assistant Principal, and a Principal. Today, Ms. Hawthorne is the Community Superintendent for District 11, as well as Local Instructional Superintendent for Region 2. Ms. Hawthorne has acted as a wonderful role model to children and fellow educators alike.

Ms. Hawthorne's achievements in education are endless. In September 2001, Ms. Hawthorne was selected by the National Association of Secondary School Principals to serve as an Assessor for new principals. In January 2003, President Bush and Secretary of Education Rod Paige honored Ms. Hawthorne at The White House upon her selection as one of the top eight principals in the United States.

Mr. Speaker, Mary Ann Hawthorne's is a product of the New York education system and a true inspiration to the community around her. She continues to work to improve education in New York and for that I ask that we recognize and give thanks to Mary Ann Hawthorne for her wonderful contribution to our community.

Mr. Speaker, Mary Ann Hawthorne selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

Mr. Speaker, please join our community in honoring Mary Ann Hawthorne for her dedication and outstanding service to our community.

LETTER TO THE EDITOR AS OFFERED BY TERRY C. PLAUCH OF MOBILE, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BONNER. Mr. Speaker, last week one of my constituents, Terry C. Plauch, submitted a letter to the Mobile Register offering a theory regarding Vice President Cheney's recent hunting accident.

Conspiracy theories are not new to Washington, D.C. From the conspiracies surrounding the assassinations of both Presidents Lincoln and Kennedy, to the Watergate break-in, almost every event in this town elicits its own conspiracy theory. Today, I rise to ask that this letter be entered into the CONGRESSIONAL RECORD in its entirety for I believe Terry Plauch may be on to something:

Some facts on the Cheney conspiracy:

I have been fascinated with the conspiracy theories about the recent Dick Cheney hunting incident. Although I thought most of them foolish, I decided to find out if any were valid.

After careful research, I have discovered some interesting facts the media either didn't learn or were too scared to report. It turns out these facts prove that conspiracy was involved in the Texas story.

The first fact relates to the prey involved. I found that the birds being hunted, quail and pheasant, have strong political histories. It is no coincidence ''quail'' just happens to sound like the name of the first Bush vice president, Dan Quayle. And what was one of the main topics the media criticized Bush/Quayle about? They were deaf to the poor, the downtrodden. In other words, the peasants.

It is no coincidence that ''peasant'' sounds like ''pheasant.'' In fact, the words are only one ''h'' away from each other. And what is the difference between President George W. Bush and his father, George H.W. Bush? It is a single ''h,'' although capitalized. A happenstance? I think not.

Another interesting fact is that Cheney used a 20-gauge shotgun instead of the more common 12-gauge. So what? It is no coincidence that the difference between the two gauges is eight, the number of years Bush and Cheney will be in office. A happenstance? I think not.

I have therefore concluded from my research that the shooting was self-defense. Here's what happened: Cheney's intelligence brief stated that birds fly as their primary means of transportation. Knowing that they had to fly to get to the ranch where the hunt was scheduled, Mr. Cheney concluded that the birds flew to the ranch. Now, ''flew'' sounds like ''flu.'' That's right, the deadly Asian bird flu.

The vice president, former head of Halliburton, knew that if the birds recognized him, they would attack, trying to get revenge for their name sounding like Dan Quayle's. He would then be infected. So when he saw the birds, the self-preservation reflex took over, I and he started shooting anything that flew his way. His lawyer friend, however, started shooting the birds just for a meal. And in his hunger, he stepped into Cheney's arc of fire and became the victim. So Cheney protected himself, and his friend missed lunch.

In conclusion, I must mention the fact that Dick Cheney ran Halliburton. It is no coincidence that the two people the company was named for, Halle Berry and Richard Burton, have ties to the vice president.

Halle Berry played Catwoman in the movies. Cats, as you know, are sworn enemies of birds, both quail and pheasant.

And Richard Burton was married to Elizabeth Taylor. So what? Well, Vice President Dick Cheney happens to be the only person of his generation in the United States who has not been married to Elizabeth Taylor.

A happenstance? I think not.

TERRY C. PLAUCH.

RECOGNIZING THE LAKE OSWEGO HIGH SCHOOL BOYS' BASKETBALL TEAM AS OREGON 4A STATE CHAMPIONS

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Ms. HOOLEY. Mr. Speaker, I am honored to recognize the Lake Oswego High School boys' basketball team as Oregon State 4A champions. Capping a storybook season, the Lakers brought home the state title for the first time ever.

The Lakers started strong this season, and never let up. They won 26 games to only 3 losses and were ranked No. 2 going into the championship game on Saturday, where they faced off against the No.1 South Medford Panthers. Like every good championship game, this one carne down to the final seconds with Lake Oswego winning 59–57.

This successful season for the Lakers was more than just the sum of their skill and talent. The team and coaches played all year with heart, desire, and the confidence that they could win it all. Congratulations to Coach Mark Shoff, the players, their families and friends, and the community who cheered them on throughout the season. I am proud to represent this team and its supporters in Congress, and will close with this:

Go Lakers!

HONORING DICK KAY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to recognize the long and distinguished career of my friend, Mr. Dick Kay, political editor, and host of the news show "City Desk." Mr. Kay wil retire in June, 2006, with the honor of having been the longest-serving reporter in the history of Chicago's WMAQ–Channel 5 TV.

With 46 years in the business, Dick Kay has unparalleled political experience, knowledge and perspective. He arrived at WMAQ–Channel 5 in 1968, initially working as a writer/producer but soon switching to reporting. He later became their political editor as well as the host of "City Desk," the Sunday morning public service program.

Over the years, Dick Kay has interviewed mayors, governors, Congressmen, Senators, and countless other public leaders. Viewers have come to rely on his thoughtful yet fearless approach to covering politics and public policy.

Dick Kay's hard work and insightful reporting have been recognized by numerous awards over the years. Among others, Dick has received a Peabody Award—the highest honor in TV broadcasting—as well as 11 Emmys, a National Headliner award, and a Jacob Scher award for investigative reporting. In 2001, he was inducted into the Television Academy's Silver Circle Hall of Fame, which honors those who have made major contributions to Chicago broadcasting for 25 years or more.

In addition to his work as a reporter and editor, Dick was the long-time president of the local unit of the American Federation of Television and Radio Artists. In this capacity, Dick successfully persuaded Illinois legislators to ensure that on-air employees had the freedom to move to competing stations.

I am sure Dick's wife, children and grandchildren will be glad to enjoy more time with him. The rest of us will miss his hard-hitting investigative work, insightful commentary, and engaging Sunday morning discussions.

Mr. Speaker, I wish Dick and his family the best of luck during his retirement and throughout his future endeavors. Political reporting in Chicago will not be the same without Dick Kay, dean of Chicago political reporters.

PAYING TRIBUTE TO JAY W. JEFFERS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Jay W. Jeffers for his career as a teacher. Jay will be honored next week on Tuesday, March 21, at the dedication of Jay W. Jeffers Elementary School, which is named in his honor.

Born in Milford, UT, on May 7, 1921, he grew up along the railroad, the son of a locomotive engineer. In 1939, he graduated from Milford High School where he participated in extracurricular activities such as the yearbook,

newsletter, band, chorus, orchestra, and debate team. In 1939, Jay was accepted to the University of Utah. He worked part-time for the Bamberger/Utah Central Railroad, completing office work and loading cars, and as a stone mason helper, building flagstone fireplaces and barbeque pits. Before finishing his degree, Jay served a mission for the LDS Church in the Texas-Louisiana Mission, for 2 years. After returning, he went back to the University of Utah and graduated in 1946 with a teaching degree and a major in geology. The following year, Jay moved to Las Vegas and accepted a position as a seventh and eighth grade science teacher at the Fifth Street School for $2,600 per year. In December 1948, he married June Mac Farlane. The couple has 3 sons, 2 daughters, 18 grandchildren and 9 great-grandchildren.

With the desire to further his own education, Jay entered a master's program at the University of Utah, and continued to teach full-time. At this time, he helped consolidate 13 individual school districts into the Clark County School District. In 1953, He received his master's degree in administration from the University of Utah and in the same year, he was appointed principal at the Washington School in North Las Vegas. Also in that year, he became one of four original instructors at UNLV, teaching geology and geography part-time, from 1953 to 1971.

The new Twin Lakes elementary School opened in 1955 with Jay as principal. The seventh and eighth grades were still in the elementary schools so Jay developed and implemented new programs for those grades by departmentalizing subjects and instituting interschool athletic competitions. With Jay's support, the district's first elementary string music program was held there. In 1964, at a time when large numbers of Hispanic pupils were moving to Las Vegas Jay became principal of John S. Park Elementary School. He helped establish the "English as a Second Language" program with a philosophy that students needed to develop and maintain proficiency in basic reading and writing skills, along with learning to speak English. His final assignment was principal at Lincoln Elementary School in North Las Vegas. After 30 years of teaching, Jay retired in September of 1977. In addition to his contributions in education, Jay was a cofounder of the Clark County Teachers Federal Credit Union, now Silver State Schools Credit Union. He also worked with the Boy Scouts of America for 23 years.

Mr. Speaker, I am honored to recognize Jay W. Jeffers. His career and life have been dedicated to the education of youth of Clark County. Thousands of current and former residents of Clark County cite his influence as a factor in their success in life. I thank him for his service.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. DAVIS of California. Mr. Speaker, during rollcall vote No. 42 on the motion to suspend the rules and agree to H. Con. Res. 190, I was on a leave of absence due to illness. Had I been present, I would have voted "yea."

A TRIBUTE TO MARY HARVELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Mary Harvell.

Mary Harvell is a pillar in our community who has tirelessly served on our behalf for many years. She was born in the small town of Glenville, Georgia. She is the seventeenth child out of eighteen born to Wilbert and Leressie Brown. As a young girl, Mary dreamed about migrating to New York City. Fortunately, she got her wish and relocated to the "Big Apple" as a young child. She attended public schools in Bedford-Stuyvesant and went on to attend Midwood High School and Brooklyn College where she majored in Sociology.

While studying at Brooklyn College she met and later married Charlie Harvell. From their illustrious union three beautiful children were produced. Today, she is a happy grandmother of five. Mary is also committed and deeply connected to her spiritual family, including her brother, the Bishop Harry Brown of Brunswick, Georgia. She is a member of the New Jerusalem Holy Church of Brooklyn, New York, where the Pastor Lester Charles Smith presides. Mary is very active in her church and has served in various capacities including the Book Ministry, as a Bible Study teacher, and as a member of the Hospitality Committee. Likewise, she also volunteers at the Annual Church Health Fair, which serves the East New York community and assists with the Church Food Pantry, which feeds the community spiritually and physically.

Mary strongly believes that our seniors are the pillars of the community and visits several senior citizen homes and also assists with the transportation of seniors at her church. Additionally, this busy lady volunteers for Assemblyman Darryl Towns. What is so amazing is that Mary makes the time to volunteer all while being employed at Interfaith Medical Center in Brooklyn, New York. At Interfaith, she serves as the Secretary in the Purchasing Department where she processes orders from sales representatives, prepares the Purchasing Department payroll, and oversees the ordering of office supplies for the entire medical center. Mary has worked at Interfaith for 34 years, which affords her the opportunity to fulfill her personal mission: "If I can help somebody, then my living will not be in vain."

Mr. Speaker, Mary Harvell has helped many people and we duly note that hers is a life well lived and that we appreciate all that she does for our community. She has consistently demonstrated a level of commitment to our community that makes her most worthy of our recognition today.

HONORING BOBBY CLARK FOR HIS EFFORTS TO HELP THE VICTIMS OF HURRICANE KATRINA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BONNER. Mr. Speaker, there are many heroes who have worked countless hours to help victims of hurricanes recover. Mr. Bobby Clark is one of these heroes.

Bobby, along with his wife Lori and children, Danielle, Joe, and Jack, have a history of helping hurricane victims along the Gulf Coast. Following Hurricane Ivan in 2004, Bobby cleared roads of fallen trees, removed trees from his neighbors' homes or from driveways, and delivered supplies and food to victims.

Following Hurricane Katrina, Bobby along with his business partner Pat Achee traveled to Gulfport, Mississippi, to deliver supplies and check on family and friends. Soon after their arrival in Gulfport, they learned St. James Baptist Church was feeding about 300 people a day and sheltering dozens in its sanctuary. The two raised money to provide a generator for the sanctuary, and they also filled an 18–wheeler with food and supplies donated by the city of Fairhope.

Bobby's work at the church led him to meet Cleavon and Corrine Robinson, an elderly couple without home insurance. The couple's home was almost completely destroyed by a fallen tree. Bobby met with Bob Chatham of Chatham Home Planning, who drew up a house plan for Mr. and Mrs. Robinson.

Bobby then organized volunteers from the community to build the Robinson's new home in seven days. He developed a schedule and had volunteers working from dawn to dark, and the 864 square-foot house was actually completed in 6½ days!

This was the beginning of the nonprofit "We Care" of Baldwin County, whose mission is to repair or rebuild homes for people in need. The goal for 2006 is to build 15 homes. The residents and businesses throughout Mobile and Baldwin counties have also responded to Bobby's call, donating everything from the building supplies, to the furniture, to the landscaping, and even the lighting.

Mr. Speaker, I proudly ask you and my colleagues to join me in honoring Bobby Clark for his selfless commitment to helping his community and inspiring others to do the same. His story serves as an inspiration not only to those of us who live across the Gulf Coast but also to people across the country. We need more people like Bobby Clark in this world—a true hero to those most in need.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. ANDREWS. Mr. Speaker, I regret that I missed five votes on March 15, 2006. I stayed in New Jersey to be with a family member who was undergoing surgery. Had I been present, I would have voted no on Ordering the Previous Question (with regard to H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes); no on H. Res. 725 (the rule providing for consideration of H.R. 4939); yes on H. Con. Res. 190 (Expressing the sense of Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards); no on the Gilchrest Amendment (which strikes language in the

H.R. 4939 that would block the Dubai Port World deal); and yes on H.R. 4944 (To amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes).

HONORING WESLEY JON NYKAMP UPON HIS RETIREMENT FROM THE 20TH CIRCUIT COURT OF MICHIGAN

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor Judge Wesley J. Nykamp upon his retirement from the 20th Circuit Court of Michigan.

The Honorable Wesley J. Nykamp is worthy of recognition for his many years of dedicated public service to the people of Ottawa County as a judge and county prosecutor.

Judge Nykamp was awarded the Scholarship Key of the Delta Theta Phi Law Fraternity for Excellence in Scholarship in 1967 while attaining his law degree from Wayne State University Law School.

He joined the Ottawa County Prosecutor's Office as Chief Assistant Prosecutor on January 1, 1975, and was elected to serve as judge in 1990. He oversaw the remodeling of the circuit court and the establishment of the Family Court during his tenure, and as Chief Judge of the Circuit Court he designated himself to serve as one of the Family Court judges.

Judge Nykamp is well-respected and held in the highest regard among those in the Michigan court system. His interest in the people of Ottawa County and in upholding justice in the legal system is a trait to be admired. He will be missed in the courtroom.

Mr. Speaker, please let it be known that on this 16th day of March in 2006, that the U.S. House of Representatives acknowledges the contributions and achievements of Judge Nykamp and wishes him well upon his retirement.

PAYING TRIBUTE TO JO SIMPSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Jo Simpson for 30 years of public service, who will retire on March 31 after 9 years in Nevada.

Jo began working for the Federal Government in 1976, as a public affairs specialist in the Washington headquarters public affairs offices for the U.S. Marshals Service and the U.S. Army Corps of Engineers. In 1994, she moved to the Bureau of Land Management, first working as public affairs officer for the California Desert District. There she distinguished herself as a dedicated public servant and exceptional citizen. In August of 1997, Jo served as the BLM's Chief for the Office of Communications in Nevada. In this role, Jo not only assured that key information was made readily available to the public regarding their public lands but more importantly, she served as the catalyst for assuring that public land stakeholders had a voice in how their public lands were managed.

Jo has been instrumental in directing the work of the BLM's three Resource Advisory Councils in Nevada. These councils are made up of 45 individuals representing the diverse interest of public land stakeholders from throughout the state. This amount of citizen involvement set the tone for improved working relationship between Federal land management agencies and all Nevadans. She appeared numerous times before local county commissions and the State of Nevada's legislative Council on Public Lands to apprise them of public land proposals and to solicit their vital input. This is extremely important in a state where 87 percent of the land base is managed by the Federal Government.

Jo and her staff helped members of the Nevada Congressional Delegation and local governments during the development of precedent-setting land bills and her assistance proved extremely beneficial in gaining the support of key officials within the Department of the Interior for legislative initiatives affecting public lands in Nevada.

In the course of performing her duties, Jo earned the respect of countless people, for her integrity and sincerity. Her deeds represent what is good, righteous, and admirable in public service. For that, the state of Nevada is grateful for her exemplary service.

Mr. Speaker, I am honored to recognize Jo Simpson on the floor of the House today. I thank her for her service and wish her well in retirement.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. DAVIS of California. Mr. Speaker, during roll call Vote No. 44 on H.R. 4944, I was on a leave of absence due to illness. Had I been present, I would have voted "yea."

A TRIBUTE TO AUDREY MARIE BAKER JACKSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Audrey Marie Baker Jackson, a distinguished member of the Brooklyn community. I am honored to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing her impressive accomplishments.

Audrey Marie Baker Jackson was born and raised in Brooklyn, New York, as one of twin daughters of Marie and Henry Baker. Ms. Baker Jackson is a distinguished product of the New York City public school system. Upon graduation from Eastern District High School, Ms. Baker Jackson won a National Defense Foreign Language Fellowship in Chinese to study at Columbia University. Proving her vast knowledge of foreign languages, Ms. Baker Jackson graduated with a Bachelors of Arts in linguistics and a minor in Chinese from Queens College (CUNY). She also earned a Masters in Science in Educational Administration and Supervision from Pace University. While at Pace, Ms. Baker Jackson was recommended and accepted to Phi Delta Kappa.

Upon graduation, Ms. Baker Jackson became a Special Education teacher and worked in various administration capacities in District 75 (Special Education). In 1999, she joined District 8, located in the Bronx, as Director of Pupil Personnel. Ultimately, Ms. Baker Jackson was named principal of the School for Theater, Arts, and Research (STAR) Academy in Hunts Point.

Ms. Baker Jackson retired in 2003, but has remained an advocate for the education of children and assists parents in obtaining resources and services for their children. Since retirement, Ms. Baker Jackson has worked as an adjunct professor at City College (CUNY) teaching an introductory Special Education graduate course. She is also creating a consulting company that will assist educational publishing companies in their evaluation of education software and Web-based learning materials.

Audrey Baker Jackson has been a loyal and devoted patron of our community. She has worked diligently to improve special education resources. Her passionate and sensitive character deserves our thanks and for that I ask that we applaud Ms. Baker Jackson's outstanding achievements in our community.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Audrey Baker Jackson, as she offers her talents and community services for the good of our local communities.

Mr. Speaker, Audrey Baker Jackson's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

Mr. Speaker, please join our community in honoring Audrey Baker Jackson for her dedication and outstanding service to our community.

PROTECTING IMPACT AID FOR NORTH SUBURBAN SCHOOLS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. KIRK. Mr. Speaker, today I am introducing a bill to ensure the federal government fulfills an important obligation to the families of servicemen and women in my district. In 1950, Congress established the Impact Aid program to assist school districts and communities that lose their property tax base because of the presence of the federal government. Though the program was fully-funded between 1950 and 1969, funding levels in more recent years have not kept pace with the amount required. I am happy that my Illinois Senators are introducing a companion bill to the same effect.

Due to a unique housing situation for the Great Lakes Naval Training Facility, Impact Aid funding should be higher in five of my school districts. This Naval base is located in North Chicago, one of the poorest school districts in my state. However, some service

members and their families live in housing the Navy obtained when Ft. Sheridan and Naval Air Station Glenview, located well away from North Chicago, were closed in the 1990's. These former bases are located within the boundaries of other school districts—districts that bear the economic cost of educating children from a base, but receive none of the economic benefits a base provides. Thus, it is vitally important that we both ensure North Chicago continues to receive heavily impacted payments for the benefit of students living there, and that the surrounding communities are more fairly compensated for their loss of property taxes.

Mr. Speaker, we cannot abdicate our responsibility towards our military families. I have already introduced a bill this Congress, H.R. 390, the Government Reservation Accelerated Development for Education Act (GRADE–A), to fully fund the Impact Aid program. However, the situation in my district warrants special attention. In order to ensure that our students most in need continue to receive necessary resources, I have introduced a new bill to help North Chicago remain qualified for heavily impacted payments, and Glenview and Highland Park receive fair compensation.

By passing this bill, the federal government will be fulfilling its responsibility to these communities, and giving our military families the support they deserve. I urge the local communities to continue to work to come to an agreement that most importantly, takes care of our students .

TRIBUTE TO MINNESOTA NATIONAL GUARD'S 1ST BRIGADE COMBAT TEAM

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. KENNEDY of Minnesota. Mr. Speaker, I express today my strong support and appreciation for the 2,600 soldiers of the Minnesota National Guard's 1st Brigade Combat team as they prepare to depart Camp Shelby, Mississippi for Iraq.

As the 1st Brigade heads overseas for their 12 month deployment, we will remember not just their service and sacrifice, but also that each and every one of these soldiers has a family who is also sacrificing for their country's security in the War on Terror.

Today these soldiers and their families are showing us their commitment to their Nation's security and safety.

Let us make sure we show them ours by giving them the tools and support they need to do their jobs and return home quickly and safely.

As these brave soldiers depart over St. Patricks day, may all our prayers and the luck of the Irish be with them. May they come home safely.

HONORING MS. KATHY ALJOE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor the service and commitment of Ms. Kathy Aljoe of Flower Mound, Texas. Ms, Aljoe's zealous and passionate spirit towards community service warrants recognition. Recently, she retired as the town's longest-tenured employee after 31 years of service.

Kathy Aljoe started working for the City of Flower Mound on July 16, 1975 as an administrative assistant to the town manager. When Ms. Aljoe started working for Flower Mound, she was one of only seven town employees—Flower Mound only had 1,600 residents, The town now has grown to 62,000 residents, and Kathy has had her hand in many parts of the development throughout her career, in particular with the planning services division. Ms. Aljoe's work has been so influential, that the Town of Flower Mound has announced February 24th as Kathy Aljoe Day.

Mr. Speaker, it is with great honor that I stand here today to recognize Ms. Kathy Aljoe, who has dedicated her career to her community. Ms. Aljoe's admirable commitment to the Town of Flower Mound is greatly appreciated. I am honored to represent her in Congress, and I hope that others will follow in her steps of service to their community.

TENNESSEE CONGRESSIONAL DELEGATION LETTERS TO ATTORNEY GENERAL ALBERTO GONZALES

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. COOPER. Mr. Speaker, I would like to insert into the RECORD letters that the entire Tennessee Congressional Delegation recently sent to Alberto Gonzales, Attorney General of the United States and Michael O. Leavitt, Secretary of the Department of Health and Human Services. These letters discuss the case of Cookeville v. Thompson and Section 5002 of the Deficit Reduction Act of 2005. The U.S. District Court decision in this case awarded 15 Tennessee hospitals up to $100 million in Medicare Disproportionate Share Hospital payments.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 10, 2006.

Hon. ALBERTO GONZALES,
Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL GONZALES: We are writing to express our deep concern regarding the recent Motion filed by the Department of Health and Human Services (HHS) to alter the judgment in the case of Cookeville v. Thompson based on Section 5002 of the Deficit Reduction Act of 2005 (DRA). As you will recall, the U.S. District Court decision in this case awarded 15 Tennessee hospitals up to $100 million in Medicare Disproportionate Share Hospital (DSH) payments.

The U.S. District Court's ruling, which is now being challenged, was based on its rejection of the Centers for Medicare and Medicaid Services (CMS) DSH policy as a violation of the Medicare statute. In CMS' 2000 policy statement announcing the inclusion of certain expansion population individuals in the DSH formula, CMS stated that these individuals would only be included in the DSH calculation prospectively. Hospitals challenged the prospective nature of the policy and were awarded compensation for patients treated prior to 2000.

At the recommendation of CMS, Congress included a provision in the DRA ratifying the 2000 policy and its prospective application. Tennessee hospitals expressed concern that court decisions directing CMS to pay retroactively could be appealed with the new law. During the reconciliation process, however, CMS continually assured Congressional staff verbally, and by electronic communication, that hospitals which had been successful in litigation would still receive payment. CMS asserted that the new provision would not affect decided cases and would only be applied prospectively.

In its Motion, however, HHS cites the DRA as support for the reversal of the Cookeville decision. There is no mention that the regulation should only apply prospectively. In fact, HHS' position suggests that recalculation of the DSH formula should not have been required. Congress intended that this provision would only be used prospectively. Thus, hospitals that had been successful in litigation prior to passage of the DRA would still receive payment. Considering the argument made by HHS rests upon the DRA, and that it was our understanding that this provision would not be used to appeal decided cases, we request further explanation of what we believe to be a serious miscommunication by CMS.

Thank you for your time and attention. We look forward to your prompt response.

Sincerely,

William H. Frist, M.D., Majority Leader, United States Senate, Zach Wamp, John Duncan, Jr., Jim Cooper, Marsha Blackburn, Harold Ford, Lamar Alexander, William L. Jenkins, Lincoln Davis, Bart Gordon, John Tanner, *Members of Congress.*

CONGRESS OF THE UNITED STATES,
Washington, DC, March 10, 2006.

Hon. MICHAEL O. LEAVITT,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY LEAVITT: We are writing to express our deep concern regarding the recent Motion filed by the Department of Health and Human Services (HHS) to alter the judgment in the case of Cookeville v. Thompson based on Section 5002 of the Deficit Reduction Act of 2005 (DRA). As you will recall, the U.S. District Court decision in this case awarded 15 Tennessee hospitals up to $100 million in Medicare Disproportionate Share Hospital (DSH) payments.

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Thank you for your time and attention. We look forward to your prompt response.

William H. Frist, M.D., Majority Leader, Zach Wamp, John J. Duncan, Jr., Jim Cooper, Marsha Blackburn, Harold Ford, Lamar Alexander, William L. Jenkins, Lincoln Davis, Bart Gordon, John Tanner, *Members of Congress*.

A TRIBUTE TO MARIA JOHNSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Maria Johnson, a member of the Brooklyn community and a distinguished member of the healthcare profession.

Mrs. Johnson has been a professional registered nurse for 15 years, working in various areas of nursing, such as oncology, medical-surgical nursing, visiting nursing and intensive care, and for the past 10 years, as a public health school nurse in the department of Health and Mental Hygiene Office of School Health. Her passion is geared to helping and impacting people.

Mrs. Johnson is currently a supervising nurse for the Office of School Health in District 23 and 19 in Brownsville and East New York, Brooklyn. She supervises a staff of 35, consisting of nurses, public health advisors and assistants. Her goal is to provide optimal health services to children especially in underserviced areas. She is passionate about providing public health teaching to the school health community, and making a difference by upholding the standards of service. Her commitment to encouraging and empowering people to become more knowledgeable about public health services helps public health professionals develop organizational systems that work well in providing care to students. She keeps her staff focused and enthusiastic so that they not only see their very difficult role as the school nurse, advisor or assistant as just a profession, but as a purpose by which they are driven. Two years ago, she inspired her staff to create a Secret Santa for various needy children in the community.

Mrs. Johnson is a graduate of Long Island University with a Baccalaureate degree in nursing. She was the first nurse to be nominated as employee of the month in the Department of Health.

Mrs. Johnson attributes her success first to God and a strong foundation from her parents, and the support from her husband and children. She is an active member of her church where she and her husband provide lay biblical counseling for pre-marital couples. She enjoys reading, dancing, craft projects and decorating.

An important question she often asks herself is, what I have done today to affect others and make a difference. Her famous motto is "Keep a smile on your face and let your spirit shine through," which is often placed on her staff's schedule.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Maria Johnson, as she offers her talents and community services for the good of our local communities.

Mr. Speaker, Maria Johnson's selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

TRIBUTE TO RACHEL CORRIE

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Ms. MCKINNEY. Mr. Speaker, today is the third anniversary of the murder of Rachel Corrie, an American who was crushed to death by Israel's American-manufactured Caterpillar bulldozers. Rachel was protesting the Israeli Army's illegal bulldozing of Palestinian homes in the Gaza Strip. The Corrie family has filed suit against Caterpillar, charging it with knowingly selling machines used to violate human rights.

From the Rachel Corrie website I found a link to these lyrics by Ten Foot Pole entitled, "Rachel Corrie."

"RACHEL CORRIE"

You heard of Rachel Corrie?
The press won't tell her story
Caught between a house and bulldozer
She found out that Israel
Hates gardens and it will kill
Americans who help rebuild the Gaza Strip.

Let's pretend that everything will be OK
It's not our fault let's look the other way
And go to films or dance lessons or baseball games at night
and trust elected leaders to choose right

I hurt for Rachel's father
To bury his young daughter
And her belief in human goodness
He taught her to fight violence
Now all that's left is silence
And the memory of her dignity
Let's pretend . . .
Rachel I hope you find justice or even a
garden where anyone can grow some food in peace
No guns, no need to fight. No poor, no black no white,
Heaven, you deserve a break from misery

Thanks to Maarten Joostens (hiprock__cafe@hotmail.com) for these lyrics.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

SPEECH OF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. OWENS. Mr. Chairman, we should be cutting off funds for the War In Iraq, not adding more dollars. The billions of dollars already appropriated are enough to sustain our troops until the kind of orderly withdrawal proposed by Representative JOHN MURTHA is implemented. It is long past time to withdraw from a war that is sucking us deeper everyday into a bottomless quicksand pit of filth. To wage this war this administration is trampling on vital political rights and abandoning basic moral values. To pay for this war we are cutting aid to public housing; aid to Medicaid and Medicare; Pell grants; aid to public education; and numerous other programs which support the general welfare of all Americans.

Deeply destructive public policies and practices have become routine in this administration as every conceivable trick is used to rationalize the war. To save the nation we must withdraw from Iraq and JOHN MURTHA has offered the most practical scenario for achieving this goal. At the heart of the Murtha proposal is the recommendation of an orderly withdrawal over a six-month period. Murtha offers an honorable way out of a quicksand pit of filth. JOHN MURTHA speaks with the voice of a soldier. He thinks with the mind of a patriot. And JOHN MURTHA feels with the heart of a grieving mother.

Very definitive polls now communicate to all leaders the American people's overwhelming disapproval of the President and his War In Iraq. Our constituents endorse and support the position of JOHN MURTHA. History will certainly illuminate and validate the courage and wisdom of JOHN MURTHA. But Members of Congress should not wait for history. We Members of Congress have a duty to make history, to guide the nation out of this peril and back to the path of progress and prosperity. There are two classes of leaders who support this administration's War In Iraq: Those who consistently vote for the war and the endless appropriations. And those leaders whose levels of concern are so low that they refuse, despite the objections of their constituents, to even take the very moderate action of becoming a co-sponsor of Murtha's well-reasoned proposal for withdrawal. Censure or impeachment proceedings may be necessary in the future. But at this immediate moment the opportunity to salvage this deteriorating situation is clearly present in the Murtha proposal. Members should co-sponsor Murtha now and let their constituents know that their voices have been heard.

Vote first against this wasteful, destructive, appropriation for Iraq. And then sign on as a Murtha co-sponsor.

FREEDOM FOR ALBERT SANTIAGO DU BOUCHET HERNÁNDEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Albert Santiago Du Bouchet Hernández, a political prisoner in totalitarian Cuba.

Mr. Du Bouchet Hernández is the director of the independent Havana Press Agency. His peaceful, pro-democracy activities and truthful articles have helped the world to learn the facts about the nightmare that is the Castro regime. Unfortunately, those who believe in truth are targeted by the tyrant's machinery of repression.

The Committee to Protect Journalists (CPJ) reports that Mr. Du Bouchet Hernández was harassed and threatened because he insisted on reporting and covering the historic congress of the Assembly to Promote Civil Society (APSC). The CPJ also reports that Castro's thugs ordered him to appear at a police station on the opening day of the APSC meeting. Mr. Du Bouchet Hernández bravely disobeyed their command, and reported on the momentous events that occurred at the historic congress.

In retaliation for telling the world the truth about the nightmare that is the Castro regime, Mr. Du Bouchet Hernández was arrested on August 6th and, in a sham trial 3 days later, sentenced to 1 year in the totalitarian gulag. As the 2005 edition of the U.S. Department of State's Country Reports on Human Rights Practices states, ''Prison conditions continue to be harsh and life threatening.'' According to CPJ, Mr. Du Bouchet Hernández has suffered severe headaches and progressive loss of his vision since his arrest in August 2004.

Mr. Du Bouchet Hernández is a brilliant example of the heroism of the Cuban people. Despite incessant repression, harassment, incarceration and abuse, he remains committed to the belief that freedom of the press and democracy are inalienable rights of the Cuban people. It is a crime against humanity that Castro's totalitarian gulags are full of men and women, like Mr. Du Bouchet Hernández, who represent the best of the Cuban nation.

Mr. Speaker, it is morally repugnant that, in the 21st Century, men and women are still locked in the dungeons of dictators because of their beliefs in freedom and human rights. It is as inconceivable as it is unacceptable that, while the world stands by in silence and acquiescence, independent journalists who write the truth about totalitarian regimes are systematically tortured. My Colleagues, we must demand the immediate and unconditional release of Albert Santiago DuBouchet Hernández and every political prisoner in totalitarian Cuba.

CONGRATULATING LONG'S DRUG STORE ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. DUNCAN. Mr. Speaker, I rise today to recognize a long-standing institution in my district that has been serving the people of Knoxville, Tennessee for 50 years. On March 27, 2006, Long's Drug Store will mark its Silver Anniversary.

Determined to provide friendly, prompt service to the Knoxville community, Dr. Clarence Long opened Long's Drug Store on March 21, 1956. It was the first drug store to serve West Knoxville and was included in the first shopping center in Knoxville. Long's is a landmark that has remained at its Kingston Pike location since its opening.

Along with Dr. Long, several members of the Peck family joined the staff in the late 1950s and early 1960s. After the passing of Dr. Long in 1966, the Peck family took over the business and continues to maintain it today.

Today, Long's Drug Store offers the community the same welcoming service it did when it opened its doors 50 years ago, despite advances in technology. Long's continues to fill prescriptions and provide free home delivery service to its customers.

While commonly paired many decades ago, soda fountains in drug stores are a rare find these days. Long's Drug Store has the distinction of having the only old-time soda fountain in the City of Knoxville. This soda fountain provides relief during hot East Tennessee summers with its delicious Coke floats and chocolate malts. It is one of the most popular and memorable sections of the store.

Always at near capacity with loyal customers, both young and old, Long's provides a welcoming meeting place to enjoy a fountain drink or congregate with neighbors over breakfast or lunch.

Long's Drug Store provides its customers and the citizens of Knoxville with caring, personal service. Generations of customers continue to come to Long's for their pharmacy needs as well as a place to meet friends. I'm sure that Dr. Long would be delighted by the staying power of his business and its commitment to tradition.

Mr. Speaker, in closing, I would like to commend Long's Drug Store for its service to the people of Knoxville, and ask my colleagues to join me in congratulating them on this anniversary and wishing them the best for the next 50 years.

TRIBUTE TO DELTA COMPANY, 113 AVIATION, OREGON NATIONAL GUARD

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to pay tribute to the citizen soldiers of Delta Company, 113 Aviation, Oregon National Guard on the occasion of their return home tomorrow from a 14-month deployment to Afghanistan in support of Operation Enduring Freedom. Commanded by Captain David Doran, the 92 Soldiers of this heavy lift helicopter company operating CH47D Chinooks proved to be one of the most effective and versatile aviation companies in the Army's Total Force Structure.

The ''Mustangs'' of Delta 113 were alerted in June 2004 and assembled from cities and towns throughout Oregon, including: Athena, Baker City, Beaverton, Bend, Boardman, Clackamas, Corvallis, Echo, Eugene, Fairview, Haines, Helix, Hermiston, La Grande, LaPine, Lyons, McMinnville, Merrill, Milton-Freewater, Ontario, Pendleton, Pilot Rock, Portland, Prineville, Redmond, Roseburg, The Dalles, Umatilla, Union, and Vale.

By late February 2005, the aircrews were fully trained, loaded up, and ready for deployment into the theater of operations. In March 2005, Delta 113 arrived in Kandahar, Afghanistan. Within the first 20 days, the maintainers had the aircraft ready to fly, aircrews were oriented on the mission and environment, refuelers had moved out beyond Kandahar to Forward Operating Bases, and Delta 113 had assumed the mission.

They immediately integrated with Task Force Griffin (12 Aviation Brigade) and in 3 weeks, the Mustangs had conducted a thorough relief-in-place of the outgoing Heavy Lift Helicopter Company and were conducting all heavy lift operations in southern and western Afghanistan. Their missions included: Combat Service support and Air Assault support for units of the 25th Infantry Division and 173rd Airborne as well as the 7th Special Forces; downed aircraft recovery; and transporting VIPs, including Secretary of Defense Donald Rumsfeld. These missions were all accomplished while flying their standard re-supply missions, moving more than 95 percent of personnel and equipment throughout southern Afghanistan. The Mustangs were responsible for airlifting 11 million pounds of supplies and equipment and 45,000 troops. In addition they carried troops directly into contact with the enemy, executing over 100 deliberate operations with the 173rd Airborne and 3rd and 7th Special Forces Groups.

Delta 113 was critical to the success of Operation Catania in June of 2005. This 4-day operation resulted in the death or capture of over 150 Anti-Coalition Militants, marking it as one of the largest single engagements of Operation Enduring Freedom to date. During this fighting, four CH47Ds were damaged by enemy fire and two were forced to make emergency landings. All four were recovered and repaired by ''Mustang'' Downed Aircraft Recovery Teams (DART) on the same day and returned to service within 24 hours.

In September 2005, the Mustangs lost a crew of 5 and an aircraft to an enemy RPG during Operation Hazurbus. The fallen soldiers included Sgt. Tane Baum and Warrent Officer Adrian Stump, both of Pendleton. The Company quickly rallied and continued to execute assigned missions. This ability to remain focused during a time of extreme tragedy is the hallmark of this unit's greatness and an example of their committnent to duty and dedication to mission accomplishment.

In addition to their taxing in support of Operation Enduring Freedom missions, the Mustangs deployed 2 aircraft, aircrews, and support personnel to Islamabad, Pakistan, to conduct humanitarian aid missions in October 2005. They were on site for 1 month and during that time moved over 750,000 pounds of supplies, evacuated 750 casualties, and transported 650 aid workers.

Executing deliberate combat operations to sustain all ongoing combat and combat support missions throughout the country, the Mustangs of Delta 113 gained the reputation throughout CJTF–76 as a highly dependable, professional organization able to execute a wide range of aviation missions.

Mr. Speaker, due to the versatility of the CH47D Chinook Helicopter and the expertise and skill of ''Mustang'' aircrews, the combat units they transported were able to pursue and eliminate hundreds of Taliban and Al-Qaeda fighters in the region. By penetrating deep into the heart of the Taliban's stronghold, the Mustangs of Delta 113 were instrumental to the success of the ground forces in denying Anti-Coalition Militants respite and sanctuary in Afghanistan.

I take great pride in the sacrifice and outstanding performance of all of Oregon's patriots who serve our nation at home and abroad, and am particularly looking forward to joining the friends and families of Delta 113 in Pendleton on this weekend to officially welcome them back to our great state.

TRIBUTE TO DUANE B. HAGADONE

HON. C.L. ''BUTCH'' OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. OTTER. Mr. Speaker, I rise today to draw the attention of the House to an entrepreneur and philanthropist from my district whose initiative and vision are an inspiration to all Idahoans.

Duane B. Hagadone began his modest career selling newspaper subscriptions. With hard work and passion Duane worked his way up to editor, then owner of that newspaper. Much later he founded one of the most successful diversified publishing and hospitality businesses in Idaho history, the Hagadone Corporation.

On December 9, 2004, this lifelong resident of Coeur d'Alene, Idaho, was inducted into the Horatio Alger Association, an organization that honors those who have overcome adversity and modest beginnings to achieve success. He now serves on that association's board of directors, and through determination and leadership has provided countless scholarships for underprivileged high school seniors.

Duane B. Hagadone was inducted into the Idaho Hall of Fame, and was named Most Influential North Idaho Citizen for the past 5 years for his many contributions to the welfare of Idaho and its citizens.

Duane B. Hagadone shines as a leader in the field of business and public works. He has given back endlessly to the State of Idaho and embodies a sense of civic virtue that makes him one of our state's greatest advocates and most valuable assets. I hope the House will join me in acknowledging Duane B. Hagadone's many contributions to Idaho, and his continuing example to us all.

TRIBUTE TO ST. CASIMIR'S CATHOLIC WAR VETERANS POST #652

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to congratulate St. Casimir's Catholic War Veterans Post #652 on the occasion of its 60th anniversary.

The Catholic War Veterans of the United States of America, Inc., (CWV), was founded in 1935 with the National headquarters located in Alexandria, Virginia. CWV joined other organized groups that were formed to guard the rights and privileges of veterans and included the protection of all our freedoms. Service programs help those who are sick and disabled and care for our hospitalized veterans.

St. Casimir's Post #652 Inc., Chapter of Philadelphia, Department of Pennsylvania, of the Catholic War Veterans of the United States of America, was established on the 2nd of April, 1946. The home post is located at 1524 South 2nd Street, Philadelphia, Pennsylvania.

In 1984, the Catholic War Veterans of the United States of America, Inc., was Congressionally Chartered and its Service Officers were accredited to the Department of Veterans Affairs. They are authorized to represent veterans and advance their claims to the Department of Veterans Affairs.

To quote the Post's constitution, it was established ''to promote faith, hope, and charity with prudence, justice, fortitude, and to enjoy the blessings of liberty, to sustain domestic tranquility, and to develop peace and good will.''

St. Casimir's extends help to veterans in hospitals and assists their families with any hardships; has honor guards at funerals of deceased veterans; and helps family members with red tape regarding burial arrangements. The Post also holds benefits to help veterans and their families who are in need.

I ask that you and my distinguished colleagues join me in honoring St. Casimir's Catholic War Veterans Post #652 for their 60 years of service and dedicated commitment towards our war veterans.

TRIBUTE TO KADE HINKHOUSE

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. MUSGRAVE. Mr. Speaker, today I rise to honor a true American hero, Lance Corporal Kade Hinkhouse. Lance Corporal Hinkhouse is a United States Marine from the 1st Marine Division, 3rd Battalion, 7th Marine Regiment based out of Twenty-Nine Palms, California. Kade is from Burlington, Colorado,

At a young age, Kade was impacted by the devastating terrorist attacks that occurred on September 11, 2001. Because of his pride in our country and determination to protect America's values, Kade signed up for the Marine Corp just prior to graduating from high school.

Last year, LCpl. Hinkhouse was sent to the Middle East to serve in Operation Iraqi Freedom. On October 9, 2005, LCpl. Hinkhouse was severely injured while on his mission at Ar Ramadi, Iraq. After being stationed there for only one month, he and 12 others traveling in a small convoy were hit on the right side with an improvised explosive device. Kade's vehicle was in the middle. The explosion killed the Marine sitting next to him, and 4 other soldiers were injured.

LCpl. Hinkhouse sustained the worst of the injuries including a traumatic brain injury, shrapnel in his shoulder, an open leg wound, and two collapsed lungs. He and the other 4 injured Marines were taken to the Baghdad hospital, where the medical staff stabilized Kade and amputated his right leg at the knee. The next day, Kade was flown to a military hospital in Germany.

His head trauma was very severe because of severe bruising and swelling. The doctors had to remove a portion of the right side of his skull to alleviate the swelling around Kade's brain. He stayed in Germany until Thursday, October 13, 2005, and then he was flown to Bethesda, Maryland. LCpl. Hinkhouse is now at Walter Reed Hospital receiving therapy and recovering.

Mr. Speaker, we are so fortunate to live in a country served by Marines like LCpl. Hinkhouse; I am grateful for the courage of our servicemen and women. We can maintain the blessings of our freedoms only because we have citizens like Kade who are willing to defend them.

I am proud to honor Kade for his courage and sacrifice on behalf of all Americans. I applaud Kade for his courage and selfless dedication to duty. Lance Corporal Kade Hinkhouse is the embodiment of the values that makes America the great Nation it is today.

IN HONOR AND RECOGNITION OF IRA ALBERT ''SONNY'' BEACH

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. TIAHRT. Mr. Speaker, I rise today in honor and memory of the late Ira Albert Beach of Arkansas City Kansas, who passed away on February 3rd 2006.

Ira, known as ''Sonny'' to his friends, was a model American. Sonny was born without legs and with a deformed right arm. He spent the first years of his life in the Children's Hospital in Wichita, KS. After graduating from Winfield High School, he went on to junior college. At age 10, Sonny learned to drive a tractor with mechanical aides on his father's farm. Despite his disability, Sonny insisted on contributing to society with his work and his charitable ways.

Sonny paid his way through junior college by hauling five gallon milk cans around his neighborhood. After college he married and had four children. His motto was, ''If man made it, man could fix it.'' Sonny made a living insulating homes, doing construction work, operating heavy equipment and backhoes, and picking up dead animals from farmers all over Oklahoma and Kansas and delivering them to rendering companies. Eventually Sonny sought out a position at General Electric. After a 36 year career, he retired from GE as a jet engine inspector. Sonny also served as an accountant for an oilman in eastern Kansas. At one time Sonny owned and operated a garbage collection business. Sonny was well known as a generous man who had a positive attitude towards life.

Although Sonny was born disabled, he insisted that he was not handicapped. He refused to park in handicap parking, and insisted on never accepting any form of government benefit available to the handicapped or unemployed. Despite hardships Sonny Beach was

able to overcome obstacles, work in numerous careers, and raise four beautiful children who survive him today.

HONORING THE LIFE AND CAREER OF JACK B. McCONNELL, MD

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. WILSON of South Carolina. Mr. Speaker, the American Medical Association has established a new honor, the Jack B McConnell, MD, Award for Excellence in Volunteerism, which recognizes the work of a senior physician who provides treatment to U.S. patients who lack access to health care. After a full career of practice, this physician remains dedicated to the future of medicine through the spirit of volunteerism.

Jack B. McConnell, MD, is a distinguished physician and scientist who served as Corporate Director of Advanced Technology at Johnson & Johnson. Widely acknowledged for his medical contributions, he directed the development of the TB Tine Test used in the detection of tuberculosis, participated in the early stages of the development of the Polio Vaccine, supervised the discovery of Tylenol, was instrumental in developing the technology for MRI's and helped write the enabling legislation to map the genome.

Dr. McConnell saved his greatest achievement for retirement: the creation of Volunteers in Medicine. His visionary concept—using retired medical personnel to volunteer their time and talents in a network of free community clinics for the working uninsured—coupled with his enthusiasm and determination has enabled the VIM program to grow to over 40 clinics in less than a decade. The initial VIM clinic was opened on Hilton Head, SC and continues to serve with over 20,000 patient visits in 2005.

Today, I am honored to recognize the tremendous life and career of Dr. McConnell. His service has benefited so many citizens throughout the Second District of South Carolina.

TRIBUTE TO THE 150TH ANNIVERSARY OF NEWBERRY COLLEGE

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. SPRATT. Mr. Speaker, I am honored to recognize the 150th anniversary of Newberry College, which is in my 5th Congressional District of South Carolina.

In celebrating this milestone, I am pleased to join the State of South Carolina, the City of Newberry, Newberry College, and the Newberry College Alumni Association. I want to pay special tribute to the Association's international symposium, planned for April 2006, which recognizes the life and work of the college's founder, the Rev. Dr. John Bachman, by presenting the following joint proclamation to the U.S. House of Representatives.

A JOINT PROCLAMATION FOR JOHN BACHMAN MONTH

Whereas, at an early age in New York State the future Dr. Bachman showed strong interest in studies of natural history and religion, particularly the works of Martin Luther; and

Whereas, the esteemed Dr. Bachman traveled south in January 1815 from his birthplace to Charleston, South Carolina to become pastor of St. John's Lutheran Church; and

Whereas, Dr. Bachman served St. John's faithfully and honorably as her beloved pastor for an amazing and productive fifty-six years, during which time he became a true pillar of the Charleston community; and

Whereas, contrary to civil statutes and community standards of the time, Dr. Bachman educated Charleston slaves and freemen of African descent and baptized hundreds, perhaps thousands, into membership at St. John's during his tenure; and

Whereas, Dr. Bachman helped form and served twice as President of the South Carolina Lutheran Synod, from 1824 to 1833 and again from 1839 to 1840; and

Whereas, Dr. Bachman, as Synod President, took action that led to establishment in 1831 of a school to train Lutheran ministers, now known as the Lutheran Theological Southern Seminary of Columbia, South Carolina; and

Whereas, Dr. Bachman had a keen interest in natural history of the South Carolina Low Country and discovered or described many birds and mammals previously unknown to science; and

Whereas, Dr. Bachman was a seminal and active member of the ''Circle of Naturalists,'' whose work in various natural history fields made antebellum Charleston a scientific center equal in importance to such cities as Philadelphia, Boston, and New York; and,

Whereas, Dr. Bachman frequently published letters and short articles about his natural history observations in local and regional publications (including the South Carolina Medical Journal), and gave public lectures on these topics to audiences of both learned and lay people; and

Whereas, Dr. Bachman hosted John James Audubon in 1831 when the famous bird artist visited Charleston, thereby beginning a lifelong friendship and professional collaboration; and

Whereas, Dr. Bachman was instrumental in founding the South Carolina State Horticultural Society in 1833; and

Whereas, various scientists have seen fit to recognize Dr. Bachman's natural history contributions by naming three North American birds, two mammals, and one butterfly in his honor, including Bachman's Warbler (Vermivora bachmanii), Bachman's Sparrow (Aimophila aestivalis bachmani), Bachman's (now Black) Oystercatcher (Haematopus bachmani), Bachman's Brush Rabbit (Sylvilagus bachmanii), Bachman's Fox squirrel (Sciurus niger bachmani), and the Snout Butterfly (Libytheana bachmanii); and

Whereas, Dr. Bachman encouraged African-American members of St. John's Lutheran Church to enter the ministry, nurturing nationally known clergymen such as Jehu Jones (first African-American Lutheran minister ordained in North America), Boston Jenkins Drayton (missionary to Liberia and eventual Chief Justice of the Liberian Supreme Court), and Daniel Alexander Payne (sixth bishop of the African Methodist Episcopal Church); and

Whereas, Dr. Bachman served on the Board of Trustees of the College of Charleston from 1834 until 1848; and

Whereas, Dr. Bachman in 1838 sailed for England and Europe, where he was greeted as a scientist of renown and awarded an honorary doctorate from the University of Berlin; and

Whereas, in 1840 Dr. Bachman and John James Audubon began work on The Viviparous Quadrupeds of North America, an illustrated folio on mammals equal in importance, quality, and artistic grandeur to Audubon's earlier Birds of North America; and

Whereas, Dr. Bachman wrote the entire descriptive text of the Quadrupeds and, in collaboration with Audubon's sons, brought the work to publication in folio and quarto formats beginning in 1845; and

Whereas, Dr. Bachman through his marriage to Harriett Martin, produced many sons and daughters (two of the latter eventually marrying two sons of John James Audubon), and creating a lineage that continues through many accomplished American families; and

Whereas, Dr. Bachman was elected to a three-year term as Vice President of the Charleston Library Society in 1845; and

Whereas, in 1848 Dr. Bachman began a five-year teaching position as Professor of Natural History at the College of Charleston; and

Whereas, Dr. Bachman published numerous important natural history papers including Two Letters on Hybridity (1850), Notice of the Types of Mankind by Nott and Gliddon (1854), and Examination of Professor Agassiz's Sketch of the Natural Provinces of the Animal World (1855); and

Whereas, in 1851 Dr. Bachman journeyed to the National Capital in Washington, meeting with President Millard Fillmore to lobby for federal action that in a time of political unrest would mollify the Southern states and preserve the Union; and

Whereas, in 1853 Dr. Bachman published A Defense of Luther and the Reformation in which he countered on-going Charleston-area attacks on Protestantism; and

Whereas, Dr. Bachman was instrumental in founding in December 1856 the Lutheran-based Newberry College, an extant liberal arts institution at Newberry, South Carolina; and

Whereas, Dr. Bachman served as first president of the Newberry College Board of Trustees beginning in January 1857, and during his tenure took many actions at the College to assure the high quality of secular and religious education that has continued for 150 years; and

Whereas, Dr. Bachman became co-editor of Southern Lutheran magazine in 1860; and

Whereas, Dr. Bachman, although a Unionist, led the opening prayer for guidance at Institute Hall in Charleston as the State of South Carolina met on 20 December 1860 to discuss whether to vote for secession, after which he withdrew from political activities and devoted his energies to ministering the sick and needy; and

Whereas, Dr. Bachman survived and continued his good work and scholarship despite a beating by Union soldiers that permanently paralyzed his arm; and

Whereas, in 1864 Dr. Bachman published Characteristics of Genera and Species, as Applicable to the Doctrine of Unity in the Human Race, in which he argued from a scientific perspective that all humans (including slave and master) were the same species—a radical, controversial, visionary, and correct pronouncement that took great courage on his part, particularly amid the turmoil of the Civil War; and

Whereas, Dr. Bachman was a true renaissance man devoted to his church and to his God, to science and natural history, to his community and country, and to secular and

religious education—particularly of African Americans in antebellum and post-war Charleston; and

Whereas, Dr. Bachman's legacy is alive and well at Newberry College, which—led by its Alumni Association—will begin its Sesquicentennial Celebration on 20 April 2006 with a major four-day symposium entitled ''Nature, God, and Social Reform in the Old South: The Life and Work of the Rev. John Bachman''; and

Whereas, esteemed international authorities on Bachman will make keynote presentations during the College's John Bachman Symposium; and

Whereas, the public is invited to attend and participate in this auspicious event in the life of Newberry College by registering through the Symposium Web site at www.johnbachman.org; and

Whereas, as noted by the many diverse accomplishments listed above, Dr. Bachman had lasting and wide-ranging impact on science, education, religion, and social progress in South Carolina, the United States, and beyond; and

Whereas, the month of February is significant because Dr. Bachman was born on February 4, 1790, and died eighty-four years and twenty days later on February 24, 1874;

Now, therefore, the State of South Carolina, the City of Newberry, Newberry College, and the Newberry College Alumni Association do hereby proclaim through the powers vested in Governor Mark Sanford, Mayor T. Edward Kyzer, President Mitchell M. Zais, and Symposium Chair William J. Hilton Jr. that April 2006 shall be designated as ''John Bachman Month'' throughout the State of South Carolina, and urge all citizens to recognize this observance and to attend the John Bachman Symposium at Newberry College.

TRIBUTE TO THE LIFE OF SGT. ANTON HIETT

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Ms. FOXX. Mr. Speaker, it is with a heavy heart that I rise today to express the heartfelt condolences of a grateful Nation and to honor the life of Sergeant Anton Hiett of Mt. Airy, North Carolina. Sergeant Hiett passed away on March 12, 2006 while serving in Afghanistan.

Sergeant Hiett served our country as a U.S. Army Reserve combat medic. His strong patriotism and desire to do what was right led him to join the military after graduating from North Surry High School. He began his career as an infantryman, but later decided that his calling was to care for his wounded comrades. Last year, Sergeant Hiett volunteered to go to Afghanistan because he felt compelled to help his country at war.

Sergeant Hiett was a loving husband, father, son, and brother. His friends describe him as someone ''having a big heart and always going the extra mile to help others.'' He leaves behind his wife, Misty Hiett, his 2 year-old daughter, Kyra Hiett, his parents George and Angela Hiett, and three siblings. May God bless them and comfort them during this very difficult time.

We owe this brave soldier and his family a tremendous debt of gratitude for his selfless service and sacrifice. Our country could not maintain its freedom and security without heroes like Sergeant Hiett, who make the ultimate sacrifice. Americans, as well as Afghanis, owe their liberty to Sergeant Hiett and his fallen comrades who came before him.

Mr. Speaker, please join me in honoring the life of Sergeant Anton Hiett.

TRIBUTE TO E.S. ''BUD'' VANBERG

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to B.S. ''Bud'' VanBerg for his impressive contributions to Colorado agriculture. Bud grew up in Nebraska where he learned to work hard, ride horses, chase cows, drive racehorse vans across the country, and talk fast. After graduating from the University of Nebraska with a degree in agricultural business, he returned to the family business where he centered his interests on auctioneering and the sale barn.

Bud was sent to Sterling in 1957 to manage the sale barn purchased by his father. He commuted between Columbus, Nebraska and Sterling, Colorado until 1964, when the Sterling sale barn became a separate entity. He and his wife, Arlene, were active partners and worked together to establish a fair and honest business with a good reputation that earned a respected place in the community.

Together, they raised four daughters: Debbie, Becky, Deanie and Cindy, and they became actively involved with youth groups and organizations in the community. Bud was known as the consummate volunteer, frequently giving his time and talents to help others, particularly young people. Bud touched the lives of many through his volunteer work, by doing numerous benefit auctions, 4–H livestock sales, and other acts of community service. Bud loved people, he loved life, but most of all he loved his family.

Bud also had a tremendous effect on the lives of eight prominent auctioneers in the region. Teaching, encouraging, giving, trusting and finally letting go, he gave his students the courage to move into the career of their choice.

Bud was named the Logan County Citizen of the year in 1988 and was a member of the Colorado Auctioneer Hall of Fame. Bud's lifelong contributions to agriculture earned him induction in the Colorado Agriculture Hall of Fame in February of 2006. Bud led by example and his enthusiastic community involvement demonstrated his passion for making a positive impact on the world around him.

We have been saddened by the recent loss of this man who gave so much to his community and his state for so many years I am proud to honor Bud VanBerg for his devotion and service.

IN MEMORY OF SAM CHU LIN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. HONDA. Mr. Speaker, I rise today with a heavy heart. A heavy heart over the passing of one of the giants of Asian American Journalism, and my dear friend: Mr. Sam Chu Lin.

Sam was a pioneer; not just in the Asian American Community, but in the entire field of journalism.

A reporter par excellence—news anchor—radio announcer—media consultant—a conscience, of and for, American journalism for almost four decades.

As one of the first Asian American network reporters in New York City, he announced to the Nation on CBS News, the fall of Saigon.

He interviewed Presidents and world leaders. He covered earthquakes and major disasters.

He reported from China the government crackdown on the democracy demonstrators in Tiananmen Square.

His childhood in Greenville, Mississippi, must have been a seminal experience for him; one that forged his commitment to both exposing and fighting discrimination wherever he found it. Undoubtedly, he certainly witnessed and experienced first-hand racial prejudice that pervaded the South in the 40's and 50's. More importantly he saw the devastation discrimination did to the dreams of young people of color.

As a result, his life was one of endless commitment to truth-seeking and justice for all Americans—but especially for his brothers and sisters in the Asian American Community.

He believed ''informing and helping others is what makes journalism exciting.'' He also believed his beloved career in journalism was an opportunity to use his roots for a positive purpose.

His relentless pursuit of excellence in journalism was legendary. He once convinced ABC's Nightline to do a program called ''Asian American—When Your Neighbor Looks Like the Enemy.'' After doing so, he helped book the guest, checked the script for accuracy, and found historical footage for the broadcast. He went on to spend the entire next year educating the executive producer about how Asian Americans have been unfairly stereotyped because of the campaign fundraising and spy scandals.

The program went on to be the highest rated show in its time slot beating out both Jay Leno and David Letterman in the national ratings.

Sam was a visionary—for that show would be as relevant today as it was when it first aired. I have no doubt if Sam were still with us, he would be haranguing the current producers to replay it today to show Americans just how little we've learned from our history.

His advocacy on behalf of civil rights and justice for Asian Americans continued to the day he died. It was Sam's interview with Senator JOHN MCCAIN that enlightened the Senator to the plight of citizenship denial for Asian American Civil War Veterans. And it was Sam Chu Lin's coverage at the critical junctures of Dr. Wen Ho Lee, Captain James Yee and Captain James Wang's careers that kept the Asian Pacific civil rights community rallying to their defense.

He continued to this day investigating, advocating, and agitating on behalf of Asian Americans as a media consultant and an independent reporter for several newspapers.

His humbleness belied his accomplishments. He was the recipient of awards across the entire spectrum of journalism—from the Associated Press and UPI, to the Golden

Mike, National Headliner Award for Best Documentary to name but a few. Just this past August he was honored with the Spirit of America Award by the Chinese American Citizens Alliance.

In spite of his accomplishments, he never lost the value of humility or the heartfelt treasure of friendship. He was my dear friend and mentor. My heart goes out to his wife, Judy, and his sons, Mark and Christopher. His absence in my life and in the Asian Community is irreplaceable.

But his body of work will live on and inspire generations of aspiring young Asian Americans to dream big dreams, and then go on to realize them.

It has been said that Asian American men are some of America's best kept secrets. Sam Chu Lin helped to change that. There is a story of a short man who was in the midst of some tall men. One of the taller men said to him, "You must feel pretty small right now." The man replied, "Yes, I feel like a dime in the midst of nickels."

Sam Chu Lin was no dime amongst nickels. He was a silver dollar amongst dimes. For in fact, the lifetime body of accomplishments of Sam Chu Lin has forever changed the face of American journalism.

INTRODUCTION OF THE FIRST STEP TO REDEPLOYMENT ACT OF 2006

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BLUMENAUER. Mr. Speaker, our security depends on the President changing the course in Iraq. Last November, I released a plan to do just this by carrying out a phased redeployment of U.S. troops starting with bringing the National Guard home and refocusing our political, diplomatic and reconstruction efforts. Today, having received a good deal of support for my plan, I am introducing the First Step to Redeployment Act of 2006 which would put my plan into practice by beginning the redeployment of U.S. armed forces from Iraq. This legislation will begin the redeployment of our troops with the National Guard because they also have an important role here at home, fighting forest fires, providing hurricane relief, and keeping our country safe.

Our challenge now is to learn from our mistakes in Iraq and make the appropriate adjustments to our strategy. However, the Iraq conflict is only the beginning of our challenge. We face very real strategic threats from North Korea to Iran and we need thoughtful, moral, and honest efforts to deal with them.

TRIBUTE TO BOB JENNINGS

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. NUNES. Mr. Speaker, I rise today to pay tribute to a man who has had a tremendous positive effect on the political landscape of California for more than 30 years. For the past three years Bob Jennings has been my District Director. I could not have chosen a better person to fill this role as I sought to lay a solid foundation for my Congressional career. Bob's knowledge and guidance has made all the difference in helping establish an effective office that meets the needs of my constituents and anticipates opportunities to improve the quality of life for residents in my area.

Bob is no stranger to the San Joaquin Valley and its many challenges. He started his career as a District Director for former Rep. Bob Mathias in 1969. He served in that position until 1975. He went on to form California Data Marketing with then Assemblyman Bill Jones. The two formed a unique friendship and partnership in business and politics that endured through Jones' career as a State Senator and eventually as California's Secretary of State. Bob served as Chief Assistant Secretary and later Undersecretary of State for Bill and was instrumental in establishing the Golden State Museum in Sacramento.

During his time on my staff, Bob spearheaded efforts at the district level to address a wide range of issues through community summits and workshops, including the shortage of health care workers and professionals; affordable housing needs; leading the charge for a Congressional Research Service study on the 8-county area of the Valley and most notably, fostering a greater sense of unity and cooperation among federal and state district staffs across party lines.

For more than five decades, his quiet leadership and vision have made an indelible mark on the communities he has served. His guidance and mentorship of my staff will pay immeasurable dividends far into the future.

As he ends his career at the end of March, I ask my colleagues to join me in wishing him all the best in a well-deserved retirement, and in offering up many thanks for his hard work and dedicated service over so many years. Thank you, Bob.

OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2005

SPEECH OF

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2006

Mr. SHAW. Mr. Chairman, I rise today in support of the Office of National Drug Control Policy Reauthorization Act of 2006 (H.R. 2829).

I am proud to have been involved in the creation of the Office of National Drug Control Policy (ONDCP) in 1988. Legislation I introduced became part of the Anti-Drug Abuse Act of 1988, which created the Office of National Drug Control Policy (ONDCP).

Along with creating the office of the White House "Drug Czar," my legislation also permitted the U.S. military to help interdict drugs, called for the seizure of aircraft involved in drug smuggling, sped up the interdiction of foreign vessels carrying drugs, required minimum sentences for crack cocaine users, and required drug testing of key transportation workers.

The ONDCP is responsible for establishing policies, priorities, and objectives for our nation's drug control program. The reauthorization of ONDCP and its programs are essential to continue the reduction of illicit drug use, manufacturing, and trafficking, drug-related crime and violence, and drug-related health consequences.

The ONDCP Reauthorization Act of 2006 improves the ONDCP and its programs in many important ways. The bill requires that the Director of ONDCP to have the same rank and status as other executive department heads. This will ensure that the "Drug Czar" will be able to interact with other executive department heads to coordinate with them on anti-drug policies and programs.

The bill also preserves and strengthens the High-Intensity Drug Trafficking Area (HIDTA) program. The HIDTA program is ONDCP's principal law enforcement program.

Two counties in my district, Broward and Palm Beach, are part of the South Florida HIDTA. The mission of the South Florida HIDTA is to measurably reduce drug trafficking, related money laundering, violent crime and drug abuse in South Florida, thereby reducing the impact of illicit drugs in other areas of the country. The extensive shoreline of the Florida peninsula and the Florida Keys, combined with 3 major seaports and a close proximity to the Caribbean basin, make South Florida a prime target for maritime smuggling operations.

The South Florida HIDTA designation makes the local law enforcement agencies in Broward and Palm Beach Counties eligible for federal grant funding in order to facilitate the attack and the dismantling of high-value drug trafficking and related money laundering and violent crime organizations working throughout South Florida.

Mr. Chairman reauthorizing the ONDCP and it's programs will help us stay ahead of the war on drugs and drug abuse. I urge my colleagues to support the bill.

PAYING TRIBUTE TO THE NEVADA WOMEN'S HISTORY PROJECT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor The Nevada Women's History Project for their contributions to the community in promoting awareness of the historical contributions of Nevadan women.

The Nevada Women's History Project (NWHP) was founded in the fall of 1994 to provide visibility and support for the gathering and dissemination of history about the roles and contributions of Nevada women of every race, class and ethnic background. The NWHP is a statewide organization, with active regions in the North and South. Currently the group has over 200 members.

On March 5, 2005 the second statue from the state of Nevada, that of Sarah Winnemucca, was placed in the United States Capitol. The NWHP was the main factor in placing the statue, by raising the funds to make the statue and lobbying the Nevadan Legislature to give Sarah this honor. The NWHP has gone further to recognize Sarah by placing a replica of the original statue in Reno, Nevada. A second replica statue, which will

reside in Las Vegas City Hall, will be dedicated on March 25.

"Life Among the Piutes," is Sarah Winnemucca's powerful legacy to both cultures, the Native Americans and the whites. It appeared in 1883, the first book ever published that was written by a Native American woman. Following the oral tradition of her people, she reaches out to readers with a deeply personal appeal for understanding, recording a portion of the history of the far west from the Native American perspective. The book was a monumental achievement, recording the Native American viewpoint of whites settling the west, told in a language that was not her own and written and published by a woman during a time when even white women were not allowed to vote. The achievement of her book is second only to the work she performed everyday to promote understanding across cultures. I applaud the NWHP for their efforts to recognize her.

This year the NWHP is publishing a book entitled "Skirts That Swept the Desert Floor." The book contains the biographies of 100 women from Nevada that were instrumental in shaping all aspects of Nevada's history. This unique encyclopedic collection pays tribute to an otherwise unrecognized group of individuals whose stories should not be overlooked.

Mr. Speaker I am honored to recognize the Nevada Women's History Project on the floor of the House, today. I commend them for their service in recognizing the women in our history that have made special contributions to help make Nevada the great state that it is.

WELCOME HOME FORT KNOX 233RD

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to welcome home the 233rd Heavy Transportation Company of Fort Knox, Kentucky, and pay public tribute to their recent courageous service during their deployment in the Middle East.

This was the fourth deployment to Operation Iraqi Freedom for the 233rd. The unit, made up of more than 120 troops, transported vehicles and supplies back and forth between bases in Kuwait and the war theater in Iraq. The entire unit returned safely home last week, completing their mission without any serious injuries or fatalities.

I would like to take this opportunity to express my gratitude to the 233rd for selflessly standing in harm's way, transporting critical supplies over millions of miles of dangerous roads, to protect our freedom and way of life. Their distinguished service epitomizes values—duty, honor, country—that make our nation an example of freedom and prosperity for the rest of the world.

In the spirit of Fort Knox soldiers of generation past, their courage and sacrifice significantly contributed to a supreme level of safety and readiness during uncertain times. They were selfless in their sacrifice, taking time away from their families to keep others safe. For that they deserve the admiration and thanks of a grateful nation.

It is my privilege to recognize the 233rd Heavy Transportation Company today, before the entire U.S. House of Representatives, for their generous service and unflinching duty to our great country. Welcome home!

TRIBUTE TO TERRELLITA MAVERICK

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today to honor the 80th birthday of Terrellita Maverick, a member of one of San Antonio's and Texas' most distinguished families. The Maverick family has long been committed to independence of mind, fairness, and equality for all. Some claim the Mavericks can trace their roots to Boston at the eve of the American Revolution. While that may be hard to prove, we do know they have shaped San Antonio and Texas in ways that few families have.

Terrellita's ancestor, Samuel Augustus Maverick, was an original signer of the Texas Declaration of Independence. An important figure in the founding of the Texas Republic, he later served in the Congress of the Texas Republic, as mayor of San Antonio, and in the State legislature.

His family's name entered the lexicon because he refused to brand his cattle unlike all other cattlemen in Texas. Maverick originally meant an unbranded male calf, yet the word soon expanded to reflect the family's independent ways. Yet, being a Maverick did not mean individualism for individualism's sake. Rather, their individualism was founded on never turning one's back on doing what was right.

Terrellita's father, Maury Maverick, Sr., represented San Antonio in the House from 1934–1938. In typical Maverick fashion, he defied the city's political machine and won his seat on the strength of San Antonio's Latino vote. A fiery New Deal advocate and close ally of President Franklin Delano Roosevelt, Rep. Maverick spoke his mind and fought for civil rights at a time when doing so put one's political career and life at risk. Still, Rep. Maverick fought for his constituents and for the causes he believed were right.

Like his illustrious forebearer, he became Mayor of San Antonio and thanks to his vision for the city, La Villita was restored. La Villita was San Antonio's first neighborhood and this project spurred other restoration and construction projects in downtown San Antonio. Mayor Maverick was probably the single person most responsible for the appearance of downtown San Antonio today.

Moreover, his service to Texas and our nation were not limited to elected positions. During World War I, he was an infantry lieutenant and won the Silver Star and a Purple Heart. After his service as mayor, he served in a number of capacities to ensure that our production was efficient during WWII.

Terrellita's brother, Maury Maverick, Jr., was another in this family of individualists. Maury served his nation during World War II as a marine. During the 1950s, Maury represented San Antonio in the Texas House of Representatives along side my father and fought McCarthyism and racism. He and other members killed a bill that would have given communists the death penalty. In 1960, he was one of the 71 candidates to run for Vice-President's Johnson's Senate seat.

He then began to practice law but concentrated on pro bono legal work for powerless or unpopular people. He successfully argued against a law barring 'mixed-race' boxing matches and won a case before the Supreme Court for a San Antonio bookseller accused of possessing allegedly 'seditious' papers. He passed away in 2003 and our city misses his voice and his conscience.

However, I am pleased that Terrellita still makes San Antonio her home and is dedicated to improving our city. When not busy as a mother or grandmother, she is an active member of the Democratic Party and ACLU. She is every bit a Maverick and our community is the better for it. So, I would like to send my birthday wishes to one of San Antonio's distinguished citizens.

This has long been a family committed to fighting the fights that may not have been fashionable but that history declared right and just.

IN RECOGNITION OF MR. TIMOTHY J. ROONEY, GRAND MARSHAL OF NEW YORK CITY'S ST. PATRICK'S DAY PARADE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the extraordinary contributions to American civic and public life of Mr. Timothy J. Rooney, the the 245th Grand Marshal of New York City's world famous St. Patrick's Day Parade, which marches up Fifth Avenue in Manhattan on March 17 every year.

Timothy J. Rooney is a scion of the Rooney family, which is prominent in the worlds of business and professional athletics. He is the proud son of Arthur Rooney, the founder of the National Football League's fabled Super Bowl-winning franchise, the Pittsburgh Steelers. The Rooney family also owns and manages the Yonkers Raceway in New York, a premier harness racing venue that is currently being refurbished. Since his family assumed ownership of the raceway in 1972, Mr. Rooney has served as the track's president.

Mr. Rooney has long been active in Irish-American circles. He was honored by the New York-based, United Irish Counties organization in 1975, and the Rooney family's dedication to the people of Ireland and contributions to Irish-American relations and to the Irish-American community have been honored by the American Ireland Fund in New York and Palm Beach, FL.

In 2004, the Knights of St. Patrick presented Timothy Rooney with its Lifetime Achievement award. He has been recognized with many other civic honors as well, including the Terence Cardinal Cooke Award from the New York City Catholic Youth Organization.

Mr. Rooney's leadership in the business world reflects his many diverse interests. A partner for 10 years at Chaplin, McGuiness & Co., Mr. Rooney is an associate member of the New York and American Stock Exchanges. He is president of Delta Electric, an electrical contracting corporation in Westchester County in New York, and served as a

partner in an investment banking firm before assuming the reins at the Yonkers Raceway.

Mr. Rooney's leadership in the racing industry has been well-documented. He is one of the owners of a stud farm in County Kildare in Ireland, and he serves as a director of the United States Trotting Association. He is the business manager of the family-owned Shamrock Farm in Maryland, one of the oldest horse breeding farms in the Terrapin State.

Mr. Rooney is also a devoted family man. He and his wife June are proud parents of 5 children and are devoted to their 17 grandchildren as well as 1 great-grandchild.

Mr. Speaker, I ask that my distinguished colleagues join me in honoring Mr. Timothy Rooney, the grand marshal of New York's 2006 St. Patrick's Day Parade, the largest parade held in our Nation's greatest metropolis.

AERAS GLOBAL TB VACCINE FOUNDATION'S RESEARCH FACILITY IN ROCKVILLE, MD

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. VAN HOLLEN. Mr. Speaker, we are marking a milestone in the global fight against one of the world's most deadly diseases—tuberculosis.

In Rockville, MD, the Aeras Global TB Vaccine Foundation opened a new research and production facility to meet the world's need for an advanced tuberculosis vaccine. The Aeras Foundation is currently testing multiple TB vaccine candidates. The facility will be capable of producing 150 million doses of vaccine per year. It will use the most advanced medical research and manufacturing technologies and will serve as Aeras's headquarters as well as its research and production center.

The world badly needs a new TB vaccine. More than 1.75 million people die from this disease every year: It is second only to AIDS as the world's deadliest infectious disease. The World Health Organization estimates that there are 8.8 million new cases of TB every year. TB is also the leading cause of death among people diagnosed with AIDS, accounting for about 13 percent of AIDS deaths worldwide.

The current TB vaccine, known as BCG, is nearly 100 years old and was developed in the early 20th century. One of the most widely used children's vaccines in the world, BCG is largely ineffective against TB in adults, who comprise the majority of TB cases.

A new vaccine is the best hope for controlling TB, because vaccination is the only medical intervention that has eliminated an infectious disease. This was the case with smallpox, and today, global polio vaccinations efforts are bringing closer the day when this human disease will be eliminated.

A better TB vaccine may be in reach within the next decade. At least four candidate vaccines have entered human trials recently, and others are in the development pipeline.

I am pleased that the Aeras Foundation has decided to make its home in the community I represent in the U.S. Congress. The Aeras Foundation was founded in 1997 for the purpose of developing new concepts and tools to control the global TB epidemic. Today, it is the only non-profit organization in the world working through public-private partnerships with the sole focus of developing new vaccines against TB and ensuring their production and availability to all who need them.

In 2004, the Aeras Foundation received a grant of $82.9 million from the Bill & Melinda Gates Foundation for new TB vaccine development. It has also received funding support from the U.S. Center for Disease Control and Prevention and the Government of Denmark.

Dr. Jerald C. Sadoff, president and CEO of the Aeras Foundation, has devoted more than three decades to developing vaccines for dozens of diseases, including malaria and chicken pox, and is one of the world's leading experts in this field. He and his team of researchers and scientists are dedicated to saving the lives of millions of people in some of the poorest places in the world from the scourge of this disease. But TB is not just a disease characteristic of the developing world; there are an estimated 8 cases per 100,000 people in Europe and 5 cases per 100,000 people here in the United States.

This month we will celebrate World Tuberculosis Day, a day to heighten awareness of and rededicate ourselves to the search for a TB vaccine. That goal is closer to reality thanks to the tireless work of the skilled and talented men and women of the Aeras Foundation at their new facility in Rockville, MD. I wish them the greatest success in their important and noble mission.

TRIBUTE FOR THE EFFORTS OF OPERATION MISSISSIPPI CHRISTMAS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. HOYER. Mr. Speaker, Hurricane Katrina crashed into the heart of the Gulf Coast on the morning of August 29, 2005, forever altering the landscape of New Orleans and the surrounding cities and towns, as well as the lives of those who called the region their home. It has taken the hands and efforts of many Americans of goodwill to help alleviate the hardships faced during this trying time.

Rebuilding the post-Katrina Gulf Coast has not been, and will not be, easy. Yet in the midst of one of the country's greatest natural disasters, countless selfless individuals have worked to create a sense of normalcy for those who lost everything in Hurricane Katrina.

Operation Mississippi Christmas was one such organized effort working out of St. Mary's County, Maryland, in my Congressional District. The members of Operation Mississippi Christmas volunteered their time and efforts in order to give the children of D'Iberville, Mississippi a much-deserved and enjoyable Christmas season. It is a privilege to be able to recognize the faith and determination of these men and women, as well as their dedication to such a worthwhile project.

Members of the St. Mary's Hurricane Relief Fund kicked off their efforts with a gift drive spanning the entirety of St. Mary's County. The generosity of the residents of St. Mary's County was uplifting; all but eight of more than a thousand boxes passed out for adoption of the younger children of D'Iberville were returned with gifts. This feat can only be attributed to the great sense of humanity shared by the residents of St. Mary's.

The original plan for transporting the gifts was to organize a C–130 air transport mission, but this plan was abandoned for lack of certainty of plane availability and impending inclement weather. Undaunted, the volunteers were able to obtain two tractor trailers generously donated by the Bailey family and the defense systems company BAE at the last minute, which allowed them to transfer even more supplies to D'Iberville than the original airlift would have.

The organizers of Operation Mississippi Christmas laid out plans for a December 12 delivery of the goods and stuck to this plan with such tenacity that there was never any doubt of their success. On December 10, the loaded tractor trailers set out for Mississippi, while a team of eight St. Mary's Hurricane Relief volunteers flew commercially to Jackson and then drove the remaining 170 miles to D'Iberville.

The volunteers then presented the gifts to local children during a celebration in the D'Iberville Elementary School gymnasium that included food and a special appearance from Santa. The younger children received the presents donated by St. Mary's County residents and the upper middle and high school students received gift cards.

In addition to gifts for the town's children, the St. Mary's volunteers were also able to donate supplies sorely needed by the city of D'Iberville, including school supplies, first aid kits, computer systems, and medical supplies.

Mr. Speaker, it is wonderful that the efforts of so few were able to bring such joy to so many, and these efforts would not have been possible without the hard work and dedication to public service exhibited by the St. Mary's Hurricane Relief Fund. Today I honor the amazing fortitude of these individuals and would like to thank them for their contribution towards bringing a much-needed sense of hope back to the Gulf Coast.

TRIBUTE TO JIM HINGA

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. SALAZAR. Mr. Speaker, I stand before you today to pay tribute to Jim Hinga, a beloved father of three and renowned lawyer, who passed away on March 5. It was a privilege to know Jim and I offer my deepest condolences to his family and friends.

Jim was born and raised in Indiana. He received his B.A. from Notre Dame in 1971 where he was known by many as ''Muncie Milkman'' of the Notre Dame basketball team. His achievements on the team led to his induction into the Indiana Basketball Hall of Fame as a member of the Silver Anniversary Basketball Team. After earning a law degree from the University of Mississippi, Jim served as a litigator and widely respected mediator in Denver, Colorado for the next 25 years. Jim was often sought out for his talent, intellect, and expertise.

But Jim is remembered first and foremost as a compassionate friend and dedicated family man. He never missed a chance to attend one

of his children's school or sporting events. He took time out of his busy work schedule to call his children and tell them how proud he was of their accomplishments. Jim raised a determined set of talented children who will honor his memory with their good works for years to come.

We can all learn from Jim and can only hope to have his sense of dedication and compassion. His caring personality brightened the lives of those who knew him. Jim will be missed, but remembered by the hundreds of people whose lives he touched. May he rest in peace.

TRIBUTE TO DR. LOUIS J. AGNESE JR.

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today to honor a person who has made an indelible impact on San Antonio and higher education, Dr. Louis Agnese Jr, the President of the University of the Incarnate Word (UIW.) On March 25, 2006, Dr. Agnese will celebrate his 20th anniversary as President of the university and during his tenure the school has been transformed from a small private school into a world class academic institution. Yet despite the changes at UIW, it remains a school committed to expanding both the minds and consciences of its students. I am proud that San Antonio can call UIW one of its schools, but we are especially thankful that Dr. Agnese has applied his talents and energy to making UIW into the institution that it is.

In 1986, Dr. Agnese was inaugurated as the 8th president of Incarnate Word College. He was the driving force that transformed the school from a college into the University of the Incarnate Word. In addition to the San Antonio campus, UIW now has sites in Corpus Christi, Texas, Guangzhou, China, and Mexico City, Mexico and 80 sister schools in 30 countries. During his presidency, UIW has doubled the size of its faculty, tripled the number of buildings on its main campus, and has greatly increased the school's endowment. Dr. Agnese has done nothing less than remake the school while remaining true to its founders' mission.

In the aftermath of the Civil War, Texas Bishop Claude M. Dubuis decided to establish a new religious congregation, the Sisters of Charity of the Incarnate Word, dedicated to helping the poor and ill. He persuaded three sisters from a cloistered community of nuns in Lyons, France to emigrate to Texas and establish the Santa Rosa Infirmary, the first civilian hospital in San Antonio. The Sisters increased the scope of their mission as new circumstances arose. When they found that the hospital was caring for a significant number of orphans, they began orphanages, which led to starting schools to educate these children.

In 1881, the Sisters of Charity of the Incarnate Word applied for and were granted a state charter to operate hospitals and schools. At first UIW opened and ran elementary and secondary schools but began offering college courses for young women around the turn of the 20th Century. Soon thereafter, the Sisters christened their school the College and Academy of the Incarnate Word.

Much has changed in the last 125 years. Today UIW is the largest Catholic University in Texas and the fourth largest private school. At the same time the school has grown, it remains committed to the core principles of its founders. UIW recognizes that service to others is the highest calling one can pursue. Moreover, Dr. Agnese has lived this credo as he has helped increase opportunities for young people to earn an education and look at the world in a broader way.

UIW truly is an international school with students from all over the world attending its main campus in San Antonio. This kind of diversity teaches young people to embrace and respect the cultural differences that make life enriching but also to recognize the similarities that bind us together.

In addition to increasing the diversity of the student body, Dr. Agnese also pushed to expand the academic programs at UIW and established the university's first Ph.D. program. Moreover, Dr. Agnese and the university have been sensitive to the challenges facing young Latinos seeking higher education and he has helped facilitate this process. Indeed, Dr. Agnese has said that "one of the proudest moments of my life occurred when I was selected as the national Hispanic Educator of the Year in 1996, even though I'm Italian-American."

In 1986, Dr. Louis Agnese had a vision of UIW could become. Yet, he did not just envision UIW as one of Texas' finest academic institutions; he also saw a school that would continue to educate young men and women who would work to improve our community. Knowledge may fire the mind but unless guided by a moral compass, it is little more than pedantry. UIW helps its students gain the moral guidance necessary to implement their education.

Of course, Dr. Agnese is also deeply dedicated to his family and has proven his commitment to San Antonio. He has helped make San Antonio the thriving city it is today and we are the better for his coming here. I wish Dr. Agnese many more years of success at UIW.

IN RECOGNITION OF THE 1ST BATTALION, 69TH INFANTRY OF THE NEW YORK NATIONAL GUARD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. MALONEY. Mr. Speaker, I rise to recognize the soldiers of the 1st Battalion, 69th Infantry of the New York National Guard who are being honored on St. Patrick's Day in New York City. I know that my distinguished colleagues will join me in extending our appreciation and gratitude to all of the brave members of the armed forces serving in the National Guard and the Reserve, who are so courageously and selflessly dedicated to their fellow Americans.

The National Guard in an integral part of a great tradition in American military history that began during the American Revolution. At that time, our Founding Fathers placed the country's security in the hands of citizen-soldiers who trained and organized into militias in their home colonies. To this day, members of the National Guard must be ready to serve their state and their country, often at a moment's notice.

The members of the 1st Battalion, 69th Infantry continue to uphold a distinguished tradition in both battle and disaster response. As part of the famous Irish Brigade during the Civil War, the members of the 69th Infantry were renowned for their tenacity on the battlefield, leading Confederate General Robert E. Lee to bestow upon them the nickname of "The Fighting 69th." In acknowledgement of its proud heritage, the Fighting 69th participates each year in New York's St. Patrick's Day Parade.

The Fighting 69th are infantry soldiers—the "guns on the ground"—whose mission is to engage and destroy enemy forces in close combat. In addition to the Civil War, its members have also fought in the Spanish American War, World War I and World War II, where its soldiers served valiantly in the battles of Makin, Saipan and Okinawa, and its members just completed a tour of duty in Iraq, returning to the U.S. six months ago after serving with distinction. Sixteen soldiers in the Manhattan-based 69th National Guard Regiment have died in the Iraq War, including a member who was one of the New York firefighters who raised the American flag above Ground Zero, Christian Engledrum.

In April, six members of the 69th Regiment were awarded Purple Hearts after being wounded by roadside bombs in Iraq. The unit patrolled the infamous road to the Baghdad airport and was stationed primarily in the Sunni Triangle, where most of the insurgent attacks have taken place. In a speech at Fort Drum, New York, Vice President Richard Cheney paid tribute to the Fighting 69th, thanking its members for their "toughness in confronting insurgents around Baghdad." Nine members of the Fighting 69th are continuing to serve on active duty in Iraq today.

The members of the Fighting 69th also have mobilized during times of emergency in their home state of New York. The Battalion Commander, Lt. Col Geoffrey Slack, informs me that the Fighting 69th was the first National Guard unit to arrive on the scene following the devastating terrorist attacks of September 11th, 2001. In the hours after the attacks, the Battalion assisted medical teams treating the wounded and provided significant assistance to rescue and recovery operations, continuing in this mission for nearly a year.

Mr. Speaker, in recognition of its tremendous contributions to civic and public life, I request that my colleagues join me in paying tribute to the Fighting 69th Regiment of the New York State National Guard, who are great New Yorkers and great Americans. All Americans should be grateful for the dedication demonstrated every day by the men and women of the Fighting 69th as well as all of the brave individuals serving in National Guard and Reserve units throughout our nation. Their members' dedication to our country serves as an inspiration to us all.

MARCH IS WOMEN'S HISTORY MONTH

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. VAN HOLLEN. Mr. Speaker, in March, we celebrate Women's History Month and

honor the historic contributions that women have made our great Nation. We remember those who have fought for progress in women's rights and recognize those who continue to fight to expand opportunities for women.

Recently, I, along with other Members of Congress, welcomed Liberian President Ellen Johnson-Sirleaf to the U.S. Capitol where she addressed a Joint Session of Congress. It was a moving experience to hear the first woman elected president of an African country. President Johnson-Sirleaf's historic achievement is an inspiration and she embodies the theme of this year's Women's History Month—''Women: Builders of Communities and Dreams.''

During the past year, we lost several remarkable women whose courage and vision transformed our Nation. Coretta Scott King was not only the keeper of the flame, but a woman who worked for change so that all Americans would have the opportunity to experience true freedom and justice. Rosa Parks' courage and determination launched the Montgomery, Alabama bus boycott and sparked the civil rights movement. Betty Friedan, one of the founders of the modern women's rights movement, agitated and struggled, never ceasing the fight, for women's rights.

In spite of the efforts of these and other brave women, much work still needs to be done to fulfill the legacy of these women. We must redouble our efforts to create a Nation where everyone has an equal opportunity to succeed. We must pursue new policies that promote economic prosperity, affordable healthcare, and strong public schools.

America can do better. This March, as we recognize and celebrate the contributions of our great American heroines, we must rededicate ourselves to making the future for all of America's girls and women full of hope and opportunity.

THE ACCOMPLISHMENTS OF ROBERT WAXMAN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. HOYER. Mr. Speaker, today I rise to honor a great patriot as well as a great friend, Robert ''Bob'' E. Waxman. On March 1st, 2006, Bob retired as the Deputy for Aircraft Division operations for the Avionics Competency of the Navy Air Navigation Electronics Project (NANEP).

Bob has had a long and distinguished career in service to our nation. He graduated from Forest Park High School in 1942, and worked for the Army Air Corps from 1943–1946, where he trained as a Navigator in B–I7's and B–29's. Bob next attended the University of Maryland, where he received his Bachelor of Science in Electrical Engineering in 1950.

In 1951, Bob began working for the Electrical Test Division's Radio Communication Branch of the NANEP at Patuxent River. Two years later, he was promoted to the Supervisory Electrical Engineer for the organization. In 1958, Bob was promoted to the Technical Director of the NANEP, a leadership position he would hold for almost 48 years. One of Bob's major accomplishments as the Technical Director occurred when he oversaw NANEP's move to Webster Field in 1960. During the 1960s Bob earned his Master's of Science in Electrical Engineering Management from George Washington University. In 1994, Bob successfully led the transition of the Naval Electronic Systems Engineering Activity into NAV AIR, the Naval Air Systems Command.

Bob Waxman has guided Webster Field through an unprecedented period of growth and success. When he began his service, Webster Field had 57 employees and a $320,000 budget. Under Bob's leadership, Webster Field reached a peak of more than 2,800 employees and a budget of more than $368 million. Bob also achieved another milestone: Webster Field was supposed to have been closed on five separate occasions. On each of these occasions, however, Bob succeeded in saving the organization. These acts alone make him a great leader and a hero to many.

Throughout the past 25 years, Bob's achievements have been recognized time and again with myriad awards and honors. In 2002, Bob was honored as the first employee at Patuxent River to receive a 55-year Length of Service Certificate. Bob is the recipient of the Navy Superior Civilian Service Award, the Navy Meritorious Civilian Service Award, the Distinguished Civilian Service Award, and a Congressional Certificate of Appreciation. In 2001, the Air 4.5 Avionics Robert E. Waxman Leadership Award was established in Bob's name. Finally, Bob's expertise and leadership skills were recognized by his peers when Bob was elected President of the Society of Engineers and Scientists.

Mr. Speaker, throughout his dynamic career, Bob Waxman has been a positive influence on many lives. On behalf of the thousands of individuals that Bob has helped over the years, I would like to congratulate and thank Bob Waxman for his extraordinary contributions to not only our community, but to our Nation.

PERSONAL EXPLANATION

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. SALAZAR. Mr. Speaker, last week I received an official leave of absence due to the death of my father-in-law, George Jaramillo. Had I been here, I would have voted in the following manner.

For the votes on H.R. 4167, the Food Labeling Act, I would have voted:

''Aye'' on the Cardoza Amendment; ''No'' on the Waxman Amendment; ''No'' on the Capps/Eshoo/Stupak/Waxman Amendment; ''No'' on the Wasserman-Schultz Amendment; ''No'' on the Stupak Motion to Recommit; and ''Aye'' on Final Passage of the HR 4167.

For the votes on H.R. 2829—Office of National Drug Control Policy Reauthorization Act of 2005, I would have voted:

''No'' on the Previous Question on the Rule; ''Aye'' on the Chabot/Boswell/Calvert/Cannon/Larsen Amendment; ''Aye'' on Hooley Amendment; ''No'' on the Paul Amendment; ''Aye'' Rehberg/Boozman/King (IA)/Capito/Souder/Graves Amendment; and ''Aye'' on Final Passage.

TRIBUTE TO UNIVERSITY OF THE INCARNATE WORD

HON. CHARLES A GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today to celebrate the 125 years that the University of the Incarnate Word (UIW) has enriched the city of San Antonio and South Texas. Incarnate Word has grown from humble beginnings to become one of our city's leading schools and Texas' largest Catholic university.

In the aftermath of the Civil War, Americans began the arduous task of rebuilding our war-scarred nation, particularly the South. In the late 1860's, after a cholera epidemic had struck, Bishop Claude M. Dubuis sent a letter to France urging the first Sisters to come to Texas and minister to the sick in the area.

Bishop Dubuis found three young Sisters willing to accept this challenge. Sisters Madeleine Chollet, Pierre Cinquin, and Agnes Buisson journeyed from Lyons, France to Texas and founded the Sisters of Charity of the Incarnate Word. Immediately, they established the Santa Rosa Infirmary, the first civilian hospital in Texas.

They soon expanded their mission to care for orphaned children and this led to the establishment of the first homes for children in San Antonio, St. Joseph's Orphanage for Girls and St. John's Orphanage for Boys. Naturally, the Sisters were concerned in the long-term well-being of the children in their care, so they opened schools to educate these orphans in San Antonio and eventually other cities in Texas. In 1881, the Sisters of Charity of the Incarnate Word applied for and were granted a state charter to operate hospitals and schools.

Their dedication to providing education to the youth of the area led to the formation of a boarding and day school for young women. The Sisters added college courses to the curriculum in 1909. In 1925, the College and Academy of the Incarnate Word received accreditation by what is now the Southern Association of Colleges and Schools. In 1929, the School of Nursing Education was established to continue the Sisters' original mission of healthcare. More recently, in 2004, the Feik School of Pharmacy was founded to address the serious shortage of pharmacists in Texas and elsewhere. I know that San Antonio can depend on UIW to be faithful to their original purpose by producing first-rate nurses and pharmacists.

Moreover, UIW reflects the diversity of our nation and our world. Students from all over the world come to attend UIW, which creates an atmosphere of tolerance and cooperation that we will need as our world continues to shrink. Boundaries and oceans that once separated us no longer do and recognizing that events on the other side of the planet can and will have profound influences on our lives is necessary. UIW provides a campus where American students can learn about and from the perspectives that international students have.

UIW now has a student body of 5200 from 47 countries and offers more than 70 undergraduate and graduate programs of study. I

expect that UIW will continue to evolve yet remain committed to the calling of serving others. I am pleased to honor UIW on its 125th anniversary.

HONORING BOY SCOUT TROOP 95 OF NORTH COVENTRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Boy Scout Troop 95 of North Coventry Township, Chester County, Pennsylvania on the occasion of its 50th Anniversary. It is the mission of the Boy Scouts of America (BSA) to build character, foster citizenship, and develop fitness. These three aims are the bedrock of the American Scouting movement and the foundation of 50 years of scouting experience for Troop 95.

Troop 95 is a tremendous group of young men that have and continue to practice the policy of ''boy-led and boy-run'' in the development of teamwork, leadership skills and personal responsibility. They develop the rules and standards to meet and work together to accomplish their many goals and objectives.

The Troop is also a safe haven for young men. It seeks to create a place where everyone feels physically and emotionally secure. The scouts of Troop 95 live the Scout Oath and Law each moment of each day, to the best of their individual and combined abilities.

The Troop has also created an extremely high standard of tolerance and acceptance. Scouts communicate openly with each other and demonstrate camaraderie and friendship at all times. Troop 95 has also created an environment based on learning and fun. Scouts seek the best from each participant, and go the extra mile to help each person achieve personal success.

Mr. Speaker, I ask that my colleagues join me in congratulating the Scouts, their outstanding leaders, and scout parents of Troop 95, past and present, for the terrific contributions they have made in their community and for the positive development of the moral, physical, and emotional well-being of the young men who have participated in the Troop over the past 50 years.

IN RECOGNITION OF NOW–NYC'S 26th ANNUAL SUSAN B. ANTHONY AWARDS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of NOW–NYC and the recipients of the 2006 Susan B. Anthony Awards and the Elizabeth Cady Stanton Award. Whether it's fighting against the appointment of Judge Alito, demanding an increase in the availability of Emergency Contraception or working to end the statute of limitations for rape in New York State, the members of NOW–NYC have been leaders in standing up for women's rights.

The Elizabeth Cady Stanton Award is presented to a woman of outstanding achievement who has made important contributions toward creating a more equal society and has served as a role model for other women. The Susan B. Anthony Awards honor women who have accomplished something remarkable. Each of this year's recipients has, in her own way, spoken up, spoken out, gotten involved and made a difference. They are our role models and heroines.

Councilwoman Gale Brewer, recipient of this year's Elizabeth Cady Stanton Award, is an outstanding member of the New York City Council, representing Manhattan's Upper West Side. She is a strong ally, a good friend and a champion of women's rights and human rights. Brewer has been instrumental in passing numerous laws, the most recently being the Human Rights Bill, which protects domestic partnerships from discrimination and retaliation in the workplace. In 2000, the Daily News hailed her as ''One of 50 New Yorkers to Watch.''

When the crime rate in their North Brooklyn neighborhood began to rise, Oraia Reid and Consuelo Ruybal started helping women take back the night by offering them a safe way home. In 2004 they founded RightRides, a not-for-profit organization that offers free late-night rides home to women in several Brooklyn neighborhoods and parts of the Lower East Side of Manhattan. Their creative response to improving women's safety so impressed Mayor Michael Bloomberg, that December 12, 2005 was named ''RightRides For Women's Safety Day.''

Nancy Lublin has proved that one person really can change the world. Recognizing that what you wear can make the difference between getting the job and getting shown the door, she created Dress for Success, which provides business attire for low income women who are seeking jobs. For many women, that would have been enough. But Nancy saw another need—the need to encourage kids to get involved in their communities and to recognize their achievements when they do. So she agreed to become CEO of Do Something, an organization founded in 1993 by Andrew Shue (of Melrose Place) and Michael Sanchez, childhood friends who wanted to make community service as cool as sports. Do Something has distributed over 1 million dollars through its Brick Awards to young people who are making a difference in their communities. In 1998, CNN dubbed the BRICK Awards ''the Oscars for young people in service''.

Former NOW–NYC President and current Chair of the Board, Jane Manning has taken her activism to the courts as well as to the streets. A graduate of Yale College and NYU Law School, Jane served as Assistant District Attorney for six years and currently defends women's rights as a human rights attorney for the non-profit organization Equality Now. A dedicated advocate for victims of domestic violence, sexual violence, and trafficking, Jane launched NOW–NYC's campaign to repeal New York's statute of limitations on rape cases and works closely with human rights groups to bring an end to the human rights epidemic of trafficking in women. Recently she represented a coalition of feminist organizations before New York State's highest court, arguing as amici curiae to reverse an appellate court decision that would have made the defense of extreme emotional disturbance almost universally available to men who kill their wives or girlfriends. In a unanimous decision, the court reversed the lower court's decision and ruled in favor of the feminist groups.

Finally, I want to congratulate Kathleen Ham, a symbol of courage to rape victims around the country. She is one of the reasons I fought so hard to pass the Debbie Smith Act. In June of 1973, Kathleen Ham was brutally attacked and raped in her New York apartment. Although the suspect was immediately apprehended while fleeing the scene, the trial resulted in a hung jury. In 2005, DNA technology linked the man charged in her rape definitively not only to her rape but also to at least 23 other rapes in Maryland and New Jersey over the past 32 years. Knowing that this serial rapist must be put behind bars, Ms. Ham courageously decided to take the stand once again, and to go public with her identity and story. When she came forward, nine other women also came forward to say that this man had raped them. Their stories are being used to illustrate the absurdity of New York's five year statute of limitations for rape.

Mr. Speaker, I request that my colleagues join me in paying tribute to the 2006 Elizabeth Cady Stanton and Susan B. Anthony Award winners.

DEERWOOD ELEMENTARY SCHOOL AND VETERANS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. POE. Mr. Speaker, children are never too young to understand patriotism, and be thankful for it. A group of students at Deerwood Elementary School in Kingwood, Texas, showed us that even young minds can appreciate and revere those who have fought for our great nation.

The students at Deerwood paid tribute to our veterans by making cards in honor of National Salute to Hospitalized Veterans Week. The cards thanked the veterans for keeping us safe, fighting for our freedom and other actions inherent to the United States Armed Forces.

My staff handed out the cards during a visit to the Michael E. DeBakey VA Medical Center. Upon receiving a card, many of the veterans smiled, for the first time in a long time. One veteran even said it was the first card he'd gotten in ages.

As Americans, we can learn a lot from the students at Deerwood Elementary. We, too, should always find a way to thank our brave men and women in uniform.

The exceptional actions of these students are a fitting tribute to the dedicated hard-working staff of Deerwood. It is obvious to me, that the teachers are doing a great job shaping the minds of these young Americans.

Deerwood students are proof that the outlook for our future generation is bright. If they already appreciate those who fight on the frontlines for our freedom, there is great hope for the future of this nation.

I would like to commend the students, the principal Carol Suell, and teachers at Deerwood Elementary School for a job well done.

OLYMPIC GOLD FOR REFUGEES OF DARFUR: THANK YOU JOEY CHEEK!

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. RANGEL. Mr. Speaker, I rise to applaud an Olympic Champion Gold Medal winner speed-skater Joey Cheek. Joey Cheek won the Olympic Gold Medal in the men's 500-meter speed skating race in Turin, Italy on February 13, 2006. Minutes after he won the race while millions of Americans and almost a billion listeners from around the world were focused solely on him, Cheek used his ''fifteen minutes of fame'' to announce he was donating his prize money to child refugees from Darfur. Cheek, citing the U.S. government finding of genocide in the Darfur region of Sudan, said he wanted to sponsor programs for 60,000 children of Darfur forced into refugee camps in Chad.

For Joey Cheek, competing in the Olympics was a blessing and his way of saying thanks for his opportunity, was to help others. Before answering any questions about his winning race, Cheek announced he would talk to and challenge all Olympic sponsors and participants to match his gift.

When Mr. Cheek won the Silver Medal in the 1000 meter he donated his $15,000 prize money. By the end of the Olympics, Mr. Cheek donated his total money from the US Olympic Committee, $40,000, to victims of genocide in Darfur. By the end of the Olympic Games, ABC's announcer, Bob Costas reported that Cheek's challenge had brought in donations of $300,000 for the refugees from Darfur.

Joey Cheek is an Olympic champion, but he is more; he is a citizen champion: a person who demonstrated the true American values of his country: generosity, compassion, kindness and goodness of heart. Mr. Cheek is not a rich man; he is 27 years old. He had already announced the 2006 games would be his last Olympics. In donating what might have been his one and only time to bask in triumph before a world-wide audience for his skating skills, Joey Cheek revealed his heart. He demonstrated something I believe lives in the hearts of all the compassionate people of this country; altruism, a pure selfless gift to men, women and children who, without our help, are destined to die.

UNICEF's website says 1.4 million Sudanese children, including 500,000 age five or younger, have been displaced from the Darfur region by militia groups, including the Janjaweed militia, that have destroyed villages, brutally killed men and children and raped women as the means of annihilating an entire people because they are non-Arab, black Africans. The Government in Khartoum has been complicit in these mass murders and slow starvation of at least 300,000 people. Two and one-half million people of Darfur have been displaced, their villages burned, their crops destroyed and their well water poisoned with the bodies of their children, spouses, brothers, sisters, fathers and mothers.

In February of this year, I signed a bipartisan letter to the President along with 80 of my colleagues, Democrat and Republican, in the House of Representatives asking Mr. Bush to exercise badly needed leadership to stop the genocide in Darfur. This is the first genocide that can be stopped. The 7000 African Union (AU) peacekeepers protecting the people in Darfur are good, but they are not enough to save the tribes of Darfur. They need help. According to the experts, the genocide could be stopped, it would cease, if there were 20,000 peacekeepers to provide genuine security. My colleagues and I wrote the letter in February because for 28 days the United States was the President of the United Nations Security Council. We hoped the President would seize this moment to do what no other President has done: stop genocide. Although we are not now the President of the UN Security Council, it does not mean we cannot act to stop the genocide.

Not one other winner of any medal did a deed as great as Joey Cheek's. I am proud of every American Olympian who worked so hard and made us proud by winning gold, silver and bronze medals at the Olympics, but I believe what Mr. Cheek did is worthy of special recognition and celebration; he set an example, a standard for the people of America. He is one person who made a huge difference to children, many of whom are orphans, victims of genocide by the government of Sudan in Khartoum.

Joey Cheek told the media that he wants to help Darfur refugee children to live but he also hopes they will be able to learn and play sports. If more citizens would follow Mr. Cheek's example, his vision of the children of Darfur being children not victims, would not be out of reach.

There is a teaching from the Talmud: ''He who saves one life has saved the world.'' Joey Cheek started what I hope will be a beginning for many who want to express their moral values as Mr. Cheek has done. Every citizen may not be able to give money for Darfur, but he or she can ask his pastor, priest, imam or rabbi to speak out at every service and remind their congregations that genocide is happening. It is a long slow genocide that has gone on for three years. Each citizen can also call on the Administration to stop the genocide now. It is within the power of this greatest country on earth to end the horrific suffering of people who are being murdered, starved, raped and mutilated because they are non-Arab Africans. Each person can do something to save a life in Darfur and to save the world.

REMEMBRANCE OF MARVALYNE HENRY: A REMARKABLE WOMAN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to pay belated tribute to one of our community's unsung leaders, the late Marvalyne W. Henry, whose life was remembered and celebrated on January 9, 2006 at the Range Memorial Chapel in Miami-Dade County, Florida.

Ms. Henry left a wonderful legacy for all of us, and she will be sorely missed, especially by those who looked up to her as a model of utmost benevolence and caring. I want to take this opportunity to honor her faithful stewardship over those who came to her for guidance and understanding. The hallmark of her life's excellence and commitment was defined by her compassion, which evoked the ever-enduring presence of God in her life.

Born to the late J.C. Woodson and Margaret ''Maggie'' Williams on August 16, 1937 in Smithville, Georgia, Ms. Henry demonstrated an immense love and compassion for others, especially the less fortunate and the downtrodden. Despite the problems she had had with her health, her faith was unshakable and served her well in ministering to those who needed her help.

Her nurturing spirit transformed her home into an oasis of love and encouragement—not only for the immediate members of her family, but also for countless others who came to seek much-needed comfort and solace from her. Indeed, the genuine kindness she extended to others transformed a rather sad occasion into a celebration of her life when they could take comfort in memorializing the magnificent example of a life so nobly lived. Despite the sobering challenges of her health problems, Ms. Henry managed to exude a great soul and a beautiful spirit that evoked an unshakable belief rarely shown and tested amidst so much trial and tribulation.

Ms. Henry is survived by her children: Nedra Henry, Lynnette Mathis (Larry), Tammie Coney (Michael), Gidget McLean (Charleston), Tameka Benbow, Derrick Henry (Alisia), Gary Mays, and Sherman Henry; sister, Wendie Williams; brothers, Samuel Williams (Mary), Richard Williams (Vanessa), and Leon Williams (Ann); two aunts: Loraine Humphries, and Doll Calbert of Detroit, Michigan; a host of grandchildren, great grandchildren, nieces, nephews, cousins and friends.

Buttressed by her unflinching faith, Ms. Henry's life has indeed been bountifully blessed. This is the celebration of a remarkable woman, and I know that my colleagues join me in honoring her.

REMEMBERING THE LIFE OF ELEANOR SLATER

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. LANGEVIN. Mr. Speaker, I rise today to pay my respects to Eleanor Slater, a great friend who recently passed away. Known as the grande dame of Rhode Island Democratic politics, Eleanor blazed trails for women in our state and will be greatly missed.

She began her distinguished political career in 1958 when she was elected to the Rhode Island House of Representatives where she served four terms. She then ran successfully for the Rhode Island Senate. While in the Senate, she championed what is believed to be the first Fair Housing Act in the country. Eleanor was also vocal on mental health and gerontology issues, and in 1969 became the chief of the former Division on Aging.

After 18 years in public service, Eleanor decided to pursue other interests, which included receiving a degree in political science from the University of Rhode Island at the age of 70. She remained instrumental in the Democratic Party and was a fixture at numerous Democratic National Conventions as a delegate.

Always thinking of the next generation, she was a great advisor for many former and current politicians, including myself. She had the

foresight and belief that I could run for Secretary of State and win that race—which I did. She served as an honorary chair on many of my campaigns and taught me valuable lessons that I still use today.

While her dedication to the Democratic Party and the state of Rhode Island was great, Eleanor was above all dedicated to her family, and my thoughts and prayers are with her two sons, William and Thomas; her brother Robert Boland; her sister, Dorothy Merrill; her four grandchildren; and her five great grandchildren.

While I am sad to say goodbye to such a wonderful woman, at 97 years old, we should celebrate Eleanor's long, distinguished life. Eleanor, you made a difference.

CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2006

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am voting in favor of passing H.R. 4472, The Children's Safety and Violent Crime Reduction Act of 2006. However, I want to make clear the serious concerns I have regarding some of the content of this legislation and the manner in which it is being considered by the House of Representatives.

I ultimately support this legislation, primarily because it incorporates the core content contained in H.R. 3132, The Children's Safety Act of 2005, which was previously passed by the House of Representatives on September 14, 2005. H.R. 3132—and by extension H.R. 4472—provides for vital improvements to strengthen the ability of our justice system to protect children from sex offenders. This legislation helps to develop a comprehensive national approach to prevent sex offenders from preying on our children, as it creates a national sex offender registry and increases penalties for sex crimes against children. Like everyone else, I have been horrified by the recent cases of abductions and murders of children by sex offenders, and am determined to do everything in my power as a public official to prevent such tragedies from ever occurring again.

I am also supportive of the main provisions of H.R. 1751, The Secure Access to Justice and Court Protection Action of 2005, which are included in H.R. 4472. These provisions would increase federal penalties for the assault, murder, or kidnapping of judges and court employees and make it a federal crime to kill or assault public safety officers or other court personnel.

However, H.R. 4472 also contains the core content of additional legislation, H.R. 1279, The Gang Deterrence and Community Protection Act of 2005, which I voted against last year on May 11, 2005. H.R. 1279—and by extension H.R. 4472—creates new federal criminal penalties and mandatory minimums for crimes committed by gang members, yet it loosely defines the definition of gang membership. Further, it redefines "crimes of violence" to include drug-trafficking crimes, and authorizes the Attorney General to charge a juvenile as an adult for certain crimes. I believe this aspect of the legislation has many flaws, one of which is the ability to penalize even non-violent drug dealing and some misdemeanors as "crimes of violence." I am opposed to prosecuting youth as adults and imposing mandatory minimum sentences.

We already incarcerate two million people, about half for non-violent drug crimes, and I believe that we need to emphasize more prevention and early intervention programs geared towards at-risk youth. This legislation seriously errs in its lack of focus on prevention and early intervention, which time after time has proven to be the most effective way to prevent juvenile, and ultimately, adult crime.

I also think it is yet another abuse of the procedures of the House by the majority to bring up this bill on the suspension calendar. The suspension calendar, which does not permit amendments, is intended for non-controversial bills for which there is broad consensus. For the reasons described above and others, many Menibers of this body have reservations about H.R. 4472. Undoubtedly, a number of Members would have offered improving amendments if given the opportunity. Perhaps those amendments would have been rejected by a majority of the House, and would have failed. Perhaps they would have been approved unanimously. Bringing this legislation up on the suspension calendar subverts the democratic process. Particularly given that the House has already passed the entire contents of H.R. 4472, it is patently obvious that the sole purpose of bringing up H.R. 4472 without an ability to amend it is to play politics.

In conclusion, my vote in favor of passing H.R. 4472 comes despite my reservations regarding these controversial provisions, and is driven by my overriding concern for the safety of our nation's most valuable asset—our children. I continue to have major concerns about some elements of the legislation, and particularly the manner in which it has been brought up. Protecting our nation's children should be our overriding priority, and worth real debate and attention from the House.

IN RECOGNITION OF FIFTY YEARS OF INDEPENDENCE FOR THE TUNISIAN REPUBLIC AND U.S.-TUNISIAN RELATIONS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today to recognize the people of the Tunisian Republic and extend my congratulations to President Ben Ali as his nation celebrates fifty years of independence on March 20, 2006.

The United States and Tunisia have a strong relationship that promotes cooperation on important bilateral and regional issues. The engagement between our two countries on economic, security and cultural matters is vibrant and reflects a commitment to enhancing and strengthening our bilateral relationship for the future. In this regard, both our nations should have more desire than ever before to strengthen our ties and build even stronger bridges between our countries. The strength of our friendship also allows our two nations to openly discuss issues in which common perspectives are not shared. In this regard we must continue to work together to find common ground that reflects the respective values and hopes of the American and Tunisian people.

Tunisia has a critically important stabilizing role in both Africa and the Middle East. We should clearly recognize Tunisia as a diplomatic and political force for moderation and shared security in the Maghreb region. I thank the Tunisian government for its cooperation with the United States in combating terrorism and for its commitment to continue this positive partnership. At a time when extremists in various parts of the world are promoting violence and intolerance, Tunisia's moderate role is vital to promoting security, as well as peace.

One area of great interest to me is the status of women and girls around the world. Over the past fifty years, Tunisia has been an example of a nation willing to raise the status of women by promoting opportunities for women and girls to achieve their potential and contribute their skills to society. Today, schools and universities are filled with girls and women preparing themselves to help lead Tunisia into the future. This, for me, is a very exciting prospect indeed.

Mr. Speaker, let us extend our warmest regards to the people of Tunisia, officials of the Tunisian Republic and President Ben Ali on their celebration of fifty years of independence. Their friendship and decades of cooperation with the people of the United States is truly valuable and a relationship that I intend to work to both maintain as well as strengthen.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. BECERRA. Mr. Speaker, on March 15, 2006, I was unable to cast my floor vote on rollcall 43. The vote I missed was an amendment to H.R. 4939.

Had I been present for the vote, I would have voted "no" on rollcall 43.

CANADIAN BORDER PARTNERSHIP

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. POE. Mr. Speaker, as a Member of the House International Relations Committee, I would like to congratulate our neighbors to the north on their recent Parliamentary elections and the swearing in of Stephen Harper, the 22nd Prime Minister of Canada on February 6, 2006. Prime Minister Harper ran a successful campaign focused on a conservative agenda and creating a smaller, more effective government.

Our two countries have had and will continue to have friendly diplomatic relations. The United States and Canada are each other's largest trading partners with $1.3 billion of trade crossing our shared border every day. It is my sincere desire that our American and the newly formed Canadian Government are

not overly consumed by our economic ties that we turn a blind eye to ensuring strong border security. Our two countries will need to stand side by side and continue working together as neighbors to approach future challenges and confront mutual dangers to keep our countries safe from terrorism.

It is now a known fact, despite some of the rhetoric in the American media, that none of the 9/11 hijackers entered across the U.S.-Canadian border to plan and implement their attacks. However, there have been two confirmed cases of terrorists captured while attempting to cross our large and extensive northern border. There is no denying that this threat still exists today and those who seek to do us harm will continue to exploit our vulnerabilities.

The United States and Canada have taken measures to better secure our shared border. Recent efforts include a 32-point plan, commonly referred to as the ''Smart Border Accord'' that secures the border and facilitates the flow of travelers and goods through coordinated law enforcement operations, intelligence-sharing, infrastructure improvements, improvement of compatible immigration databases, visa policy coordination, common biometric identifiers in travel documents, prescreening of air passengers, joint passenger analysis units, and improved processing of refugee and asylum claims. I applaud these efforts and welcome ways to improve document standards that govern travel across our borders. I believe this can be done without sacrificing security and efficiency.

In today's world, with the threats that we face, it is essential that we have friends and allies. Our Canadian neighbors to the north are our friends. I again congratulate them on their successful elections and look forward to working together in the future to ensure that both countries remain safe, secure, and prosperous for years to come.

HONORING OFFICER MARC A. REIDER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Officer Marc A. Reider for his thirty years of exemplary service to the citizens and businesses of Tredyffrin Township in Chester County, Pennsylvania. Officer Reider retired as a decorated officer on December 23, 2005 from the Tredyffrin Township Police Department.

As an outstanding public servant, Officer Reider retired as one of the most highly trained officers in the field of accident reconstruction. In addition to his many honors, he also served on the Tredyffrin Township Police Department's Traffic Accident Review Board. While on this Board, he oversaw the agency's forensic mapping team where his leadership and attention to detail helped to recreate and solve difficult auto related cases. Officer Reider is highly regarded throughout Pennsylvania as an expert witness in vehicular accidents and also serves as a member of the American Board of Forensic Examiners.

Officer Reider also takes the time to share his knowledge with younger members of the police force. He has held a Pennsylvania Municipal Police Certificate since 1983 and has had the distinct honor of serving as an expert instructor in traffic accident investigations for the Montgomery County Municipal Police Academy. Throughout his distinguished career, Officer Reider has worked tirelessly to make the Township, County, and Commonwealth a safer place. His dedication to service and professionalism will be greatly missed.

Mr. Speaker, I ask that my colleagues join me today in honoring Officer Marc A. Reider for his many years of exceptional service and professional contributions to the Tredyffrin Township Police Department and community. I am honored to stand before you to congratulate and celebrate Officer Marc A. Reider on his many impressive accomplishments.

REMARKS ON H.R. 4939

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2006

Mr. CAMPBELL of California. Mr. Speaker, today, the House considered legislation to increase spending. I support the Global War on Terror and would have supported a clean bill to continue to provide financial support to our efforts in Iraq and Afghanistan. However, I could not vote for this bill because it was loaded with extraneous unrelated spending initiatives that run up our deficit and take precious recourses away from our troops in the field and those fighting the War on Terrorism.

Daily Digest

HIGHLIGHTS:

Senate passed H.J. Res. 47, Debt-Limit Extension.

Senate agreed to S. Con. Res. 83, Congressional Budget Resolution.

Senate

Chamber Action

Routine Proceedings, pages S2255–S2395

Measures Introduced: Thirty bills and two resolutions were introduced, as follows: S. 2426–2455, and S. Res. 403–404. **Pages S2312–13**

Measures Reported:

S. 598, to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing. (S. Rept. No. 109–221).

S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act, with an amendment in the nature of a substitute. (S. Rept. No. 109–222). **Page S2311**

Measures Passed:

Debt-Limit Extension: By 52 yeas to 48 nays (Vote No. 54), Senate passed H.J. Res. 47, increasing the statutory limit on the public debt, and the Senate then began consideration of the joint resolution, after taking action on the following amendment proposed thereto: **Pages S2236–41**

Rejected:

By 44 yeas to 55 nays (Vote No. 53), Baucus/Lincoln Amendment No. 3131, to require a study of debt held by foreigners. **Page S2236**

Subsequently, the measure was cleared for the President.

Congressional Budget Resolution: By 51 yeas to 49 nays (Vote No. 74), Senate agreed to S. Con. Res. 83, setting forth the congressional budget for the United States Government for fiscal year 2007 and including the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011, after taking action on the following amendments proposed thereto: **Pages S2225–36, S2241–93**

Adopted:

By 99 yeas to 1 nay (Vote No. 56), Burr Amendment No. 3114, to provide for the establishment of a reserve fund concerning pandemic influenza preparedness planning. **Pages S2231–32, S2241**

Vitter Amendment No. 3078, to establish a reserve fund to prevent catastrophic loss. **Pages S2243, S2250**

Gregg (for Baucus) Amendment No. 3041, to provide funding for an Internet Crimes Against Children task force in Montana. **Page S2250**

Gregg (for Snowe) Amendment No. 3134, to prevent an increase in interest rates paid by disaster victims, and to increase funding for the SBA's Microloans, Small Business Development Centers, HUBZones, and other small business development programs, and to offset the cost through a reduction in funds under Function 920. **Page S2250**

Gregg (for Lautenberg) Amendment No. 3045, to add $8 million to Function 300 (Environment and Natural Resources) for Highlands Land Acquisition. Fully offset with Function 920. **Page S2250**

Gregg (for Coleman) Amendment No. 3123, to increase funding to fully fund the Clean Coal Power Initiative. **Page S2250**

Conrad Modified Amendment No. 3136, to provide a reserve fund for bold energy legislation that is deficit-neutral. **Pages S2230–31, S2249, S2250**

By 51 yeas to 49 nays (Vote No. 57), Reed Amendment No. 3074, to increase funding for the Low-Income Home Energy Assistance Program by $3,318,000,000 for fiscal year 2007, increasing the funds available to carry out that program to the fully authorized level of $5,100,000,000, to be paid for by closing corporate tax loopholes. **Pages S2229–30, S2254**

By 73 yeas to 27 nays (Vote No. 58), Specter Amendment No. 3048, to increase the advance appropriations allowance in order to fund health, education and training, and low-income programs.

Pages S2225, S2254–55

Lautenberg Amendment No. 3137, to eliminate the President's proposed tax increase on American airline passengers in fiscal year 2007 and to provide adequate funding for commercial aviation security and to offset these costs by closing corporate tax loopholes. **Pages S2231, S2256**

Collins Amendment No. 3066, to ensure that first responder and state and local government grant programs key to our Nation's homeland security are funded at no less than fiscal year 2006 levels and to provide increases for port security, first responder programs, rail/transit security, and National Response Plan Training, offset by discretionary spending reductions. **Pages S2246–48**

Gregg (for Obama) Amendment No. 3144, to provide a $40 million increase in fiscal year 2007 for the Homeless Veterans Reintegration Program and to improve job services for hard-to-place veterans.

Pages S2261–63

Gregg (for Ensign) Amendment No. 3085, to provide funding to hire an additional 500 Border Patrol Agents; fully funding the promise Congress made to the American people to hire 2,000 new agents in fiscal year 2007 as authorized by the National Intelligence Reform Act of 2004 and as recommended by the 9/11 Commission. **Pages S2261–63**

Gregg (for Levin) Amendment No. 3140, to provide funds to establish additional Northern Border Air Wings, offset through reductions in Function 920. **Pages S2261–63**

Gregg (for Landrieu) Amendment No. 3139, to provide funding for maintaining a robust long range bomber force including 94 B–52 aircraft.

Pages S2261–63

Gregg (for Lincoln) Amendment No. 3053, to provide for restoring funding for the portion of the COPS program devoted to countering methamphetamine, offset by a reduction to Function 920 (Allowances). **Pages S2261–63**

Gregg (for DeWine/Leahy) Amendment No. 3079, to increase funding for Child Survival and Maternal Health Programs. **Pages S2261–63**

Gregg (for DeWine) Amendment No. 3083, to increase funding for the Children's Hospitals Graduate Medical Education Program under the Public Health Service Act for fiscal year 2007.

Pages S2261–63

Gregg (for DeWine) Amendment No. 3033, to increase funding for NASA aeronautics programs by $179,000,000 in fiscal year 2007, with an offset.

Pages S2261–63

Gregg (for Leahy) Amendment No. 3154, to fund grants for bulletproof vests for law enforcement agencies at the full authorized level. **Pages S2261–63**

Gregg (for Baucus) Amendment No. 3059, to improve America's economic competitiveness.

Pages S2261–63

Gregg (for Salazar) Amendment No. 3155, to fully fund the Payment in Lieu of Taxes (PILT) program. Adds $152 million to Function 800 (General Government) for PILT. **Page S2262**

Gregg (for Stabenow/Levin) Amendment No. 3156, to protect the American people from terrorist attacks and threats to public health by collecting a fee for inspection exclusively of international trash shipments at the U.S. border generating $45 million in receipts. The fee will help defray the cost of increasing the number and quality of inspections of these potentially dangerous shipments at the border. The fee for inspection service will be implemented to be fully compliant with the General Agreement on Tariffs and Trade and other applicable trade agreements. **Pages S2262–63**

Nelson Amendment No. 3001, to provide funds ensuring Survivor Benefit Plan annuities are not reduced by the amount of dependency and indemnity compensation that military families receive, and to provide funds for ''paid-up'' SBP, offset by closing abusive corporate tax loopholes. **Pages S2265–66**

Santorum Amendment No. 3052, to continue providing 33 percent of the Global Fund's revenue and to contribute an additional $566,000,000 to the Global Fund for fiscal year 2007 to support grant renewals and new proposals to support international HIV/AIDS, tuberculosis, and malaria programs.

Gregg (for Dodd/DeWine) Amendment No. 3111, to establish a reserve fund for the FIRE and SAFER programs. **Pages S2267–69**

Gregg (for Hutchison) Amendment No. 3110, to provide a reserve fund to ensure that physicians will receive an appropriate reimbursement rate under Medicare instead of a scheduled cut which would threaten the adequate provision of care for seniors and disabled citizens. **Pages S2269–71**

Gregg (for Kohl/Biden) Amendment No. 3057, to restore $380 million to juvenile justice programs funded by the Department of Justice, offset by a reduction to Function 920 (Allowances).

Pages S2269–71

Gregg (for Feinstein/Mikulski) Amendment No. 3067, to provide $390,000,000 in fiscal year 2007 for cancer funding in the National Institutes of Health, the Centers for Disease Control and Prevention, and the Health Resources and Services Administration paid for by closing corporate tax loopholes.

Pages S2269–71

Gregg (for Clinton/Mikulski) Amendment No. 3147, to restore funding for the Alzheimer's Association 24/7 Contact Center (under Training, Research and Discretionary Programs), Alzheimer's Disease Demonstration Grants, Preventive Health Services, Home-Delivered Nutrition Services, Congregate Nutrition Services, the Nutrition Services Incentive Program, the National Family Caregiver Support Program, and the Long-Term Care Ombudsmen Program in the Administration on Aging, fully offset through closing corporate tax loopholes.

Pages S2269–71

Gregg (for Salazar) Amendment No. 3089, to restore $100 million to the Land and Water Conservation Fund Stateside Grant Program by closing corporate tax loopholes. **Pages S2269–71, S2273–74**

Gregg (for Brownback) Amendment No. 3167, to establish a reserve fund for a Commission for Accountability and Review of Federal Agencies.

Page S2271

Gregg (for Baucus) Amendment No. 3168, to expand funding for the High-Intensity Drug Trafficking Area (HIDTA) Program, offset through reductions in Function 920; and to ensure that HIDTA funding remains in ONDCP. **Page S2271**

Gregg (for Graham) Amendment No. 3169, to restore funding for a pilot project in the Port of Charleston that coordinates over 50 State and local law enforcement agencies to prevent and detect acts of terrorism and criminal activity. **Page S2271**

By 51 yeas to 49 nays (Vote No. 72), Domenici Amendment No. 3128, to provide funding for implementing the Energy Policy Act of 2005 from ANWR. **Page S2272**

Vitter/Landrieu Amendment No. 3165, to create a Gulf Coast Protection, Reconstruction and Recovery Fund to provide assistance to coastal states for coastal conservation, mitigation, and resource protection activities. **Pages S2272–73**

Gregg (for Levin) Amendment No. 3031, to provide funding for the Advanced Technology Program to help ensure America's competitive advantage and fully offset with reductions in function 920.

Pages S2273–74

Conrad/Gregg Amendment No. 3170, to provide an additional $500 million to enhance the ability of the Internal Revenue Service to collect taxes owed but not paid voluntarily. **Pages S2273–74**

Gregg (for Byrd) Amendment No. 3171, to provide $184 million over five years for the Mine Safety and Health Administration to hire additional mine safety inspectors. **Pages S2273–74**

Gregg (for Lott) Amendment No. 3152, to provide additional new budget authority and outlay authority for fiscal year 2007 for National Defense (050) in the amount of $3,700,000,000, the amount requested for defense for fiscal year 2007 in the budget of the President for fiscal year 2006, in order to fund principal unfunded priorities of the military departments and fund an authorized end strength of active duty members of the Army of 512,400, and an authorized end strength of active duty members of the Marine Corps of 179,000, for fiscal year 2007.

Page S2275

Gregg (for Schumer) Amendment No. 3172, to add $308 million to Function 800 for GSA. Fully offset by Function 920. **Page S2275**

Gregg (for Salazar) Modified Amendment No. 3023, to strengthen homeland security by adding $10 million to National Defense for an interoperable and survivable mobile wireless communications network enabling clear, reliable communications among Department of Defense and first responders for the military homeland defense command. **Page S2291**

Rejected:

By 44 yeas to 55 nays (Vote No. 55), Conrad Amendment No. 3133, to increase funding to combat avian flu, increase local preparedness, and create a Manhattan Project-like effort to develop a vaccine to inoculate the U.S. population against a pandemic by $5 billion in FY 2007 paid for by requiring tax withholding on government payments to contractors like Halliburton. **Pages S2226–27, S2241**

By 43 yeas to 53 nays (Vote No. 59), Lieberman/Mikulski Amendment No. 3034, to protect the American people from terrorist attacks by providing $8 billion in additional funds for homeland security government-wide, by restoring cuts to vital first responder programs in the Departments of Homeland Security and Justice, by providing an additional $1.2 billion for first responders, $1.7 billion for the Coast Guard and port security, $150 million for chemical security, $1 billion for rail and transit security, $456 million for FEMA, $1 billion for health preparedness programs, and $752 million for aviation security.

Pages S2227–29, S2255–56

By 48 yeas to 49 nays (Vote No. 60), Sarbanes Amendment No. 3103, to restore funding for the civil works programs of the Corps of Engineers, the Federal Water Pollution Control State Revolving Fund, the National Park Service, the Forest Service, the National Oceanic and Atmospheric Administration, Federal conservation programs, and other natural resource needs, through an offset achieved by closing corporate tax loopholes.

Pages S2233–34, S2256–57

By 42 yeas to 56 nays (Vote No. 61), Dorgan Amendment No. 3102, to increase funding by $1 billion for various tribal programs and provide necessary additional funding based on recommendations from Indian country, by closing corporate tax loopholes. **Pages S2235–36, S2257**

By 43 yeas to 57 nays (Vote No. 62), Cornyn/Graham Amendment No. 3100, to provide for reconciliation instructions to the Committee on Finance to reduce mandatory spending.

Pages S2241–42, S2257–58

By 46 yeas to 54 nays (Vote No. 63), Stabenow Amendment No. 3141, to provide an assured stream of funding for veteran's health care that will take into account the annual changes in the veterans' population and inflation to be paid for by restoring the pre-2001 top rate for income over $1 million, closing corporate tax loopholes and delaying tax cuts for the wealthy. **Pages S2241–42, S2258–59**

By 49 yeas to 51 nays (Vote No. 64), Akaka Amendment No. 3071, to increase funding for Title I grants and reduce debt by closing corporate tax loopholes. **Pages S2244–46, S2259**

By 35 yeas to 62 nays (Vote No. 65), Inhofe Amendment No. 3093, to provide for discretionary spending control. **Pages S2259–60**

By 48 yeas to 52 nays (Vote No. 66), Lincoln Amendment No. 3106, to restore the discretionary budget for the Department of Agriculture with an offset achieved by closing corporate tax loopholes.

Pages S2249, S2249–50, S2260

By 46 yeas to 53 nays (Vote No. 67), Kerry Modified Amendment No. 3143, to prevent the imposition of excessive TRICARE fees and co-pays on military retirees. **Pages S2251–52, S2260–61**

By 46 yeas to 53 nays (Vote No. 68), DeMint Modified Amendment No. 3087, to establish a reserve fund for Social Security reform. **Page S2263**

Dayton Amendment No. 3097, to provide mandatory funding to fully fund the Individuals with Disabilities Education Act (IDEA) Part B grants to states; paid for by closing corporate tax loopholes.

Page S2264

By 43 yeas to 57 nays (Vote No. 69), Boxer Amendment No. 3105, to increase funding for the 21st Century Community Learning Center program; paid for by rolling back tax cuts for those with incomes over $1 million. **Pages S2264–65**

By 50 yeas to 50 nays (Vote No. 70), Bingaman/Smith Amendment No. 3121, to strike the direct spending limitation. **Page S2265**

By 39 yeas to 60 nays (Vote No. 71), Stabenow Amendment No. 3164, to establish a reserve fund to allow for deficit-neutral legislation that would provide seniors with a prescription drug benefit option that is affordable, user-friendly, and administered directly by the Secretary of Health and Human Services. **Pages S2266–67**

Akaka Amendment No. 3044, to provide $310 million over five years in mandatory funding for non-service pensions for World War II Filipino veterans, paid for by closing corporate tax loopholes.

Page S2267

By 50 yeas to 50 nays (Vote No. 73), Ensign Amendment No. 3166, to deny funds in fiscal year 2007 for the United Nations Human Rights Council, which the United States just voted against because countries found complicit in sustained human rights abuses are eligible for council membership. Savings redirected to border security. **Pages S2274–75**

Withdrawn:

Reid (for Clinton/Reid) Amendment No. 3115, to increase funding in fiscal year 2007 by $347 million to restore funding or provide increased funding over fiscal year 2006 for programs and policies that support the delivery of contraceptive services and medically accurate information in order to reduce the number of unintended pregnancies, including Title X of the Public Health Service Act, and to restore funding or provide increased funding over fiscal year 2006 for programs that help women have healthy pregnancies and healthy children, including the Child Care Development Block Grant, Maternal and Child Health Block Grant, Healthy Start, and the Special Supplemental Nutrition Program for Women, Infants, and Children paid for by closing corporate tax loopholes. **Pages S2225, S2254**

Conrad Amendment No. 3148, to create a deficit-neutral reserve fund for addressing the long-term fiscal challenges facing our nation, by creating a bipartisan commission or process to consider all parts of the budget, with everything on the table for discussion. **Pages S2253, S2260**

Hagel Amendment No. 3127, to establish a reserve fund for a Comprehensive Entitlement Reform Commission. **Pages S2252–53, S2260**

Lincoln Amendment No. 3047, to provide $7.8 billion over two years to fund refundable tax credits targeted to small businesses with up to 100 employees that they may help purchase group health insurance for their low-wage workers, paid for by closing corporate tax loopholes. **Pages S2248–49, S2260**

Salazar Amendment No. 3081, to fully fund the Payment in Lieu of Taxes (PILT) program, by providing $152 million to Function 800 (General Government) for PILT, paid for by closing $152 million in corporate tax loopholes. **Pages S2232, S2291**

Honoring Members of the Armed Forces: Senate agreed to S. Res. 404, expressing the sense of the Senate that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad. **Page S2387**

Robert T. Stafford White Rocks National Recreation Area:Senate passed S. 2447, to redesignate the

White Rocks National Recreation Area in the State of Vermont as the "Robert T. Stafford White Rocks National Recreation Area". **Pages S2387–88**

Permitting Use of Capitol Rotunda: Senate agreed to H. Con. Res. 350, permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. **Page S2388**

Permit Processing: Senate passed H.R. 4826, to extend through December 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits, clearing the measure for the President. **Pages S2388–89**

U.S. SAFE WEB Act: Senate passed S. 1608, to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception. **Pages S2389–92**

Adjournment Resolution: Senate agreed to H. Con. Res. 361, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **Page S2392–93**

Immigration Reform: Senate began consideration of the motion to proceed to consideration of S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform. **Page S2393**

A motion was entered to close further debate on the motion to proceed to consideration of S. 2454 and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, March 28, 2006. **Page S2393**

Legislative Transparency and Accountability Act Agreement: A unanimous-consent agreement was reached providing that the Senate resume consideration of S. 2349, to provide greater transparency in the legislative process, at 1 p.m. on Monday, March 27, 2006. **Page S2394**

National Flood Insurance Program Enhanced Borrowing Authority Act—House Message: Senate concurred in the amendment of the House of Representatives to the bill S. 2275, to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program, clearing the measure for the President. **Page S2388**

Signing Authority Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader and Senator Domenici, be authorized to sign duly enrolled bills or joint resolutions. **Page S2392**

Authorizing Leadership To Make Appointments—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, the President of the Senate, the President pro tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S2392**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the National Security Strategy of the United States of America; which was referred to the Committee on Armed Services. (PM–44) **Page S2308**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 96 yeas (Vote No. EX. 75), Jack Zouhary, of Ohio, to be United States District Judge for the Northern District of Ohio. **Pages S2293–94, S2394–95**

John F. Clark, of Virginia, to be Director of the United States Marshals Service.

Paul J. McNulty, of Virginia, to be Deputy Attorney General.

Robert C. Cresanti, of Texas, to be Under Secretary of Commerce for Technology.

Stephen G. Larson, of California, to be United States District Judge for the Central District of California.

Alexander A. Karsner, of Virginia, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy).

Mark D. Wallace, of Florida, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Mark D. Wallace, of Florida, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

John A. Simon, of Maryland, to be Executive Vice President of the Overseas Private Investment Corporation.

Richard T. Miller, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Richard T. Miller, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United

Nations during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

David F. Kustoff, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

2 Air Force nominations in the rank of general.

2 Army nominations in the rank of general.

9 Coast Guard nominations in the rank of admiral.

12 Marine Corps nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Foreign Service, Marine Corps, National Oceanic and Atmospheric Administration.

Pages S2285, S2393–94, S2394–95

Messages From the House: **Pages S2308–09**

Measures Referred: **Page S2309**

Measures Read First Time: **Page S2309**

Enrolled Bills Presented: **Page S2309**

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Additional Cosponsors: **Pages S2313–16**

Statements on Introduced Bills/Resolutions: **Pages S2316–77**

Additional Statements: **Pages S2307–08**

Amendments Submitted: **Pages S2377–85**

Notices of Hearings/Meetings: **Page S2385**

Authorities for Committees to Meet: **Pages S2385–86**

Privileges of the Floor: **Page S2386**

Record Votes: Twenty-three record votes were taken today. (Total—75)

Pages S2236, S2240–41, S2254–61, S2263, S2265, S2267, S2272, S2275, S2291

Adjournment: Senate convened at 9 a.m., and adjourned pursuant to the provisions of H. Con. Res. 361, at 10:04 p.m., until 1 p.m., on Monday, March 27, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2394.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: FOREST SERVICE

Committee on Appropriations: Subcommittee on Interior and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the Forest Service, after receiving testimony from Dale Bosworth, Chief, United States Forest Service, and Mark Rey, Under Secretary for Natural Resources and Environment, both of the Department of Agriculture.

APPROPRIATIONS: DEPARTMENT OF TRANSPORTATION

Committee on Appropriations: Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the Department of Transportation and Amtrak, after receiving testimony from Norman Y. Mineta, Secretary, Joseph H. Boardman, Administrator, Federal Railroad Administration, and Mark Dayton, Senior Economist, Office of the Inspector General, all of the Department of Transportation; and David Hughes, President and Chief Executive Officer, and David M. Laney, Chairman of the Board, both of Amtrak.

DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded a hearing to examine the proposed defense authorization request for fiscal year 2007 and the future years defense program, focusing on military strategy and operational requirements, after receiving testimony from General John P. Abizaid, USA, Commander, United States Central Command; and General Bryan D. Brown, USA, Commander, United States Special Operations Command.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 2,239 nominations in the Army, Navy, Air Force, and Marine Corps.

VOLCANIC HAZARDS IMPACTS ON AVIATION

Committee on Commerce, Science, and Transportation: Subcommittee on Disaster Prevention and Prediction concluded a hearing to examine the natural hazard threat that volcanoes pose to international aviation, after receiving testimony from James E. Quick, Program Coordinator, Volcano Hazards Program, U.S. Geological Survey, Department of the Interior; Terry McVenes, Air Line Pilots Association, International, Washington, D.C.; and John C. Eichelberger, University of Alaska, Fairbanks.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 1215, to authorize the acquisition of interests in underdeveloped coastal areas in order to better ensure their protection from development, with an amendment in the nature of a substitute; and

The nominations of Roger Shane Karr, of the District of Columbia, to be an Assistant Secretary, Tyler D. Duvall, of Virginia, to be an Assistant Secretary, Nicole R. Nason, of Virginia, to be Administrator of the National Highway Traffic Safety Administration, and Thomas J. Barrett, of Alaska, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, all of the Department of Transportation, Robert C. Cresanti, of Texas, to be Under Secretary of Commerce for Technology, Robert M. McDowell, of Virginia, to be a Member of the Federal Communications Commission, and sundry promotion lists in the Coast Guard and the National Oceanic and Atmospheric Administration.

GREAT LAKES PROTECTION

Committee on Environment and Public Works: Committee concluded a hearing to examine the Great Lakes Regional Collaboration's strategy to restore and protect the Great Lakes, after receiving testimony from Senators DeWine, Levin, and Stabenow; Stephen L. Johnson, Administrator, Environmental Protection Agency; Ohio Governor Bob Taft, Columbus, on behalf of the Council of Great Lakes Governors; Frank Ettawageshik, Little Traverse Bay Bands of Odawa Indians, Harbor Springs, Michigan; David Ullrich, Great Lakes and St. Lawrence Cities Initiative, Chicago, Illinois; George Kuper, Council of Great Lakes Industries, Ann Arbor, Michigan; Andy Buchsbaum, National Wildlife Foundation, Reston, Virginia, on behalf of the Healing Our Waters—Great Lakes Coalition; Diane Katz, Mackinac Center for Public Policy, Midland, Michigan; and William G. Howland, Lake Champlain Basin Program, Grand Isle, Vermont.

CUNO AND COMPETITIVENESS

Committee on Finance: Subcommittee on International Trade held a hearing to examine the decision in the case of Cuno v. DaimlerChrysler (relating to an agreement between DaimlerChrysler with Toledo, Ohio, and two school districts to construct a new vehicle assembly plant in exchange for approximately $280 million in tax incentives), and its impact on domestic and international competitiveness, and a related measure, S. 1066, to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes, receiving testimony from Senator Voinovich; Peter D. Enrich, Northeastern University School of Law, Boston, Massachusetts; Harley T. Duncan, Federation of Tax Administrators, Washington, D.C.; Walter Hellerstein, University of Georgia School of Law, Athens; Peter Fisher, University of Iowa, Iowa City; and James H. Renzas, Location Management Services, Mission Viejo, California.

Hearings recessed subject to the call.

APPROPRIATIONS EARMARK REFORM

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine S. 1495, and related provisions of H.R. 1642, bills to prohibit Federal agencies from obligating funds for appropriations earmarks included only in congressional reports, focusing on the need for earmark reform and legislation that would be an important step toward achieving such reform, after receiving testimony from Senator McCain; Representative Flake; Thomas A. Schatz, Citizens Against Government Waste, Steve Ellis, Taxpayers for Common Sense Action, and Scott Lilly, Center for American Progress, all of Washington, D.C.

PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the proposed reauthorization of Public Health Security and Bioterrorism Preparedness and Response Act relating to enhancing public health and medical preparedness, after receiving testimony from Michael O. Leavitt, Secretary of Health and Human Services; Leah Devlin, North Carolina Division of Public Health, Raleigh, on behalf of the Association of State and Territorial Health Officials; A. Richard Melton, Utah Department of Health, Salt Lake City; and Richard A. Falkenrath, Brookings Institution, Washington, D.C.; and Dan Hanfling, Inova Health System, Falls Church, Virginia.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of John F. Clark, of Virginia, to be Director of the United States Marshals Service, and David F. Kustoff, to be United States Attorney for the Western District of Tennessee, both of the Department of Justice.

Also, Committee continued markup of proposed legislation providing for comprehensive immigration reform, but did not complete action thereon, and will meet again on Monday, March 27.

HOMELESS VETERANS PROGRAMS

Committee on Veterans' Affairs: Committee concluded a hearing to examine the homeless programs and services administered by the Department of Veterans Affairs, after receiving testimony from Peter H. Dougherty, Director, Homeless Veterans Programs, Department of Veterans Affairs; Charles S. Ciccolella, Assistant Secretary of Labor for Veterans' Employment and Training; Philip F. Mangano, Executive Director, United States Interagency Council on Homelessness; Michael Blecker, Swords to Plowshares, San Francisco, California, on behalf of the National Coalition of Homeless Veterans; Alan Belcher, Transitional Living Services, Woodstock, Illinois; and Thomas R. Cantwell, Jr., Cloudbreak Development, LLC, Inglewood, California, on behalf of U.S. VETS.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 40 public bills, H.R. 4972–5011; 1 private bill, H.R. 5012; and 12 resolutions, H. Con. Res. 359–360, 362–364; and H. Res. 729–735, were introduced. **Pages H1127–30**

Additional Cosponsors: **Pages H1130–31**

Reports Filed: Reports were filed today as follows:

H.R. 4709; to amend title 18, United States Code, to strengthen protections for law enforcement officers and the public by providing criminal penalties for the fraudulent acquisition or unauthorized disclosure of phone records (H. Rept. 109–395); Supplementary Report and Document Annex by the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (H. Rept. 109–396); and

H. Res. 685, requesting the President and directing the Secretary of State and Secretary of Defense provide to the House of Representatives certain documents in their possession relating to any entity with which the United States has contracted for public relations purposes concerning Iraq, adversely (H. Rept. 109–397). **Page H1127**

Speaker: Read a letter from the Speaker wherein he appointed Representative Miller of Michigan to act as Speaker pro tempore for today. **Page H1063**

Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006: The House passed H.R. 4939, to make emergency supplemental appropriations for the fiscal year ending September 30, 2006, by a yea-and-nay vote of 348 yeas to 71 nays, Roll No. 65. The bill was also considered yesterday, March 15. **Pages H1067–74, H1074–H1118**

Rejected the Hinchey motion to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with an amendment, by a recorded vote of 188 ayes to 233 noes, Roll No. 64. **Pages H1116–17**

Yesterday it was agreed by unanimous consent to limit further amendments offered and the time for debate on such amendments.

Agreed to:

Burton of Indiana amendment that designates funding to Columbia to be used for illicit drug interdiction operations (by a recorded vote of 250 ayes to 172 noes, Roll No. 45), a recorded vote was requested on yesterday after debate and rolled until today; **Pages H1067–68**

Capuano amendment that increases for peacekeeping and civilian protection in Darfur, Sudan (by a recorded vote of 213 ayes to 208 noes, Roll No. 46), a recorded vote was requested on yesterday after debate and rolled until today; **Page H1068**

Taylor of Mississippi amendment that increases funding for the Military Construction, Navy and Marine Corps account, and to increase funding for the Military Construction, Air Force account (by a recorded vote of 250 ayes to 171 noes, Roll No. 54), a recorded vote was requested on yesterday after debate and rolled until today; **Pages H1073–74**

Jindal amendment that reduces and increases funding for VA offset from FEMA disaster relief; **Page H1084**

Lee amendment that sought to prohibit the use of funds from being available to enter into a basing rights agreement between the United States and Iraq. **Pages H1107–10**

Rejected:

Doggett amendment (No. 8 printed in the Congressional Record of March 14th) that sought to increase the funds for the Department of State Diplomatic and Consular Programs to be used to reinforce the federal levees on the Rio Grande (by a recorded vote of 198 ayes to 221 noes, Roll No. 47), a recorded vote was requested on yesterday after debate and rolled until today; **Pages H1068–69**

Garrett amendment which sought to reduce the funding for Diplomatic and Consular Programs (by a recorded vote of 75 ayes to 344 noes, Roll No. 48), a recorded vote was requested on yesterday after debate and rolled until today; **Pages H1069–70**

Garrett amendment which sought to strike funding for Educational and Cultural Exchange Programs (by a recorded vote of 78 ayes to 343 noes, Roll No. 49), a recorded vote was requested on yesterday after debate and rolled until today; **Page H1070**

Foxx amendment which sought to strike the section relating to International Broadcasting Operations, which provides funding for Radio Free Europe/Radio Liberty (by a recorded vote of 88 ayes to 333 noes, Roll No. 50), a recorded vote was requested on yesterday after debate and rolled until today; **Pages H1070–71**

Melancon amendment which sought to increase funding for Flood Control and Coastal Emergencies (by a recorded vote of 199 ayes to 215 noes, Roll No. 51), a recorded vote was requested on yesterday after debate and rolled until today; **Pages H1071–72**

Jefferson amendment (No. 6 printed in the Congressional Record of March 14th) that sought to increase the funds for the Community Development Block Grant program. The amount appropriated by the bill for the Community Development Block Grant program is offset by reducing funding for the Federal Emergency Management Agency (FEMA) Disaster Relief Fund (by a recorded vote of 174 ayes to 248 noes, Roll No. 52), a recorded vote was requested on yesterday after debate and rolled until today; **Pages H1072–73**

Jefferson amendment (No. 7 printed in the Congressional Record of March 14th) that sought to add funding for Community Development Block Grants (CDBG), thereby increasing total CDBG dollars for the states affected by the hurricanes (by a recorded vote of 210 ayes to 212 noes, Roll No. 53), a recorded vote was requested on yesterday after debate and rolled until today; **Page H1073**

Gingrey amendment that sought to reduce funding for the National Historical Preservation Fund; **Page H1086**

Sabo amendment which sought to increase funding for homeland security (by a recorded vote of 208 ayes to 210 noes, Roll No. 56); **Pages H1076–79, H1094–95**

Neugebauer amendment (No.12 printed in the Congressional Record of March 14th) that sought to eliminate all funding in Title II (by a recorded vote of 89 ayes to 332 noes, Roll No. 57); **Pages H1079–82, H1095–96**

Millender-McDonald amendment that sought to locate an additional amount for the Election Assistance Commission in the funding to remain available until expended, for grants to eligible States, for restoring and replacing supplies, materials, and equipment used in the administration of elections in the States which were damaged as a result of Hurricane Katrina or Rita (by a recorded vote of 194 ayes to 227 noes, Roll No. 58); **Pages H1082–84, H1096**

Conaway amendment that sought to strike section 3010, relating to LIHEAP (by a recorded vote of 76 ayes to 342 noes, Roll No. 59); **Pages H1087–88, H1096–97**

Waxman amendment that sought to prohibit the awarding of contracts based on data from the Defense Contract Audit Agency (by a recorded vote of 193 ayes to 225 noes, Roll No.60); **Pages H1101–04, H1110–11**

Velázquez amendment that sought to prohibit the use of funds from being made available to enforce deadlines regarding economic injury disaster loan applications and physical loan applications (by a recorded vote of 201 ayes to 213 noes, Roll No. 61); **Pages H1104–05, H1111–12**

Velázquez amendment that sought to prohibit the use of funds from being available to make or guarantee a loan under section 7(b) of the Small Business Act other than a loan for which the borrower is charged an interest rate in accordance with section 7(c)(5) (by a recorded vote of 200 ayes to 219 noes, Roll No. 62); and **Pages H1105–06, H1112**

Lee amendment that sought to prohibit the use of funds from being available to implement, administer, or enforce the termination of the hotel and motel emergency sheltering program established by FEMA for families displaced by Hurricane Katrina and other hurricanes of the 2005 season (by a recorded vote of 189 ayes to 230 noes, Roll No. 63). **Pages H1106–07, H1112–13**

Withdrawn:

Jindal amendment that was offered and subsequently withdrawn that sought to increase funding for reconstruction and major projects of the Department of Veterans Affairs for necessary expenses related to the consequences of Hurricane Katrina; **Pages H1084–85**

Jindal amendment that was offered and subsequently withdrawn that sought to reduce funding under disaster relief and to increase funding for military construction projects of the Army National Guard; and **Pages H1085–86**

Kennedy amendment that was offered and subsequently withdrawn which sought to provide that none of the funds provided may be used to allow entry onto the grounds of any Department of Defense installation or cemetery or Department of Veterans Affairs cemetery for the purpose of a demonstration in connection with a funeral or memorial

service or ceremony for a deceased member of the Armed Forces. **Page H1089**

Point of Order sustained against:

Hall amendment (No. 22 printed in the Congressional Record of March 15th) that sought to provide child care subsidies to children of parents who are working or enrolled in workforce activities to States currently serving a significant number of children in families adversely affected by Hurricane Katrina, without putting the child care need of temporary residents ahead of families already on waiting lists for services funded by the Child Care and Development Fund; **Pages H1074–75**

Paul amendment (No. 9 printed in the Congressional Record of March 14th) that sought to provide funding in hurricane recovery assistance for Texas. The amendment divides the funding to provide funds for housing assistance under the Agriculture and Housing and Urban Development departments, funds for the costs of uncompensated health care for hurricane victims and evacuees, and other purposes; **Pages H1075–76**

Berry amendment that sought to provide an extension of enrollment periods for Medicare benefits; **Pages H1089–92**

DeLauro amendment that sought to repeal avian flu liability provisions (agreed to sustain the ruling of the chair by a recorded vote of 223 ayes to 193 noes, Roll No. 55); **Pages H1092–94**

Kaptur amendment (No. 26 printed in the Congressional Record of March 15th) that sought to investigate the awarding and carrying out of contracts to conduct military operations and relief and reconstruction activities related to the global war on terrorism (including all activities in Afghanistan and Iraq), and Hurricane Katrina recovery, relief, and reconstruction efforts; and **Pages H1098–99**

Nadler amendment (No. 10 printed in the Congressional Record of March 14th) that sought to insert a new section laying out requirements relating to entry of ocean shipping containers into the United States. **Pages H1099–H1101**

H. Res. 725, providing for consideration of the bill was agreed to yesterday, March 15th, by a recorded vote of 218 ayes to 200 noes, Roll No. 41, after agreeing to order the previous question by a yea-and-nay vote of 224 yeas to 192 nays, Roll No. 40.

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, March 15th:

Making available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006: S. 2320, to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, by a yea-and-nay vote of 287 yeas to 128 nays, Roll No. 66—clearing the measure for the President. **Pages H1118–19**

Tax Relief Act of 2005—Motion to Instruct Conferees: The House agreed to the Tanner motion to instruct conferees on H.R. 4297, to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006, which was debated yesterday, March 15th, by a yea-and-nay vote of 222 yeas to 187 nays, Roll No. 67. **Page H1119**

Adjournment Resolution: The House agreed to H. Con. Res. 361, providing for the conditional adjournment of the House and the conditional recess or adjournment of the Senate. **Page H1120**

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at noon on Monday, March 20, 2006, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 361, in which case the House shall stand adjourned pursuant to that concurrent resolution. **Page H1120**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, March 29, 2006. **Page H1120**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed the Honorable Robert B. Aderholt, the Honorable Michael K. Simpson, and the Honorable Wayne T. Gilchrest to act as Speaker Pro Tempore to sign enrolled bills and joint resolutions through March 28, 2006. **Page H1121**

Presidential Message: Read a message from the President wherein he notified the Congress of his transmitting a report prepared by his Administration on the National Security Strategy of the United States—referred to the Committee on Armed Services. **Page H1121**

Quorum Calls—Votes: Three yea-and-nay votes and twenty recorded votes developed during the proceedings of today and appear on pages H1067, H1068, H1068–69, H1069–70, H1070, H1071, H1071–72, H1072, H1073, H1073–74, H1094, H1094–95, H1095–96, H1096, H1096–97, H1110–11, H1111–12, H1112, H1113, H1117, H1117–18, H1118–19, and H1119. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 7:27 p.m. on Thursday, March 16, pursuant to the provisions of H. Con. Res. 361, the House stands adjourned until noon on Monday, March 20, 2006,

unless it sooner has received a message from the Senate transmitting its adoption of H. Con. Res. 361, in which case the House shall stand adjourned pursuant to that concurrent resolution until 2 p.m. on Tuesday, March 28th.

Committee Meetings

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FOR U.S. SOUTHERN COMMAND

Committee on Armed Services: Held a hearing on the Fiscal Year 2007 National Defense Authorization Budget Request for the U.S. Southern Command. Testimony was heard from GEN Bantz J. Craddock, USA, Commander, U.S. Southern Command, Department of Defense.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—SPACE ACTIVITIES

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on Fiscal Year 2007 National Defense Authorization Budget Request for space activities. Testimony was heard from the following officials of the Department of Defense: Ronald M. Sega, Under Secretary; and LTG Frank G. Klotz, USAF, both with the Department of the Air Force; and Donald M. Kerr, Director, National Reconnaissance Office.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST NAVY AND AIR FORCE ACQUISITION PROGRAMS

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing on the Fiscal Year 2007 National Defense Authorization Budget Request for the Department of the Navy and the Department of the Air Force Aviation Acquisition Programs. Testimony was heard from the following officials of the GAO: Michael J. Sullivan, Director, Acquisition and Sourcing Management; and Michael J. Hazard, Assistant Director, Acquisition Sourcing Management Team; and the following officials of the Department of Defense: Kenneth J. Krieg, Under Secretary, Acquisition, Technology and Logistics; VADM Lewis W. Crenshaw, Jr., USN, Deputy Chief of Naval Operations, Resources, Requirements and Assessments; LTG John G. Castellaw, USMC, Deputy Commandant for Aviation, U.S. Marine Corps; and LTG Carrol H. Chandler, USAF, Deputy Chief of Staff, Air, Space and Information Operations, Plans and Requirements, U.S. Air Force.

KEY BUDGET PROCESS REFORMS

Committee on the Budget: Held a hearing on Key Budget Process Reforms. Testimony was heard from former Senator Don Nickles of Oklahoma; and from the following former Representatives: William E. Frenzel of Minnesota and Charles W. Stenholm of Texas.

MINE SAFETY AND HEALTH

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing entitled ''Mine Safety and Health: A Congressional Perspective.'' Testimony was heard from Representatives Capito, Murphy, Rahall, Davis of Alabama, Holt, Mollohan and Chandler.

ELECTRIC HEALTH RECORDS

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Legislative Proposals To Promote Electronic Health Records and a Smarter Health Information System.'' Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported, as amended, the following bills: H.R. 3997, Financial Data Protection Act 2005; and H.R. 4973, Flood Insurance Reform and Modernization Act of 2006.

LEAVE NO COMPUTER SYSTEM BEHIND

Committee on Government Reform: Held a hearing entitled ''Leave No Computer System Behind: A Review of the 2006 Federal Computer Security Scorecards.'' Testimony was heard from Gregory C. Wilshusen, Director, Information Security Issues, GAO; Karen S. Evans, Administrator, Office of E-Government and Information Technology, OMB; Thomas P. Hughes, Chief Information Officer, SSA; Thomas Wiesner, Deputy Chief Information Officer, Department of Labor; Robert F. Lentz, Director, Information Assurance, Department of Defense; and Scott Charbo, Chief Information Officer, Department of Homeland Security.

TRANSPORTATION SECURITY ADMINISTRATION REORGANIZATION ACT OF 2006

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity approved for full Committee action, as amended, H.R. 4439, Transportation Security Administration Reorganization Act of 2005.

SAFE PORT ACT

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing on H.R. 4954, Security and Accountability for Every Port Act. Testimony was heard from the following officials of the Department of Homeland Security: Jayson Ahern, Assistant

Commissioner, Office of Field Operations, Customs and Border Protection; and CAPT. Brian Salerno, USCG, Deputy Director, Inspections and Compliance, U.S. Coast Guard; and public witnesses.

GLOBAL HUMAN RIGHTS

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held a hearing on Monitoring Respect for Human Rights Around the World: A Review of the Country Reports on Human Rights Practices for 2005. Testimony was heard from Barry Lowenkron, Assistant Secretary, Bureau for Democracy, Human Rights and Labor, Department of State; and public witnesses.

OVERSIGHT—FEDERAL SENTENCING GUIDELINES

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held an oversight hearing on United States v. Booker: One Year Later—Chaos or Status Quo? Testimony was heard from William Mercer, Principal Associate Deputy Attorney General and U.S. Attorney General for the District of Montana, Department of Justice; Ricardo H. Hinojosa, Chairman, United States Sentencing Commission; Paul G. Cassell, Judge, U.S. District Court for the District of Utah; and a public witness.

ENDANGERED SPECIES ACT COMPLIANCE COSTS

Committee on Resources: Held a hearing on H.R. 4857, To better inform consumers regarding costs associated with compliance for protecting endangered and threatened species under the Endangered Species Act of 1973. Testimony was heard from the following officials of the Department of Energy: Greg Delwiche, Vice President, Environment, Fish and Wildlife, Bonneville Power Administration; and Michael S. Hacskaylo, Administrator, Western Area Power Administration; and public witnesses.

OVERSIGHT—IMPACT OF HURRICANES ON NATIONAL WILDLIFE REFUGE SYSTEM

Committee on Resources: Subcommittee on Fisheries and Oceans held an oversight hearing on the Impact of Hurricanes Katrina and Rita on the National Wildlife Refuge System. Testimony was heard from H. Dale Hall, Director, U.S. Fish and Wildlife Service, Department of the Interior; W. Parke Moore III, Assistant Secretary, Department of Wildlife and Fisheries, State of Louisiana; and public witnesses.

OVERSIGHT—NATIONAL PARK SERVICE BUSINESS STRATEGIES

Committee on Resources: Subcommittee on National Parks held an oversight hearing entitled ''National Park Service business strategies, including the development and implementation of National Park Service business plans.'' Testimony was heard from Bruce Sheaffer, Comptroller, National Park Service, Department of the Interior; and a public witness.

EPA'S SCIENCE AND TECHNOLOGY BUDGET PROPOSAL

Committee on Science: Subcommittee on Environment, Technology, and Standards held a hearing on EPA's Fiscal Year 2007 Science and Technology Budget Proposal. Testimony was heard from George Gray, Assistant Administrator, Office of Research and Development and Science Advisor, EPA; and public witnesses.

SMALL BUSINESS CYBER SECURITY

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing on the State of Small Business Security in a Cyber Economy. Testimony was heard from Cita M. Furlani, Acting Director, Information Technology Laboratory, National Institute of Standards and Technology, Department of Commerce; Larry D. Johnson, Special Agent in Charge, Criminal Investigative Division, United States Secret Service, Department of Homeland Security; Lydia Parnes, Director, Bureau of Consumer Protection, FTC; Steven M. Martinez, Deputy Assistant Director, Cyber Division, FBI, Department of Justice; and public witnesses.

PIPELINE SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Highways, Transit and Pipelines held an oversight hearing on Pipeline Safety. Testimony was heard from the following officials of the Department of Transportation: Brigham McCown, Acting Administrator, Pipeline and Hazardous Materials Administration; and Todd J. Zinser, Acting Inspector General; Kate Siggerud, Director, Physical Infrastructure Issues, GAO; Robert J. Chipkevich, Director, Office of Railroad, Pipeline and Hazardous Material Safety, National Transportation Safety Board; and public witnesses.

OVERSIGHT—VA COMPENSATION/PENSION BENEFITS

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held an oversight hearing on the accuracy of benefits information provided to, and the quality of service received by, individuals calling into the Veterans Benefits Administration. Testimony was heard from Jack McCoy, Associate Deputy Under Secretary, Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs; and representatives of veterans organizations.

USE OF TAX-PREFERRED BOND FINANCING

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on the Use of Tax-Preferred Bond Financing. Testimony was heard from Representatives Shaw and Brady of Texas; Eric Solomon, Acting Deputy Assistant Secretary, Tax Policy, Department of the Treasury; Donald Marron, Acting Director, CBO; and public witnesses.

SOCIAL SECURITY NUMBER HIGH-RISK ISSUES

Committee on Ways and Means: Subcommittee on Social Security continued hearings on Social Security Number High-Risk Issues. Testimony was heard from the following officials of SSA: Patrick P. O'Carroll, Inspector General; and Frederick G. Streckewald, Assistant Deputy Commissioner, Disability and Income Security Programs; and public witnesses.

BRIEFING—GLOBAL/UPDATES

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Global/Updates. The Committee was briefed by departmental witnesses.

SUPPLEMENTARY REPORT AND DOCUMENT ANNEX

Select Bipartisan Committee To Investigate the Preparation for and Response to Hurricane Katrina: Ordered reported the Select Committee's Supplementary Report and Document Annex.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 17, 2006

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

1 p.m., Monday, March 27

Senate Chamber

Program for Monday: Senate will resume consideration of S. 2349, Legislative Transparency and Accountability Act. Also, Senate expects to vote at 5:30 p.m. on a matter relative to the bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, March 28

House Chamber

Program for Tuesday: To be announced.

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