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Senate

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

PRAYER

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

Let us pray.

Sovereign God, whom to know is life eternal, speak Your transforming words to us. Speak words of encouragement to lift us from pessimism. Speak words of strength to prepare us for temptation. Speak words of warning to keep us from evil. Speak words of comfort to heal our hurts. Speak words of guidance to lead us on the right path.

Speak words of power to our Senators today to equip them to meet challenges and to lift burdens. Remove from us everything that prevents us from hearing Your voice.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will be in a period of morning business in order for Senators to make statements. Yesterday we completed our work on the Tax Relief Act with a vote of 54 to 44. We had a good debate—a great debate—on the importance of this extended tax relief, this progrowth policy put forth by the President and supported by this body yesterday. We had a lot of Senators participate on both sides of that important debate of the direction of the country to continue this strong economic growth with the creation of over 5.3 million jobs in the last 30 or so months. I congratulate Chairman GRASSLEY for his tremendous work in helping bring that tax relief package to the floor which will ensure continued economic growth and job creation.

Yesterday, unfortunately, we missed an opportunity to assist small businesses across this Nation. We all know it is in those small businesses that we find the engine of economic growth and the creation of new jobs. We had an opportunity to assist them with lowering their health care costs by allowing them to group together, to band together to capture marketing clout, which would lower prices for health care for their employees. We were unsuccessful in that particular effort, although it is one that will come back again and again because the cost of health care is skyrocketing and is getting increasingly out of the reach of everyday working Americans.

I wish to thank Chairman ENZI, who has worked tirelessly on this bipartisan bill which would attempt to do just that and would have accomplished that if we had been able to pass it yesterday. Chairman ENZI has done a tremendous job in pulling people together and in educating people broadly on it. I thank him for his work.

As we stated yesterday, we will return on Monday to a very important bill, the importance of which is cap-

tured by the passion expressed across the country, whether it is on television or in newspapers, on talk shows or on the streets or at the workplace, and that is the immigration debate. As we all know, we need to tighten our borders and we need to focus on our borders. But we also need to approach the issue in a comprehensive way because we are a magnet attracting people across that border, and then people are hiring them illegally, so many employers are breaking the law. We need to tighten up there and address the temporary worker program, as well as the people who have come here illegally in the past.

As we talked about yesterday morning, we will have a robust debate, an open debate, and Senators will have ample opportunity to offer their amendments. But as the Democratic leader and I said on the floor 24 hours ago, it is important for people to bring their amendments right now to the leadership in language so we can start the process and so that process, with debate and amendment, is not pushed off for a few days but literally starts on Monday. We should consider several amendments on Monday and then begin voting on those on Tuesday. So I do encourage our colleagues to come forward.

On Tuesday morning, we have locked in a vote on a circuit court nomination that will begin around 10 o'clock in the morning, and I expect we will have votes on the immigration bill shortly thereafter. It is my hope that we will have votes over the course of Tuesday and, indeed, on each day next week. We may be working into the evenings because we will finish this bill prior to the Memorial Day recess.

With that, Mr. President, over the course of the day, I expect there will be a number of Senators coming down to make statements, reflecting on what has occurred over the past week and celebrating the great victory for the American people in the bill that passed

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



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yesterday in terms of tax relief. The passage of that bill yesterday will affect about 7 million people who report on capital gains each year, about 20 million people who report on dividends each year, and another 7 million, almost 8 million people who would otherwise see their taxes go up because of the alternative minimum tax.

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

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

The legislative clerk proceeded to call the roll.

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

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

TRADE WITH CUBA

Mr. MARTINEZ. Mr. President, yesterday, I introduced a measure which is a companion to one introduced in the House of Representatives by Congresswoman ROS-LEHTINEN relating to the business of trade with Cuba. This morning, I wanted to speak a little on the issue of my bill as well as on the overall need for us to file this bill.

Many years ago, perhaps too long for some in this Chamber to remember, as a result of hostile acts by the state of Cuba, under the government of Fidel Castro, who today continues to terrorize his people and to be a very negative influence on the world and is one of the longest reigning dictatorships in the history of the world—certainly the modern history of the world—because of hostile acts by the Cuban Government against the United States and against the interests of the United States in Cuba, the Government of the United States felt it necessary to begin trade sanctions against the Cuban Government. These trade sanctions were designed as retaliation for the actions of the Cuban Government.

Those actions included, among other hostile actions, the expropriation without adequate compensation of properties of citizens of the United States on the island of Cuba. They included the property of oil companies such as Texaco and Standard Oil and other interests of the United States that had large refineries in Cuba, that had oil exploration interests, and that also had, of course, retail outlets on the island.

As a result of Cuba's action, the United States imposed the sanctions. The sanctions were designed to help the Cuban Government understand that it had to live by international law and by international standards, which were to pay just compensation, fair compensation, for the expropriated properties. Unfortunately, the Cuban Government chose not to do so, and to this day these claims of the nationals of the United States for the unfair, unlawful, and uncompensated expropriation by the Cuban Government continues unsettled. The Cuban Govern-

ment has never taken steps to recognize allegations under international law or obligations under international law or obligations to a neighbor with whom it purports to want better and improved relations.

So the United States began a policy of an embargo or trade sanctions against Cuba. It really wasn't an embargo, it was simply: We will not trade with Cuba. The Government of the United States will not trade with Cuba. That has been in effect even until today. It was done by Executive order for many years, but then many years ago, with the Helms-Burton Act, it was codified into legislation. It became part of the law of the land as a result of congressional action.

That legislation also provided a path by which these sanctions could be ended. It provided a path by which more normal trade and other relations could be had, and they had to do with the issue of something simple, something this President has so eloquently spoken about: democracy, rule of law, elections—a quaint thought, that the people of a country ought to elect their leader. The thought that the people of a country would have an opportunity on a given day in life to go to a booth and in private exercise that universal right to vote, to say whom they want their leader to be—Cuba doesn't permit that.

There might be a free press. Wouldn't that be a nice thing? People could speak their mind. Folks would have an opportunity to go into a public square and debate the issues of the day. Cubans are denied that. That is no longer an opportunity and continues not to be so.

In addition to those problems, the actions of the Cuban Government over its history have been anything but benign. They have been quite hostile to the interests of the United States.

This is to not go into all of the details of the actions of the Cuban Government toward its own people—human rights and its denial of the most basic human rights—but as we look to other issues such as the issues of actions in the world, Cuba has tried to export revolution, to foment and foster revolutions throughout the world. They were very active in Africa as a surrogate for the Soviet Union in Angola, working hostile to the interests of the United States. In addition to that, they proceeded to encourage and foster wars in Central America which caused countless thousands of deaths in the 1980s.

Thanks to the determined and decided action of the United States, it was possible for these countries to live in peace and for these countries to have Democratic and normal elections.

Fast forwarding to now, even as recently as a few days ago, the U.S. State Department continues to have Cuba on the list of States that are sponsors of terrorism. There are probably 180-some nation states in the United Nations. Of those, there are only a half dozen that are on the list of terrorist states around the world. Cuba is one of them.

In addition to that, Cuba now is part of an axis, an axis that works in partnership with Hugo Chavez, the somewhat democratically elected President of Venezuela but someone who increasingly governs as an autocrat. This is someone who, in partnership with Fidel Castro, has encouraged and helped Evo Morales to be elected as President of Bolivia. What have these countries under the tutelage of Castro done? Morales, in the past few days, has shown or expressed his intentions to nationalize the gas industry, to nationalize the natural resources of his country, beginning with gas. Yet in Europe he made some very clear statements that he believed that for 500 years Europeans have pillaged his country and that all natural resources ought to belong to the people of Bolivia, and therefore more expropriations are sure to come of the natural resources as defined by Mr. Morales, President Morales, and they include natural gas, and he will move on to others.

Yesterday as well, or the day before, the Congress in Venezuela said that they also believe they should be nationalizing all the natural resources of Venezuela. This includes, of course, the investment that the U.S. oil companies have had in Venezuela for a number of years.

So what is the suggestion and answer that some would have to our dependence on foreign sources of oil, to our dependence on unstable foreign governments, to our dependence on foreign governments that are hostile to the United States? To enter into business with the country of Cuba in order to partner with them in oil exploration, a little less than 50 miles off the shores of Florida. Why is this not a good idea? Simply for the fact that to enter into a partnership with a government that does not observe the rule of law, to enter into a partnership and encourage American companies to invest in a country where we have very strained, if any, diplomatic relations, is not only not a good idea—to enter into a partnership for oil exploration with a country that has in the past expropriated American oil companies' properties in Cuba would be only to repeat a cycle of mistakes made in the past. It would be only to come back into the fold of a dictator who does not observe or understand the rule of law. To go into a business in a country that does not have a judicial system that is independent, to go into business with a country that does not recognize the fact that foreign investors have a right to their property when they purchase it, who will not honor the rule of law, will not honor private property rights? With this kind of country, it is suggested we go into a partnership in order for us to have sufficient energy, in order for us to be independent in our resources.

These efforts are sadly misguided. What we must do is do things such as explore for oil—and I know the Presiding Officer, our President pro tempore, so passionately cares about this—

in the ANWR, an area that is totally under the control of the United States, that is part of the United States. We can also drill in the Gulf of Mexico, an area that is so sensitive to Floridians and where we have acquiesced to drilling in 2 to 3 million acres of the gulf.

To conclude, I suggest the bill we have filed, which tries to reenact and speak to the Cuban embargo that has been in place for many years, with good reason. That embargo would be stringently enforced with those who seek to invest in partnership with this illegitimate government, a government that continues to be a threat to its neighbors, continues to be a hostile government to the United States.

In September of this year, the President of Iran, Mahmud Ahmadi-Nejad, is going to be visiting Castro in Cuba. This is a return visit for one that Fidel Castro paid to Iran a year or so ago. At that time, Castro said to the people in Iran: Working together and in partnership we will bring the United States to its knees. It is with this government that some would suggest we should enter into a partnership in order to solve our energy woes. I would say those efforts are misguided, and I look forward to further debate on my proposal which seeks to reassert the long-held position of the United States that trade with Cuba today would not be in the best interests of this country.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Hawaii is recognized.

S. 147, NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005

Mr. AKAKA. Mr. President, I rise again to talk about legislation of critical importance to me and the people of Hawaii, S. 147, the Native Hawaiian Government Reorganization Act. As my colleagues are aware, we have been trying to schedule this bill for a debate and vote on the Senate floor. Unfortunately, the bill has been blocked by a handful of my colleagues who fail to understand the importance of this issue to the people of Hawaii.

S. 147 is a bipartisan bill. It is supported by members on both sides of the aisle. I want to thank my colleagues who have cosponsored this legislation: Senators CANTWELL, COLEMAN, DODD, DORGAN, GRAHAM, INOUE, MURKOWSKI, SMITH and STEVENS. Your support for the people of Hawaii has not gone unnoticed.

I want to talk about what we did to draft this legislation. I want to explain the broad and inclusive process that we used. My colleagues should know that in drafting this legislation we consulted a broad array of individuals, both native and non-native.

In 1999, Hawaii's Congressional delegation formed the Task Force on Native Hawaiian Issues. The Task Force was composed of myself, the senior Senator from Hawaii, and our colleagues in the House of Representa-

tives, Representative NEIL ABERCROMBIE and Patsy Mink. It was determined that I would serve as the head of the Task Force.

My colleagues need to understand that the issue of political status for Native Hawaiians is not a new issue. It has been a hot topic for many, many years and in fact has been a topic of contention since Hawaii became a State in 1959. Given its history, I wanted to tap into the experience of the many individuals who have addressed this issue and who would be impacted by Federal recognition for Native Hawaiians. I decided to establish five working groups: the Native Hawaiian Community working group, the State officials working group, the Federal officials working group, the Native American and Constitutional Scholars working group, and the Congressional members and caucuses working group. Overall, more than 100 individuals were involved in meeting and advising Hawaii's Congressional delegation on what should and should not be included in this legislation.

The Native Hawaiian Community working group's role was to advise us as to the views of the Native Hawaiian community. The membership of the working group was balanced to include a broad variety of individuals from different islands, professions and backgrounds.

The State officials working group was composed of State legislators as well as the heads of State agencies who would be directly impacted by a Native Hawaiian governing entity participating in a government-to-government relationship with the United States. This group advised us on the impact of such a policy on State programs and agencies.

The Federal officials working group was composed of Federal officials from agencies currently administering services and programs impacting Native Hawaiians. The role of this working group was to advise us of how best to extend the Federal policy of self-governance and self-determination to Hawaii's indigenous peoples.

The Native American and constitutional scholars working group was composed of a number of tribal leaders and key constitutional scholars in Indian law. We benefited from the advice provided by tribal leaders who were willing to share lessons learned and from constitutional scholars well-versed in Federal Indian law.

The Congressional members and caucus group was composed of our colleagues who sought to help us at the member level to move this legislation.

We held several public meetings in Hawaii with the members of the Native Hawaiian community working group and the State working group. Individuals who were not members of the working group, and many who opposed our efforts, were allowed to attend and participate in the meetings. Overall, we had over 100 individuals provide initial input to the drafting of the legislation.

The bill was first considered by the 106th Congress. Five days of hearings were held in Hawaii in August 2000. While the bill passed the House, the Senate failed to take action. The bill was subsequently considered by the 107th and 108th Congresses. In Each Congress, the bill has been favorably reported by the Senate Committee on Indian Affairs and its companion measure has been favorably reported by the House Committee on Resources.

Despite the many modifications to the legislation over the past 7 years, I have ensured that the process authorized in this bill has always retained the appropriate balance between the structure necessary to comply with Federal law and the flexibility necessary to ensure that Native Hawaiians can make the critical decisions necessary to form their governing entity.

I want all of my colleagues to know that when the Senate considers this bill, I will offer a substitute amendment. The substitute amendment has been widely distributed since September 2005 and is the result of successful negotiations between the executive branch officials and our Congressional delegation and Governor. I thank the chairman and vice chairman of the Senate Committee on Indian Affairs for helping to facilitate the negotiations process.

The substitute amendment satisfactorily addresses the concerns raised in a letter from the Department of Justice to the chairman of the Senate Committee on Indian Affairs. The letter addressed 4 concerns with the legislation: liability of the United States, civil and criminal jurisdiction, military readiness, and gaming. The legislative language in the substitute amendment has been cleared by the executive branch and addresses the practical concerns expressed in the July 13, 2005 letter.

I look forward to the debate on the substitute amendment.

My colleagues can see from the process that I have just outlined that this legislation is based on the collective thoughts of a wide array of individuals, native and non-native, from Hawaii and across the entire Nation. It is based on the contributions of individuals well-versed in the Federal policies dealing with indigenous peoples—by those who understand the legal and political relationship the United States has with its indigenous peoples. It is based on Federal law and is substantiated by the many judicial rulings on the political and legal relationship between the United States and its indigenous peoples. It reflects the respect that the people of Hawaii have for the preservation of the culture and traditions of Hawaii's indigenous peoples—the culture and traditions which form the basis of the spirit of Aloha—which all citizens of Hawaii are proud to demonstrate.

This bill is supported by Hawaii's Governor, Linda Lingle, the Hawaii State Legislature, Office of Hawaiian

Affairs and Department of Hawaiian Home Lands. The National Congress of American Indians and the Alaska Federation of Natives have passed resolutions in support of this bill. The bill is also supported by a number of organizations, native and non-native, including the American Bar Association, Japanese American Citizens' League, Inter Tribal Council of Arizona, and the Hawaii State Teachers Association.

I want to express my sincerest appreciation to our majority and minority leaders for working with me and Hawaii's senior Senator on scheduling the Senate's consideration of S. 147, the Native Hawaiian Government Reorganization Act of 2005. It is my understanding that the motion to invoke cloture on the motion to proceed to S. 147 will be filed on June 6, 2006, with the vote on the motion to occur on June 8, 2006.

I look forward to this opportunity to finally discuss S. 147. As my colleagues have heard over the past week, this is an issue of importance to all of the people of Hawaii, and this is not a native versus non-native issue in Hawaii. Rather, this is about authorizing a process for the people of Hawaii to be able to address longstanding issues resulting from a tragic, poignant period in our history. This is about establishing parity for Hawaii's indigenous peoples in Federal policies. This is about clarifying the existing political and legal relationship between native Hawaiians and the United States.

Again, I express my deep appreciation to our majority and Democratic leaders, to the cosponsors of this legislation, and to the senator from Arizona for helping to work out this agreement. I want to express my deep appreciation to Hawaii's senior Senator who has stood firm with me as we have sought to do what is right for the people of Hawaii.

Passing this legislation will make it right.

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

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

IMMIGRATION

Mr. SESSIONS. Mr. President, I want to share some thoughts about the immigration legislation that we will be dealing with next week. The bill before us is a massive piece of legislation—over 600 pages, as I recall, and deals with a number of extremely important issues. Little, if any, thought has been given, and certainly no debate and discussion or seeking of economic and scientific information to help us decide what our future immigration policies should be.

I have studied that legislation in some depth. I am a member of the Ju-

diary Committee, and have some fine lawyers on my staff. We have been digging into it, and have become more and more troubled as we studied what the legislation actually means and says. It does not do what it purports to do, which is to create a guest worker or temporary working policy for America. It has a number of other problems with it that I think deserve the most serious consideration.

Few, if any, issues that we face in this Senate have greater long-term consequences for our country than immigration. That is a fact.

Why are the American people so interested in this? Why have they expressed such concern about it? Because it is very important. We are responsible for them, and we have an obligation to them to think about this very carefully. Unfortunately, we have not done so. It is an idea that we have to do something. Yes, we need to do something. Let us all agree on that.

I have suggested that we should first proceed, as the House of Representatives did in a bipartisan, substantial majority vote decided, to deal with enforcement first, and establish some credibility with the American people that we can and will enforce whatever laws we have. To pass a new law and enforce it no better than the one that we have enforced in the past is no good.

That is the biggest frustration out there with anyone in our country who believes in law and order, policy and fairness and decency. You don't allow people to break in line ahead of others. How much more basic can it be than that? That is what we learned in elementary school. That is what we follow as adults in this country, but that is not what we are doing at the border.

We all know the system is broken. It has made a mockery of the law, and it is a terrible challenge for us, but one that we need to confront.

We decided in the Senate, and the President believes, we can't fix the law enforcement system first—we need to fix the entire scheme of immigration.

We have not had enough serious hearings on the fundamentals of what we are doing. I have asked for five hearings in the Senate on the Judiciary Committee on the economic and social implication of immigration. We were given one. It was a very valuable hearing but not enough, in my view. Certainly, I do not think the average Senator is fully engaged and aware of the serious concerns this legislation raises.

I will take a few minutes to go back over what I called in a speech a few weeks ago loopholes in the legislation. Some of that speech was based on the original Kennedy-McCain bill. I made that speech right after a compromise, the so-called Hagel-Martinez bill, hit the Senate. I will go back over these fundamental problems with the legislation. It indicates the weaknesses that exist today under the bill which will be in the Senate beginning next week.

As we go forward into the week, I will be discussing, and perhaps others

will as well, deeper flaws in the legislation that deal with the fundamental guiding principles of this legislation: What should we be doing? How many people should be allowed into this country? What skill sets should they bring? How should those decisions be made? How can we create a system which is enforceable, which will work to allow the country to decide what is in its best interests with regard to those who come here?

They say we are not supposed to talk too much next week. We are just supposed to come to the floor, offer amendments and maybe ask for 30 minutes of debate. We can have 20 amendments, and we will talk for just 30 minutes on those amendments on each side. We have been told: Don't talk too much, Senator, because we have to move this bill and get it off our plate. They do not want to talk about it too much because people back home might find out what is actually in the bill. That is the honest truth. On both sides, Republican leadership and Democratic leadership want to move something through. But "something" is not good enough. We ought to do the right thing.

Now I will talk about some of the flaws that continue to exist in this bill. I begin with loophole No. 1, illegal aliens. People here illegally are going to be part of this mass amnesty. We have discussed amnesty and whether the provisions in this bill are amnesty. I have to say I spent 30 minutes in the Senate going back to the immigration laws passed in 1986, and everyone admitted 1986 was amnesty when they passed it. They promised they would enforce the law in the future. They got the amnesty, and they didn't enforce the law. In 1986, they said there would be 1.5 million people claiming amnesty, yet over 3 million people claimed amnesty. They claimed we would have lawful immigration in the future, and now we have 11 million people here illegally. Why should the American people not have some doubts about the promises of Congress and the President to carry out a legal system that will work?

Let me point out a few of the things we are dealing with. "Blacks Law Dictionary," which is the premiere dictionary that virtually every lawyer in America has on his desk, has a definition in its section on amnesty, and it is defined as the 1986 Immigration Act. It is included as one of the definitions of what amnesty is.

What I suggest, essentially this current bill is probably less tight, less enforceable than the 1986 act. If amnesty has any meaning, this bill is amnesty. I don't want to get into any more debate about it, but I do not back down on the fundamental concept that the legislation before the Senate today is basically an amnesty for the people who came here illegally in violation of our law. They have to do a few things, they have to take some steps, but in no way will they be denied the fundamental things they sought when they came here illegally.

We are a generous nation. We know we have a real problem. We are not intending in any way to make all of these people who have come illegally leave the country. We will have to work through this in some generous and humane way to make sure we treat this sensitively and justly, but it is a difficult problem when we reward people who violate the law, for their very violation of that law. It is not a principle that should be lightly traversed.

Now here are just some of the loopholes.

Loophole No. 1: Illegal aliens with felonies or three or more misdemeanors will not be barred from getting amnesty under the Immigration and Nationality Act.

Different crimes make different aliens inadmissible and deportable or ineligible for benefits. As written in this bill, on page 347, it only requires an alien to show they are not inadmissible to qualify for the amnesty. However, some felonies make an alien inadmissible under the act and others do not.

The Kyl-Cornyn amendment that we will deal with next week that was blocked by the other side previously was designed to fix this loophole. Senator REID refused to allow these amendments to be voted on when the bill came up before because he did not want to have his Members recorded as voting for anything. I am not sure too many on our side want to have any votes, either, but it was clear that the Democratic leader was intent on moving this bill forward without any votes or as few votes as possible so we would not have to deal with some of these issues. This was a hot issue. We tried to get a vote on it, and we could not get a vote. So the Kyl-Cornyn amendment which was blocked was designed to fix this loophole. It will keep aliens with felony convictions or three misdemeanors from being eligible for amnesty.

Why do we want to give amnesty to felons? The United States ought to decide who it wants to be part of its citizenry. Since we cannot accept everyone in the world who would like to come here, why in the world would we not want to say: If you have a felony conviction, you are not one of them. We will invite someone who is honest and decent who will contribute positively to our country's growth, development, and culture. We could not even get a vote on this to fix it.

We have to make this change. Hopefully, we will get a vote on it this week to fix it. I believe we will have a vote in favor of not allowing felons to be given amnesty, but I am not sure, given the mood of the Senate today.

Loophole No. 2: Aliens previously barred from receiving immigration benefits for life because they filed frivolous asylum applications will be able to receive amnesty.

This is an interesting reversal of existing law. If you come in and make some bogus claim that you are entitled

to asylum, you can still get amnesty. We have had a lot of problems with people coming from a country, where maybe they were arrested for a legitimate crime and fled to the United States, saying they are being persecuted back home, and they want asylum. After looking into their claim, we find out it is bogus and they were actually an armed robber in their home country. We barred them from being able to get an application for any benefits under the immigration laws. It is a form of saying: We are not going to tolerate that. This bill reverses that.

Under INA section 208(d)6, if the Attorney General of the United States determines an alien knowingly filed a frivolous asylum application, he is to be permanently ineligible for any benefits under the INA. This bill would change that. On page 345, it says:

Notwithstanding any other provision of law, the secretary shall adjust an alien who meets the requirements for amnesty.

No provision of the bill states that the alien is ineligible for amnesty if they previously committed immigration fraud by filing a frivolous asylum application. The bill gives benefits to aliens previously barred from all immigration benefits. We give amnesty to them. If we want to keep those who have committed immigration fraud in the past from getting amnesty, we have to change that. We need to change that by closing this loophole.

Why did they put that in there? Who wrote this bill, I keep asking. I am sure the sponsors of the bill do not know the implications of all of these provisions. I don't know who put this together.

Loophole No. 3: All aliens who are subject to a final order of removal who fail to leave pursuant to a voluntary departure agreement, or who are subject to the reinstatement of a final order of removal because they illegally reentered after being once removed from the United States are eligible for amnesty.

Pages 358 to 359 of the bill clearly state that certain grounds of inadmissibility in the act will not apply to aliens who apply for amnesty under the bill. The current inadmissibility provisions that are waived include aliens with final orders of removal for document fraud. If you file a false claim to the Government as an American citizen, that is a felony. These charges are providing false documents, offenses that are felony offenses.

I repeat, the current inadmissibility provisions that are waived under this bill that will be in the Senate this week include aliens with final orders of removal for document fraud. They have been apprehended, caught, found to be here as a result of making false claims to the Government, failed to attend removal proceedings, were allowed to be out on bail, asked to come to court and answer the charges, and did not show up. They violated a court order to show up. They did not attend their removal proceedings. We call them absconders.

And aliens who already have final orders of removal and many other categories are exempted.

This means aliens who have already received their day in court, they have had their cases fully tried and have failed to depart the United States unlawfully, will now be rewarded for not leaving. They will qualify for amnesty. They will be able to become citizens of the United States. This will include many of the 37,000 Chinese nationals China has refused to take back whom we have ordered deported. If we want to enforce the laws against illegal aliens who already had their day in court, this loophole must be closed.

Loophole No. 4: Aliens who illegally entered multiple times, which is a felony, qualify for amnesty.

The first time you come into the country illegally, it is a misdemeanor. If you are apprehended and deported and you come back the second time, it is a felony. Aliens who have illegally entered multiple times—that is, chargeable with felonies—are eligible for amnesty. The bill, on pages 12–23, requires that the illegal alien be continuously present in the United States since 2001 to qualify for amnesty. However, the bill allows the alien to have left the United States for “brief, casual, and innocent departures.”

Let us remind ourselves that criminal laws are being broken each time an illegal alien crosses the border of the United States. Title 8, section 1325, of the United States Code says that illegal entry into the United States is a misdemeanor the first time and a felony thereafter. I don't think multiple illegal felonies are casual, brief, or innocent. It rewards those who have not followed the law.

Loophole No. 5: The bill allows aliens who have persecuted anyone—a persecutor on account of race, religion, national membership in a particular social group, or political opinion—to get amnesty. It fails to make persecutors ineligible for amnesty.

I would have thought this was an oversight until we noticed that on page 375—there are a lot of pages in this bill, over 600—line 22 makes these heinous acts bar aliens here between 2 and 5 years from amnesty. The same bar is left out for the 8.8 million aliens who have been here for more than 5 years. This can only be interpreted by any court as an intentional decision that Congress has made to allow persecutors who have been in the country more than 5 years to be able to stay here. I do not think we want to do that. Let's close that loophole.

We are told that people who come here come here to work, and for many that is certainly true. And many are fine, decent, good workers. Loophole No. 6, however, is that there is no continuous work requirement for this amnesty. We have been told that you have to earn your citizenship, earn your amnesty by working. But there is no real requirement for that.

To be eligible to adjust from illegal to legal status under the bill, the alien

must simply have been “physically present in the United States on or before the date that is 5 years before April 5, 2006,” and have been employed “in the aggregate” for “at least 3 years during the 5-year period ending on April 5, 2006,” and employed for “at least 6 years after the date of enactment” of this bill.

But it does not say—on pages 346, 347—that the alien must be employed continuously or that the requirement of employment be full-time employment.

The bill will be interpreted to allow the alien to be eligible if they have been employed in the United States either full time, part time, seasonally, or self-employed. It also allows the time of employment to be shortened if the alien is in attendance at a school or is under 20 years of age.

The employment requirement under the language as written is as broad as possible. Essentially, any alien who worked in the United States for 3 out of 5 years at any time prior to April 5, 2006, will fulfill these requirements. This is not any kind of rigorous standard. It is designed to let everybody qualify. It is so broad that if the Immigration Service were to try to go to court and challenge it, almost any alien would be able to meet and defeat the challenge and be able to have a judge—who is required to enforce the law as we write it—not enforce that law.

Loophole No. 7: The bill tells the Department of Homeland Security to accept “just and reasonable inferences” from day labor centers and the alien’s “sworn declaration” as evidence that the alien has met the amnesty’s work requirement.

Under the bill, the alien would meet the “burden of proving by a preponderance of the evidence”—that is all the burden is, a preponderance of the evidence—that [he] has satisfied the [work] requirements” if the alien can demonstrate employment “as a matter of just and reasonable inference.”

An alien can present “conclusive evidence” of employment in the United States by presenting documents from Social Security, the Internal Revenue Service, employers, or a “union or day labor center.”

The bill then states:

[I]t is the intent of Congress that the [work] requirement . . . be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

What does that mean? It means it is unenforceable, if you want to know the truth. I was a prosecutor for 15 years, a Federal prosecutor. How are you going to enforce the language? What kind of prosecutor is going to go to court when the Congress has basically said: “It is our policy that anything goes. Any documents they present, any inference that is raised would be sufficient to allow this to occur?”

Then it goes on to say that even if the lax standards I mentioned cannot be met, in order to make sure everybody meets the standard of being allowed to work here, it allows them to self-submit affidavits, “sworn declarations for each period of employment.”

The invitation for fraud cannot be clearer. Congress is telling the Department of Homeland Security to take the illegal aliens’ word for it, to accept pretty much anything as proof of work.

These provisions are all contained on pages 349 and 350. If we want to make sure the fraud that occurred in the 1986 amnesty does not occur again in the 2006 amnesty, these loopholes have to be closed. Why do we have these standards? Because politicians want to say that everybody here are workers, and we are not going to give amnesty to people who are not workers. OK. That sounds good. But when you read the bill, it does not require that. There is no way this can be enforced. And the authors of the legislation know it. They know it cannot be enforced. That is why they wrote it the way they wrote it, to let everybody qualify. So it is not true that this is a bill that requires earned amnesty by work. It does not.

Loophole 8: The bill benefits only those who broke the law and not those who followed it and got work visas to come to the United States or those who left when their visas expired.

I want you to understand this, colleagues. It is important to point out the unfairness that is inherent in the bill. Page 346 lays out the requirement that you must have been “not legally present in the United States on April 5, 2001.” So to qualify for the benefits here, you had to be illegally present in the United States on April 5, 2001. Illegal presence allows people to qualify for the amnesty and the pathway to citizenship that the amnesty provides.

The bill goes on to define “not . . . legally present” to include visa overstays—an “alien who has violated any conditions of his or her visa”—making sure that illegal alien visa overstays qualify for amnesty.

So if you were here legally on April 5, 2001, meaning you followed the rules, and you got a work visa to come here, you will not get any benefits from this amnesty. If you had a visa in 2001, but it expired before April 5, and you, therefore, followed the law and left the United States before April 5, you will not get the benefit of this amnesty. This amnesty benefits you only if you did not leave the United States, as the visa required, and you stayed here illegally or you came here illegally.

Another loophole, No. 9, deals with this guest worker concept. The bill’s future flow “guest worker” program in title IV of the legislation leaves no illegal alien behind. It is not limited to the people outside the United States who want to come here to work in the future, but includes illegal aliens currently present in the United States who do not qualify for the amnesty

programs in title VI, including aliens here for less than 2 years.

Now, we are told if you have been here for less than 2 years—you came since we started talking about this legislation in 2004—that you do not qualify for the benefits of the program, and have to go home. That has been part of the mantra. You have heard that debate: If you have been here for less than 2 years—and the reason for that is, We are giving notice to people around the world who might want to come here: Don’t rush into our country while we are considering this amnesty, to take advantage of it, because if you come in after we started discussing it, then you are not going to get the benefits of it—a fairly legitimate approach to things, I would suggest. And we are told the legislation does that. But it does not do that, I have to tell you.

Under the language, you can qualify for the new H-2C program to work as a low-skilled, permanent immigrant even if you are unlawfully present in the United States today. The bill specifically says:

In determining the alien’s admissibility as an H-2C nonimmigrant . . . paragraphs (5), (6)(A), 7, (9)(B), and (9)(C) of section 212(a) may be waived for conduct that occurred before the effective date. . . .

By waiving these grounds of inadmissibility, the new H-2C program is specifically intended, I submit, to apply to, No. 1, absconders—those are people who were apprehended, ordered to leave the country or ordered to come to court, and they have skipped and did not leave and did not come to court; 400,000 of those we are trying to find this very day to deport them to enforce the law—No. 2, it applies to illegal aliens who were in removal proceedings and signed a voluntary departure agreement but violated that agreement and did not leave, and, No. 3, it applies illegal aliens who were already removed from the United States but who illegally reentered.

The bill covers everybody. No illegal alien will be left behind. No illegal alien will have to go home—not this 2-year group, as has been said. So once again, the rhetoric about the legislation does not match the reality.

Loophole No. 10: The annual numerical cap on this program is completely artificial. The bill’s sponsors say that the new H-2C guest worker program is limited to 325,000 people and their families per year.

However, the cap has a built-in automatic escalator. If the 325,000 limit per year—the cap on the number who can come here legally—is reached, the cap automatically adjusts itself to make more room, by adding an additional 20 percent, which is 65,000 more visas the first year. So if somewhere in the year the cap limits are being met by people who want to come here, that very year the cap goes up by 20 percent. And then, the next year, automatically the cap will not be 325,000, it will be that number increased by 20-percent. And if that cap number is met, it goes up that

year 20 percent. And the next year, that additional 20-percent increase will be the cap.

It is an utterly escalating cap, without any thought whatsoever as to how many people this country needs in our workplace or otherwise in the Nation. They can be readily assimilated and made a part of this glorious and wonderful country. What kind of language is that?

We calculate if this cap is reached each year, the number of people allowed under this one program to enter this country legally, 10 years from passage—hold your hat—would be 2,012,314. I am not kidding. That is an automatic provision in the act. We have given no thought, no serious evaluation, whatsoever, to how many people ought to be brought into this country.

And even if the cap never increases and stays at the 325,000 per year, we will have a minimum of 1,950,000—almost 2 million—low-skilled workers who are permanent immigrants in the first 6 years of the program, which is the length of an H-2C visa if the individual does not file for a green card.

In 10 years, we will have immigrated 3,250,000 low-skilled workers and their families. Understand, each and every one of these 3 million people who would enter under this provision alone—and there are others where the impact is large—all of these workers will be eligible for green cards.

What does that mean? A green card means you are a permanent resident. They say these are temporary workers and guest workers. Within the first year, they can obtain a green card if their employer requests it. After 4 years, if their employer doesn't and they don't have an employer, they can self-petition for a green card. This is a big change in our policy since immigrants under this provision were supposed to be workers and it allows them to petition for a greencard even though they are not working for anybody. They can self-petition under this bill. That is a big change. This is pretty thunderous in its impact.

Loophole No. 11, a new H-2C guest worker does not have to prove they are essential to the economy to come to the United States or to stay or to apply for a green card once they are here. Nothing about the H-2C "temporary guest worker program" is temporary. They can say it is temporary until they are blue in the face, and it is just not so. That is why we need to be talking about this legislation. To be eligible for an H-2C visa, an alien merely has to establish that they are "capable of performing the labor or services" they have an intent to perform in the United States. So page 250 of the bill only makes them prove they are capable of performing a labor they have an intent to perform when they come here, and they have received a job offer from an employer who has complied with the requirements.

To stay in the United States once they enter, the H-2C holder simply can-

not be "unemployed for 60 or more consecutive days." If they are unemployed for that period of time, they are supposed to leave. Such a requirement, of course, is absolutely and utterly unenforceable. Who is going to be checking on this? They will say: It is not enforceable. If a guest worker is out of work for 60 days, 2 months, it is obvious that the economy does not depend on them. The fact that H-2C status only terminates after 60 consecutive days of unemployment means an alien is still essential to the economy and able to stay in the United States if they are working for as little as 1 or 2 days every 2 months. That is what it means. If somebody has to try to enforce this law, that is the kind of thing they would be dealing with when they go to court.

More importantly, no Government entity is going to spend their time searching over the country to determine if aliens have been out of work for 55 or 65 consecutive days, because the bill allows the alien worker to move from employer to employer and then, as noted on page 263, specifically exempts employers from having to notify the Department of Homeland Security when the alien is fired or voluntarily quits. This will ensure that the Government will never have the information it needs to enforce the 60-day requirement. Employers are not required to notify. If they bring in somebody, they certify they need them to work, they have them work for 6 months, they no longer need them and lay them off, there is no requirement that they notify the Department of Homeland Security or Labor or Commerce that they are no longer needed.

The bill contains, more importantly, no economic trigger enabling us to send workers home when the economy dips. This has been a matter of some dispute. I hear it asked by Senators. I have been asked several times. Some have stated publicly to the contrary. We have read the bill. This is what the bill says about the economy. What if we go into a recession and have brought in these 3 million workers. Now we have 40 million workers in the next 3 or 4 years, 5 years, 8 years, and we go into a recession. They are temporary workers. What is the deal? They go home? Do we not use those workers? We don't need them any longer and they have to go home? No, there is no trigger that reduces the number of workers here if the economy goes into recession. It is not in this legislation. There is an automatic increase every year, as I noted, if the applicants reach that level. It can go up to as much as 3 million a year, but there is no way to reduce it unless we pass a bill in Congress.

More importantly, once the H-2C worker is in the United States, they will be here permanently. On day one, when the alien begins to work in the United States, their employer can sponsor them for a green card. If they come here under this program, the em-

ployer can sponsor them for a green card that first day. That means 5 years later, they can be a citizen entitled to all the benefits. As a green card holder, they are entitled to bring their wife and children immediately. Five years later, they can become a citizen. Five years later, the wife can become a citizen. Do you know what the wife can do then? She can bring her children in as a green card holder. He can bring in his brothers and sisters, and she can bring in her brothers and sisters, once they become a citizen under the chain migration rules. It has tremendous implications for us.

Those are matters that are very important. I have a couple more points. I see my distinguished colleague from West Virginia. I think I can wrap up in about 3 or 4 minutes, if that is OK with him.

I would also say, I am honored to have worked with Senator BYRD, the senior Senator from West Virginia, former Democratic leader and majority leader of the Senate, on a realistic approach to immigration. I asked, are we able to enforce our borders, are we able to do things together. We had Senator BEN NELSON of Nebraska, Senator BYRD of West Virginia, both Democrats. We worked together. We presented some very good proposals. Not enough of them have been accepted and made part of this legislation, unfortunately. But there is a genuine bipartisan concern here that we are moving too fast and getting the cart before the horse in a lot of different ways.

Loophole No. 12, a work requirement for a blue card can be satisfied in a matter of hours, under the AgJOBS portion that was added in committee with about 30 minutes of debate. Under the AgJOBS component of this substitute bill, illegal alien agricultural workers who worked 150 workdays in agriculture over the last 2 years will receive a blue card allowing them to live and work permanently in the United States. Let's get that straight. We keep talking about the guest worker program, the seasonal worker program. Why we don't have that in the bill, I can't understand. Almost every provision puts people on the route to permanent citizenship.

So under the AgJOBS portion that was adopted in committee without debate, agricultural workers who have worked 150 workdays—that is not a full day—over the last 2 years, less than half time, will receive a blue card, and that will allow them to live and work permanently in the United States. However, because current law defines an agricultural workday as 1 hour of work per day—that definition is reinstated in the bill on page 397—an alien who has worked for as little as 150 hours in agriculture over the last 2 years will qualify for a blue card.

Loophole No. 13: Once an illegal alien worker receives a blue card, the blue card never expires. Blue cards, the new category of cards given to aliens who are amnestied under the AgJOBS provision of this bill,

never expire. The blue card holder can choose to pursue a green card, legal permanent resident status, by working for more hours in agriculture, but that is not a requirement to stay in the United States.

Page 399 specifically states:

An alien in blue card status shall be provided an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

This means that once the illegal alien has a blue card, he or she can live in the United States and work in any job permanently. They can adjust to a green card status and move on the path of citizenship, bringing in their aging parents and have them receive the great benefits of health care in America.

Loophole No. 14, free legal counsel: The AgJOBS amendment goes as far as to provide free legal counsel to illegal aliens who want to receive amnesty, page 421. In a paragraph entitled "eligibility for legal services," the bill lays out that recipients of funds under the Legal Services Corporation Act can "provide legal assistance directly related to an application for adjustment of status under this section." So not only will AgJOBS give amnesty to 1.5 million illegal aliens, it would have the American taxpayer pay the legal bills for filling out the applications of those 1 million illegal aliens.

Finally, I will mention loophole No. 15. There are a lot of other provisions that concern me. I will only mention 15. It deals with the DREAM Act. The bill makes in-State tuition and other higher education benefits available to illegal aliens. Current law, some years ago, was passed to deal with a perceived abuse in the system.

So the current law that is in effect today says:

[A]n alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any posteducation benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.

The DREAM Act portion of this bill, page 503 through 520, eliminates this provision and will allow a benefit to those who came here illegally even when all United States citizens are not afforded those same privileges. The bill goes further making other types of higher education assistance available through the illegal aliens that receive amnesty under the bill, student loans, Federal work study programs and Federal services to access this assistance.

One of the first things you want to do if you want to reduce illegal immigration is not provide benefits to people who come illegally. How much more commonsensical can it get than that? You don't provide inducements, generous social benefits that we would like to provide to more people in the country but can't, to people who come here illegally. That does not make sense and it is not a principled position.

I will conclude by saying, I urge my colleagues, with the greatest sincerity, to look at this legislation and to think about these loopholes I have mentioned. While they are very real and evidence an intent by whoever drafted the legislation to go far beyond what they are publicly saying the bill does, read it carefully and make sure that you feel comfortable supporting it. When amendments come up, we will fix some of these things, although there will not be sufficient time in the debate or sufficient amendments allowed to fix all the problems. They need to vote for those amendments to make the bill better. More importantly, we have continued to study the legislation. My concerns have deepened that we have an unprincipled, not well thought out policy for future immigration that increases legal immigration to an extraordinary degree, far beyond what those people think is part of this legislation.

It is permanent and it allows those who are outside our Nation to decide when they come. It is similar to an entitlement. If you are a veteran, you walk up and you get your entitled benefit. If 10 times as many people showed up for that benefit as we expected, all of them get that benefit—American citizens, veterans. That is an entitlement.

In this legislation, we basically create an entitlement to let people who are noncitizens of the country decide how many are going to come in, without this Nation making those decisions. Canada has a point system. They limit immigration, and they review it based on what their needs are. The more the immigrant has qualities and education and training that meet what they need, the better chance they have of entering. If you don't have qualifications and abilities that are relevant to Canada's needs, you don't get in. Our bill does none of that. I urge my colleagues to be more focused on the actual wording of the legislation.

I thank the Senator from West Virginia for showing leadership and recognizing that we need to do better in this legislation on immigration.

I suspect that the Senator from West Virginia might talk about Mother's Day. I have had the honor to be in the chair—and I see Senator ISAKSON—when Senator BYRD in previous years has spoken about his mother on Mother's Day. I think we are all in for a treat.

I yield the floor.

MOTHER'S DAY

Mr. BYRD. Mr. President, I thank my distinguished and able friend from Alabama. I thank him for his reference to Mother's Day. I do indeed have some remarks that I want to make in reference to Mother's Day.

Mr. President, the irises are blooming, their beauty as refined as a Japanese print. Roses are spilling their sweet perfume into the air. A bountiful

harvest of sweet, red strawberries is making its way into pies and shortcakes. The phones are busy at the florists around the country. The signs are clear that this coming Sunday the Nation will again observe the annual celebration of that great day, Mother's Day. Mother's Day is beloved by florists, by candy makers, by greeting card producers, by phone companies, and by restaurants, for it is a busy day indeed for them. But the day is also beloved by mothers, for it is on this one day, more than any other day, that they receive credit for their favorite and most important job. This coming Sunday, mothers will be showered with affection, waited upon, called upon, and honored. They deserve all of it, every bit of it.

It is the little things that count
And give a mother pleasure—
The things her children bring to her
Which they so richly treasure . . .
The picture that is smudged a bit
With tiny fingerprints,
The colored rock, the lightning bugs,
The sticky peppermints;
The ragged, bright bouquet of flowers
A child brings, roots and all—
These things delight a mother's heart
Although they seem quite small.
A mother can see beauty
In the very smallest thing
For there's a little bit of heaven
In a small child's offering.

A mother stays with you throughout your life. Her words and her actions resonate. Yes, we can hear her voice echoing across time when we repeat to our children the lessons that mother taught us: "Sit up straight," "use your napkin," "stop fidgeting and pay attention," "Do you remember? She said those things to us. "Say thank you," and "if everyone else jumped off a cliff, would you jump, too?"

Every mother molds and shapes her children in ways large and small, from lessons as important as treating others with thoughtfulness and courtesy to tasks as small as how to fold laundry. Years later, as we teach our own children to fold laundry, we might smile to recall that it was our mother—your mother—who taught us how to fold a shirt in a particular way. It is also probable that she was teaching you to fold it in the same way her mother had taught her—that is the way it is, you know—just as her mother taught her courtesy and just as she taught you. Those gentle hands carried the ingrained lessons of many generations, lessons honed and reinforced over many generations.

On Mother's Day, when we honor mothers all across the Nation, we also honor grandmothers and great-grandmothers, whether or not we were fortunate enough to have known them in life. "Children and mothers never truly part, bound in the beating of each other's heart." So wrote Charlotte Gray, and her words speak to the heritable nature of a mother's love. A mother's love. It passes through the generations like our own DNA.

Mothers also model efficiency. Mothers were the earliest adopters of

“multitasking,” long before such a phrase had even been coined. Modern appliances make mothers even more efficient, simultaneously washing and drying clothes while cleaning the house, making dinner, keeping up with the news, and monitoring their children’s homework. In today’s busy world, working mothers must master such multitasking, and many do it with amazing dexterity, juggling work and family and all of their children’s outside activities with all of the skill of a circus act. You know how it goes. Mothers are also the lifeblood of many activities important to their children, from scouting to athletics, parent-teacher associations to Sunday school, music lessons to swim teams. The phrase “soccer mom”—have you heard that phrase? It accurately reflects a wide swath of American culture.

And still mothers find time to nurture, to cuddle, to listen, to heal, and to teach. Henry Ward Beecher observed that “the mother’s heart is the child’s schoolroom.” Think about that. This is surely true, for with every action, every look, every word, be they soft and loving or briskly authoritative, mothers teach their children.

Their influence upon the world is incalculable. George Washington, the first President of our great country, that great general who fought at Valley Forge, said:

My mother was the most beautiful woman I ever saw. All I am I owe to my mother. I attribute all my success in life to the moral, intellectual and physical education I received from her.

Abraham Lincoln said:

I remember my mother’s prayers and they have always followed me. They have clung to me all my life.

He also said:

All that I am, or hope to be, I owe to my angel mother.

Andrew Jackson noted about his mother:

There was never a woman like her. She was gentle as a dove and brave as a lioness. . . . The memory of my mother and her teachings were, after all, the only capital I had to start life with, and on that capital I have made my way.

Booker T. Washington. Let’s hear what he said. He said:

In all my efforts to learn to read, my mother shared fully my ambition and sympathized with me and aided me in every way that she could. If I have done anything in life worth attention, I feel sure that I inherited the disposition from my mother.

The leaders of our future are being molded and shaped right now by their mothers. It is hard to imagine that those small faces being wiped clean by their mother’s hand might someday smile at us from the Oval Office, or that those chubby fingers might someday operate dangerous machinery. But that childish confidence is fostered by their mother’s love, urged on by her unwavering support, and raised up by her tender sympathy. Their mother’s support will give them the wings to fly high and to achieve great success.

I am sure that these future leaders will someday echo the words of Washington, Lincoln, and Jackson in crediting their mothers for their success—their angel mothers.

I have no recollections of my mother. She died on Armistice Day 1918. She told the faithful couple who raised me: Take the baby—I was a baby—and three older brothers and a sister. Take the baby. Keep him as your own. And she went away. I am sure that her prayers have followed me and that today she looks down from Heaven waiting. I don’t remember seeing her in this life, but I shall have the opportunity to see her someday.

Every child deserves a mother worthy of such sentiments. And as a nation, we are fortunate to possess so many wonderful mothers.

There is a poem called “Mother’s Love” that I would like to recite at this moment. “Mother’s Love”:

Her love is like an island
In life’s ocean, vast and wide;
A peaceful, quiet shelter
From the wind, the rain, the tide.
’Tis bound on the north by Hope,
By Patience on the West,
By tender counsel on the South,
And on the East by Rest.
Above it like a beacon light
Shine Faith, and Truth, and Prayer;
And thro’ the changing scenes in life
I find a haven there.

Mr. President, my own dear mother waits for me.

I would like to reflect on this great old poem, “Rock Me To Sleep,” and I dedicate it—it is not my poem, but it is the one I love—I dedicate it to my dear wife Erma, who was a wonderful mother to her children, and to all the mothers throughout this broad land. Let us think of them. They thought of us. They rocked us. They gave us comfort. They nurtured us. Think of them, the mothers of America.

Backward, turn backward, O time, in your flight,

Make me a child again just for to-night!
Mother, come back from the echoless shore,
Take me again to your heart as of yore;
Kiss from my forehead the furrows of care,
Smooth the few silver threads out of my hair;

Over my slumbers your loving watch keep;—
Rock me to sleep, Mother—rock me to sleep!
Backward, flow backward, oh, tide of the years

I am so weary of toil and of tears—
Toil without recompense, tears all in vain—
Take them, and give me my childhood again!
I have grown weary of dust and decay—
Weary of flinging my soul-wealth away,
Weary of sowing for others to reap;—
Rock me to sleep, Mother—rock me to sleep!
Tired of the hollow, the base, the untrue,
Mother, O Mother, my heart calls for you!
Many a summer the grass has grown green,
Blossomed and faded, our faces between:
Yet, with strong yearning and passionate pain,

Long I to-night for your presence again.
Come from the silence so long and so deep;—
Rock me to sleep, Mother—rock me to sleep!

Over my heart in the days that are flown,
No love like mother—love ever has shown;
No other worship abides and endures—
Faithful, unselfish, and patient like yours:

None like a mother can charm away pain
From the sick soul and the world-weary brain.

Slumber’s soft calms o’er my heavy lids
creep;—

Rock me to sleep, Mother—rock me to sleep!
Come, let your brown hair, just lighted with gold,

Fall on your shoulders again as of old;
Let it drop over my forehead to-night,
Shading my faint eyes away from the light;
For with its sunny-edged shadows once more
Haply will throng the sweet visions of yore;
Lovingly, softly, its bright billows sweep:—

Rock me to sleep, Mother—rock me to sleep!
Mother, dear Mother, the years have been long

Since I last listened your lullaby song:
Sing, then, and unto my soul it shall seem
Womanhood’s years have been only a dream.
Clasped to your heart in a loving embrace,
With your light lashes just sweeping my face,

Never hereafter to wake or to weep;
Rock me to sleep, Mother—rock me to sleep!

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KERRY. Mr. President, what is the order now?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. KERRY. I thank the Chair. I will proceed in morning business.

AFTERMATH OF HURRICANE KATRINA

Mr. KERRY. Mr. President, last Friday, May 5, at the invitation of Senator LANDRIEU, I went down to New Orleans, LA, for a second trip to the State since the hurricane. I wanted to have a chance to be able to get around the city, meet with people, and measure the recovery effort up close and personally now that we are 8½ months since Hurricane Katrina.

Let me, first of all, express my gratitude to Senator LANDRIEU who has been tireless, as I know Senator VITTER has. They both have been pushing hard for their State, as they ought to. But I particularly want to thank Senator LANDRIEU who spent the day with me and who, together with me, sat through a small business roundtable with a great many small businesspeople in New Orleans who were struggling to make things work in the aftermath of the hurricane.

She took me around New Orleans East, and we drove through on the interstate, able to see on both sides of the interstate the still-current state of abandonment of so much of the city. The statistics somehow don’t really convey what is happening there and what is not happening there.

I know Washington is a tough place to make anything mean anything right now. We are caught up in an awful lot

of partisanship, and there is a lot of back and forth and not a whole lot that is going on legislatively as a consequence of that, though we all hope there is going to be a breakthrough on the immigration bill in the next days. But I have to tell my colleagues that somehow we have to find a way to break through on the reality of what is happening to a whole bunch of folks down in New Orleans and on the gulf coast, whose lives have been disrupted, who have all the hope in the world of being able to return to their homes but increasingly are finding a lagging effort and a bureaucracy and other kinds of problems standing in their way. That has a huge cost—a huge cost. Before Hurricanes Katrina and Rita, Louisiana had 86,000 small businesses, employing more than 850,000 people and contributing \$22 billion to the local economy. Of those 86,000 small businesses, 71,000 were in the disaster zones, and nearly 20,000 were catastrophically destroyed. More than 365,000 residents were left homeless. But those statistics 8½ months later do not tell the story of New Orleans.

I thought I was going to go down there and I was going to see this incredible burst of energy of the cleanup, unbelievable numbers of folks out in the streets loading trucks and moving debris and doing things. But instead what I saw in New Orleans East and, most importantly, what I heard from people who are there struggling to make ends meet, to make this work, stunned me as to how little organized, fundamental activity is still taking place 8½ months after New Orleans was devastated.

When I went to New Orleans the first time in the immediate days after the hurricane, I saw a region that was damaged by a storm but at that point in time still very strong in spirit. I saw people determined to turn things around and to make it work. I talked to people who proved their resilience and their love of their State when they committed themselves to not just not giving up, but to not leaving, to rebuilding their homes and their businesses. On that trip I met people who felt that if the words of the Federal Government and the State and the city were, in fact, followed through on, they had hope for the future.

On this trip that I just made a week ago, I met with small business CEOs. I met with people who have spent a lifetime there who are beginning to feel a kind of despair about the lack of presence of real leadership that is changing their lives for the better. As I went down streets, I saw street after street after street filled with debris, garbage bags just out in the streets, cars with the word "tow" on them waiting to be towed. Eight and a half months later, we can't tow cars.

Where were the trucks lined up with people loading them up with the debris being taken out? I expected to see a backed-up line of trucks with an enormous burst of energy. No such thing.

I met people in New Orleans who are increasingly afraid, angry, and disillusioned. I was reminded by small business owners and homeowners last week that New Orleans doesn't only have a hurricane problem, New Orleans has a levee problem. And the levee problem is more than just a problem of the levees that broke, it is an overall levee problem. And if that levee problem were addressed with the speed—I know there are some who say, well, we just allocated additional money and this and that. I tell you, we are building bases in Iraq a lot faster than we are rebuilding New Orleans, and we are putting more energy into saying we will stay the course there than we are staying the course in New Orleans.

Too little has been done in any kind of rapid fashion to help deal with those levees with respect to the hurricane season that starts in just a few weeks. I left New Orleans convinced that the gulf coast doesn't have a morale problem, but I will tell you what: Washington and the community there have a leadership problem, and it is up to us to change it before it is too late. I want to explain that.

We all understand the response immediately after Hurricane Katrina, and there is a lot on the record about who did what, and so forth. I don't want to go back to that. That is not what this is about. But what is most distressing to me is that after that lesson was supposed to have been learned, the people I met in New Orleans told me they were fed up with empty promises that have followed the initial shock of what happened at the Superdome. They believe the promises have been broken and more mistakes have been made after they had been promised that mistakes weren't going to be repeated.

What I heard from people on a very personal level is that schools are overcrowded, that parents are struggling to hold on because they want to stay there, but they don't know if they can. There is an enormous personal anxiety that takes a toll day after day after day as people are living like that.

One of the businesses I visited is a linen and laundry business that used to take care of all of the hospitals in the region. Well, now there is only one trauma center open. They are paying more employees than there is work because they want to try to keep the employees there, but the CEO just left last week. He took his family and left New Orleans. Gone because they don't see the revitalization taking place that they need.

Across the way from that particular business was another business: Tommy's Seafood. He has been there a long time. He bought a new building. The new building was mortgaged. The new building was hurt, damaged in the winds. So he gets the insurance check, but guess what. The insurance check is made out to the bank. So the bank gets the money and the building still has to be fixed.

That is not what we intended in the U.S. Congress. That is not what dis-

aster assistance is supposed to do in a smart way. There are all kinds of examples like this where people are waiting for SBA loans, trying to get the loans. They can't get the loans. More loans have been denied than have been granted. Out of \$9 billion—the administration says: Well, we have given \$9 billion in loans. Guess what. Only \$1 billion of that \$9 billion has actually gone out to people.

On September 15, the President spoke to the Nation from Jackson Square, and he made a series of promises. Here is what he said:

Throughout the area hit by the hurricane, we will do what it takes. We will stay as long as it takes to help citizens rebuild their communities and their lives. When the streets are rebuilt, there should be many new businesses, including minority-owned businesses, along those streets. When the houses are rebuilt, more families should own, not rent, those houses. When the regional economy revives, local people should be prepared for the jobs being created.

Over 8 months later—over 8 months later—history is repeating itself. Too little has been provided in real response, and a lot of time has been wasted without real solutions for getting the gulf coast back to business. Eight months after the President stood in Jackson Square, there aren't trucks massively lined up, hauling this debris out of the city and garbage out of the city. In fact, there seems to be very little activity from the Federal Government.

I know the President has been down there 12 times. That is what they will tell you very quickly. They will tell you about the amount of aid that has flowed into the region. We will talk about that in a minute. The fact is, the piles of debris that remain standing before every building are an unbelievable reminder of the devastation to people, but they also stand as a blockade, as a barrier to the ability of businesses to get going, to the ability of people to be able to come back and figure out what they are doing with their homes. The more they see that, the more a homeowner sees that kind of debris just stuck there, the more they begin to say: This "ain't" happening. I am out of here. I am out of here.

Local officials told me they have fears that mosquitoes and rodents are carrying diseases as a result of the piles of garbage on the streets. In the richest country on the face of the Earth, we shouldn't have Americans abandoned to the worry that their children are going to be at risk for Third World health problems because Washington didn't meet its most basic obligations to those citizens. More than \$10 billion in contracts have been awarded for debris removal, emergency response, and reconstruction efforts, but where is it? Tens of thousands of abandoned cars are still littering different streets. There is garbage, hurricane debris, trash in front of virtually every home or business that I saw. Most of those homes are abandoned still, obviously.

Katrina pulled back the curtain, and it revealed poverty and squalor that many didn't believe could exist in our country. But 8 months later, after people said no more and never again, and the cameras went away to a large degree, those images are still there on the streets of New Orleans.

I don't know any Americans who remember what they saw in the Superdome who feel that their dues have been totally paid by making a one-time contribution to the Red Cross. And in the same way, when you look at what the Federal Government response is, people in New Orleans are left wondering whether we have come to a different conclusion.

Eight months after the President promised the revitalization of new, small, minority-owned businesses, the businesspeople who have shown great courage staying in New Orleans are literally fighting to keep their doors open in the face of such a slow and woefully inadequate Federal response. Orleans Parish, which is the center of Louisiana's economy, had 12,695 small businesses employing 245,000 people before August 29 of last year. Today, it is estimated that only a little more than 2,000 of the 12,600 have opened. Where is our response? Those businesses need people to sell things to and people need a place to live.

The President seems to mean something when he speaks about staying the course in Iraq, but it doesn't appear as if we are staying the course down in New Orleans, notwithstanding the money that has been allocated. It takes more than money. It takes a strong leader who is rolling up his sleeves and bringing people together and organizing all of these contractors and different efforts in a way that maximizes both the volunteer and paid effort of the United States of America.

One person I spoke with confirmed what I could see with my own eyes. One person said to me—this is a professional who has spent years down there, whose home is there, who helped rescue people, who stayed through the whole thing, and he was rescuing people in boats blocks away from his house. He said: Basic services in 70 percent of the city don't exist. In those areas, there is no fire protection, police presence is minimal, there is garbage, hurricane debris, trash in front of all of the homes. Billions have been spent. Yet the city is piled high with debris of every kind.

Those are his words. Those are his words.

The residents of New Orleans are beginning to put their hopes elsewhere. That is what is happening. Maybe some people want that to happen. That is a question that ought to be asked. They are starting to put their future in a new place. Over 3,400 private homes are for sale in New Orleans, more than at any other time since we started tracking this indicator 6 weeks after Katrina made landfall. This is up from approximately 2,800 homes that were for sale

in February, and it is the highest number since October of 2005.

Jim Funk, who is CEO of the Louisiana Restaurant Association, said the pre-Katrina restaurant workforce of New Orleans has been reduced from 133,000 to 22,000. Only 1,500 of the almost 3,500 pre-Katrina restaurants are back open. Of course, restaurants need people and need workers. The unemployment rate of those who remain displaced jumped to nearly 35 percent in March, a 54-percent increase from the month before. Unemployment is up 54 percent from the month before, even though we are supposed to be putting people back to work.

I met Pat Murphy, who owns United Cab. United Cab is a 66-year-old business. He spoke at our roundtable. After wading through redtape and months of administrative delay in a process that he described as, quoting Pat Murphy, "turning into harassment," he finally received his SBA loan.

Why does a small business that has existed for 66 years have to go through 8½ months of a painful process, which they term "harassment," in order to get a loan after a disaster and come back into business, from the very agency whose sole purpose is to be able to provide that kind of assistance? The worst part is that Pat Murphy will tell you he is one of the lucky ones. He actually received a loan, and he knows a whole bunch of folks who are still waiting around for that money.

Some may have heard that the administration brags about that \$9 billion of disaster loans they have approved. But as I said, only one-ninth of that, only \$1 billion, has found its way into the hands of people. Why can't you deliver the checks? If you approve it, why can't you make sure people get it right away? Mr. President, 11 percent of the funding has actually reached the people who are asking for it. In addition, what is more, about half of those who applied for disaster loans were denied. What are they going to do? All these folks who have been denied loans have nowhere to turn.

If you are serious about revitalizing New Orleans, you have to be willing to put that money into their hands. One of the biggest problems they have is capital, being able to pay some people for a period of time so they can stay. For people who need to put food on the table and take care of their kids, if there is no certainty as to that availability of money, they are going to go somewhere. They have to go somewhere. What happens is the fabric of New Orleans gets destroyed because people put down their roots somewhere else.

For those who have been fortunate enough to receive housing assistance, they are living in front of their damaged homes, many of them in trailers that are sitting on concrete blocks. What is the problem with that? Let me tell you what the problem is. No. 1, the trailers FEMA is providing cost \$70,000 a piece. They are not permanent.

Hurricane season starts in a few weeks. The National Weather Service is predicting 14 named storms to hit the gulf during this next hurricane season. I might add that they were accurate last year in the number of named storms they predicted. Do you know what is going to happen when the wind hits, 90 miles an hour, 100 miles an hour or more? Those trailers are going to blow around, and they are going to create more damage.

I am told by people in New Orleans you could have built modular housing for less money with greater permanency. If you had been smart about this, you could have set up a village of modular housing for people who are working on their permanent housing, you could create lumber distribution centers, you could bring carpenters from around the country, plumbers, electricians. Labor unions from all around the country would be willing to donate, come down and live in a special village and then to rebuild. None of that kind of basic organization effort that America is supposed to be so good at—that we are so good at, when led—is taking place.

I want to know what kind of leadership spends \$900 million to buy 25,000 manufactured homes and 1,300 modular homes and they can't be used because FEMA rules say they are too big or unsafe in a flood zone. Bureaucracy, lack of imagination, lack of willingness to do what it takes—which is what the President said we would do in Jackson Square.

What type of leadership spends \$249 million to secure 8,136 cruise ship cabins for 6 months at a cost that Inspector General Richard Skinner estimated at \$5,100 a month per passenger, six times the cost of renting a two-bedroom apartment?

Eight months after the promises were made, New Orleans has only one level 1 trauma center. The largest medical complex, Charity Hospital, needs to be rebuilt, but FEMA will only fund repairs, so they are not going to rebuild, or can't yet.

So what do the residents of New Orleans do during the coming hurricane season if one of those named storms is severe? Eight months after promises were made to expand local business participation in the recovery, guess what, FEMA is continuing its business model of hiring megacontractors to oversee the recovery efforts. Why is it that debris removal contract dollars aren't making it to the local businesses? We had one particular guy who has been in business for I think it was 27 years. He does tree removal and tree work. He has not been used. In fact, he was called and told by FEMA that they are using an outside contractor. He is one of the people trying to stay, and they are going to take his business away for somebody out of State.

Why are so many local contractors waiting for FEMA to pay them millions of dollars for work they have already completed?

Last Thursday, the Senate passed an emergency spending bill that includes \$2.2 billion for levee reconstruction in southeast Louisiana, \$1.5 billion for Orleans Parish levee projects, and \$1.3 billion for the disaster loan program. Senator LANDRIEU and I offered—I cosponsored an amendment that she proposed—two amendments. One was to ensure the SBA sends up its disaster response plan to Congress before June 1, which is the start of the 2006 hurricane season; and second, to require the SBA to report to Congress monthly on the status of the disaster loan program now and after future disasters.

Senator LANDRIEU, Senator SNOWE, and I also cosponsored an amendment by Senator VITTER that declares areas hit by Hurricanes Katrina and Rita as historically underutilized business zones—HUBZones, as we call them. It makes sure, though, that small, local businesses will get first consideration for Federal contracts. This is something we have been trying to get done since last September. We put that on the floor of the Senate right after the hurricane, and still it has taken the Congress to this day to get this done.

But that is only part of the story. We passed bipartisan legislation which offers a more comprehensive approach to help get small businesses back on their feet. Let me tell you what we wanted to do. We wanted to give some small businesses grants—not loans, grants—because clearly those small businesses are going to need a tide-over period of time until you can get a population back that is going to begin to use them. If you are serious about keeping the integrity of this city and you are serious about rebuilding it and allowing those citizens who have been told they will have the opportunity to stay there, to stay there, you have to give them some money. They can't repay the loans if they can't do the business right now.

How much money have we spent in Iraq that is going to turn out to be a grant versus what is happening down in New Orleans, to our own citizens.

The Senate passed that legislation. I will tell you what, it has been blocked. It has been blocked since we passed it after Hurricane Katrina. There has not even been a serious effort, despite our efforts, Senator SNOWE and mine, to try to get some sort of negotiation on it—not even serious. It was dropped from the 2006 CJS conference, and now it is waiting for action as a free-standing bill. This legislation includes essential bridge loans and the grants that would help those suffering the most to be able to keep their doors open so you do maintain the integrity of New Orleans.

The Senate has yet to take action on a bill introduced by Senator LANDRIEU which I cosponsored to follow on this other bill which has additional provisions, recognizing the situation and the needs on the ground. There is no excuse for us not making every good-faith effort possible, in a bipartisan way, to do

what makes sense if we are going to keep faith with those folks and with all of our citizens, to whom this sends a message.

I don't want to just talk about the slow response. I think we have to find a way to get some urgency here. The businesses in the gulf coast cannot and should not have to face bureaucratic redtape and delays. They will not be able to last much longer. Many of the businesses that didn't have business interruption insurance are already gone. Many others are on the verge of closing unless they are able to secure financial assistance in an expedited manner. These companies cannot survive on empty promises. What Louisiana and Mississippi need, obviously, is a level of leadership that is prepared to break through the bureaucracy and come together and create the ingenuity and creativity to rebuild the region.

There are a lot of Americans who would be prepared to volunteer time if you want to organize them. That could be done. You could have a civilian assistance corps of experts who are willing to undergo some hardship for a period of time, live in tough circumstances—a tent city or whatever it is—to lend their expertise to helping to rebuild and do certain things. There are all kinds of ways you could do more cleanup and more rebuilding in an expedited fashion.

The fact is, we saw after Katrina, when the National Guard was there—I give them great credit. Under General Honore, a career soldier in the Army, he showed what strong leadership, what a hierarchal organization with clear lines of command, what a real structure could bring. In those areas where the National Guard did cleanup and did immediate work, a great deal happened. That is what should have continued. But guess what. They have gone. I thought we were going to stay as long as it takes. I thought we were going to do whatever it takes. Those are the words of the President. But they are gone. They could be there today still doing things if we had the will.

New Orleans is one of the great cities of our country. It has an amazing history, a diverse and ethnically rich population, and great culture. I think every American has a stake in its resurrection.

I thank Senator LANDRIEU again for inviting me there for a firsthand look. I really thought I was going to see something very different. I know there have been about 40 Senators or more who have gone down there at one point or another. They have seen a lot of this with their own eyes. It just defies my sense of what the possibilities are in our country. With all of the unbelievable equipment we have, with all of the skilled labor we have, with the volunteer spirit of our Nation, it is stunning to me that we are not proceeding more rapidly to do for New Orleans what New Orleans needs.

My hope is that we will pass those bills I talked about and that over these

next 8 months, over the next months, we can ramp up.

Everybody said never again. I will tell you what is happening in New Orleans today. The images people saw at the Superdome, of people who felt abandoned, who didn't have adequate shelter, while misjudgments were being made around them by those who were supposed to be responsible, is actually being repeated at this very moment.

There is a Superdome II taking place in New Orleans today, for those citizens who can't get back on their feet, who don't know what to do with their property, for the 70 percent of the city that has no basic services, for the people who cannot move because of the debris or the garbage, the people who don't have a prayer of getting their home going again or their business going again because of the lack of adequacy of the housing and a clear plan that says to them with certainty that there is a future. Right now, that future for a lot of folks is very difficult.

One of the problems I heard about from a number of responsible people—there were chamber folks there and other folks there—is the mental health issue. There are a lot of citizens who have been living under an extraordinary level of stress since Hurricane Katrina. Some of them have lost family members. Almost all are struggling to pay bills. It is hard to think about the future. That stress takes its toll.

I was told how crime is rising, about how the sense of despair is taking a greater toll, and how there is going to be a larger mental health problem within that region, as a consequence of the lack of adequacy of response and the plight in which people find themselves.

We can do better. I think everybody here knows we can do better.

We have strong leaders in this country. We have excellent generals and military personnel. They know how to manage. We have business leaders who run extraordinary companies, who understand the hierarchy and understand how to get things done. Clearly, FEMA doesn't, and clearly whatever the structure is that is there, it is inadequate to get the job done.

My hope and prayer is that we can deliver on the promises to New Orleans and turn this around.

I yield the floor.

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.

HEALTH WEEK

Mr. FRIST. Mr. President, we will be closing shortly. I take the opportunity before doing so to comment on two issues. One is the event of the last

week in terms of our health care initiatives and, second, comment on the 125th anniversary of the Red Cross which is this year.

We have had a good week this week with a relative victory for the American people in terms of the issue of tax relief and the tax package which left here which will create jobs. The bottom line is, a good economy with 5 million jobs created in the last 30 or so months. Unemployment is down to 4.7 percent, which is lower than the average of the 1960s, the 1970s, the 1980s or the 1990s. Homeownership is doing well, with minority homeownership at an alltime high.

We have good, solid economic growth. That is, in large part, first and foremost, due to the hard work, entrepreneurial spirit of the American people, no doubt. But in terms of the policy standpoint, it is because of the progrowth tax policy put forward by President Bush that this Congress has followed. Indeed, we followed it again this week in addressing issues surrounding tax policy on capital gains and dividends and keeping the alternative minimum tax from reaching out and grabbing another 7 million people this year. The President will sign that bill next week which will give us another opportunity to celebrate the great victory for the American people.

Most of the time this week was spent on an issue that I feel passionately about, I think most people in this Senate do, the health care of Americans. Without health, one cannot do very much in life. We need that healthy body, that healthy mind for being able to be productive.

We have a system today that has too many gaps in it. The greatest health care system in the world, one that I have been a beneficiary of in my own field of heart and lung transplantation and the treatment of heart disease and lung disease, but there are huge gaps in our health care system today that lead to less quality, less access, higher costs, gaps that are so obvious that they do require action on our part.

This week we tried to take two of those, to keep focused on those two, and other Members want to grab all the other different challenges and challenging issues and pull them in. The only way to make progress in this Senate is to stay focused on an issue and move to the next issue and the next issue and pull together the very best.

The first issue was medical liability. We, on this side of the aisle, voted to lower the cost of medicine by controlling, in some manner, the out-of-control litigation costs, what has become a litigation lottery—a system today that because of medical liability premiums, because of frivolous lawsuits, because of the incentives given to the trial lawyers out there, the more predatory trial lawyers who are out there, punishes expectant mothers who are delivering children by driving obstetricians out of county and out-of-state, causes neurosurgeons to no longer take

trauma calls at night, closing down obstetrical wards. We have to get that under control. It is apparent from debate, this side of the aisle voted in favor of commonsense reform and the other side voted against it.

Then we moved to the issue of expanding health care coverage for millions of uninsured people in this country, focusing on the small businesses today that simply do not have the purchasing clout that larger organizations have, that the big companies have. It is sad because we have small businesses that are the engine of economic growth in this country that operate on very small margins, that simply cannot afford to offer health care today but allowing them to group together in larger and larger groups, we have that clout to bring the costs down.

In both of those instances, the Democrats chose to obstruct on motions to proceed so we could not fully debate those issues. To me, it is a disappointment. It means millions of people will have access to health care that is not as affordable as it might be or they have no access at all, especially those with small businesses.

Reforming our health care system, eliminating the gaps, getting rid of the waste, fraud, and abuse in our health care system today, the best health care system in the world, in terms of what we can do, has got to be a goal of this Senate. We as Republicans have led on that. We got a majority vote in the Senate, but we were unable to reach that 60-vote threshold.

The 46 million people who do not have health insurance in this country are a major concern to me because it is such a large gap. We have addressed it in the past in an incremental way with some success in health savings accounts, which I will come back to. The problem is we have so many tangled regulations, we have complicated bureaucracies out there with overlapping responsibility. We have an insurance market that is getting choked. A lot of it comes from excessive mandates. One mandate put on another, on another, on another, and if you put all the mandates in there, the cost of insurance for everyone goes up. Then it is out of reach of the small business person or the person who has a modest income.

We will keep pressing forward. We on this side of the aisle, Republicans, recognize that our health care system lacks some of the fundamental mechanisms that are required in order to get rid of the waste, fraud, and abuse to make it more transparent, to make it more efficient. We have to be able to harness the transparency, having the 21st century information out there in order for people to make good decisions so that individuals can make more choices. We have hundreds of millions of health care decisions being made, all of which drive toward better access and higher quality and lower cost.

If we look out to where we want to be going as we address medical liability, which is killing our system, as we ad-

dress the small business health reform, it is for a 21st century health care system that is driven by that information, that is out there that is available today, that is driven by choice, it is driven by that element of control.

Health care should not be a red State, blue State, Democratic, Republican, liberal, conservative matter. We have to come together. We did so with the health savings accounts, I mentioned few moments ago; accounts where an individual has a deductible plan where you can save for you only, you take it with you, you control it. The decisions you make have an impact, and they have been very successful. Three million people today have health savings accounts. None had health savings accounts 3 years ago. And most of the 3 million people had no health insurance in the past. So it begins to chip away at that large number of uninsured people in this country.

Another issue we have passed in this Senate in a bipartisan way is electronic medical records, information technology so that we can develop a platform on which we can make good choices, transparent choices, and can be held accountable. There is a communication among hospitals and doctors and consumers and patients which, with that communication, gets rid of all the waste. That has the obvious ability, through electronic medical records, to have seamless health care no matter where people are. If you are in an accident in Kentucky and you are from Tennessee, your doctor at that trauma hospital can immediately know something about you, what your blood type is, what your allergies are, what medicines you are on, by a push of a button. Now this is done through fax machines and phone calls or going to the basement for records of hospitals and clinics to retrieve information.

We passed that in the Senate. The House has not yet addressed that issue. But, again, it is another example of where this Senate can work together, as with the health savings accounts, that we can pass legislation that is to the benefit of all Americans. That is real progress. We can make progress.

I am disappointed in this week that we did not have the other side of the aisle participating in these very important issues. But we will continue to address them as we move ahead.

RED CROSS ANNIVERSARY

Mr. FRIST. Mr. President, I mentioned a second issue, and that is the 125th anniversary of the American Red Cross. This year is 125 years of voluntarism. We have seen it in our own lives, especially in the Katrina episode over the last year.

Yesterday, I had the opportunity of going in front of the Capitol. My office actually looks out over the Mall, and there is a big red tent with the big Red Cross on it. I have been watching that tent for the last several days. Yesterday, I had the opportunity to speak to

probably 400 or 500 volunteers who had come from around the country from their various Red Cross entities, I assume from about every State in the country.

I mention this because volunteers are the lifeblood of the American Red Cross. I have seen it directly in my own life, both as a doctor, as a physician, of course, as a citizen, as well as a Senator. These volunteers affected my life in a very direct way. I told them yesterday, as I ran the multiorgan transplant center at Vanderbilt, we did heart transplants, we did lung transplants, bone marrow transplants, we transplanted pancreases, we transplanted livers, transplanted kidneys. None of that could take place without the Red Cross because all of the blood that is required in terms of transfusions—liver transplants especially, probably heart transplants, secondly, and lung transplants, all of that blood comes from where? The Red Cross, from volunteers who manage the Red Cross facility and from the people who actually donate their blood.

I would not have done all of the heart transplants I have done if it were not for the Red Cross, the volunteers associated with the Red Cross. People do not think about how much we depend on the volunteers.

Jump, fast forward, 15 years and go to New Orleans. About 3 days after the levees broke, I was in New Orleans, more as a physician, as a volunteer, than as a Senator. I was in the airport there in September with evacuees who lost everything—their medicines, sometimes their family members, clothes, their home. Sitting there on the baggage belts, coming in on the baggage carts, being unloaded from helicopters, all they needed at that point in time was someone to talk to, for the most part—some needed medical help—someone to talk to and a hot meal to be comforted, some semblance of security, having lost everything.

So who was there? Who was there right up front? It was the Red Cross. Once again, and almost instantaneously, shelters sprung up in Tennessee. But Alabama, Mississippi, Florida, Georgia, and Texas, of course, all opened their doors to the gulf coast evacuees.

By the end of that week, 675 Red Cross shelters had opened up in 23 States, which was the single largest response to a natural disaster in Red Cross history. Remarkable. Remarkable.

Then, jump forward about a few months to what happened last month in Tennessee. We had tornadoes that came right through middle Tennessee and all through west Tennessee about 2 or 3 weeks apart. Thousands of homes were damaged. Many people lost their lives.

Once again, it was the Red Cross that came in and set their trucks, had food cooked, talked to people, arranged for places for people to stay who had just lost their homes. There were tens of

thousands of meals served. People were taken care of. And there was mental health care in terms of the devastation people felt, the depression people felt. They came to that Red Cross van to be able to talk to somebody.

I mention those three examples because I have seen them. I saw it in Tennessee when I was back there talking to people whose homes had been destroyed. I saw it in New Orleans, 3 days after those levees broke. And I saw it for years and years and years, for 20 years of my life, when I saw it every day, working in hospitals, with that donation of blood.

It is the 125th anniversary of the Red Cross. They had a gala last night. Karyn, my wife, was one of the co-chairs for that gala. We were there to see the generosity of people who have volunteered and also have contributed. One person who was honored last night had given \$9 million—one person had given \$9 million—to the Red Cross.

It takes a lot of people working together. But all of that does provide a symbol of hope and compassion and strength and endurance. It is going to take the continued commitment of those volunteers to continue that, so I do want to thank you, those of you who might be listening who have volunteered and will volunteer for the American Red Cross.

MOTHER'S DAY

Mr. FRIST. Mr. President, one last item, a very important statement, and then we will close down. But it is very important and people will recognize why.

This Sunday, millions of families around the world will celebrate their moms. I was changing my reservations around. I know a lot of people are scurrying around for reservations. I should be cooking at home that day, I guess, but I am looking for an appropriate place for reservations, shifting it from Sunday afternoon to Sunday evening.

Restaurants will be packed on Sunday. Living rooms will be packed full, crammed full of aunts and uncles and fidgety children.

Families will warmly “remember when” to show their moms they love them. I have three boys, and they let me know all the time how much they love their mom. But I don't know where all three boys are going to be. They are going to be traveling all over the country today, so I am trying to get them together as well—all the challenges of Mother's Day.

Mother's Day, as we all know, is the busiest long distance calling day of the year. It accounts for more than one-fifth of all the floral purchases made for the holidays that 1 day.

We typically start the day by going to church and then gathering either in the afternoon or the evening—a tradition that millions and millions and millions of people will celebrate and have celebrated over the years.

The celebrations of our moms have gone back millennia. The ancient

Greeks celebrated a holiday in honor of a mythological mother of gods. Ancient Romans celebrated their mother goddess symbol. In the British Isles and Celtic Europe, the people honored the goddess Brigid in a spring celebration of motherhood.

Mother's Day in America got its start in West Virginia in 1858, led by Anna Reeves Jarvis, a local schoolteacher. After years of strenuous petitioning, Mother's Day finally became an official American holiday in 1914. It was passed by the U.S. Congress as a joint resolution and signed by President Woodrow Wilson.

Today, 90 years later, Mother's Day is celebrated all over the world—all over the world—including Denmark, Finland, Italy, Turkey, Australia, and Belgium.

It is celebrated by the humble and by the proud throughout the ages and across continents.

Abraham Lincoln said of his mom:

All that I am, or hope to be, I owe to my angel mother.

Human nature does bind us to our mothers. The Bible instructs us to respect and obey them. Mothers give us the gift we can never return—life itself.

I will close with a quote by the basketball legend Kareem Abdul Jabar. His mom knew him well, and I suspect never stopped looking after him. He once confessed:

My mother had to send me to the movies with my birth certificate, so that I wouldn't have to pay the extra fifty cents the adults had to pay.

I do want to wish a happy Mother's Day to all of the mothers of the world.

To my own mother, who I miss very much, her daily image comes down on just about everything I do in terms of what she might have done, what she would do, what she would whisper into my ear to do.

To my own wife, Karyn, the mother of our three boys, Jonathan, Harrison, and Bryan, I say thank you, I love you. You are the rock that holds our family together and makes everything possible.

TRIBUTE TO DAVID WILLIAMS

Mr. MCCONNELL. Mr. President, I rise to pay tribute to the Kentucky Senate President, David Williams. He is a master legislator, a fighter for the people of Kentucky, and a true friend.

David has served the people of the 16th Senate District since 1987, and has served as Senate President since 2000. In his leadership position, he is one of the dominant figures in Kentucky politics. David and I have worked together on many issues important to the Commonwealth over the years, and I have always been impressed by his knowledge, ability, and talent to persuade others. David defends his ideas and his principles well, and as a result has positively influenced much of the legislation that comes out of the state capital.

Every Kentuckian benefits from having David Williams as Senate President. This year, the Kentucky State

Senate had a productive and beneficial session under his helm. I ask unanimous consent to print in the RECORD an article that appeared in the Lexington Herald-Leader on May 8, 2006, that details his recent accomplishments. I ask my fellow Senators to join me in thanking David Williams for his service to the people of Kentucky.

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

POWER POLITICS HAS A NEW CAPTAIN
(By Ryan Alessi)

FRANKFORT.—For better or for worse, this was Senate President David Williams' General Assembly session.

Williams, the commanding and strategic-minded Republican from Burkesville, has gradually established himself as the dominant personality in the legislature since taking the helm of the upper chamber six years ago.

But during this year's session, which wrapped up last month, Williams played multiple starring roles.

He was the deal maker—adding more money in the budget for the University of Kentucky and ensuring that one of Gov. Ernie Fletcher's priorities, the addition of two school days, was approved.

He was a facilitator. Just when most everyone thought a seat-belt enforcement bill was dead, Williams tacked the measure—another key priority of Fletcher—on to less controversial legislation, which eventually passed.

And early in the session, Democrats praised him for allowing bipartisan proposals relating to mine safety and a ban on protests at military funerals.

He also was a lightning rod for criticism, notably the controversy over the University of the Cumberlands.

It was Williams who inserted \$10 million into the budget for construction of a pharmacy school on the campus of the Baptist-run university in Williamsburg, which is in his Senate district. Another \$1 million would go to scholarships at the pharmacy school.

The revelation about public funds going to a private university sparked some outcries, particularly after the school expelled a student for announcing on a Web site that he is gay. Williams has defended the funding.

And an ongoing rhetorical feud between Williams and Supreme Court Chief Justice Joseph Lambert provided an interesting sidebar to the legislature's work, as Williams sparked debates about separation of powers between the legislative and judicial branches.

Throughout the 60-day session, all roads seemed to lead through Williams.

"They led through me or over me?" joked Williams, who at times comes off as affable and self-deprecating, and at others as defiant and argumentative.

He acknowledged that he tried to approach 2006 differently than recent sessions that digressed into bickering and stalemate among the legislative leaders over key issues—especially the budget.

"I felt like in the past, I had been drawn into a few confrontations that I shouldn't have gotten into. I don't think it was constructive to the institution," Williams said.

That's not to say he remained above the fray.

The last week of the session was a particularly grueling test of Williams' restraint. Lawmakers were trying to finalize details of the budget while scrambling to pass the last batch of other bills, including a proposal to lessen the tax burden on certain small businesses.

As Williams attempted to ram through the Senate's version of that tax-relief plan, Democratic Sen. Tim Shaughnessy vehemently objected, at one point declaring: "I don't trust you guys."

So Williams switched off Shaughnessy's microphone.

In the end, negotiations between Senate Republicans and House Democrats crumbled on the small-business tax issue—one of a handful of key priorities pegged by both parties that failed.

But the main goal—passing the state's two-year, \$18.1 billion spending plan—was achieved. And negotiations between House Democratic and Senate Republican leaders again proved to be a stage for Williams.

For instance, House Democrats first included \$17.5 million in their budget draft to repair a dam on the Kentucky River.

The Senate stripped that funding in its version.

During later closed-door negotiations between the two chambers' leaders, Williams was the first to emerge to tell reporters that they had restored the funds and allowed the Kentucky River Authority to use \$33 million in additional fee money to fix more dams.

Senate Republicans often gain the upper hand during such budget negotiations because Williams and Majority Floor Leader Dan Kelly of Springfield usually convey a united front, lawmakers say.

Sen. Ernesto Scorsone, a Lexington Democrat, said that's because Williams "controls the party caucus."

But Williams noted that it's easier for Senate Republicans to get on the same page because there's just 21 of them, compared to 56 House Democrats.

"It would appear to me that the Democratic negotiators generally do not have a unified plan or plan of action. There are about five or six strong personalities," he said. "They don't seem to come to a consensus before they come to the table."

Others say that the Senate Republican leaders have a knack for putting their own stamp on just about every key bill.

"David and Sen. Kelly are the driving force behind all the legislation that comes out, no matter where it originates," said Rep. Stan Lee, a Lexington Republican.

As a result, many legislators have dubbed Williams the most powerful man in Frankfort, with more effect than even the governor.

"David knows what he wants and goes out and gets it. I don't think the governor knows exactly what he wants, and certainly doesn't know how to get it," said Scorsone. "Fletcher's future, in terms of legislative success, is very much in the hands of David Williams."

The governor's staff disagreed, saying Fletcher has stood on his own.

"Governor Fletcher's record of accomplishments speaks for itself. His style is to build consensus and find areas of common ground with members of the assembly," said chief of staff Stan Cave in a statement.

Williams, who has said he supports Fletcher's re-election bid in '07, is deferential, noting that Fletcher missed a month of the session battling complications from a gallstone and pancreatitis.

"It's hard to compare management styles," he said. "Obviously the governor, because of his illness, was not around a lot at crucial times."

Williams, meanwhile, rarely missed a cue at those critical points.

"I feel I had the most productive session I've ever had," he said.

that I inadvertently missed the vote on cloture on the motion to proceed to S. 22, the Medical Care Access Protection Act of 2006, due to unavoidable airline flight delays. Had I been present, I would have voted "yea."

Americans are going to spend \$2.3 trillion this year on health care. One out of every three dollars does not go to help anybody get well. We are never going to be able to compete globally if we cannot control the health care costs in this country. The threat of medical liability raises the cost of health care for everybody in this country.

Only 16 percent of the lawsuits that are filed across the entire country have any merit whatsoever—84 percent of them are filled with the idea that we can intimidate people into settling a case so a lawyer can make money. It has nothing to do with the patient. It has everything to do with enriching the trial bar. I have experienced that personally as a physician who has delivered over 4,000 children into this world.

We have a problem with out of control medical liability—the cost of defensive medicine alone is up to \$126 billion per year. We can fix those problems. But we can't fix them by protecting special interest groups that have been protected for years—special interest groups that claim they want to do something great for people but who most of the time are motivated to do something great for themselves.

The Medical Care Access Protection Act of 2006 is based on the successful Texas model of medical liability reform. It's a solution to the problem that is already getting results.

NATIONAL POLICE SURVIVORS
DAY

Ms. MURKOWSKI. In 1962, the Congress enacted and President Kennedy signed into law a joint resolution designating May 15 as Peace Officers Memorial Day and the week in which May 15 falls as National Police Week.

National Police Week is observed with numerous events here in our Nation's Capitol and parallel events in communities across the Nation. The two most moving of these events are the Peace Officers Memorial Day ceremony, on the Capitol grounds, and a candlelight vigil at the National Law Enforcement Officers Memorial on Judiciary Square. At that candlelight vigil, the name of each officer who perished in the line of duty during the preceding year is read aloud to an assembly numbering 10,000 or more.

These events emphasize the heroic acts of the law enforcement officers who lost their lives in the line of duty. The National Law Enforcement Officers Memorial bears the inscription that our fallen officers are not heroes for the way that they died but for the way they lived their lives. Heroes, as we know, live on forever in our hearts, our spirits and our collective memories.

But for the families, friends and co-workers of law enforcement officers

VOTE EXPLANATION

Mr. COBURN. Mr. President, I ask that it be submitted to the RECORD

who lost their lives in the line of duty, the grief and the loss are very real. The survivors of fallen law enforcement officers command our sympathy and our prayers.

Yet after the funeral is over and news of the tragedy falls off of the front pages of the daily newspaper, the very hard and often solitary process of adjustment begins. In many cases, that process can last for years and years after the loss and during that lengthy period, our police survivors need support in more tangible ways.

On May 14, 2003, on the eve of the National Peace Officers' Memorial Service, 10 widows of fallen law enforcement officers came together at dinner to ask the question, "What about us?"

At the National Police Week gatherings, everyone focuses on the loved one whose life is lost, but it is also important to focus on the needs of survivors who must rebuild their lives from the ashes.

From this dinner conversation came the birth of a new national organization called "Concerns of Police Survivors." The acronym is "COPS".

One year later, COPS was formed at the first National Police Survivors Seminar which drew 110 law enforcement survivors.

Suzie Sawyer, a former President of the Fraternal Order of Police Auxiliary was selected as COPS' first Executive Director. She is also the only person to have served as the group's executive director.

Today, COPS provides healing, love and the opportunity for a renewed life to over 15,000 families through a network of 48 chapters around the country.

Over its 22 year history, COPS, as it is called, has expanded its offering of programs to include: peer support and counseling for survivors every day of the year, assistance in obtaining death benefits, assistance in coping with parole hearings, and scholarships for surviving spouses and children.

It offers special programs for parents, siblings and spouses of fallen officers as well as a summer camp for young and teenage children.

COPS also trains police agencies on how to cope with a line of duty death.

But one of the most important activities COPS offers is the Annual Police Survivors Seminar. This weekend at a hotel in Alexandria that is closed off to the public and the media, survivors from across the country will find a safe place to vent, to cry, to laugh, to think, and to heal.

COPS has played a pivotal role in helping the families of Alaska's survivors rebuild their lives. COPS was there for Laurie Heck Huckeba, the widow of Alaska State Trooper Bruce Heck, slain on January 10, 1997. Laurie went on to become a member of the COPS national board of directors, and facilitates sessions at the National Police Survivors Seminar.

Survivors helping survivors—that's what COPS is all about.

And COPS was there for the family of slain Kenai Police Officer John Watson, who tragically lost his life on Christmas Day, 2003, while checking on the welfare of another. Officer Watson is the last Alaska officer to lose his life in the line of duty.

COPS will be there for the family, co-workers and friends of Vicki Armel, the Fairfax County Detective who was senselessly slain by a sniper outside the Sully District Police Station this week.

And it will do the same for the survivors of slain Philadelphia Police Officer Gary Skerski, also shot to death this week after responding to a robbery call at a bar. The perpetrator told patrons that he planned to kill an officer. Eleven Philadelphia officers have been shot in the last 25 months, according to the Fraternal Order of Police. Every one of those incidents takes an emotional toll on so many others.

Thanks to the work of Suzie Sawyer and COPS, all of those affected by a police line of duty death no longer need to ask the question, "What about us?"

They refer to law enforcement as the "thin blue line." Thanks to COPS, that thin blue line of support for our law enforcement families is tens of thousands of people thick.

In honor of our police survivors and the vital work that is undertaken by COPS, I joined with my colleagues earlier this week in offering Senate Resolution 473 which designates May 14, the anniversary of the founding of COPS, as National Police Survivors Day. The resolution is intended to engage all of our fellow citizens to lend their hearts and to lend a hand to the survivors of our police heroes.

I am pleased that the Senate adopted Senate Resolution 473. I appreciate the support of our colleagues in moving this resolution through swiftly. It is especially timely given the unfortunate events that occurred this week in Fairfax County and in Philadelphia. How tragic that these events occurred on the very eve of National Police Week.

I also want to acknowledge the leadership of my colleague, Mr. TALENT, in whose state of Missouri COPS is headquartered, and my colleague, Mrs. LINCOLN, our lead co-sponsor on the Democratic side, who worked with me to put forward this resolution.

In the United States, one law enforcement officer dies in the line of duty every 53 hours. Each year somewhere between 140 and 160 lose their lives in the line of duty.

As we remember the heroic deeds of the 17,535 law enforcement officers whose names are carved into the marble wall on Judiciary Square, let us also take a moment to reflect on those who are left to carry on. Let's do this on May 14—National Police Survivors Day.

GULF OF MEXICO RESTORATION AND PROTECTION ACT

Mr. LOTT. Mr. President, I have been pleased to join with my distinguished

colleagues, Senator MARTINEZ and Senator LANDRIEU, in introducing bipartisan legislation that will take a very significant step forward in restoring and protecting the Gulf of Mexico.

I want to highlight how important the Gulf of Mexico is to our country. The Gulf of Mexico is the ninth largest body of water in the world, and the Gulf region covers approximately 600,000 square miles. The Gulf of Mexico contains 7 of this Nation's top 10 ports in terms of tonnage or cargo value, 4 of the top 7 fishing ports in the Nation, yields more finfish, shrimp, and shellfish annually than the south and mid-Atlantic, Chesapeake, and New England areas combined, and supports a \$20 billion annual tourism industry.

Sadly, over many years, the resource productivity and water quality of the Gulf of Mexico and its watershed have been diminished by nonpoint source pollution largely resulting from pollutant transport along the nearly 2,300-mile-long Mississippi River. I believe many Americans would be surprised to know that the Environmental Protection Agency's Gulf of Mexico Program, the only Federal program solely focused on protecting the health and productivity of the Gulf of Mexico, is neither authorized nor adequately funded to perform critical program functions vital to protecting and restoring one of this country's greatest natural resources.

The Gulf of Mexico Restoration and Protection Act will authorize the Environmental Protection Agency's Gulf of Mexico Program to undertake specific nonregulatory functions, and authorize annual appropriations to support activities designed to improve Gulf of Mexico water quality and marine resource productivity. With an 18-year track record of success, the Gulf of Mexico Program proves that it is not only possible but also practical to manage our natural resources through collaborative, nonregulatory approaches that leverage support, resources, and capabilities from Federal, State, non-profit, and private sector partners. Unfortunately, the Gulf of Mexico Program is struggling with a very limited budget and a staff comprised largely of people "on loan" from other Federal agencies. The historic storm season of 2005 gravely worsened the situation by placing increased demand on the program's technical services, and I expect this pressure will continue to rise as the gulf coast rebuilds.

I commend the EPA Gulf of Mexico Program and its Federal, State, non-profit, and private sector partners for doing so much with so little for so long. However, it is impractical to expect this to continue in perpetuity. Now is the time to take actions to ensure the Gulf of Mexico is protected for continued economic productivity, recreation, and to make certain this great water body remains a place of beauty and enjoyment for current and future generations.

TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005

Mr. CHAMBLISS. Mr. President, I support the conference report to accompany H.R. 4297, the Tax Increase Prevention and Reconciliation Act of 2005. I wish to commend Chairman GRASSLEY and the House/Senate conferees for forging an important package to ensure continued economic vitality which was spurred by commonsense tax cuts enacted under the leadership of President George W. Bush.

The conference report, which has already passed the House of Representatives by a vote of 244 to 185, will help small businesses, farmers, and working American taxpayers. Most significantly, the conference report: Extends for 2 years the capital gains and dividend tax rate reductions; increases the exemption threshold for the alternative minimum tax, meaning that fewer working Americans will be subjected to this hidden and creeping tax increase; increases important expensing for small businesses; eliminates the income limits on conversions to Roth individual retirement accounts; accelerates the application of \$20 million capital expenditure limitation on tax-exempt State and local bonds used to finance private business manufacturing or the acquisition of land and equipment by certain farmers.

The editorial board of the Wall Street Journal has correctly pointed out that the President's tax cuts and lower rates on dividends and capital gains has resulted in an increase in revenue of \$137 billion, 11.2 percent, as reflected in the Treasury's monthly budget report for May. This is more than triple the rate of inflation and is in addition to the \$274 billion, or a 14.6 percent increase, in Federal revenues for all of fiscal 2005, which ended September 30.

Passage of this measure is essential to continue America's extraordinary economic expansion to benefit all Americans.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

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

S. 2791. A bill to amend title 46 and 49, United States Code, to provide improved maritime, rail, and public transportation security, and for other purposes.

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. GRAHAM (for himself and Mr. DORGAN):

S. 2796. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 2797. A bill to provide competitive status to certain Federal employees in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. ROCKEFELLER, Mrs. MURRAY, and Mr. DURBIN):

S. 2798. A bill to establish improved mandatory standards to protect miners during emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. NELSON of Florida (for himself, Mr. DEWINE, Mr. BINGAMAN, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. DURBIN, Mr. COLEMAN, Mr. KENNEDY, and Mr. MARTINEZ):

S. Res. 476. A resolution supporting democracy, development, and stabilization in Haiti; considered and agreed to.

ADDITIONAL COSPONSORS

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 1698

At the request of Mr. LUGAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1698, a bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries, and for other purposes.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2401

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming

(Mr. ENZI) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes.

S. 2498

At the request of Mr. THOMAS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2498, a bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties.

S. 2503

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2503, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2568

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2568, a bill to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

S. 2703

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

S. 2723

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 2723, a bill to amend title XVIII of the Social Security Act to require the sponsor of a prescription drug plan or an organization offering an MA-PD plan to promptly pay claims submitted under part D, and for other purposes.

S. 2770

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2770, a bill to impose sanctions on certain officials of Uzbekistan responsible for the Andijan massacre.

S. 2787

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2787, a bill to permit United States persons to participate in the exploration for and the extraction of hydrocarbon resources from any portion of a foreign maritime exclusive economic zone that is contiguous to the exclusive economic zone of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2796. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers

associated with hydrogen energy; to the Committee on Energy and Natural Resources.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the text of the H-Prize Act 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. 2796

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 "H-Prize Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTERING ENTITY.—The term "administering entity" means the entity with which the Secretary enters into an agreement under section 3(c).

(2) DEPARTMENT.—The term "Department" means the Department of Energy.

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 3. PRIZE AUTHORITY.

(a) IN GENERAL.—The Secretary shall carry out a program to competitively award cash prizes only in conformity with this Act to advance the research, development, demonstration, and commercial application of hydrogen energy technologies.

(b) ADVERTISING AND SOLICITATION OF COMPETITORS.—

(1) ADVERTISING.—The Secretary shall widely advertise prize competitions to encourage broad participation, including participation by—

(A) individuals;

(B) institutions of higher education, including historically Black colleges and universities and other institutions serving minorities; and

(C) large and small businesses, including businesses owned or controlled by socially and economically disadvantaged persons.

(2) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—

(A) IN GENERAL.—The Secretary shall announce each prize competition by publishing a notice in the Federal Register.

(B) REQUIREMENTS.—The notice shall include a description of—

(i) the subject of the competition;

(ii) the duration of the competition;

(iii) the eligibility requirements for participation in the competition;

(iv) the process for participants to register for the competition;

(v) the amount of the prize; and

(vi) the criteria for awarding the prize.

(c) ADMINISTERING THE COMPETITIONS.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with a private, nonprofit entity to administer the prize competitions, subject to this Act.

(2) DUTIES.—The duties of the administering entity under the agreement shall include—

(A) advertising prize competitions and the results of the prize competitions;

(B) raising funds from private entities and individuals to pay for administrative costs and contribute to cash prizes;

(C) working with the Secretary to develop the criteria for selecting winners in prize competitions, based on goals provided by the Secretary;

(D) determining, in consultation with the Secretary, the appropriate amount for each prize to be awarded;

(E) selecting judges in accordance with section 4(d), using criteria developed in consultation with the Secretary; and

(F) preventing the unauthorized use or disclosure of the intellectual property, trade secrets, and confidential business information of registered participants.

(d) FUNDING SOURCES.—

(1) IN GENERAL.—Cash prizes under this Act shall consist of funds appropriated under section 8 and any funds provided by the administering entity for the cash prizes (including funds raised pursuant to subsection (c)(2)(B)).

(2) OTHER FEDERAL AGENCIES.—The Secretary may accept funds from other Federal agencies for the cash prizes.

(3) NO SPECIAL CONSIDERATION.—The Secretary may not give any special consideration to any private sector entity or individual in return for a donation to the administering entity.

(e) ANNOUNCEMENT OF PRIZES.—

(1) IN GENERAL.—The Secretary may not issue a notice required by subsection (b)(2) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by the administering entity.

(2) INCREASE IN AMOUNT OF PRIZE.—The Secretary may increase the amount of a prize after an initial announcement is made under subsection (b)(2) if—

(A) notice of the increase is provided in the same manner as the initial notice of the prize; and

(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by the administering entity.

SEC. 4. PRIZE CATEGORIES.

(a) CATEGORIES.—The Secretary shall establish prizes for—

(1) advancements in components or systems related to—

(A) hydrogen production;

(B) hydrogen storage;

(C) hydrogen distribution; and

(D) hydrogen utilization;

(2) prototypes of hydrogen-powered vehicles or other hydrogen-based products that best meet or exceed objective performance criteria, such as completion of a race over a certain distance or terrain or generation of energy at certain levels of efficiency; and

(3) transformational changes in technologies for the distribution or production of hydrogen that meet or exceed far-reaching objective criteria that—

(A) shall include minimal carbon emissions; and

(B) may include cost criteria designed to facilitate the eventual market success of a winning technology.

(b) AWARDS.—

(1) ADVANCEMENTS.—

(A) IN GENERAL.—To the extent permitted under section 3(e), the prizes authorized under subsection (a)(1) shall be awarded biennially to the most significant advance made in each of the 4 subcategories described in subparagraphs (A) through (D) of subsection (a)(1) since the submission deadline of the previous prize competition in the same category under subsection (a)(1) or the date of enactment of this Act, whichever is later, unless no such advance is significant enough to merit an award.

(B) MAXIMUM AMOUNT FOR SINGLE PRIZE.—No single prize described in subparagraph (A) may exceed \$1,000,000.

(C) INSUFFICIENT TOTAL FUNDS.—If less than \$4,000,000 is available for a prize competition under subsection (a)(1), the Secretary may—

(i) omit 1 or more subcategories;

(ii) reduce the amount of the prizes; or

(iii) not hold a prize competition.

(2) PROTOTYPES.—

(A) IN GENERAL.—To the extent permitted under section 3(e), prizes authorized under

subsection (a)(2) shall be awarded biennially in alternate years from the prizes authorized under subsection (a)(1).

(B) TOTAL NUMBER OF PRIZES.—The Secretary may award no more than 1 prize under subsection (a)(1) in each 2-year period.

(C) MAXIMUM AMOUNT FOR SINGLE PRIZE.—No single prize under this paragraph may exceed \$4,000,000.

(D) INSUFFICIENT QUALIFIED ENTRIES.—If no registered participant meets the objective performance criteria established pursuant to subsection (c) for a competition under this paragraph, the Secretary shall not award a prize.

(3) TRANSFORMATIONAL TECHNOLOGIES.—

(A) IN GENERAL.—To the extent permitted under section 3(e), the Secretary shall announce 1 prize competition authorized under subsection (a)(3) as soon as practicable after the date of enactment of this Act.

(B) AMOUNT OF PRIZE.—A prize offered under this paragraph shall—

(i) be in an amount not less than \$10,000,000;

(ii) be paid to the winner in a lump sum; and

(iii) include an additional amount paid to the winner as a match for each dollar of non-Federal funding raised by the winner for the hydrogen technology beginning on the date the winner was named.

(C) MATCHING.—

(i) IN GENERAL.—The match described in subparagraph (B)(iii) shall be provided until the earlier of—

(I) the date that is 3 years after the date the prize winner is named; or

(II) the date on which the full amount of the prize has been paid out.

(ii) ELECTION.—A prize winner may elect to have the match amount paid to another entity that is continuing the development of the winning technology.

(iii) RULES.—The Secretary shall announce the rules for receiving the match in the notice required by section 3(b)(2).

(D) REQUIREMENTS.—The Secretary shall award a prize under this paragraph only when a registered participant has met the objective criteria established for the prize pursuant to subsection (c) and announced pursuant to section 3(b)(2).

(E) TOTAL AMOUNT OF FUNDS.—

(i) FEDERAL FUNDS.—Not more than \$10,000,000 in Federal funds may be used for the prize award under this paragraph.

(ii) MATCHING FUNDS.—As a condition of entering into an agreement under section 3(c), the administering entity shall seek to raise \$40,000,000 in non-Federal funds toward the matching award under this paragraph.

(c) CRITERIA.—In establishing the criteria required by this Act, the Secretary shall consult with—

(1) the Hydrogen Technical and Fuel Cell Advisory Committee of the Department;

(2) other Federal agencies, including the National Science Foundation; and

(3) private organizations, including professional societies, industry associations, the National Academy of Sciences, and the National Academy of Engineering.

(d) JUDGES.—

(1) IN GENERAL.—For each prize competition, the Secretary shall assemble a panel of qualified judges to select the 1 or more winners on the basis of the criteria established under subsection (c).

(2) INCLUSIONS.—Judges for each prize competition shall include individuals from outside the Department, including from the private sector.

(3) PROHIBITIONS.—A judge may not—

(A) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant

in the prize competition for which the judge will serve as a judge; or

(B) have a familial or financial relationship with an individual who is a registered participant in the prize competition for which the judge will serve as a judge.

SEC. 5. ELIGIBILITY.

To be eligible to win a prize under this Act, an individual or entity—

(1) shall have complied with all the requirements in accordance with the Federal Register notice required under section 3(b)(2);

(2) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States;

(3) in the case of an individual (whether participating singly or in a group), shall be a citizen of, or an alien lawfully admitted for permanent residence in, the United States; and

(4) shall not be a Federal entity, a Federal employee acting within the scope of employment, or an employee of a national laboratory acting within the scope of employment.

SEC. 6. INTELLECTUAL PROPERTY.

(a) IN GENERAL.—Subject to subsection (b), the Federal Government shall not, by virtue of offering or awarding a prize under this Act, be entitled to any intellectual property rights derived as a consequence of, or direct relation to, the participation by a registered participant in a competition authorized by this Act.

(b) NEGOTIATION OF LICENSES PERMITTED.—This section does not prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this Act.

SEC. 7. LIABILITY.

(a) WAIVER OF LIABILITY.—

(1) IN GENERAL.—As a condition of participation in a competition under this Act, the Secretary may require registered participants to waive claims against the Federal Government and the administering entity (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the participation of the registered participants in a competition under this Act.

(2) NOTICE REQUIRED.—The Secretary shall provide notice of any waiver required under this subsection in the notice required by section 3(b)(2).

(3) PROHIBITION.—The Secretary may not require a registered participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the administering entity of the intellectual property, trade secrets, or confidential business information of the registered participant.

(b) LIABILITY INSURANCE.—

(1) REQUIREMENTS.—As a condition of participation in a competition under this Act, a registered participant shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

(A) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out in connection with participation in a competition under this Act; and

(B) the Federal Government for damage or loss to Government property resulting from such an activity.

(2) FEDERAL GOVERNMENT INSURED.—

(A) IN GENERAL.—The Federal Government shall be named as an additional insured under the insurance policy of a registered participant required under paragraph (1)(A).

(B) MANDATORY INDEMNIFICATION.—As a condition of participation in a competition under this Act, a registered participant shall be required to agree to indemnify the Fed-

eral Government against third party claims for damages arising from or related to competition activities.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AWARDS.—There are authorized to be appropriated to the Secretary to carry out this Act for the period of fiscal years 2007 through 2016—

(A) \$20,000,000 for awards described in section 4(a)(1);

(B) \$20,000,000 for awards described in section 4(a)(2); and

(C) \$10,000,000 for the award described in section 4(a)(3).

(2) ADMINISTRATION.—In addition to the amounts authorized in paragraph (1), there are authorized to be appropriated to the Secretary for the administrative costs of carrying out this Act \$2,000,000 for each of fiscal years 2007 through 2016.

(b) CARRYOVER OF FUNDS.—

(1) IN GENERAL.—Funds appropriated for prize awards under this Act—

(A) shall remain available until expended; and

(B) may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated.

(2) RELATION TO OTHER LAW.—No provision in this Act permits obligation or payment of funds in violation of section 1341 of title 31, United States Code (commonly known as the “Anti-Deficiency Act”).

SEC. 9. MAINTENANCE OF EFFORT.

The Secretary shall ensure that funds provided under this Act will be used only to supplement, and not to supplant, Federal research and development programs.

SEC. 10. SUNSET.

The authority provided by this Act shall terminate on September 30, 2017.

By Ms. MURKOWSKI:

S. 2797. A bill to provide competitive status to certain Federal employees in the State of Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, as we approach the start of National Police Week and the annual memorial service, I would like to take this opportunity once again to speak about the life and accomplishments of the late Thomas P. O'Hara, a National Park Service Protection Ranger and pilot and an Alaskan hero.

Thomas P. O'Hara was assigned to the Katmai National Park and Preserve in the Bristol Bay region of western Alaska. On December 19, 2002, Ranger O'Hara and his passenger, a Fish and Wildlife Service employee, were on a mission in the Alaska Peninsula National Wildlife Refuge. Their plane went down on the tundra.

When the plane was reported overdue, a rescue effort consisting of 14 single engine aircraft, an Alaska Air National Guard plane, and a Coast Guard helicopter quickly mobilized. Many of the single-engine aircraft were piloted by Tom's friends. The wreckage was located late in the afternoon of December 20. The passenger survived the crash, but Ranger Tom did not.

Tom O'Hara was an experienced pilot with 11,000 hours as a pilot-in-command. He was active in the communities of Naknek and King Salmon

where he grew up, flying children to Bible camp and coaching young wrestlers. Tom provided a strong link between the residents of Bristol Bay and the National Park Service.

Although Tom O'Hara was a most valued employee of the National Park Service, he did not enjoy the same status as National Park Service employees with competitive career status. Tom was hired under a special hiring authority established under the Alaska National Interest Lands Conservation Act, ANILCA, which permits land management agencies like the National Park Service to hire, on a noncompetitive basis, Alaskans who by reason of having lived or worked in or near public lands in Alaska, have special knowledge or expertise concerning the natural or cultural resources of public lands and the management thereof.

Tom O'Hara possessed this knowledge and offered it freely to the National Park Service. But because he was hired under this special authority, his opportunities for transfer and promotion within the Park Service were limited, even though his service was exemplary.

As a lasting memorial to Tom O'Hara's exemplary career, I am introducing legislation today that will grant competitive status to ANILCA local hire employees who hold permanent appointments with the Federal land management agencies after the completion of 2 years of satisfactory service. In Tom's honor, the short title of this legislation is the Thomas P. O'Hara Public Land Career Opportunity Act of 2006.

It is my sincere hope that the enactment of this legislation will encourage other Alaskans, particularly Alaska Natives, to follow in Tom O'Hara's footsteps and seek lifelong careers with the Federal land management agencies.

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. 2797

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 “Thomas P. O'Hara Public Land Career Opportunity Act of 2006”.

SEC. 2. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) COMPETITIVE STATUS.—An individual appointed to a permanent position under subsection (a) shall be converted to competitive status after—

“(1) if the appointment is full time, the completion of 2 years of competitive and satisfactory full time service; or

“(2) if the appointment is less than full time, the period that is equivalent to 2 years of competitive and satisfactory full time service.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 476—SUPPORTING DEMOCRACY, DEVELOPMENT, AND STABILIZATION IN HAITI

Mr. NELSON of Florida (for himself, Mr. DEWINE, Mr. BINGAMAN, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. DURBIN, Mr. COLEMAN, Mr. KENNEDY, and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 476

Whereas Haiti has a per capita gross domestic product (GDP) of \$361, over 65 percent of the population lives under the poverty line, 50 percent of the population does not have access to clean water, and nearly 50 percent of the population is illiterate, according to the World Bank;

Whereas the Government of Haiti has fundamental requirements with respect to providing citizen security, protecting the rule of law, controlling drug trafficking, and fighting corruption;

Whereas, on March 2, 2004, United Nations Secretary-General Kofi Annan stated, “We should put the people of Haiti at the center of everything we try to do, and try and help them build a better future. And as I have indicated before, I hope this time the international community will go in for the long haul and not a quick turn-around. We need to work with them to stabilize the country, and sustain the effort. It may take years and I hope we will have the patience to do it.”;

Whereas the United Nations Stabilization Mission in Haiti (MINUSTAH) was established by United Nations Security Council Resolution 1542 on April 30, 2004, and extended again until August 15, 2006, by United Nations Security Council Resolution 1658, “with the intention to renew for further periods”;

Whereas over 40 countries participate in MINUSTAH, including 12 countries from the Western Hemisphere;

Whereas the leadership of MINUSTAH is comprised of representatives from Canada, Brazil, and Chile;

Whereas more than 3,500,000 Haitians registered to vote in Haiti according to the Organization of American States;

Whereas more than 2,000,000 Haitians voted in the national elections on February 7, 2006, according to the Haitian Provisional Electoral Council (CEP); and

Whereas more than \$1,000,000,000 was pledged at the International Donors Conference in July 2004 in support of Haiti’s Interim Cooperation Framework: Now, therefore, be it

Resolved, That the Senate—

(1) urges reconciliation among the people of Haiti, including a government led by President-elect Rene Preval that respects the rights of all political parties;

(2) supports the efforts of President-elect Preval to coordinate municipal and local elections in 2006;

(3) thanks the countries that are contributing personnel to MINUSTAH, particularly Brazil, whose President, Luiz Inacio Lula da Silva, announced on March 13, 2006, that peacekeepers from Brazil will stay in Haiti for as long as the new government in Haiti needs them;

(4) supports efforts by the United States to encourage Canada, Chile, and Argentina to maintain their commitments to MINUSTAH;

(5) strongly encourages the members of the United Nations Security Council to continue to support the current troop levels of MINUSTAH and to raise significantly the numbers of United Nations civilian police forces;

(6) urges the broader international community to continue to support MINUSTAH, to fulfill the pledges made at the July 2004 International Donors Conference, and to plan for a new multi-year commitment of support at a new donor’s conference to be held no later than July 2006;

(7) recommends the creation of an effective demobilization, disarmament, and reintegration program to encompass former military members and gangs;

(8) recommends that the new government cooperate fully with MINUSTAH in assuring police and judiciary reform; and

(9) supports assistance from the United States Government to support the reconstruction of Haiti, including programs to promote job creation, governance and rule of law, protection of the environment, access to basic education and health care, and reconstruction of vital infrastructure.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, May 12, 2006, at 10 a.m. to hold a hearing on Nominations.

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

MEASURE PLACED ON THE CALENDAR—S. 2791

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for a second reading.

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

The legislative clerk read as follows:

A bill (S. 2791) to amend titles 46 and 49, United States Code, to provide improved maritime, rail, and public transportation security, and for other purposes.

Mr. FRIST. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

SUPPORTING DEMOCRACY DEVELOPMENT AND STABILIZATION IN HAITI

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 476, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 476) supporting democracy development and stabilization in Haiti.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD as if read, without intervening action our debate.

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

The resolution (S. Res. 476) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 476

Whereas Haiti has a per capita gross domestic product (GDP) of \$361, over 65 percent of the population lives under the poverty line, 50 percent of the population does not have access to clean water, and nearly 50 percent of the population is illiterate, according to the World Bank;

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Whereas, on March 2, 2004, United Nations Secretary-General Kofi Annan stated, “We should put the people of Haiti at the center of everything we try to do, and try and help them build a better future. And as I have indicated before, I hope this time the international community will go in for the long haul and not a quick turn-around. We need to work with them to stabilize the country, and sustain the effort. It may take years and I hope we will have the patience to do it.”;

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(5) strongly encourages the members of the United Nations Security Council to continue to support the current troop levels of MINUSTAH and to raise significantly the numbers of United Nations civilian police forces;

(6) urges the broader international community to continue to support MINUSTAH, to fulfill the pledges made at the July 2004 International Donors Conference, and to plan for a new multi-year commitment of support at a new donor's conference to be held no later than July 2006;

(7) recommends the creation of an effective demobilization, disarmament, and reintegration program to encompass former military members and gangs;

(8) recommends that the new government cooperate fully with MINUSTAH in assuring police and judiciary reform; and

(9) supports assistance from the United States Government to support the reconstruction of Haiti, including programs to promote job creation, governance and rule of law, protection of the environment, access to basic education and health care, and reconstruction of vital infrastructure.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 576, 577, 578, 579, 619, 620, and 623.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF AGRICULTURE

Marc L. Kesselman, of Tennessee, to be General Counsel of the Department of Agriculture.

Linda Avery Strachan, of Virginia, to be an Assistant Secretary of Agriculture.

Boyd Kevin Rutherford, of Maryland, to be an Assistant Secretary of Agriculture.

Gale A. Buchanan, of Georgia, to be Under Secretary of Agriculture for Research, Education, and Economics.

DEPARTMENT OF JUSTICE

Timothy Anthony Junker, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Patrick Carroll Smith, Sr., of Maryland, to be United States Marshal for the Western District of North Carolina for the term of four years.

DEPARTMENT OF HOMELAND SECURITY

Uttam Dhillon, of California, to be Director of the Office of Counternarcotics Enforcement, Department of Homeland Security.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR MONDAY, MAY 15, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, May 15. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to S. 2611, the Comprehensive Immigration Reform Act, as under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, on Monday, we will return to the immigration reform bill. Members wishing to offer amendments to this bill and wishing to debate the bill are encouraged to do so starting on Monday.

The first rollcall vote next week will be on Tuesday morning at 10 o'clock. That particular vote will be on the confirmation of a circuit court judicial nomination. In all likelihood, we will have several other votes stacked on immigration shortly thereafter.

We will have a full week next week. The Democratic leader and I outlined yesterday morning what the plans would be, expecting a full debate on what we know is a contentious issue, in large part because of the complexity of the issue.

We all know we need to address the insecurity that exists on our borders today. It has to be first and foremost, up front. That is where illegal people, millions of illegal people, come through every year.

There is a real distrust of Government being able to accomplish that among the American people today. We hear it by direct conversation, and we see it by e-mail. We have to do our absolute best to secure those borders. It takes money, it takes planning, it takes Federal involvement, State involvement, and that has to be accomplished.

I feel very good about the progress that has been made to date. It is still totally inadequate, but last year we put about \$10 billion on our borders, increasing the number of border security guards, and adding 1,400 detention beds inside this country. It does take time when we put the money there to train people and to get them on board. I am not making any excuses, but that was the end of last year.

Last week in this body, we said we need to spend another \$1.9 billion on the border in terms of providing the technology, the surveillance, the infrared cameras, the unmanned aerial vehicles, the capital expenditures that are required.

Now it is important for us to put together a comprehensive plan which stresses border security. We have to

tighten it, but we also recognize this country is a magnet for people coming in from other countries. If we have employers hiring people illegally, who break the law, people are going to climb over the fence no matter how high we make it, or dig under that fence, and that is why we have to extend it to comprehensive reform.

From a workforce standpoint, we in this Nation welcome legal immigrants to come and work. That will be addressed as well.

It is going to require lots of debate, lots of amendments, and agreement. Again, the Democratic leader and I agree 100 percent on our approach, coming together in this body to address an issue which I hope will be in a dignified and civil way that reflects the very best of this institution. We will complete this bill before the Memorial Day recess.

ADJOURNMENT UNTIL MONDAY, MAY 15, 2006, AT 2 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:42 p.m., adjourned until Monday, May 15, 2006, at 2 p.m.

NOMINATIONS

Executive nomination received by the Senate May 12, 2006:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES N. SOLIGAN, 8751

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, May 12, 2006:

DEPARTMENT OF HOMELAND SECURITY

UTTAM DHILLON, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF COUNTERNARCOTICS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF AGRICULTURE

MARC L. KESSELMAN, OF TENNESSEE, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE.

LINDA AVERY STRACHAN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

BOYD KEVIN RUTHERFORD, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

GALE A. BUCHANAN, OF GEORGIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.

DEPARTMENT OF JUSTICE

TIMOTHY ANTHONY JUNKER, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS.

PATRICK CARROLL SMITH, SR., OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS.