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## Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

### PRAYER

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

Let us pray.

Gracious God, we pause this morning to fix our hearts upon You. Let our trust in Your sovereignty produce a love that will order our system of values. Create in us a desire to serve Your purposes and increase the treasure of Your kingdom.

Bless the Members of this body as they face today's challenges. Make them gentle, yet brave; confident, yet humble; wise, yet uncomplicated. May they meet life with calmness, trouble with fortitude, hate with forgiveness, disloyalty with kindness, and persecution with faith.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 13, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a

Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. FRIST. Mr. President, this morning we have a period of morning business for up to 60 minutes. At the conclusion of morning business, we will return to consideration of the Defense authorization bill. Last night, the chairman called up an amendment that I sponsored along with the Democratic leader, the chairman, and the ranking member. The amendment commends our Armed Forces for the recent events around the Zarqawi death. A vote will occur on that amendment at 12:15 today.

Following that vote, we will recess for our weekly policy luncheons. At 2:15, following the policy meetings, Senators should be seated at their desks for the official photograph of the 109th Congress. Immediately following the picture, there will be a briefing for all Senators, beginning at 2:30, and that briefing will be by Secretary Rice and Secretary Rumsfeld. We will remain in session during that briefing to allow debate on the Mine Safety and Health nomination that we filed cloture on last week. That cloture vote is expected to occur around 3:30 if all debate time is used.

Senators should also be aware that the House is expected to complete their work on the emergency supplemental conference report today. We expect to turn to the supplemental this afternoon when that measure arrives.

### DEATH OF ZARQAWI

Mr. FRIST. Mr. President, later this morning, as I mentioned, the Senate will be voting on an amendment to commend the men and women of our Armed Forces for their bravery and skill which led to the death of Zarqawi, who was anointed by Osama bin Laden as the Prince of al-Qaida in Iraq.

Al-Zarqawi was a brutal terrorist and, as we all know, the operational commander of al-Qaida in Iraq. His vicious campaigns of suicide attacks, car bombings, beheadings, assassinations, and abductions was directly responsible for the deaths of many American and coalition troops and thousands of Iraqi security forces and innocent citizens.

He was violently opposed to the new Iraqi democracy and sought to turn Iraq into a safe haven for al-Qaida terrorists.

To achieve this goal, he murdered thousands of innocent Iraqi civilians. He sought to divide the Iraqi people by fomenting sectarian violence and inciting a civil war. His goal was destruction, and he brought only violence and despair. But, finally, after 3 years of eluding capture, justice was brought to Zarqawi.

At approximately 6:15 Baghdad time last Wednesday evening, American forces, acting on intelligence tips from the Iraqi people, attacked Zarqawi's safe house near the city of Baqouba, northeast of Baghdad.

Zarqawi's spiritual adviser and several of their associates were also inside. Less than an hour later, the leading terrorist and No. 1 enemy of freedom in Iraq, Abu Musab al-Zarqawi, was dead.

This is a severe blow for al-Qaida and the terrorist enemy in Iraq. And it marks yet another victory in the global war on terror.

The amendment I offered yesterday, along with a number of my colleagues, commends the courageous men and women of the U.S. military for their

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



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extraordinary efforts to eliminate this brutal terrorist, and for their commitment to helping secure a free, prosperous, and secure future for the Iraqi people.

It also applauds the efforts of our coalition partners and the Iraqi Security Forces who contributed to this achievement.

Iraqi security recruits had long been one of Zarqawi's primary targets. Despite repeated attacks against hopeful, young recruits, these brave Iraqis kept coming back. They have shown time and time again they are eager to assume their responsibilities and do what it takes to defend their democracy.

The Iraqi public is also deserving of recognition. They defied Zarqawi's threats and streamed to the polls in three national elections. Against the threat of violence, they formed a permanent democratic government.

In recent months, coalition forces have also received a tremendous increase in intelligence tips on the activities and whereabouts of terrorists directly from the Iraqi people. The number of actionable intelligence tips from the Iraqi population numbered only 483 in March of 2005. Since November of that year, the number of tips has skyrocketed to over 4,000 a month.

The Iraqi people want peace. They want to defeat the terrorist enemy that uses them as human shields. They want to defend their country from chaos and terror.

And so, Zarqawi has met his fate. But the fight to secure a free and democratic Iraq continues. The terrorists in Iraq will continue to wreak havoc and destruction. But they will not succeed. They cannot succeed. American forces, alongside our coalition partners and the Iraqi security forces, will remain on the offensive until the terrorist enemy is defeated.

My Senate colleagues and I are filled with pride at the bravery, skill, and valor of our soldiers on the front line. We are grateful for their service, and we congratulate them for last week's successful mission to rid Iraq of its No. 1 terrorist.

Our resolution also commends our Nation's civilian and military leadership, which includes President Bush and Defense Secretary Rumsfeld, for their continuing efforts to eliminate the leadership of al-Qaida in Iraq.

Prime Minister Maliki and the new democratically elected Government deserve our gratitude and commendation.

Here in the Senate, we will continue to support our men and women in uniform, the democratically elected Government of Iraq, and the Iraqi people as they strive for a free, prosperous, and democratic future.

#### TRIBUTE TO SENATOR ROBERT DOLE

Mr. FRIST. Mr. President, this Sunday marked the 10th anniversary of Senator Robert Dole's retirement from the U.S. Senate. From humble begin-

nings on the plains of western Kansas, Bob Dole has risen to become one of our most accomplished and respected public figures of the 20th century.

Bob Dole arrived in Congress in 1960 as a representative of the Sixth District of Kansas. He was immediately chosen by his fellow freshman colleagues to lead the freshman class. His ability to lead and inspire, his dry wit and savvy, would characterize his ascent to the peaks of political life.

Bob Dole was reelected for three more terms before being elected to the Senate in 1968.

In 1971, Senator Dole was chosen to lead the Republican National Committee, a position he held for 2 years.

It was a tumultuous time for America. His steady hand earned him the Vice Presidential nomination alongside Gerald Ford in the 1976 election. Jimmy Carter won. But that didn't hinder Senator Dole's steady climb.

Over the next decade, Senator Dole moved up through the leadership ranks, and in 1984, he was elected to succeed Senator Howard Baker as majority leader. While Democrats regained control of the Senate in 1986, Senator Dole continued to lead his party as minority leader. In 1994, Republicans swept Congress, and Senator Dole was once again elected majority leader. His 12 years as the leader of his party in the Senate set a record, and made him the longest serving Senate leader of the Republican Party since its founding in 1854.

I learned a lot from Leader Dole during my first few years here. We saw eye to eye on most issues, but when we didn't, he always encouraged me to vote my conscience.

He respected my commitment to family, and with three young sons, he was always careful to ensure that the schedule wouldn't run over my time with my wife and children.

And he took the time to listen to all colleagues. While many remember his famous admonition, in meeting after meeting, to "work it out," what fewer recall is that he would pursue votes, and ideas, and solutions over and over and over to lead to the point where, indeed, we could "work it out."

Our Senate party was in good hands under his stewardship. He was a good partner for President Reagan, and President Bush. And the respect President Clinton paid him was impressive, even across party lines.

I was proud to begin to know him during my early years here. His portrait hangs on the wall in my conference room, making him part of our leadership meetings every week I have often thought about what he might do when challenging situations arise around here.

And as much, I have often wondered what quip he might have offered to break the tension at a tough moment.

With my leadership team, we have made some tough calls under his watchful gaze. In 1996, Senator Dole was chosen by the party to run as its

Presidential nominee. It was the capstone to a remarkable career.

World War II hero, dedicated public servant, master of the Senate, and champion of the conservative cause, Senator Dole has stamped his place in American political history. Although he has left office, the elder statesman has in no way retired. He has authored two best-selling books on political humor, and a personal memoir of his life as a soldier. He is invited to speak all over the world to offer his wit and keen insights into the issues of our time. President Reagan once said of Senator Dole, "His title of Leader is not just a job title, it's a description of the man." This plain-spoken, honest and humble man from Russell, KS, is the genuine article.

One of the brightest stars of the Greatest Generation, Senator Dole served his country with bravery and dedication. He has earned the affection and respect of his fellow citizens. And he will always be remembered for his humor, his leadership, graciousness and humility—and for the honor he has brought to political life.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 1 hour, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Alaska.

#### TRIBUTE TO SENATOR ROBERT DOLE

Mr. STEVENS. Mr. President, yesterday, we honored our colleague, Senator ROBERT BYRD, for achieving an important milestone in our Senate's history. Today, we come to the floor to pay tribute to another man who stands out as a giant among those who have served in this Chamber. Senator Bob Dole, last Sunday, marked the 10-year anniversary of his retirement from the Senate.

Bob Dole and I came to the Senate at the same time. We have worked together a great deal. When I was Republican whip and he was our party's Vice Presidential nominee, I was asked to help him prepare for his debate when he debated Walter Mondale—the first Vice Presidential debate in history.

Bob helped us pass the Alaskan Native Land Claims Settlement Act, which paved the way for the Trans-Alaska Pipeline. And he supported the Alaska Lands Act and the Alaska Railroad Transfer. In short, Bob Dole is a

great personal friend, a friend to me and to Alaska.

Bob was—and still is—a leader in the truest sense of the word. Whenever I think of Bob Dole, I think of the great many men I have known who were tested in World War II. Like my good friend Senator INOUE, Bob Dole is a true war hero. He was tested in war and injured and struggled back through a long recovery. Like all great leaders, Bob takes great challenges of life and uses them to improve the world around him.

Having been injured in World War II, he dedicated much of his time in public service to improving the opportunities for disabled Americans.

Those of us in the Senate who were fortunate enough to call Bob a colleague for 27 years, chose him to serve as our leader six times, when we were in the majority and the minority. He reached out to those who disagreed with him. He listened to advice. You never had to ask him twice to know where he stood; his word was—and is—his bond. As President Reagan said:

His title of leader is not just a job title, it's a description of the man.

I think Bob's decision to resign his seat rather than stay in the Senate and campaign for the Presidency demonstrates what a devoted public servant he is. I have now been in the Senate over 30 years, and I have seen Members of this body run for President and miss vote after vote because they were on the road campaigning.

Bob Dole loved the people of Kansas too much to leave them without a voice in the Senate, so he resigned. I believe that took great courage. If there is one thing about Bob Dole that there is no shortage of, it is courage. Bob himself said, when he resigned from the Senate:

One of the qualities of American politics that distinguishes us from other nations is that we judge our politicians as much by the manner by which they leave office as by the vigor with which they pursue it. You do not lay claim to the office you hold, it lays claim to you. Your obligation is to bring to it the gifts you can of labor and honesty and then to depart with grace.

By his own standards, Bob Dole stands out as one of the most noble and dignified men who ever graced these Halls.

Senator Dole did not win the 1996 Presidential election, but his commitment to public service has not wavered. He still contributes to the public debate through his writing and speaking, and he has remained active on the campaign trail. We have been fortunate that since his retirement another Dole has joined this Chamber—his wife, Senator ELIZABETH DOLE, who serves the people of North Carolina and our Nation, also, with great distinction.

When Senator Dole resigned from the Senate 10 years ago to run for President, he and I were the only remaining Members of the class of 1968. We have a bond that was forged on the morning of January 3, 1969, when we each took the

oath to serve our country in the Senate. That bond never fades, and I salute his service today.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, before the distinguished Senator departs, I say to the Senator, you made mention of his heroic service, together with that of yourself and Senator INOUE in World War II. But I think the RECORD should reflect how you and I and others in the Chamber—Senator INOUE—supported him in the World War II Memorial. This was something that was very dear to his heart, and he became the national public president figure to really raise those funds—almost all of the dollars from the public sector: dollars from veterans, dollars from all across America, and, indeed, some from beyond our shores.

To his credit, every time I pass it—and I am sure you view that magnificent memorial—I always remember his contribution in erecting it.

Mr. STEVENS. The Senator from Virginia is correct, Mr. President. Senator INOUE and I were pleased and proud to join him and you in that effort. And we are delighted that the sponsors of that memorial remembered Alaska and Hawaii. They are in the memorial although they were not States during World War II.

I thank the Senator.

Mr. WARNER. Mr. President, I thank my distinguished colleague. I played a very minor role in World War II in the last year, the closing year, when my class of 17, 18-year-olds joined.

And I say to the Senator, you, sir, were a great hero in that war, as was Bob Dole.

Mr. President, I also thank our colleague, Senator SMITH, for initiating this recognition on the 10th anniversary of Bob Dole's retirement from the Senate.

When I came to the Senate—it is hard to believe—28 years ago, he very soon became a figure to whom I would turn from time to time to seek advice and counsel. He had a magnificent ability to reach across the aisle. And he very firmly believed in the concept of trying to do as much business as we could in a bipartisan way.

Much has been said about trips we take in the Senate. I value the trips I took with Senator Dole. I remember one very vividly when he quickly put together a delegation to visit Boris Yeltsin when he rose to the top position in then the Soviet Union, watching Bob Dole with that new world leader, the two of them together trying to reach common ground and common understanding in the midst of the Cold War between the United States and the then Soviet Union. He was a man who wisely thought about how this is one world in which we live today. Be it the means of our national security or otherwise, we have to have the vision to look abroad.

I also remember another day very clearly. That was in connection with

one of the anniversaries of the landing of D-Day. He asked me to accompany him. He spoke in Italy that day. Then we doubled back and went up to Normandy. We also incorporated in that trip a visit to a small village on the top of a mountain. All the way up the side of the mountain, the old bus we were in was zigzagging up a narrow road. There were little signs: Welcome home, Bob Dole. After a luncheon, he took me and one other Member of the Senate and we walked a short distance from the hotel up on a hillside where there was a small stone wall. We stood there and joined him in a silent moment of prayer. Prayer was very important, as it is now, to Bob Dole. That is where he fell wounded and survived under extraordinary circumstances, largely owing to one of the civilian partisans who helped him get back to receive medical care. I will remember that moment always.

I also draw to the attention of my colleagues—I am not here to sell books—a great book he wrote called "Great Political Wit: Laughing (Almost) All the Way to the White House." In it he talks about himself. I particularly like this. This was in the last page of the book called "Great Political Wit":

Don't feel too bad for me. The appearance of this book coincides with the fiftieth anniversary of Harry Truman's stunning upset of Tom Dewey in 1948, which not only changed the course of American history but produced a patron saint for every political underdog since. Like Truman, I have a Midwestern preference for plain speaking, and a sometimes impolitic habit of laughing at pomposity. Although there have been times when I have been forced to eat my words—or swallow my pride—I still find it hard to take too seriously people who take themselves that way.

What people often forget is that the last laugh doesn't belong to the victorious candidate—it belongs to the late-night [show] comics.

In that book, he also told a story. I think this is applicable to close out my brief remarks this morning.

As presiding officer of the United States Senate, Vice President Calvin Coolidge declared his intention to master the rules governing the world's greatest deliberative body. This didn't take long, said Coolidge, who quickly discovered that the Senate has but one rule, which is that the Senate will do whatever it wants whenever it wants to.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Mr. President, special thanks to my colleague and friend, Senator GORDON SMITH, who represents the State of Oregon and our Nation with grace and civility, intelligence and accomplishment, for this special order paying tribute to our Kansas Senator Bob Dole.

It doesn't seem possible that it has been 10 years since Bob's tenure as our majority leader ended, a tenure that represents the longest serving Senate leader of our Republican Party since the founding of the Grand Old Party in

1854. During those 12 years of leadership, there were difficult and challenging times. But Bob Dole's legacy was and is legislative accomplishment, always in Bob Dole style, a unique mixture of principle and compromise when necessary, comity, his great gift of wit and humor and good old Kansas common sense.

In 1968, when Bob first ran for the Senate, his theme song was "Let a Leader Lead the Way." He certainly did. It would be impossible to list all of Bob's legislative achievements, but the Dole Institute at the University of Kansas does provide some highlights. I ask unanimous consent that they be printed in the RECORD.

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

1962 Amendment to National School Lunch Act  
 1966 Food for Peace Act  
 1969 Controlled Dangerous Substances Act  
 1970 Drug Abuse Prevention and Control Act  
 1971 Amendments to Federal Water Pollution Control Act  
 1973 Rural Health Care Delivery Improvement Act  
 1974 Campaign Finance Reform Legislation  
 1977 POW / MIA Vietnam Legislation  
 1977 Food Stamp Program  
 1979 Taiwan Foreign Relations Act  
 1980 Biotech Industry Incentives Act  
 1981 Immigration Reform Legislation  
 1981 Economic Recovery Tax Act  
 1981 Hospice Care Legislation  
 1982 Voting Rights Act Extension  
 1983 Bipartisan Social Security Act  
 1983 Emergency Food Assistance Program  
 1983 Martin Luther King Holiday Bill  
 1984 Comprehensive Crime Control Act  
 1985 Televised Senate Proceedings Resolution  
 1985 Landmark Farm Bill  
 1986 Tax Reform Act  
 1986 Terrorist Prosecution Act  
 1987 Homeless Assistance Act  
 1988 Omnibus Trade and Competitiveness Act  
 1988 INF Arms Control Treaty  
 1988 Anti-Drug Abuse Act  
 1988 Welfare Family Support Act  
 1990 Clean Air Act  
 1990 Americans with Disabilities Act  
 1991 Desert Storm Authorization Resolution  
 1993 North American Free Trade Agreement  
 1994 Violence Against Women Legislation  
 1995 Comprehensive Federal Agency Regulatory Reform Act  
 1995 Congressional Accountability Act  
 1995 Comprehensive Telecommunications Reform Act  
 1995 Lobbying Reform Legislation  
 1995 Safe Drinking Water Act  
 1995 Medicare Trust Fund Legislation  
 1995 Private Securities Legal Reform Act  
 1996 Farm Conservation Bill  
 1996 Line Item Veto  
 1996 Omnibus Appropriations Act  
 1996 Cuban Liberty and Democratic Solidarity Act  
 1996 Bipartisan Immigration Control and Financial Responsibility Act  
 1996 Bipartisan Anti-Terrorism Legislation

Mr. ROBERTS. These accomplishments were of direct benefit to the daily lives and pocketbooks of Americans and represent many programs and reforms that we now take for granted. Bob is probably most proud of the fact he led the way for disabled Americans, for our Nation's School Lunch Pro-

gram, not to mention the World Food Program where food and education combine as the most effective long-term answer in our current fight against terrorism.

I have special memories and a personal perspective of the Bob Dole days in the Senate when I was in the House. Having the privilege of representing Bob's former congressional district, the big first district of Kansas, knowing Bob Dole since his friendship with my father and later during my service as the administrative assistant both for Bob's predecessor in the Senate, Senator Frank Carlson, and his successor in the House, Congressman Keith Sebelius, many assumed that whatever I was for, Bob was for. I would always emphasize that Bob Dole was riding shotgun with me, whether he was or not. That was like having Wyatt Earp, Bat Masterson, Doc Holiday, and Matt Dillon all by your side during any kind of legislative shootout. Of course, if we won, I had to come over to the Senate and let him know. If we lost, I came over to ask for help. Either way, when the chips were down, it was a win-win with Bob on your side.

In Kansas, our State society named Dwight David Eisenhower the Kansan of the 20th century, and we are still proud of and still like Ike. Historians have ensconced our native son as one of our greatest Presidents. The fact is that the Eisenhower legacy lives on with Bob Dole. Ike was his hero, and by following his example, Bob has been accurately described as a towering figure and the most enduring Republican leader of the 20th century with a distinguished record of public service that has made a tremendous positive impact on our Nation.

Following his elected public service, Bob has continued to contribute, to lead, and to achieve. I daresay without Bob Dole, the World War II Memorial would not be the centerpiece of the Mall in our Nation's Capital. Most deserving of the Presidential Medal of Freedom, he has been and is an international emissary for peace and freedom and is involved in countless projects and causes. When I go back home to Kansas, Kansans always ask me: What do you hear from Bob? How is he doing? I tell them he is still on the go and doing what he has always done, that we still tow buckets together, and we don't spill very much.

Simply put, Bob Dole continues to be a leader who leads the way. We in Kansas are proud of Bob Dole.

My thanks again to Senator SMITH for reserving this time honoring our native son.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

#### HONORING SENATOR ROBERT C. BYRD

Mr. SMITH. Mr. President, it is a privilege to come to the Chamber and speak of Bob Dole and also his distinguished wife, our colleague, ELIZABETH

DOLE, both great public servants. While that is my intention, to speak about them—specifically, Senator Bob Dole—I would like to join all Senators, Democrats who yesterday spoke of Senator BYRD, I know many Republicans did as well. I, not being in town, wanted to take an occasion to salute Senator BYRD for a remarkable career in the Senate. I was touched, however, recently by the recognition given to his wife, who recently passed away, in which Senator BYRD essentially said that this would be a bittersweet day for him in that he now is the record holder for service in the Senate because Erma would not be here to share it with him. I know how much Senator BYRD values the Senate, but I think that comment of his, that reflection, was evidence that he values his marriage and family even more.

As a Republican Senator, I salute Senator BYRD for his remarkably long and distinguished career.

#### TRIBUTE TO SENATOR ROBERT DOLE

Mr. SMITH. Mr. President, I was not in the Chamber 10 years ago when Senator Dole resigned his seat. I was, in fact, on the campaign trail in the midst of an election campaign that he had helped to recruit me to run. I remember watching those proceedings and seeing the bipartisan affection in which Senator Dole was held. I later met him many times on the campaign trail as he pursued the Presidency and was impressed by his courage in the face of very discouraging poll numbers and the high probability that he would not win and how hard he fought for us and others who were running to fill seats in the U.S. Senate. ELIZABETH was at his side, and together they made a tremendous campaign and did honor to our country and to the Republican Party by the way in which they prosecuted a very difficult campaign cycle. It reflected honor upon our country.

It is important that as we celebrate his resignation and his career that ended 10 years ago, we take occasion to reflect on his remarkable accomplishments. He served 27 years in this body, 11 of those as Senate Republican leader. Bob Dole's remarkable record of accomplishment as a Senator is well known. It is not an exaggeration to say that his fingerprints could be found on nearly every major piece of legislation that passed Congress during the 1980s and the first half of 1990s.

It was Bob Dole who reached across party lines to work with Senator George McGovern to create the Food Stamp Program. It was Bob Dole who worked with Senators HARKIN and KENNEDY to bring about the Americans with Disabilities Act. It was Bob Dole who worked with the late Senator Pat Moynihan to save the Social Security Program.

I rise today not just to pay tribute to Bob Dole's legislative accomplishments; rather, I rise on this occasion to

celebrate what he has done in the decade since he left this body. There can be no question that over those 10 years, Bob Dole has continued his lifelong commitment to serving his country, a commitment that began as a young soldier in the hills of Italy during the Second World War. Indeed, for many Americans, Bob Dole is the living symbol of what Tom Brokaw has termed "America's greatest generation," the generation of Americans who saved freedom during World War II. My generation is the beneficiary of Bob Dole's generation, the world we inherited, a world in which America assumed world leadership. My generation has been greatly blessed by patriots such as Bob Dole.

Perhaps Bob Dole's greatest contribution to the past decade was his chairmanship of the National World War II Memorial. Quite simply, that beautiful memorial would not grace our National Mall now had it not been for the persistence and leadership of Bob Dole.

Bob Dole also volunteered for service after the attacks on September 11, when he joined with former President Bill Clinton to serve as cochair of the Families of Freedom Scholarship Fund, which assists the educational needs of families of those who lost their lives in the World Trade Center, the Pentagon, and United flight 93.

During this time in this Chamber, no Senator spoke more loudly and more eloquently about atrocities occurring around the world—specifically in Bosnia—than did Bob Dole, who raised his voice loudly. He has continued his vigilance by serving as Chairman of the International Commission on Missing Persons, traveling to the Balkans to provide closure to families of those who were victims of the genocide that occurred under Slobodon Milosevic.

In January of 2003, President Bush appointed Bob Dole as honorary Co-chair of the President's Council on Service and Civic Participation. He has worked to connect countless Americans with service opportunities in communities, schools, and workplaces.

Bob Dole has also continued his commitment to ending the scourge of hunger, working with his former colleague, George McGovern, to advocate the expansion of school breakfast programs in the United States. They have also teamed to promote the expansion of the School Lunch Programs across the world through their Global School Feeding Initiative.

Bob Dole has also devoted a great deal of his time and energy to the Robert J. Dole Institute of Politics, which is located at the University of Kansas in Lawrence, KS. The institute is one of America's premier university-based political science and international affairs research institutes, dedicated to reestablishing politics as an honorable profession and to promoting greater student and civic involvement in the democratic process.

Along with all of these activities, Bob Dole is one of America's most pop-

ular public speakers, inspiring audiences with his courage, his humor, his love of America, and always with that trademark wit. He has also authored three books since leaving the Senate—two on political humor, and the most recent, "One Soldier's Story," which tells the remarkable story of his recovery from the wounds he suffered during the Second World War.

Mr. President, Bob Dole has often said that he takes inspiration in the State motto of his beloved Kansas, which is: "To the stars through difficulties." There can be no doubt that Bob Dole reached those stars in serving his country as a soldier and as a public servant. He has proved time and again over the past decade that he continues to reach for the stars as a private citizen.

I know all Senators join me in saluting Bob Dole and thanking him for the positive difference he has made over these past 10 years. Part of that difference was supporting his wife Elizabeth and her campaign to win a seat in the Senate. Together, they are a remarkable American couple and have made a remarkable difference for the betterment of our country and even the world.

Mr. President, I yield the floor.

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

Mr. COCHRAN. Mr. President, I thank those who have come to the floor today to help honor our former colleague in the Senate, Bob Dole. I don't know of anyone who has had more of an influence on my career in the Senate than Bob Dole, although Howard Baker, who was the Republican leader when I first arrived in the Senate in 1978, also had a great deal to do with my career here.

I don't know who coined the phrase "compassionate conservative," but Bob Dole was the epitome of a compassionate conservative. His legislative record is replete with examples of his leadership to help ensure the formulation and implementation of policies by our Federal Government that recognized the needs of those who were unable to care for themselves, or were unable to make progress economically, without the assistance of the Government.

He authored the Americans with Disabilities Act and helped lead the way for many Americans by his example of how one can overcome disabilities. My friend Gordon Smith mentioned his authorship of the book "One Soldier's Story." That should be required reading for every American. It was a heartwarming yet heartbreaking account of his experiences in World War II in combat and his long road to recovering from the painful and life-threatening injuries he sustained in battle.

You can also look to examples of when he was a leader in the Agriculture Committee on which I had the good fortune to serve as a new member, at a time when he was one of the true

leaders in formulating agricultural policy for our Nation. He worked easily across the aisle with Herman Talmadge, the chairman of the committee at that time, and with George McGovern, another leader on the committee from South Dakota. They worked together to help craft improvements in the School Lunch Programs and other feeding programs that assist Americans who are unable to provide for their own nutritional needs. Think about that. This was at a time when the Federal Government was pretty well leaving these responsibilities to State and local governments, charitable organizations, and the Nation's schools to formulate their own response to these challenges.

But we became a Nation whose record of support for dealing with these problems has become a model for the world. As a matter of fact, he and George McGovern created a worldwide nutrition assistance program that today makes food and nutrition benefits available to the poorest of the poor in Africa and many other countries throughout the world.

He was a leader in establishing a modern veterans benefit program and ensuring that a cabinet-level position was available to help administer this program to be sure that all veterans, those who had disabilities or those who deserved pensions and other benefits because of their age or experiences in war, would have those benefits and could be a part of our national citizenship in every sense of the word.

I recall very vividly when we elected Bob Dole as our leader in the Senate on the Republican side. He was a master at getting things done, at working out problems, at bringing people together who had disparate views on subjects that we needed to take action on and deal with. He worked hard. He knew everybody's personal interests and disposition. I was amazed at how he could stand before the Senate and stay there until the late hours of the evening, working out the intricacies of a tax reform bill, which he helped craft as chairman of the Finance Committee, in charge of tax policies for our country.

He was a Senator's Senator in every respect, a warm-hearted, humorous, delightful companion, who enriched the lives of all who served with him in the Senate. I suppose the highlight for me in my relationship with Senator Dole was the nominating convention, when he was selected to be the Republican Party candidate for President of the United States. I was very excited about that. It was a wonderful decision. I could not think of anybody who would be better as President of the United States than Bob Dole. I remember the night that the convention nominated him and he walked out on the stage to accept the nomination. It was really quite an event. Also, that night, I recall while they were counting the ballots on the floor, he invited CHUCK GRASSLEY from Iowa, our colleague in the Senate, and me to be with his family up in the suite in the hotel in San

Diego to watch the last votes being counted, and then to proceed into the convention hall to accept the nomination.

Mr. President, we miss Bob Dole's leadership in the Senate. We are delighted, though, the Senate is taking time to recognize the great service that he rendered during his career here.

#### SENATOR BOB DOLE

Mr. BROWNBACK. Mr. President, I am in the Dole seat for Kansas. When Senator Dole left, I ran for his seat and was fortunate enough to be elected to that seat. I worked with Senator Dole for many years, when I was secretary of agriculture for Kansas. I first met him when I was Kansas State president of the Junior Farmers of America. I have had a wonderful relationship with Senator Dole. He is an outstanding American, and he is an outstanding Kansan. He deserves tribute.

We in the Senate are certainly blessed and honored each time we have the opportunity to rise on our feet on this floor and address this august body. At this moment, I feel particularly blessed and honored to be able to recognize my predecessor, Senator Robert Joseph Dole.

Today, we rise to mark the decade anniversary of Senator Dole announcing his retirement to this body. On June 11, 1996, Senator Dole, as the Republican nominee for the Presidency, announced that he would resign his seat in the U.S. Senate. And some asked, Why would he retire with 2 full years left in his term and only 6 months left in the campaign? "I thought that was what was best for Kansas." For while he was many things—a legislator, a statesman, a decorated war hero, a leader—Senator Dole believed in his State and he believed in service to his State and he thought this was the best for his State, and that he would run just as a man, an ordinary citizen. It was a tremendous tribute to his service and his believing in the service of this body, that if you couldn't be here full time to do this work, he thought it would be better that he would leave it and bring somebody else in so that he could pursue the Presidency full time.

The motto of our State is "Ad Astra, per Aspera." That is a Latin phrase meaning "to the stars, through difficulty." Perhaps, considering our State's motto, one could consider it also the motto for Bob Dole.

He was born in 1923 in Russell, KS. Bob Dole was a teenager during the worst environmental disaster of my State's history—that was the Dust Bowl. He was 11 years old on April 14, 1935, which was referred to as "Black Sunday." On that day, a wall of dust covered the prairie of western Kansas, turning day into night. Some thought it was the end of the world. During those years, childhood friends of Bob Dole recalled postponing basketball

games in the middle of them, four or five times during the game, just to sweep the piling dust off the floor.

Some fled the dust. Others were withered by it. Bob Dole was formed by it. Years later, he would recount that "growing up on the edge of the Depression-era Dust Bowl, I was taught to put my trust in God and not government, and never to confuse the two." Per Aspera.

As a young man, Bob Dole rose to meet the greatest challenge his great generation would face—World War II. Bob was a second lieutenant in the Army's 10th Mountain Division. He served in the mountains of Italy, where he and his unit faced some of the fiercest and challenging fighting of the war. Bob fought bravely. He was wounded. He fought again. He crawled from the security of his foxhole during intense fighting to assist a critically wounded radio operator, and in the process was shot in the back by a Nazi machine gunner. This time few thought he would survive. Bob Dole was hospitalized for a total of 39 months. He gave up the use of his right arm.

Ad Astra—to the Stars.

For his wounds, Bob was awarded two Purple Hearts. For his valor, Bob Dole was awarded the Bronze Star with an Oak Cluster.

Ad Astra—to the Stars.

Returning to his native Kansas, Bob turned to his family, to his neighbors, and to his friends for support. Later, he remarked: "I was sustained by neighbors, who were anything but stingy with their love and encouragement. I learned then, if I hadn't already known it, that there is no such thing as a wholly self-made man or woman."

He picked up where he left off and earned his undergraduate and law degrees from Washburn University in Topeka, KS. From there, Bob Dole began his political rise to the stars.

Ad Astra.

Bob served in the Kansas State House as the Russell County attorney, and on January 3, 1961, Bina Dole's little boy was sworn into the 87th Congress of the United States. Within a decade, Dole had distinguished himself as a legislator and was sent by his fellow Kansans to serve here in this body.

And here in this Chamber, Bob Dole continued to serve the people of Kansas and this great Nation. He served them as chairman of the Finance Committee. He served them as the minority leader of the Senate. He served them as majority leader. He served them for nearly three decades, until exactly one decade ago today, when he retired.

Today, Bob Dole's service is neither over nor forgotten. Having been recognized with the Presidential Medal of Freedom—a civilian honor, to match his military honors—he has continued to serve. He served as chairman of the International Commission on Missing Persons in the former Yugoslavia and the National World War II Memorial. He even gets a great deal of constituent casework of people contacting

to ask if he could help out with this or that—and of course he does. He spearheaded the World War II Memorial effort, and what a beautiful memorial to the greatest generation it is.

Also, I believe Bob served as the spokesman for a number of different commercial causes which have continued. And his humor continues unabated as well.

I remember when serving as secretary of agriculture in the State of Kansas that Senator Dole would address a number of farm audiences—sometimes from the back of a pickup truck. He would see a number of members of that audience who would often loosen up their belts and their overalls because they knew they were going to be in for an entertaining speech, a lot of times about 30 minutes or 25 minutes of jokes and one-liners and 5 minutes of politics. They loved it. He loved it. They loved him. He loved them. It was a beautiful symbiotic relationship that Bob Dole had with his State, with my State of Kansas.

He also continues to serve as a trusted adviser and friend to guys like me. I have been honored to be able to serve in his seat. It is difficult to follow somebody of his legendary status and his ability as a legislator, his ability as a leader, and the contribution that he has made to this society, to this Nation, and to this world. Yet we try—and try with his advice.

He is an important American of distinction. He is someone who truly deserves to be recognized. He is one who has touched many lives individually and millions of lives collectively. He is the epitome of the greatest generation, the generation that served the rest of mankind, to be beat off Fascism, Hitler, Communism, and gave us the freest world that we have known.

There are still wars to be fought, still battles to be fought, and we pick up the flag and carry it each and every day, but we owe so much in tribute to legendary leaders such as Bob Dole.

Senator Dole, on behalf of our country and our State, certainly from me personally, I say, thank you and God bless you.

Mr. MCCAIN. Mr. President, I am pleased to join with my colleagues in paying tribute to one of our Senate's finest leaders, Senator Bob Dole.

Ten years ago, after representing his home State of Kansas in the House of Representatives for 8 years and in the Senate for over 27 years, Majority Leader Dole resigned from the Senate. He did so in order to engage fully all of his attentions to his Presidential campaign. The Senate lost one of our greatest leaders that day, but Bob Dole continues to be a national leader to this day.

I traveled with him a great deal during his campaign, and it was a thrill for me. I was given the honor of introducing him at the 1996 Republican Convention—quite a humbling privilege for someone who considers himself far less distinguished than the man I was introducing formally to the Nation as

the Republican candidate for the President. He may not have won that election, but he ran an honorable campaign and worked as hard as anyone I have ever seen on the campaign trail. Bob helped teach me the meaning of dedicating one's life to a cause greater than one's self-interest, and for this I will always be thankful.

Everyone knows that Bob is a decorated veteran through his sacrifice in World War II and that he faced a very hard road to recovery upon his return—a road that many selfless men and women today are similarly facing upon their return from the war in Iran and Afghanistan. Like Bob, they, too, are American heroes and they need and deserve to be reminded of that fact as often as possible.

Bob Dole's distinction among his peers could have rested with his military service. But instead, he chose to continue serving his country and was as effective as he was, in my view, largely because of his experience as a war veteran. For example, his Senate leadership was essential to the efforts of Presidents Reagan and Bush to win the Cold War. He built majority coalitions to help restore the readiness and modernization of our Armed Forces, which had been so badly neglected in the previous decade. Thanks to his vision, America is better prepared to defend herself and others from those who want to cause us harm.

While Bob may no longer be daily in the public eye as he enjoys life in the private sector, he still continues to focus his energy on issues of importance to our country. He cochaired the Families of Freedom Scholarship Fund with former President Clinton, helping to raise money for the families of the victims of 9/11 to pursue secondary educations. Bob also continues with his efforts on behalf of the disabled. And, of course, since leaving the Senate 10 years ago, he is also now enjoying the obligations of a Senator's spouse.

Bob Dole is an American hero, and I am privileged to call him my friend.

The ACTING PRESIDENT pro tempore. The majority's time has expired.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, will you please inform me of the business before the Senate.

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business. The minority's time has begun, with 28 minutes 30 seconds remaining.

#### OPPOSITION TO THE NOMINATION OF RICHARD STICKLER

Mr. DURBIN. Mr. President, I rise to oppose the confirmation of Richard Stickler as Assistant Secretary of Labor for Mine Safety. I also ask the Senate to send a message of confidence and hope to the miners across America that we in the Senate are no longer willing to put coal industry executives that care more about profits than lives in charge of their safety.

How many of us recall the recent news stories coming out of Kentucky and West Virginia—heartbreaking stories—where lives were lost and families waited expectantly aboveground praying that those miners would be found and be brought back safely, and how many times that was not the case.

What brings about safety in these coal mines, so deep in the Earth? The vigilance of the agencies, Federal and State, that keep an eye on the companies that are operating out of the view of most of the world. Those are the things that are important. Today, we will have a chance to vote on a man who wants to head the Federal agency when it comes to mine safety. Unfortunately, Mr. Stickler is yet another in a long line of coal industry executives nominated by this administration.

The last industry appointee to the Mine Safety and Health Administration withdrew or delayed final action on 18 mine safety rules. The result was disastrous—disastrous to the tune of 33 coal mine deaths in America in 2006.

Two of the rules that could have been enacted and were not by the predecessor to the man being appointed to this position had the potential to speed the rescue and increase the chance of survival for the 14 miners killed in the recent West Virginian Sago and Alma mine disasters. One would have sped up the formation of rescue teams. The other would have provided more oxygen for the miners. Both of these rules could have saved miners' lives this year. But the Mine Safety and Health Administration didn't enact the rules. Why? Because doing so would have cost the coal companies money. It is just that simple. And now 33 miners have paid with their lives, and Congress was forced to act.

We passed a new law this year—a law that was pushed by the Senators from West Virginia, Senators BYRD and ROCKEFELLER—which I was happy to support because of the coal mining in my own home State of Illinois. It is called the Mine Improvement and New Emergency Response Act of 2006. It mandates the formation of two mine safety teams available within an hour of an accident. Such quick response mine rescue teams might have saved lives at these coal mines in America this year.

This new law also mandates the purchase of wireless tracking and messaging equipment and extra oxygen for miners underground. Both of these provisions could also have saved lives.

My concern with Mr. Stickler's nomination is not solely that he is a coal

executive—that doesn't disqualify him—but that he clearly stated during his confirmation hearing that these new provisions in the law are not needed. He unequivocally stated that no new laws are needed and that the laws on the books, which haven't been updated, incidentally, in 30 years, to adjust for new technology in coal mining, according to Mr. Stickler, those 30-year-old laws are just fine. And he said this after the Sago mine explosion that took the lives of 12 coal miners.

I can't support a nominee to be head of mine safety when he opposes the recently passed Miner Act. This law, which the Senate passed by unanimous consent, without one single Senator dissenting, was a recognition by all of us that mine safety laws need to be updated in order to protect the coal miners and to stop the unnecessary and sad and tragic loss of life. But Mr. Stickler, who wants to be head of this Federal agency to protect coal miners across America, disagrees.

Furthermore, Mr. Stickler argues that the duty to comply with safety laws falls on the shoulders of the mine companies, and that the agency he wants to head plays no role. He told a committee of the Senate that he believes there is a compliance problem, not an enforcement problem, in the mine industry. Mr. Stickler doesn't seem to understand that without enforcement, there will be no compliance. Any industry left on its own to comply with Federal and local laws will often fail to do so. That is a reality—a reality Mr. Stickler doesn't even understand.

I am astonished that President Bush would nominate a person to head this important safety agency who has such little regard for the need to enforce the laws of the land, to protect the lives of coal miners, and to spare families from the grief that so many have suffered this year.

Mr. Stickler's statements at his confirmation hearing fly in the face of reality, and I ask: What do his comments say to the families of those 33 lost miners?

Many of these families oppose the confirmation of Mr. Stickler because of his opposition to revising mine safety laws and his live-and-let-live position on enforcement regulations. They are not alone. The United Mine Workers and the AFL-CIO also oppose Mr. Stickler's nomination. All of us in the Senate supported passage of a new law to save miners' lives. We unanimously supported it. Mr. Stickler doesn't believe that legislation was even necessary.

We also know that enforcement of the laws is needed to compel mine operators to comply with the laws. Mr. Stickler, again, disagrees.

We learned a bitter lesson about 11 months ago on the gulf coast. Hurricane Katrina, the worst natural disaster to strike America, came with warning, devastating New Orleans and many communities in Louisiana, Mississippi, and Alabama. Even with 3 or 4

days' warning that this hurricane was about to strike and could have devastating impact, the Federal Emergency Management Administration was not ready. They were not prepared.

Unfortunately, the person who headed up the agency effort, Mr. Michael Brown, didn't do everything he could have done and, as a result, lives were lost, people suffered, there was damage that was totally unnecessary, and the rescue effort was slow to come and, sadly, too late for many.

The lesson from Michael Brown at FEMA was that you don't put a person whose speciality in life is Arabian horses in charge of the Federal Emergency Management Administration. He wasn't ready for the job, and as a result of that people died and people suffered.

So now what do we have today? We have Mr. Richard Stickler, an executive from a coal company, who is now going to be put in charge of watching coal companies. Why? Because he is charged with the safety of coal miners. When one listens to his responses to the questions at the committee hearing, it is clear that he has taken a position with which most coal companies would agree: We don't need no more regulation; we don't need no more enforcement; we don't need no more meddling Federal agencies.

Maybe that point of view would have prevailed some time past, but this year we know better.

Coal mining, one of the most dangerous occupations in America, has claimed 33 lives this year. This Congress understood it. We passed unanimously a change in the law to protect those coal miners. We cannot afford to put in that agency a person in charge who is not going to spend every minute and every ounce of his strength to protect those coal miners and be an advocate for their families. Mr. Stickler is not that person.

On behalf of the 3,500 coal miners in my home State of Illinois and all of the coal miners across the country, I urge my fellow Senators to oppose the confirmation of Mr. Stickler for this important position.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise today to join my colleague from Illinois in expressing my deep concern about the nomination of Richard Stickler to be Assistant Secretary of Labor for Mine Safety and Health. That is a long title, but it means one thing: This is the person who is going to be in charge of the health and safety of every miner in America.

That is a very serious responsibility, and it requires a serious leader, someone with a strong background in mine safety and a strong commitment to aggressively protect America's mine workers. I sit on the committee that oversees the nomination. I have to tell the Senate, Mr. Stickler offered neither. I believe the President, respectfully, should withdraw his nomination

and send us at this time a more suitable nominee.

As we all know, just 6 months ago, 12 miners were killed in the Sago disaster. In the wake of that tragedy, many of us in the Senate worked hard—and I commend the Senator who is sitting in the chair for his work—on this incredibly important issue. We did the right thing. We came together and passed the most comprehensive mine safety update in a generation.

I was honored to work on that historic bill with Senators KENNEDY and ENZI, Senator ISAKSON, who is in the chair, and Senators ROCKEFELLER and BYRD. But we have to do more than just pass a law. We need to make sure we provide the resources, and we need to make sure we provide the leadership to carry this out. That is why it is so disturbing to me that the Senate majority leader is today trying to push an unqualified nominee through to head this agency.

Senator BYRD, who represents the Sago families, has raised some very valid concerns about Mr. Stickler's qualifications and, following Senate tradition, those concerns should be heeded. They should give all of us pause. Indeed, we see the leadership today departing from the usual process and trying now to push this nominee through the Senate. I believe that is the wrong course of action when the lives of our American miners are at stake.

Mr. President, as you well know, I am very passionate about this issue because I have worked on mine safety issues with you and with the Senator who is arriving on the floor as I speak, Senator KENNEDY. In fact, at the hearing of this nominee, it was my questioning of his confirmation hearing that revealed to me his business-as-usual approach to miner health and safety.

When Richard Stickler testified at his HELP confirmation hearing in January, he told me he believed the current mine safety laws are adequate. That was before we passed our legislation. He said those current mine safety laws were adequate. I couldn't disagree more, and neither could the House and Senate, which, after that, passed the most significant mine safety improvements in a generation.

I was disappointed in his responses at the hearing, so I asked him further questions in writing. In reply to that, Mr. Stickler could not suggest a single way to improve mine safety—not one single suggestion. Think about that for a minute. We would not put someone in charge of food safety who has no idea about how to make consumers safe. We wouldn't put someone in charge of airline safety who has no idea how to make air traffic safer. And we certainly shouldn't put someone in charge of mine safety who has no idea about how to make our mines safer.

We need a leader now more than ever at the Mine Safety and Health Administration who will not just accept the

status quo that has cost miners their lives in this country. It is a wrong turn to have the enforcement of our mine safety laws turned over to a former coal company executive with no background in miner health and safety.

Here is how the head of the United Mine Workers of America put it in a letter to President Bush. He said:

The Nation's miners cannot tolerate having another mine executive running the agency responsible for protecting their health and their safety. For too many years, miners have endured an agency directed by coal mining executives. Too often these mining executives place a priority on productivity, but fail to focus on miners' health and safety. Too many times MSHA has not done all it is charged with doing to promote miners' health and safety.

Clearly, we need a new direction at that agency and, clearly, Mr. Stickler does not provide a new kind of direction.

The words that I just quoted are the words of Cecil Roberts, international president of the United Mine Workers of America. He and the AFL-CIO oppose this nomination and with good reason.

With America's miners risking their lives every day, as we all know—and a new law in place, thankfully, because of the leadership of the Presiding Officer, that has to be vigorously enforced—we cannot entrust our mine safety to someone who has not shown the background or the passion or the desire to make sure those laws work well and will fight for the health and safety of American miners.

When it comes to mine safety, we know now that we cannot tolerate business as usual. I believe the Senate should reject this nominee and demand a leader, someone who will stand up for our miners.

Mr. KENNEDY. Mr. President, will the Senator be good enough to yield?

Mrs. MURRAY. Yes, I will.

Mr. KENNEDY. I ask the Chair, how much time do we have remaining on our side?

The ACTING PRESIDENT pro tempore. There is 12 minutes 55 seconds remaining.

Mr. KENNEDY. Will the Presiding Officer let us know when we have 7 minutes remaining?

The ACTING PRESIDENT pro tempore. Yes.

Mr. KENNEDY. Mr. President, I thank the Senator from Washington, who is the ranking member of the subcommittee that has been dealing with this issue, for an excellent statement. I wonder if she agrees with me that we have passed very important mine safety legislation that the President of the United States is going to sign. It has strong bipartisan support. Our committee, which was led by Chairman ENZI, visited the Sago mine. We had extensive hearings on the issue. Does the Senator agree with me that if we are going to have this new beginning in terms of mine safety that we need to have someone who is going to effectively run that program, who is going

to be someone who understands both the history of what has been happening in the mines in West Virginia, in Pennsylvania, in Kentucky, and throughout the Midwest, and has demonstrated leadership in terms of protecting miners? Does the Senator agree with me that what we are looking for is strong leadership to implement that legislation?

Mrs. MURRAY. Mr. President, I would say to my friend from Massachusetts through the Acting President pro tempore, I couldn't agree more. I think the country sat at its dinner tables and watched the mine accidents that have occurred increasingly over the past year. So we understand what it takes in this country is leadership at an agency. Just look back at what happened with Katrina with the head of FEMA. It takes leadership in an agency. It takes all of us to put laws in place. But if there is not someone at the head of that agency who is sending a direction down through the ranks that our miners' safety and health has to come first, any law we pass will just be something written in a book.

Mr. KENNEDY. Mr. President, would the Senator agree with me that there are, it seems to me, three major tests. We all know that Mr. Stickler was a miner and comes from a mining family, and we respect that. We have a great deal of respect for that. I am sure he was a great miner, as is his family, I am sure. But what we are looking at now is the record of Mr. Stickler regarding mine safety.

Would the Senator agree with me that if you look over the record that he has in terms of mine safety—this chart represents the Stickler-managed mines which racked up thousands of safety citations. This is 1989 all the way through 1996. There were a total of 2,800 citations, 97 closures, and we have here—there is some time overlap between that chart and this one—the Eagle's Nest Mine where the managed mine injury rate is nearly triple the national average.

So we have the citations which are an indication in terms of the mine safety, we have a comparison with what has happened in terms of the average, and then when he was running the mine safety program in Pennsylvania, we had inspectors who were threatening to quit because they thought he was failing to protect miners. This chart shows the mine safety inspectors and harmed coal miners, and his policy—that is the policy of Mr. Stickler—is a detriment to safety that would, without a doubt, make the coal industry less safe for two-thirds of its workers.

So we have his record in terms of mine safety in the mines. As an administrator, we have inspectors of the mines who are prepared to resign. Then, the third strike, which I think is enormously powerful, is, as the Senator from Washington pointed out, his response to the questions.

The Senator remembers, because she commented on this, when he was asked

whether there needed to be any changes in the existing law, he said he thought that the existing laws were adequate. This is prior to the time that we passed the new legislation, as I remember.

Mrs. MURRAY. Mr. President, I would answer the Senator in saying, that is absolutely correct. Prior to any action by this body and the House in passing tougher laws, this nominee said no changes were needed.

Mr. KENNEDY. And when he was asked whether he would implement the law requiring a mine rescue team on site at every mine, Mr. Stickler said: No, Senator, I can't commit to that at this time. I will study this.

Does the Senator remember that when asked what he would do with information about new mine safety technology, Stickler said: I think that needs to be looked at.

When asked whether he would require the use of new technology like tracking devices, Stickler said: I look forward to reviewing the results of the technical evaluation.

When asked whether he would enforce the current standard prohibiting the use of belt air if it was shown that the use of belt air caused the Alma mine fire, Stickler said: I would re-evaluate the standard. Here are the series of questions, many of them asked by the Senator from Washington and others.

Does the Senator not agree with me having read the answers, plus attending the hearing, that one could say that the miners of this country deserve to have someone who is going to be more aggressive in terms of looking at new technology and in looking at additional safety standards, in looking at more effective kinds of enforcement and protecting the lives of the workers?

The ACTING PRESIDENT pro tempore. There are 7 minutes remaining.

Mr. KENNEDY. I would ask the Chair to let us know when 2 minutes remain.

Mrs. MURRAY. Mr. President, I would just say to the Senator from Massachusetts, I want in charge of this agency someone who will stand up and say, We are going to make the mines safer for the families who send a loved one there every day.

I went to that hearing, and all of what the Senator from Massachusetts just presented and the attitude this nominee presented—to me, this is not someone, despite his background, who is going to stand up and lead. I believe that we need to send this nominee back and we need to have somebody who we can proudly say is going to lead this agency at a most critical time.

Mr. KENNEDY. Mr. President, finally, I would like to get the Senator's reaction to these letters that we have gotten from families of those who were lost in the Sago mines and in other mines. I found them enormously powerful. When we visited the Sago mine, we had—I see in the Chair presiding over the Senate a member of our committee

and someone who was enormously involved and active in getting this legislation passed, and I pay tribute to Senator ISAKSON. But in that meeting, I can remember it was the sense of all of the members, Republicans and Democrats, who were so moved by the tremendous tragedy and sadness, particularly when they had the sense of hope at the Sago mines that their loved ones might have been able to survive we made a commitment to them that we were going to do everything possible to make sure that others who go into the mines were going to be protected. We have come back here and passed a good, bipartisan bill, and also in the House of Representatives. There was a real question among many of us here whether we could get a good one that the President would sign, and now the President has announced that he is going to sign it on Thursday.

The mines themselves are having record problems. The mines themselves we find out are having record deaths. We passed good legislation and we promised those individuals that we were going to do everything we possibly could to make sure that the tragedies that happened to their loved ones would not happen again.

We passed the legislation. Now we have the letters from so many of these families who have read the record of this individual and have pleaded with us—pleaded with us—pleaded with us, that if we honor the memory of those who died in these mines, that we put someone in charge who is going to really implement that legislation and to fight for safety.

Is the Senator not moved, as I am, by the letters we received from the miners' families who have been lost, many of whom came to our hearings and who listened to the testimony on this individual? They have studied his record, and now they plead with us—plead with us—that we get someone else to provide the leadership for implementing the mine safety laws. Is the Senator moved by those letters?

Mrs. MURRAY. Mr. President, I would say to the Senator from Massachusetts, every Senator on this floor should take a few minutes to read those letters from the families who have been impacted by mining disasters. I would say to my colleagues and to the President that we ought to be thinking we have to put someone in place in this agency who is going to wake up every single day he is on the job and say, What am I doing to make sure that in my responsibility of taking care of hundreds of miners every single day, I am moving the ball forward.

I have to say to the Senator from Massachusetts, there was no passion when I saw the presentation. I did not see someone in front of me who understood the tremendous responsibility that he was being given and who would wake up every single day and say, What am I doing to improve mine safety? That is my responsibility.

That is the kind of person I want in charge of this agency, I say to my friend from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator. If I could have recognition myself.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 2 minutes and 30 seconds.

Mr. KENNEDY. Mr. President, I want to thank the Senator from Washington again. We have worked very closely together. We have worked with the administration. We have worked with our colleagues and friends, Senator ROCKEFELLER and Senator BYRD. We have worked together with Governor Manchin and other Governors. We have worked with the workers, the mine workers, the families. We have worked very closely together. This isn't in any sense a partisan issue. We have come together. There wasn't a dissenting vote here in the U.S. Senate in passing this legislation. There were a few votes in the House that wanted to have even stronger legislation. So we are basically all together and we are asking ourselves, given the fact we are all together and given the fact that we have this extraordinary challenge and problem that is affecting these workers, are they not entitled to someone who is going to be an effective leader in terms of providing safety.

I commend the Senator from Washington for making a strong case. We want to try to have a common position with our colleagues and friends within the administration. But this person—if we are going to I think meet our responsibility to those miners, we have to do better.

I thank my friend from Washington for her excellent presentation. I thank her for her conclusions.

We are facing a major challenge in this Nation about safety in our mines. We have seen the expansion of these mines as our energy situation has become more acute, and now is the time to have real implementation. Now is the time to fulfill our commitment to these families and to these workers. Now is the time to honor the memory of those who have gone into the mines and who have lost their lives. Now is the time to help those whose primary desire is honoring the members of their families by passing an effective bill and have it implemented effectively. Now is the time to do that. If we are going to do that, this is not the individual who is equipped to be able to do it. He is a fine gentleman, and I admire the fact he and his family have been miners. But you have to look at the record: Whether he has been running the mines and overseeing the mines effectively. In testifying, by nature of disposition, he is not the man to implement this, and we should reject his nomination.

The ACTING PRESIDENT pro tempore. The minority time has expired.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2766 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2766) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Warner (for Frist/Reid) amendment No. 4208, to express the sense of Congress that the United States Armed Forces, the intelligence community, and other agencies, as well as the coalition partners of the United States and the Iraqi Security Forces should be commended for their actions that resulted in the death of Abu Musab al-Zarqawi, the leader of the al-Qaida in Iraq terrorist organization and the most wanted terrorist in Iraq.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:15 p.m. shall be equally divided between the Senator from Virginia, Mr. WARNER, and the Senator from Michigan, Mr. LEVIN, or their designees.

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

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. LEVIN. Pursuant to the unanimous consent agreement which we adopted last night, it is my recollection that on the Democratic side we were going to be offering an amendment immediately following the pending Warner amendment.

I stand corrected. Apparently there was an understanding on this, between myself and Senator WARNER, which was not incorporated.

The PRESIDING OFFICER. An understanding but not a consent agreement.

Mr. LEVIN. I thank the Presiding Officer. Pursuant to that understanding, then, I ask unanimous consent that the pending Warner amendment be temporarily laid aside so I can offer an amendment on behalf of Senator LAUTENBERG.

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

The Senator is recognized.

AMENDMENT NO. 4205

Mr. LEVIN. Mr. President, I call up amendment No. 4205, an amendment on

behalf of Senator LAUTENBERG, and ask for its immediate consideration following the disposition of the Warner bipartisan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN) for Mr. LAUTENBERG, proposes an amendment numbered 4205.

Mr. LEVIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide a temporary prohibition on an increase in copayments required under the retail pharmacy system of the pharmacy benefits program of the Department of Defense)

At the end of subtitle A of title VII, add the following:

**SEC. 707. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.**

Subsection (a)(6) of section 1074g of title 10, United States Code, as amended by section 702(b) of this Act, is further amended by adding at the end the following new subparagraph:

“(D) During the period beginning on April 1, 2006, and ending on December 31, 2007, the cost sharing requirements established under this paragraph for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) may not exceed amounts as follows:

“(i) In the case of generic agents, \$3.

“(ii) In the case of formulary agents, \$9.

“(iii) In the case of nonformulary agents, \$22.”

Mr. LEVIN. Mr. President, the President's budget proposes that the copays for prescriptions under the TRICARE Prescription Benefit Program be increased for our troops and their families and for retirees, and that the increase in the copays be, on the generic prescriptions, from \$3 to \$5; on brand-name prescriptions from \$9 to \$15. The amendment that Senator LAUTENBERG is offering and that I very much support would freeze the current copays in place until December 31, 2007.

This is not the time, in the middle of a war, to be raising copays on our military personnel and their families. They should not have to worry about whether their families are going to be able to afford to buy prescription drugs. The copays that currently exist are not statutory, so the Department of Defense does not need legislative authority to increase them. They have their authority. The problem is that our bill is silent on this subject so they would be increasing the copay because there is no prohibition in our bill on their doing so.

About 43 percent of the prescriptions filled through the TRICARE pharmacy benefits program are filled in retail pharmacies. The increase which the administration proposes would significantly increase beneficiary cost shares for medical care. Of course, the fear is not only that it would be additional

money coming out of the pockets of our troops and their families, but also this increase would discourage beneficiaries from using their military health care benefit.

The Department of Defense has estimated that the copayments would create additional revenue of \$81 million in fiscal year 2007. They also believe beneficiaries would not use their military pharmacy benefits to the same extent and that would mean that there would be savings to the Government of \$54 million and there would also be some savings if beneficiaries switch to mail order rather than retail pharmacies.

I don't think we ought to be assuming savings or counting on savings coming out of the pockets of our troops and their families while we are at war. I think it is a totally inappropriate time to do so, so I support the Lautenberg amendment. For a soldier in combat, under these circumstances, the circumstances that exist these days, to have a worry that a spouse or children would not get needed prescriptions because of the administration's desire to save some money is simply unconscionable.

The Senate bill directs a Comptroller General study of the DOD pharmacy benefit program to examine the cost and copayments structure of the program. We clearly ought to await that before we allow these copays to be increased as the administration budget proposes.

I see my dear friend and colleague, Senator WARNER, our chairman, on the floor now. We had an understanding that we would lay down this amendment this morning, that I would lay it down on behalf of Senator LAUTENBERG and speak briefly in support of it, and that after the disposition of the chairman's amendment, which is a bipartisan amendment, we would then come back to the Lautenberg amendment and at that point there would be additional debate—Senator LAUTENBERG would speak in support of his amendment and any others who wish to debate it would have an opportunity at that time.

We thought, given our understanding last night, we would lay this amendment down at this time. I have just done so.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the distinguished ranking member, my good friend, the Senator from Michigan, is correct. We laid down an amendment on this side under the understanding this is the amendment that he selected to be laid down. I am just wondering if we can try to get some idea of the magnitude of the debate? I am not able to assess it on my side. I judge you are not. So we have some understanding of the time that is likely to be consumed in the debate—this is an important amendment—we will work on that together, in hopes we can get some time agreement and therefore we can then move on to other amendments.

I would simply ask unanimous consent that at the conclusion of the debate or the disposition of this amendment, that I be recognized to offer another amendment at that time.

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

Mr. WARNER. I say to my distinguished colleague, it is my hope then we could alternate from side to side, so we could consider your amendment which would follow the third amendment, which I will put on.

Mr. LEVIN. I appreciate that. That is fine with us.

Mr. President, I suggest the absence of a quorum and ask the time be equally divided.

The PRESIDING OFFICER. Without objection, the time allotted to the quorum call will be equally divided.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. BROWNBACK are printed in today's RECORD under "Morning Business.")

Mr. BROWNBACK. I yield the floor.

The Senator from Virginia.

Mr. WARNER. Mr. President, I yield such time as the distinguished Senator from Oklahoma may require. He will be speaking with regard to a very important trip to Iraq. It bears directly on the pending measure; that is, a resolution on the success of our military in eliminating al-Zarqawi.

I yield to the Senator such time as he desires.

Mr. INHOFE. Mr. President, I thank the Senator from Virginia, the chairman of the Senate Armed Services Committee, and also for the great job he has done in bringing this Defense authorization bill to the floor.

Mr. President, on early Thursday morning, about 5:30, my radio alarm went off and I heard the three words—al-Zarqawi is dead. I think that affected me by just hearing that. I sat up in bed, and I thought it did work. It is happening. I told the distinguished chairman of the Senate Armed Services Committee that I have to go to Iraq.

The two most significant things that have happened in Iraq since bringing down Saddam Hussein happened on the same date, coincidentally. It is just remarkable: first of all, bringing down al-Zarqawi, the monster, and at the same time confirming the ministers in Iraq. We thought that would be a long, enduring battle. It sailed through, and it happened on the same day.

I can't tell you what a profound effect it had on the people of Iraq and on our troops over there. And now we find out about the surprise visit by the President. I figured out that our planes crossed on the way. I was coming back from Iraq and he was going to Iraq. If I had known that, I would have stayed.

But it was a pretty well-guarded secret. Of the two places I spent most of my time, this one was where al-Zarqawi was actually killed, just a couple of miles north of Balad Air Force Base and then in Baghdad.

It was such an incredible thing to be there after it happened and to talk to the different ministers. Defense Minister Jasim is the new Defense Minister, and he had a lot of things to say. In fact, he asked me to bring back this message for the American people. I am going to read this, because this came just a few hours ago from Defense Minister Jasim to me to take to the American people. He said:

Tell them their sacrifice is for a very noble cause, they have given freedom to 26 million people. I believe they are waging a just war for humanity. The terrorism must be stopped or it will spread all over the world, like a carbon copy of fascism and communism. This is the first world war of the 21st century. The American victims have borne the price of a freer world . . . We are very grateful . . . The war in Iraq is a just war and we have no option but victory. It is not a war that affects Iraq alone, but is truly a world war.

The terrorists are a sickness that must be eliminated . . . There is great transformation taking place in Iraq but the international media does not focus on positive things happening. They only focus on the negative, the bad things happening . . . what the terrorists are doing . . . they will publish anything bad . . . They try to say Americans are leading the way and we the Iraqis are in the back. This is the opposite. We are in the front and Americans are in the back.

We started with the multi-national forces in front and us at back. Then we worked side by side as very good partners. Now we are often in front and the multinational forces are in a supporting role.

Your presence here is very important. From the beginning to now, we have always had an American partner. I am sad when my American partner leaves me. But, when he leaves and returns to the U.S. I feel we have a voice going back to America. I fell in love with the American people.

That is Abdul Jasim, who is the newly confirmed Minister of Defense. He said so many other things when we were there that I would like to share, but it is very difficult to do that because he was so emotional at the time.

Well, this happened to be my 11th trip over to the Iraq AOR, and I have been watching, as the months have gone by—every other month or so being over there—and seeing the differences, seeing the changes that are taking place.

Just to give you an example, one of the tests we use to determine how strong the Iraqi people are supporting us is the number of qualified tips that come in. The way they come in is where someone says, for example: There is a safe house over here. We suspect something. These are Iraqi people saying where the terrorists are. And those numbers of tips have increased tenfold in the last 12 months. I can remember when there were only 30 or 40 tips a month. There are now 5,000 tips a month, and they are qualified tips. Some of these tips led to not just bringing down al-Zarqawi but also

some 17 others on the same day. So these things are going on. These things are happening.

As to the quality of the Iraqi security forces, I think Minister of Defense Jasim is right. He sees that our media is not accurately reporting what is going on over there. How many people in America know that as of the current time, 75 percent of the special operations by Iraqis are actually led by Iraqis, not by Americans? We are leading 25 percent. I remember when it was zero percent. Now, they are leading 75 percent. And 62 of the 112 battalions are at level 2 or level 1. That means they are capable of going out and fighting. That is half of them.

One of the statistics we got from Dr. Rubaie, who is the National Security Adviser—a real sharp guy and one who really has his hand on this—says 66 percent of the hospital beds are occupied by Americans and 34 percent by Iraqis. However, 66 percent of the surgeries are on Iraqis and 34 percent are on Americans. That kind of tells you what is happening over there and the change that is taking place. They are the ones who are doing it.

While we were over in Balad, we had occasion to learn there were several attacks on Iraqis. Some 50 Iraqis were killed last night, and they were killed by the terrorists. Here is the important thing. Zarqawi was not an Iraqi; he was Jordanian. Osama bin Laden is not an Iraqi; he is Saudi. Now, this new guy, al-Muhajer, we don't know about him. All we know is he is not an Iraqi. In other words, this is a war being waged by people from outside of Iraq on the Iraqis, and the Iraqi people are very sensitive to it. They know it.

It is interesting, one of the things the Minister of Defense said is that a lot of things are American issues, they are not really issues over there. For example, all we talk about in the media here is, well, we have the Shiites and the Sunnis, and they do not like each other. And he said that is not true at all. He said: We are Iraqis first, and then we are Sunnis or Shiites or Kurds second. To demonstrate that, there is a structure over there in Baghdad which is comparable to our Tomb of the Unknown Soldier. We stopped there. They had an honor guard there. The honor guard had nine people. They had one leader and eight others. When I asked him the question, through a translator: What about the problem that exists between the Shias and the Sunnis, he said: No, that is not true at all. He said: I am a Shia. My wife is Sunni. And I have been working on the honor guard with these people for several days here at our Unknown Soldier event, and I don't know who they are. I can't tell you who one of the eight is in terms of being a Sunni or a Shia.

So those are American problems. Those are not things resonating over there. And the quality of what they have done in terms of being quality soldiers is something the American people are not aware of. I had occasion to be

up in Fallujah back when the last election took place, and I was there when the Iraqi security forces actually were doing their thing, voting. They were taking their lives in their own hands by doing it because this is Fallujah, one of the most dangerous areas over there.

They came back very proud. No one was killed while they were trying to do it. They came back and said: We are participating in an election. That was during the last election. Now everyone is confirmed. The government is in place. They know what they are doing. And the most recent thing, which you may not have heard of because it just happened, is that Dr. Rubaie, the National Security Adviser for the Iraqis, said he believes that in a matter of a very short period of time—by the end of the year—he will ask our troops to leave, except for 100,000. In other words, we are slowly bringing it down.

We have heard in the field a lot of things you do not hear when there are hearings here in Washington, DC. If you go over there and you talk to the people on the ground, talk to the commanders on the ground, they have said for a long period of time that when we can get to the point where we have 10 Iraqi divisions of trained and qualified and equipped Iraqi security forces—10 divisions—then they will be able to take care of their own security. Well, the number that equates to 10 divisions would equal 325,000 trained and equipped Iraqi troops. Well, we are right now, today, at 264,000 trained and equipped Iraqis.

Now, some of the adversaries over here say they are not really trained to do a good job, they are not really good soldiers. Let me tell you, they are. All you have to do is talk to our soldiers who train them. Now they train themselves.

Last week, I was over in Afghanistan, and they are doing a good job of training their own troops over there. And that model has worked very well in Iraq. So we are rapidly getting to that point. Will we be out altogether? No, we will not be out altogether, but they will be providing their own security. We still have troops in Kosovo and Bosnia and Sinai and other places but not providing the security. They will be providing their own security. We are getting so close to that point. What has happened in just the last few days is very significant.

So as to al-Zarqawi, there is no one who has been a more brutal terrorist than he has been. He was the No. 1 terrorist in the world, and he is down now. Al-Zarqawi was the one responsible for the assassination of our U.S. diplomat, Lawrence Foley, in 2002. We all remember the horrific things we saw: the beheading of Nicholas Berg in 2004—that was al-Zarqawi—the 2005 bombing of three hotels in Jordan, the countless bombings and terrorist attacks against U.S. forces and Iraqi civilians. He was trying to create a sectarian civil war in Iraq by murdering Shiites and acting

as al-Qaida's commander in Iraq. Osama bin Laden called him the "Prince." I think most people considered him, if anything, to have been even worse than Osama bin Laden. So that was a great change. That was a great victory for the coalition forces, but, more importantly, it was a victory for the Iraqi people.

So with these things happening—and you look at the good side that you do not get sometimes in the media—there are 18 provinces in Iraq, and 15 of them are relatively secure. There are hardly any incidents taking place there. Most of the problems are in just three of them. And keep in mind, these are not Iraqi terrorists; these are outsiders who are coming in. They are having a harder and harder time recruiting people to carry out their terrorist activities. We have found that recently they are actually changing their homicide vests for suicide vests so they can put them on individuals and force Iraqis to go and perform certain acts. And if they do not do it, they can, remotely, detonate and blow that Iraqi up.

So things like that are happening right now. At the same time, good things are happening with the administration. The government is in place. I cannot tell you how impressed I was personally with Dr. Rubaie. I have known him for a long period of time. And I would say that the Defense Minister, Abdul Jasim, has already acknowledged, from the quotes I have given, that he is one of our very best friends. He is the one who said al-Zarqawi was suffering from the same disease as Hitler and Stalin, and he is one who is going to finish the job that we helped them with in the beginning.

I would say this is a time when good things are happening, and we feel very good about the progress the Iraqi security forces are making, very good about the constitutional government that is in place, very good about the new Ministers who have been confirmed now. And we are light-years ahead of where we were only 6 months ago.

So this, what I have characterized as probably America being in the most threatened position we have been in in our history, is now showing that we are at the core of the terrorist activities, which is in Iraq. We are now winning. The Iraqi people are winning. So I feel very good about that.

Let me say to Senator WARNER, the chairman of our committee, I am very proud of the bill we have put together. I have some amendments, and I will want to be recognized at the appropriate time to bring them up.

I ask the Senator, do you have other people coming down wanting time right now?

Mr. WARNER. Mr. President, at the present time the bill is being amended by the amendment which you just addressed, and there is a pending amendment offered by the minority. That is the next order of business. This afternoon, I think there would be opportunity for additional amendments.

Mr. INHOFE. That would be good. I thought maybe I could describe what amendment would be coming and why.

Mr. WARNER. If the Senator so desires.

But, Mr. President, I first inquire as to the allocation of time on the pending measure.

The PRESIDING OFFICER. At this time, the majority controls an additional 11 minutes, the minority controls 23 minutes.

Mr. INHOFE. Mr. President, I yield the floor.

Mr. WARNER. If the Senator would like to take a minute or two, I would be happy to have you alert the Senate as to some of the matters you will be bringing up.

Mr. INHOFE. No. I say to the distinguished chairman of the Armed Services Committee, this amendment is very significant, and I will have ample opportunity to explain it. Hopefully, we can do that this afternoon.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The time will be charged equally.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, I ask unanimous consent that Senator SESSIONS be added as a cosponsor of amendment No. 4208.

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

Mr. WARNER. Mr. President, to return to the pending amendment offered by myself on behalf of the joint leadership of the Senate, this bipartisan amendment commends basically the U.S. Armed Forces, the intelligence community, and other agencies, along with coalition partners for the actions taken on June 7, 2006, that resulted in the death of Zarqawi, the leader of al-Qaida in Iraq. The military operation that resulted in the death of Zarqawi was truly an extraordinarily professional accomplishment of the combined U.S. and coalition forces and the infrastructure of intelligence, both civilian and military, that supported the operation. It displayed the precision, perseverance, and professionalism of our Armed Forces, supported by a sophisticated and superb intelligence apparatus that included U.S., Iraqi, and coalition intelligence organizations.

Behind the details that were made public so far, I assure all that there were months of coordinated hard work by analysts, human intelligence operatives, special operations forces, and military planners which were in

place at the time various pieces of information with a precise direction to the whereabouts of Zarqawi came into the knowledge of the intelligence operators.

The death of Zarqawi is certainly a significant blow to the terrorist network in Iraq, Osama bin Laden's international network, and the al-Qaida organization wherever they lurk in the world today in the shadows of death and destruction to the freedom of others. At Camp David yesterday the President was very careful to, with a sense of deep humility, commend the men and women of the Armed Forces and others who performed this mission, but he put the results of the mission in the context of the realities of the situation in Iraq. The press today reports from Camp David the following by the President:

Zarqawi is dead, but the difficult and necessary mission in Iraq continues. We can expect the terrorists and insurgents to carry on without him. We can expect sectarian violence to continue. Yet the ideology of terror has lost one of its most visible and aggressive leaders.

I will have further comments today with regard to that important conference in Camp David. Zarqawi was the most prominent insurgent in Iraq and the most active of any of Bin Laden's affiliates around the globe. While Bin Laden hides in mountain caves capable of making occasional audio tapes, Zarqawi was working to trigger a civil war, disrupt the newly unified democratic process of the new unity Government in Iraq, and then use Iraq as a base to launch attacks throughout the region. There is proof of that intent by Zarqawi. This amendment proudly salutes the brave and professional work of our military forces as well as the formidable efforts of our military, civilian, and allied intelligence operations for our efforts to end this brutal reign of terror.

The operation that resulted in the death of Zarqawi was not an isolated act. It triggered 56 more raids against targets connected with Zarqawi's organization in the 48 hours after his death as U.S., coalition, and Iraqi forces capitalized on this mission by taking action to disrupt other parts of the al-Qaida network. This amendment also commends our coalition partners in Iraq's new government of national unity for their invaluable assistance in the operation and their extraordinary efforts to secure a free and prosperous Iraq. The amendment closes by most appropriately commending our civilian leadership, from the Commander in Chief on down, and military leadership for their continuing efforts to eliminate the leadership of al-Qaida in Iraq and elsewhere. In all, this was a very successful joint and combined military operation. This mission was planned and executed by talented and courageous Americans, Iraqis, and coalition partners.

They all had one purpose—to eventually make Iraq safe and secure.

The operation that resulted in the death of Zarqawi may have eclipsed a very significant political development, the appointment of Ministers of Defense and the Interior, thereby ending weeks of political debate and completing the formation of Iraq's first permanent unity government. The death of Zarqawi and the appointment of these two Ministers are two very significant events in our unrelenting effort, with the coalition forces, toward a free and prosperous Iraq. While Iraq's insurgency and its divisions along religious lines will not easily recede, the death of Zarqawi and the complete formation of Iraq's government of national unity are reasons for renewed confidence that 2006 is a period of transition in Iraq and that our objectives are achievable.

I point that out because a year ago when we considered this bill, I, together with Senator LEVIN, put in an amendment which outlined the progress that had to be made in 2006. These are chapters toward achieving the goal we stated in that amendment which was part of our bill last year.

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

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

The bill clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, I see one of our distinguished colleagues seeking recognition for an important set of comments.

The PRESIDING OFFICER. The Senator from Wisconsin.

(The remarks of Mr. KOHL are printed in today's RECORD under "Morning Business.")

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Without objection, the time will be divided equally.

The bill clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I join my colleagues in first thanking the men and women of our military services who were responsible for the myriad of actions that were taken years ago that led to the ultimate elimination of such a vicious terrorist as Zarqawi. We also thank the men and women of our military services who are serving multiple tours of duty in arduous and dangerous locations with great personal sacrifice and great disruption in their lives and those of their family members.

The killing of Zarqawi is very welcome news. It is not the panacea for addressing the extreme levels of violence in Iraq or for solving the large

number of vexing issues—and the President has acknowledged as much—but it is an important step and one that will reduce the influence of al-Qaida in Iraq. He was responsible for a number of spectacular terrorist attacks that produced a large number of casualties and grizzly murders of kidnap victims. Zarqawi, while not the dominant part of the insurgency but a part of it, needed to be attacked and needed to be addressed. The insurgency, however, primarily is made up of disaffected Iraqi Sunnis. Zarqawi played a role in stirring up ethnic conflict between the Sunnis and the Shites. Much of the violence relating to that conflict is traced to the reaction of Shiite militias to the Sunni insurgency and to, of course, their reaction to the Shiite militias. Our security forces need to confront those militias and the other armed groups.

I ask unanimous consent that I be allowed to proceed for 1 additional minute.

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

Mr. LEVIN. Mr. President, there needs to be a political solution in addition to the military force which is present. Indeed, probably a more important event than the killing of Zarqawi was the selection by the Prime Minister and the ratification by the Iraqi Council of Representatives of the key ministries, Defense and Interior, and the National Security Adviser. Those vacancies lasted too long. Their filling, hopefully with people who have the support of all the Iraqi people who want Iraq to become a nation, is even a more important step than the killing of Zarqawi, as important as that step is.

As we all support—hopefully unanimously—this bipartisan amendment which is before us, we also need to recognize that there is critical work that remains to be done, and while this is a step toward, hopefully, a direction of Iraqi nationhood, most of the steps remain to be taken.

While Senator DURBIN is on the floor, I ask unanimous consent that immediately after the disposition of the next amendment of Senator WARNER, Senator DURBIN then be recognized, as we are alternating amendments, by my understanding.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I concur in that recommendation, and it is my hope that I can be a cosponsor on this side of the aisle because the amendment is very important.

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

AMENDMENT NO. 4208

Mr. LEVIN. The pending amendment, Mr. President, as I understand it, is the amendment of Senator WARNER on behalf of Senator FRIST, Senator REID, and myself.

Mr. WARNER. That is correct.

Mr. BYRD. Mr. President, the Senate will vote today to commend the U.S.

Armed Forces for their efforts in Iraq. I will support this amendment, as I have supported other amendments and resolutions to commend our military personnel serving overseas for their service and commitment. I oppose the policy that sent our troops to Iraq, but I stand by our servicemen and service-women 100 percent.

However, I am concerned that the amendment may have unintended consequences. Previous statements that boast of substantial victories in Iraq have been proven wrong at the cost of American lives. Declaring victory because of the elimination of Abu Musab al-Zarqawi could be a costly mistake. I agree with the President's comment on June 9, 2006, in which he said, "I don't want the American people to think that a war is won with the death of one person."

Our troops are still facing daily attacks in Iraq. I thank them for their service, and I am particularly proud of the efforts of the West Virginia National Guard in Iraq, Afghanistan, and many other locations around the world. Instead of seeking a lofty sounding but largely meaningless resolution from the Congress, the President should instead be working to send Congress a plan to start bringing our troops home with the honor and the thanks they have earned from this grateful Nation.

The PRESIDING OFFICER. Under the previous order, the hour of 12:15 p.m. having arrived, the Senate will proceed to a vote on amendment No. 4208.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4208.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: The Senator from Nevada (Mr. ENSIGN).

Further, if present and voting, the Senator from Nevada (Mr. ENSIGN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. Menedez) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—97

Akaka	Allen	Bennett
Alexander	Baucus	Biden
Allard	Bayh	Bingaman

Bond	Feinstein	Murkowski
Boxer	Frist	Murray
Brownback	Graham	Nelson (FL)
Bunning	Grassley	Nelson (NE)
Burns	Gregg	Obama
Burr	Hagel	Pryor
Byrd	Harkin	Reed
Cantwell	Hatch	Reid
Carper	Hutchison	Roberts
Chafee	Inhofe	Salazar
Chambliss	Inouye	Santorum
Clinton	Isakson	Sarbanes
Coburn	Jeffords	Schumer
Cochran	Johnson	Sessions
Coleman	Kennedy	Shelby
Collins	Kerry	Smith
Conrad	Kohl	Snowe
Cornyn	Kyl	Specter
Craig	Landrieu	Stabenow
Crapo	Lautenberg	Stevens
Dayton	Leahy	Sununu
DeMint	Levin	Talent
DeWine	Lieberman	Thomas
Dodd	Lincoln	Thune
Dole	Lott	Vitter
Domenici	Lugar	Voivovich
Dorgan	Martinez	Warner
Durbin	McCain	Wyden
Enzi	McConnell	
Feingold	Mikulski	

NOT VOTING—3

Ensign	Menendez	Rockefeller
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The amendment (No. 4208) was agreed to.

Mr. WARNER. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I am anxious to consult with the distinguished ranking member of the committee here, so, for the moment, I will just ask for a quorum call before I put in the unanimous consent request.

Mr. President, I withdraw that request.

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

AMENDMENT NO. 4211

Mr. WARNER. Mr. President, at this time I send to the desk an amendment. It has been agreed upon between the ranking member and that I would be recognized for the purpose of an amendment following the disposition of the Lautenberg amendment. So at this time I send an amendment to the desk and ask for its consideration following the disposition of the Lautenberg amendment.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes and amendment numbered 4211.

Mr. WARNER. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To name the CVN-78 aircraft carrier the U.S.S. Gerald Ford)

At the end of subtitle B of title X, add the following:

**SEC. 1013. NAMING OF CVN-78 AIRCRAFT CARRIER AS THE U.S.S. GERALD FORD.**

(a) FINDINGS.—Congress makes the following findings:

(1) Gerald R. Ford has served his country with honor and distinction for the past 64 years, and continues to serve.

(2) Gerald R. Ford joined the United States Naval Reserve in 1942 and served valiantly at sea on the U.S.S. Monterey (CVL-26) during World War II, taking part in major operations in the Pacific, including at Makin Island, Kwajalein, Truk, Saipan, and the Philippine Sea.

(3) The U.S.S. Monterey earned 10 battle stars, awarded for participation in battle, while Gerald R. Ford served on the vessel.

(4) Gerald R. Ford was first elected to the House of Representatives in 1948.

(5) In the course of 25 years of service in the House of Representatives, Gerald R. Ford distinguished himself by his exemplary record for character, decency, and trustworthiness.

(6) Throughout his service in Congress, Gerald R. Ford was an ardent proponent of strong national defense and international leadership by the United States.

(7) From 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives, raising the standard for bipartisanship in his tireless fight for freedom, hope, and justice.

(8) In 1973, Gerald R. Ford was appointed by President Nixon to the office of Vice President of the United States with the overwhelming support of Congress.

(9) From 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office during one of the most challenging periods in the history of the United States and restoring the faith of the people of the United States in the office of the President through his steady leadership, courage, and ultimate integrity.

(10) President Gerald R. Ford helped restore the prestige of the United States in the world community by working to achieve peace in the Middle East, preserve détente with the Soviet Union, and set new limits on the spread of nuclear weapons.

(11) President Gerald R. Ford served as Commander in Chief of the Armed Forces of the United States with great dignity, supporting a strong Navy and a global military presence for the United States and honoring the men and women of the Armed Forces of the United States.

(12) Since leaving the office of President, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, a strong supporter of human rights, and a promoter of higher education.

(13) Gerald R. Ford was awarded the Medal of Freedom and the Congressional Gold Medal in 1999 in recognition of his contribution to the Nation.

(14) As President, Gerald R. Ford bore the weight of a constitutional crisis and guided the Nation on a path of healing and restored hope, earning forever the enduring respect and gratitude of the Nation.

(b) NAMING OF CVN-78 AIRCRAFT CARRIER.—CVN-78, a nuclear powered aircraft carrier of the Navy, shall be named the U.S.S. Gerald Ford.

Mr. WARNER. Mr. President, I ask unanimous consent the scheduled recess today be extended to 3:30 p.m., further that the cloture vote on the nomination of Richard Stickler be vitiated and at 3:30 p.m. the Senate proceed to the immediate consideration of the conference report to accompany H.R. 4939, the emergency supplemental appropriations bill.

Mr. BYRD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I wonder if my friend from Massachusetts, who was engaged

when that request was made, has anything in response?

Mr. KENNEDY. Would the Senator be kind enough to vitiate the consent? I had talked to the leader and the concern—reserving the right to object—was if we vitiated this, the administration would go ahead and have a recess appointment. We understand we have the signing of the Mine Safety Act on Thursday. This was a real coming together, a bipartisan effort. The President is supporting it. It passed overwhelmingly in the House. It is a very important bill and will make a big difference. It has the support of the families.

We were at least looking for some opportunity, if it was going to be the position of the administration to go ahead and recess-appoint it—we wanted at least some assurance that we would have a chance to have the cloture vote prior to the time of the appointment. That is basically what we were looking at.

We have no objection to following the leaders, to vitiate this, but there is concern that we have vitiating this particular amendment. We understand even if we do or do not get cloture, the President could still have a recess appointment. But nonetheless, for those who feel very strongly about this nominee, at least at this point we are able to get a vote in one way or the other prior to the time of a recess appointment. It was that particular position that we did not want to give up.

Just so the Senator has some understanding about what we are looking for, we want to work with the leadership. As the Senator knows, there is a constitutional issue whether you can appoint during the short recess, which would be the Fourth of July recess. More often than not it is done in the August recess, which is well down the road, and we have the pending business which is of great importance to this.

We are glad to work with the leadership. If we could have the assurances from the Senator from Virginia that he understands our position and will make a good-faith effort to at least give us the opportunity—maybe the leadership doesn't want to give us that opportunity. That is what our position is, those who feel strongly about the Stickler nomination.

Mr. WARNER. Mr. President, I say to my good friend from Massachusetts and my distinguished colleague from West Virginia, I am not at liberty—I have no instructions from my leadership beyond propounding this. It was my understanding it was cleared on both sides. I assumed that when it was handed to me, and therefore I proceeded to request by unanimous consent these actions.

I think Members are anxious to go to a series of events now, namely the party caucuses, followed by the traditional photograph, and then there is a briefing at 2:30 by the Secretaries of State and Defense, which I believe is very important for Senators to have the opportunity to attend.

That is the purpose of this unanimous consent request.

Mr. KENNEDY. Would the Senator just defer and offer this maybe when we come right back in? Let's just work this out.

Mr. WARNER. Mr. President, the Senator has the right to object. That would do it. I can certainly say that I will relay the Senator's concerns to my leader. If that would suffice for the moment to allow this unanimous consent agreement to go forward? Would that be sufficient?

Mr. KENNEDY. Yes. I think we will be able to work this out. We want to. We have every desire to try to work it out. We would just like some assurances from the leader that our position will—

Mr. WARNER. I have just been given a note indicating the leader will be fully briefed about the concerns of the Senator from Massachusetts.

Mr. BYRD. Will the Senator yield, whoever has the floor?

Mr. WARNER. Yes, I believe, I say to the distinguished former leader, I have the floor, but I yield the floor to him.

Mr. BYRD. I simply thank the very distinguished Senator from Virginia for his response to the request and his willingness to withhold his unanimous consent request for the time being. I thank him.

Mr. WARNER. I propound the unanimous consent request.

The PRESIDING OFFICER. Is there an objection to the unanimous consent request?

Mr. BYRD. Reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia reserves the right to object. Does he in fact object?

Mr. WARNER. You have my full attention.

Mr. BYRD. I am only reserving the right to object. I hope we would have just a little while to talk about this. I am very much opposed to this. But I read the tea leaves very well. If the Senator would just desist for the time being, please?

Mr. WARNER. If it is the desire of the Senator from West Virginia to object, I respect that right. The matter will now be put aside, if that is your desire.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The minority leader.

Mr. REID. I am sorry I was not on the floor. I thought we had this all worked out. It is my understanding there are people who want to go forward with the cloture vote, is that right? Because either we do the cloture vote at 3:30 or we take it off. The majority leader has told me that we take it off and he has the ability to reset it at any time he chooses or we have the vote at 3:30. It is as simple as that.

Mr. KENNEDY. If the Senator will yield, what we were looking for is that—we are glad to take it off. But we were hopeful, if it was going to be the desire to go ahead with a recess appointment, whenever that was, we at

least have an opportunity to have this vote sometime in the future. If they are not going to have the recess appointment, this disappears. But I hope we would have that opportunity at the present time. I do not think that is an unreasonable request, if it is the desire of the administration to move ahead with this nominee with a recess appointment, that at least we come back to where we are now and would have some opportunity to express ourselves. We would be giving that up if we just vitiate the whole thing. He could say we are going to go ahead and he is going to appoint him as a recess appointment during the July break or sometime in the August break. That is the dilemma that we are in.

Mr. REID. I have spoken to the majority leader. I hate to be speaking for him here, but he is not here. The majority leader said he has not spoken to anybody about a recess appointment. He doesn't know if they have any intention of doing that. He doesn't know. But he doesn't want to be constrained, so it would be my suggestion we just go ahead at 3:30, then, because doing anything other than that I think puts the majority leader in a real bind. I am willing to put him in a bind but not for anything that is my cause.

I suggest we withdraw the unanimous consent request and go ahead with a vote at 3:30, if people are demanding there be some conditions on taking away the vote. The unanimous consent request, as I understand it, is that the vote would be vitiated and the leader would reset that vote at any time he chose fit. Certainly the distinguished Senators from West Virginia and Massachusetts can talk to the majority leader, if they want to do that, following the vote being vitiated.

But unless there is an agreement on this unanimous consent request, basically that the vote scheduled for 3:30 today be vitiated and we go to the conference report on the emergency supplemental—if that is not the agreement, then I assume we would go to the vote at 3:30 and go to the supplemental at some later time.

Mr. WARNER. Mr. President, it seems to me that we could have the certainty, then, if the vote is to be held, that we could go immediately following the vote to the supplemental.

Mr. REID. That was discussed. I am not ready to do that.

Mr. WARNER. Then I think for the moment that we are confronted with the parliamentary situation whereby there is objection.

Mr. REID. I ask the Chair, what time is the vote set for?

The PRESIDING OFFICER. The vote is set for 2:30, with an hour of debate.

Mr. REID. The reason that is very awkward is because we have Secretary Rumsfeld and Secretary Rice coming here, and to have a knock-down, drag-out debate on this at this time doesn't seem to be very good for the body because it is reported that the President is on the way back from Iraq. I think

we should go ahead with that schedule, which was to vitiate this vote, but we got wound up somehow in recess appointments the majority leader and I have never talked about. As I said to the floor and to the distinguished Senator from Massachusetts, he has not spoken to anybody about a recess appointment.

I ask the Senator from Massachusetts and the Senator from West Virginia: Do we go ahead with the schedule as we have it laid out, that at 2:30 p.m. we start the vote on Stickler, and those who want to be here for the debate on Stickler could do that, and those who want to go to the Rice-Rumsfeld hearing can do that?

Mr. KENNEDY. That is satisfactory.

Mr. REID. There is no unanimous consent request that we come here at 2:30 to start the debate on Stickler, and there will be a vote at 3:30.

The PRESIDING OFFICER. Does the Senator from Virginia withdraw his unanimous consent request?

Mr. WARNER. No. Leave the unanimous consent request there. I understand there is objection.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. KENNEDY. I object.

The PRESIDING OFFICER. The Senator from Massachusetts objects.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:30 p.m.

Thereupon, the Senate, at 1:03 p.m., recessed until 2:32 p.m., and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The majority leader is recognized.

#### ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that the scheduled recess today be extended until 3:30 p.m.; further that the cloture vote on the nomination of Richard Stickler be vitiated and that at 3:30 p.m. the Senate proceed to the immediate consideration of the conference report to accompany H.R. 4939, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, I thought we talked with the leader about a process and a procedure, of which the leader was agreeable, that we would have a chance—if there is going to be a recess appointment—that we would have an opportunity to go ahead and have a cloture vote prior to that time.

Mr. FRIST. Mr. President, the discussion among the Democratic leadership and Republican leadership was, indeed, that we vitiate the vote today and that at a time that is mutually agreed upon this vote will come back to this body.

Mr. KENNEDY. To this body prior to the recess appointment?

Mr. FRIST. Prior. That is the understanding. And the discussion was—I have had absolutely no conversations with the administration about a recess appointment—

Mr. KENNEDY. Right.

Mr. FRIST. But if there were to be such a recess appointment, that then this vote could come back, would come back at that time.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I thank the leader. We are going to have a very important Thursday signing of the Mine Safety Act. It is a reflection of the good work of our chairman, Senator ENZI, and many others on our Human Resources Committee. It is very good legislation, passed by the House of Representatives, and to be signed by the President. It is going to be enormously important. We look forward to that and hopefully to its effective enforcement.

I thank the leader.

The PRESIDING OFFICER. If there is no objection, without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise today to voice my support for the nomination of Richard M. Stickler to be the Assistant Secretary of Labor for Mine Safety and Health. Mr. Stickler's nomination was referred to the Committee on Health, Education, Labor, and Pensions. On March 8 of this year, the committee reported the nomination favorably out of the committee.

The Senate acted just 2 weeks ago on mine safety legislation which the House passed on Wednesday. It is anticipated that the President will sign this into law expeditiously. It is extremely important for the Mine Safety and Health Administration to have permanent leadership to implement this important mine safety law; therefore, I urge my colleagues to vote in favor of Mr. Stickler's nomination today.

Despite decades of improving safety in our Nation's mines, this year we witnessed a series of tragic accidents in the coal mines of West Virginia and Kentucky. Those tragedies, in part, led to a thorough review of our mine safety laws. The Senate Health, Education, Labor, and Pensions Committee, which I am privileged to chair, and the Subcommittee on Employment and Workplace Safety, chaired by Senator JOHNNY ISAKSON, conducted extensive hearings and roundtables on the issues related to mine safety. We conducted an exhaustive review of the current Mine Safety and Health Act and met, at length, with representatives from the mining industry, labor, the professional safety community and State and Federal regulators, all in an effort to determine how we could act in a responsible and constructive way to improve workplace safety for our Nation's miners. The result of these collective efforts was the Mine Improvement and New Emergency Response Act. The MINER Act is the first comprehensive

reform of U.S. mine safety laws in a generation. Following its introduction, the MINER Act was unanimously reported out of the HELP Committee and, almost immediately thereafter, was passed in this body by unanimous consent on May 24. The House passed this bill on Wednesday night. It is expected that the President will sign the bill into law very soon.

What has marked the MINER Act from the outset has been its bipartisan nature. The bill was drafted and moved through Congress as the direct result of continual efforts, on both sides, to reach across the aisle and reconcile differences. The passage of the MINER Act has shown that ensuring the safety of miners is not a partisan issue.

While amending the Mine Safety Act is an important step in meeting our responsibility to ensure miner safety, it is not the only step. We must not only give the Mine Safety and Health Administration the statutory tools it needs to get the job done; we must give it the permanent leadership it needs as well. This, too, should be an action in which partisanship should play no part. The Mine Safety and Health Administration has been without a permanent, Senate-confirmed, Assistant Secretary for Mine Safety and Health since November of 2004. This is too long under any circumstance but particularly in the wake of the recent coal mining tragedies, and on the eve of implementing the many changes that will result from enactment of the MINER Act.

We have the opportunity today to address this issue and to provide MSHA with the permanent leadership it needs by voting to confirm Richard M. Stickler, the President's nominee to head MSHA. Mr. Stickler is an experienced nominee whose leadership is needed during this critically important period. He is one of a very few individuals who has experience in mining at all levels from a miner to management to State regulator.

Born and raised in West Virginia the son and grandson of underground coal miners, Mr. Stickler has spent his entire 37-seven year career in the mining industry. He began his career as an underground miner and worked his way up to foreman, assistant superintendent, superintendent and manager. The bulk of this experience was not behind a desk but was underground, actually working in a mining environment. Because of this practical, day-to-day experience, he will be better able to understand and respond to the needs of today's underground coal miners and to provide seasoned leadership at MSHA.

While working as a miner, Mr. Stickler also attended Fairmont State College and earned a degree in engineering. In addition to his engineering background, he is certified as a mine safety professional by the International Society of Mine Safety Professionals.

Mr. Stickler also served as captain of a mine rescue team. As we have all

seen over the course of the last several months, mine rescue teams are a critically important component of mine safety. The heroic miners who volunteer for this service endanger their own lives and donate significant amounts of time to ensure they are prepared to help their fellow miners. The MINER Act, which passed the Senate unanimously 2 weeks ago, mandates some changes to the mine rescue team system. Namely, we require mine rescue team members to have a higher level of training and experience and to be available more quickly when needed. I believe there could be no one better to implement these changes than a former mine rescue team captain.

In 1997, Richard Stickler left employment in the private sector to become director of the Pennsylvania Bureau of Deep Mine Safety, where he served for 6 years. He held that position at the time of the Quecreek mine accident in the summer of 2002. The accident drew national attention as nine miners were trapped underground for several days before being successfully rescued.

The Mine Safety and Health Administration is facing its most significant challenge in decades. It needs an experienced leader at its helm to implement the MINER Act and to continue the vital task of ensuring the safety and well-being of our Nation's miners. I urge my colleagues to support the nomination of Richard Stickler and vote in favor of his nomination.

I ask unanimous consent to have printed in the RECORD additional materials regarding the nomination.

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

ARGUMENTS AND THE FACTS ABOUT RICHARD  
STICKLER

Argument: Stickler Opposed the MINER Act.

Fact: Mr. Stickler has NEVER stated that he opposes the MINER Act. In fact he SUPPORTS the MINER Act and has stated that he would expeditiously implement its provisions.

Fact: When he testified before the HELP Committee the bill had not even been introduced yet. No Senator who made this allegation this morning has ever asked Mr. Stickler if he opposed the MINER Act. If they had bothered to do so, as I have, they would have learned that he supports the bill, as does President Bush who nominated him.

Argument: Stickler does not believe any changes to the Mine Safety and Health Act are necessary.

Fact: In the committee testimony he is on record as supporting an additional penalty provision for Flagrant Violators of mine regulations with a new, higher monetary penalty of up to \$220,000. This is included in the MINER Act.

Fact: The record shows that he also stated support for storing additional supplies of breathable air in mine exit ways to assist miners in escaping in the event of a fire or explosion. This change would also be required by the MINER Act. It is a safety precaution that Mr. Stickler instituted in the mines he managed many years ago, even though it was not required by any law or regulation.

Fact: His record testimony also reveals unqualified support for the use of any and all technology that would make miners safer.

Fact: Mr. Stickler supports the changes made by the MINER Act.

Argument: Stickler was a mining company executive.

Fact: Richard Stickler grew up in West Virginia as the son and grandson of underground coal miners. He is only the third presidential nominee to head MSHA to have worked as a rank and file miner.

Fact: Richard Stickler worked his way through college to become an engineer. He continued working his way up the ladder to mine manager. He never worked at corporate headquarters.

Fact: Richard Stickler left employment in the private sector to become Director of the Pennsylvania Bureau of Deep Mine Safety, where he served for six years. He has been retired since 2003 and has no current ties to industry.

Argument: Mines managed by Stickler had injury rates double the national average.

Fact: Richard Stickler was a hands-on manager committed to safety. All of the mines he managed for Beth Energy Corporation had lower injury rates when he left than when he began managing the mine.

Fact: Data from both MSHA and the Pennsylvania Bureau of Deep Mine Safety (PA BDMS) show that injury rates declined steadily during Richard Stickler's tenure as Director of the PA BDMS from 1997-2003. During the last 3 years of his service (2001-2003), the injury rate for underground coal mines was below the national average.

Argument: A grand jury determined that the PA BDMS should have noticed problems with mine maps earlier.

Fact: The grand jury found no evidence of reckless conduct and made no finding with regard to negligence by the PA BDMS. The faulty mine map that was found to have caused the accident at Quecreek carried the certification of a qualified engineer as required. Likewise, the report of the Office of Inspector General made no negative findings with respect to PA BDMS or Richard Stickler.

Fact: Investigations into tragic mine accidents like Quecreek always provide an opportunity for viewing an accident with 20/20 hindsight. Improvements in mine map records were a direct result of the Quecreek experience.

Argument: Stickler believes existing mine laws are sufficient.

Fact: Richard Stickler testified that the Mine Act provided sufficient tools for enforcement, but that tough enforcement measures allowed under the Act should be used more often against mine operators who only comply with standards when MSHA inspectors are on site or against operators who appear to view MSHA penalties as just a cost of doing business.

Fact: Richard Stickler also testified that he supported increased minimum and maximum penalties, unwarrantable failure orders, and would not hesitate to invoke "pattern" provision for recalcitrant operators having repeat serious violations.

Argument: Stickler does not have the expertise or vision to head MSHA.

Fact: The President nominated a highly qualified candidate for this important position. Richard Stickler has nearly 40 years experience in mining. He worked underground. He was an eye witness to the awful tragedy of the Farmington Mine accident that gave rise to the 1969 mine safety laws. He served as captain of a mine rescue team. He was a mine superintendent and manager. He is a trained engineer. He served as the chief enforcement officer for the Commonwealth of Pennsylvania.

Fact: Richard Stickler has a clear agenda for moving MSHA forward.

(1) Learn the lessons from Sago, Aracoma, and Darby. Follow through on the investigations and internal reviews.

(2) Review the regulatory agenda. Determine whether items previously dropped should be reinstated or if new items should be added.

(3) Use all the tools in the Mine Safety and Health Act, including warrantable failure orders and pattern of violations orders where appropriate.

(4) Examine the penalty structure. Penalties must be effective incentives for compliance.

(5) Analyze accident and violations data. Focus technology development, training, and enforcement on areas of most frequent accidents.

(6) Establish goals and performance measures.

STATEMENT OF RICHARD STICKLER, NOMINEE FOR ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH

I fully support the recently passed MINER Act and will do my best to expeditiously implement it if I am confirmed to be MSHA Administrator. I have never stated that I did not support this legislation.

I would like to clarify what I stated during my confirmation hearing. I testified that I support tough enforcement and that I would make use of the enforcement tools that already exist in the statute. I testified that I believe penalties must be meaningful deterrents to violating MSHA safety standards, and appreciate that the MINER Act raises both minimum and maximum penalties.

Mr. KENNEDY. Mr. President, I rise to oppose the nomination of Richard Stickler to be the head of the Mine Safety and Health Administration. I urge my colleagues to join me in voting no on cloture on this nomination.

There is a safety crisis in our Nation's mines. In less than 6 months, 33 workers have been killed in our coal mines—11 more than lost their lives in all of last year. Since Richard Stickler was nominated to lead MSHA last September, 53 miners have been killed in mining accidents.

As a recent front page article in the Wall Street Journal said, there has been "an alarming upswing in coal-mining accidents, at a time when the coal industry is in the midst of a boom." Coal profits are skyrocketing, but miners are paying the price with their lives.

This was brought home to me all too painfully when I traveled with other members of the HELP Committee to West Virginia this winter. We met with the families of the 12 miners killed at Sago Mine, and we promised to fix this broken system.

As these grieving families can tell you, their government has let coal miners down. And if we confirm Richard Stickler to head the Mine Safety and Health Administration, we will be letting them down again.

Our Nation's miners and their families deserve a strong and visionary leader to lead the Mine Safety and Health Administration during this time of turmoil in the mine industry. As his record clearly demonstrates, Mr. Stickler is not the man for this critical job. He has shown over and over again that safety is his last priority.

He spent the overwhelming part of his career as a coal industry executive,

focused on profits and production, not on worker safety. In some mines that he managed, injury rates actually went up—sometimes far above the national average.

For example, when he was Senior Manager at the Eagle's Nest Mine in Van, WV, the injury rate was almost three times the national average. While he ran the Marianna Mine from 1983 to 1987, the injury rate climbed dramatically during his tenure.

In the 8 years leading up to his appointment to lead the Pennsylvania Bureau of Deep Mine Safety, mines he managed had a total of nearly 3,000 safety violations. One hundred of the violations were so serious, they resulted in MSHA closing part of the mine.

During Mr. Stickler's tenure as the head of the Pennsylvania Bureau of Deep Mine Safety, he continued to favor mining companies over miner safety. He granted waivers and bent the rules for coal mining companies over and over again. He created huge loopholes in rules designed to prevent mine fires on conveyor belts and to guarantee that miners could reach safe places to protect themselves from runaway railcars.

Things got so bad in Pennsylvania during his tenure that one mine inspector called Stickler's special favors for the coal industry, "a detriment to safety . . . that would, without a doubt, make the coal industry less safe for two-thirds of its workers."

He was also in charge when the terrible accident at Quecreek occurred, trapping nine men underground in a flooded mine shaft for more than 3 days. We all sent our prayers and support to the miners' families as we watched the rescue operation hour by hour on television. America was horrified that this could happen. A grand jury inquiring into that accident confirmed our suspicions when it found that the system of regulating underground coal mines in Pennsylvania, which included Mr. Stickler's job of protecting miner safety, was "inadequate, antiquated, and in need of significant changes."

That accident was a clarion call for the need to dramatically improve mine safety. The lessons of Quecreek mean that Mr. Stickler, more than anyone, should have known of the need to overhaul our mine safety, and particularly emergency rescue laws.

In addition to the Quecreek experience, when Mr. Stickler testified before our committee earlier this year, the coal mine tragedies in West Virginia had just gripped the Nation. Sixteen men had already died in our Nation's coal mines in just 4 weeks. They had lost their lives doing their jobs. Their families were left only with their memories. We owed it to those families to stand with them and demand immediate action to prevent more deaths.

Yet when we asked Mr. Stickler whether mine safety laws needed reform, he told us that he "thinks the laws are generally adequate."

Time and again, his response to the most pressing questions on mine safety was that he needed to think about it. We asked him about how to speed the adoption and encourage the development of new mine safety technology. We asked him whether he thought mine rescue teams should be readily available, as required by current law. We asked him whether rescue chambers should be required in every coal mine. We asked him whether he would ban the use of conveyor belts to ventilate mines. We asked him whether he would implement MSHA's rule decreasing diesel fumes in mines.

Did he agree with our call to action? Did he promise to take concrete steps to save the lives of coal miners in danger? Not at all. Over and over again in the hearing, in the midst of the tragedy, he responded only that he needed to "study," "analyze," "review," or "reevaluate" the situation.

This heartless performance showed how out of step he is with this Congress and with mining families in America. Congress has enacted sweeping mine safety legislation that is now on its way to the President's desk. Four States—including West Virginia, Illinois, Pennsylvania, and Kentucky—have also passed or are considering strong new mine safety laws. Yet the person the President wants to lead our mine safety agency is content with the status quo. It is no wonder that Mr. Stickler's nomination is opposed by the United Mineworkers of America, the Steelworkers and Petrochemical Atomic Workers, the Boilermakers, the International Brotherhood of Electrical Workers, and the AFL-CIO.

The Charleston West Virginia Gazette also opposes this nomination, and urges President Bush to "find a qualified MSHA nominee to send before the U.S. Senate."

Most importantly, Mr. Stickler's nomination is opposed by the people who have the most to lose with a weak mine safety leader—the families of coal miners themselves. I have received letters from women in West Virginia, Kentucky, and Alabama, who lost their husbands and fathers in mining accidents this year—pleading with this Congress to oppose this nomination.

I think Peggy Ware from West Virginia summarizes their thoughts best: "I know it is too late for my father and the other miners that have lost their lives this year but we can make it safe for all our current miners. Our miners deserve better leadership than someone who will not be aggressive and someone that doesn't appear to recognize there is a problem with our mining industry. This has been one of the deadliest years in mining history. So once again I ask you to please oppose Mr. Stickler's nomination." I will ask that these letters be printed in the RECORD.

Our Nation's miners and their families have had enough of the status quo. They deserve someone who is going to fundamentally change course in miner safety, not cover for the industry. They

deserve someone who will make the United States once again a leader in mine safety, instead of a place where miners have to rely on safety equipment that is 30 years old. They deserve more than more of the same cuts to mine safety enforcement, and withdrawal of safety regulations, instead of pioneering new safety standards. Congress decided it is time for a change by passing the MINER Act, the most significant improvement to mine safety law in a generation, and President Bush is expected to sign it into law this week. We saw unprecedented cooperation between industry and labor, Republicans and Democrats on this legislation because the mandate for action was clear. We had to act to stop the tragic trend that started with the New Year and the disaster at Sago.

The act imposes broad new requirements to protect miners in the event of an emergency, and ensures that communications, oxygen, and rescue teams are in place to help miners survive.

This new law will usher in a new era in mine emergency response. MSHA will be responsible for reviewing mines' emergency response plans. It will issue regulations to raise the standard for seals on abandoned sections of mines to prevent the next Sago or Darby disaster, and it must make critical decisions about the use of conveyor belts to ventilate mines and refuge chambers.

These choices will determine the state of mine safety for another generation. They will determine whether coal miners will live or die the next time there is an accident. How can we entrust these critical reforms in the MINER Act to an agency head like Richard Stickler who thinks they are unnecessary?

We owe it to the miners who have died this year and to those who go into those same mines every day to demand a leader for MSHA who find solutions, not someone who can't even recognize the problem.

For the sake of the miners and their families, I am voting no on cloture on this nomination, and I urge my colleagues to do the same.

I ask unanimous consent that the aforementioned letters be printed in the RECORD.

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

JUNE 11, 2006.

DEAR SENATOR KENNEDY AND SENATOR ROCKEFELLER: First, we would like to express our gratitude to you for your steadfast commitment to the Mine Act. We hope that passing the Mine Act will aid in preventing future deaths of miners and save other families from the grief that we have endured because of the Sago Disaster. We would like to see additional requirements set forth to protect the health and safety of our nation's miners and we will continue to serve as advocates for miners.

We are profoundly disheartened by President Bush's nomination of Richard Stickler for Assistant Secretary of Labor for Mine Health and Safety. Mr. Stickler is a longtime coal executive and because of his connections with the coal industry, we are con-

cerned that his primary objectives may be solely on compliance and production, not on miners' health and safety. Richard Stickler worked 30 years in numerous management positions for the coal industry. He was a mining company executive at a subsidiary of Massey Energy in West Virginia, one of the nation's biggest coal companies. This is not the type of person we want to head MSHA.

The Clinton administration was working on a rulemaking proposal to require additional oxygen, a rule that could have saved the lives of our Sago Miners and many other miners who have perished due to an insufficient supply of oxygen in America's underground coal mines. This proposal was dropped after President George W. Bush took office. MSHA has also admitted to knowing since at least 1998, that the previously required one-hour air supply was inadequate to allow escape by miners in more than a third of the nation's underground coal mines.

At his nomination hearing, Mr. Stickler declined to endorse new mine safety rules, such as those passed in January 2006 by the West Virginia legislature. He failed to recognize the inadequacies within MSHA and the coal industry. This lack of awareness and concern on behalf of Richard Stickler is appalling, especially following one of the deadliest seasons of coal mining in recent history. He offered no insights about what he would do if he were to become head of MSHA. It is our opinion that Mr. Stickler displays no signs of leadership or competence in the ability to head MSHA.

President Bush's nomination of Richard Stickler is characteristic of his pattern in appointing coal industry insiders to serve as senior executives to MSHA. Under this administration, regulations have been mitigated in favor of industry, fines have been reduced for mine safety violations, and MSHA's requirements have not been updated to keep pace with the advancement of mine safety technologies. We conclude that the nomination of Richard Stickler would best be described by a quote taken from UMWA President, Cecil Roberts, "just another fox guarding the henhouse".

MSHA is an agency that was developed to protect miners' health and safety and not to promote the interests of coal companies. Our nation's miners deserve an agency staffed with executives who would aggressively advocate miners' health and safety. We oppose the nomination of Richard Stickler as Assistant Secretary of Labor for Mine Health and Safety. We assert that Mr. Stickler is not the right person for the job and urge you to oppose his nomination. Please do not allow the government to fail our nation's coal miners as it failed our fallen miners at Sago.

Thank you,

DEBBIE HAMNER,  
SARA BAILEY.

JUNE 11, 2006.

DEAR SENATOR BYRD AND SENATOR ROCKEFELLER: I first would like to thank you for all the leadership and efforts you have put forth helping to get the Miner Act together and passed. I admire you for being so concerned about our miners' safety. These changes needed made due to the recent tragic deaths of all our miners. I am the daughter of Fred G. Ware, Jr. He was one of the miners killed at the Sago Accident. I have been following closely to make sure changes are being made.

However, I am writing this letter to express my concern of President Bush's nominee for Assistant Secretary of MSHA: Richard Stickler. I know that he has background in mine management. My concern is that he will yet be another one worried about "compliance" but not aggressive enough to en-

force the Mine Act. During his nomination hearing, Mr. Stickler didn't even seem to recognize that there are any problems at MSHA or within the industry.

Mr. Stickler seems to have a lack of awareness of the current conditions of the coal industry. This lack of awareness bothers me due to the fact we have had so many deadly mining accidents since January 2, 2006. My father was taken away from me in one of these deadly accidents. Mr. Stickler offered no insights about what he would do if he were to become the head of MSHA. This is not the kind of leader we need for MSHA. We need a leader that will assure the health and safety of our miners by being aggressive and enforcing the Mine Act.

Thirty years ago when the Mine Act was passed, Congress said that miners' health and safety are supposed to be the top priorities, and MSHA being responsible with pursuing that mission. Mr. Stickler said nothing at his confirmation hearing that suggests he would serve as an aggressive advocate for miners' health and safety. Our miners deserve nothing less. I believe that Mr. Stickler is not the right person for the job and thus urge you to oppose his nomination.

I urge you to do this for all the miners' health and safety. I know it is too late for my father and the other miners that have lost their lives this year but we can make it safe for all our current miners. Our miners deserve better leadership than someone who will not be aggressive and someone that doesn't appear to recognize there is a problem with our mining industry. This has been one of the deadliest years in mining history. So, once again, I ask you to please oppose Mr. Stickler's nomination.

May God bless you all and your families. God bless our miners!!!!!!

Sincerely,

PEGGY WARE COHEN.

JUNE 10, 2006.

DEAR SENATORS: As you probably remember, our husbands were two of the 13 coal miners who were killed in the Jim Walters Mine No. 5 on September 23, 2001. Since then we have spoken out in favor of improving the health and safety of coal miners. To that end, we thank you for your vote in favor of the MINER Act. We hope it will prevent more needless deaths in the coal mine industry and will save other coal mining families from the grief we have suffered. Of course, there is still a lot to do to further miners' safety and health; we continue to serve as advocates for coal miners.

Today we write to you to voice our serious reservations about President Bush's nominee for Assistant Secretary of MSHA, Richard Stickler. Mr. Stickler has a background in mine management. From all that he has indicated so far in connection with the confirmation process, he will be much more inclined to continue Mr. Lauriski's focus on "compliance" at the expense of Mine Act enforcement. In fact, when he had his hearing, which followed the terrible tragedies in West Virginia in January 2006, Mr. Stickler didn't even recognize that there's any problem at MSHA or within the industry. He had no absolutely no new ideas about what should be done to make MSHA any better. In short, he showed no leadership at all.

When Congress passed the Mine Act, it stated unequivocally that miners' health and safety are supposed to be the top priorities. MSHA's job should be to protect miners. Unfortunately, Mr. Stickler has said nothing to suggest he would serve as an aggressive advocate for miners' health and safety. However, miners deserve nothing less. We believe that Mr. Stickler is not the right person for

the job and thus urge you to oppose his nomination.

Thank you,  
 FRED A SORAH,  
*Debord, KY.*  
 WANDA BLEVINS,  
*Tuscaloosa, AL.*

JUNE 10, 2006.

DEAR SENATOR KENNEDY AND SENATOR ROCKEFELLER: First, thank you for your leadership and persistence in bringing the MINER Act to reality. We hope it will prevent more needless deaths in the coal mine industry and will save other coal mining families from the grief we have suffered. Of course, there is still a lot to do to further miners' safety and health. We will continue to serve as advocates for miners, as we have already traveled to speak on the subject.

Our most immediate concern today is President Bush's nominee for Assistant Secretary of MSHA: Richard Stickler. Mr. Stickler comes out of a background in mine management. At first I thought this would be a good idea, but I fear he will be yet another "fox" charged with minding the henhouse. He will be more likely to pursue "compliance" rather than aggressive enforcement of the Mine Act, though enforcement is what's needed now more than ever. We need someone to stand up for the mining community, not go along with what ever seems to please the companies.

At his nomination hearing, Mr. Stickler failed to even recognize that there's any problem at MSHA or within the industry. How will he be able to fix and improve something he thinks has no problems. This lack of awareness was startling because his hearing was held on the heels of the deadliest season of coal mining in recent history. He offered no insights about what he would do if he were to become the head of MSHA, and he showed no signs of leadership.

When it passed the Mine Act nearly 30 years ago, Congress said that miners' health and safety are supposed to be the top priorities, and MSHA is charged with pursuing that mission. Mr. Stickler said nothing at his confirmation hearing that suggests he would serve as an aggressive advocate for miners' health and safety. However, miners deserve nothing less. We believe that Mr. Stickler is not the right person for the job and thus urge you to oppose his nomination. Please help us get someone to stand up for us and many other miners and their families.

Thank you very much for your time and I hope you consider my suggestion.

Sincerely,

AMBER DAWN HELMS.

#### RECESS

The PRESIDING OFFICER. The Senate stands in recess until 3:30 p.m.

Thereupon, the Senate, at 2:34 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. COLEMAN).

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of June 8, 2006.)

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

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

(The remarks of Mr. LAUTENBERG are printed in today's RECORD under "Morning Business.")

Mr. LAUTENBERG. 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. NELSON of Florida. 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. NELSON of Florida. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

The Senator from Florida is recognized.

(The remarks of Mr. NELSON of Florida are printed in the RECORD under "Morning Business.")

Mr. COCHRAN. Mr. President, after a great deal of hard work by both bodies, I am pleased that the Senate now has under its consideration the conference report to accompany H.R. 4939, the fiscal year 2006 emergency supplemental appropriations bill.

Overall, this bill which was requested by the President has two major points of focus. First, it provides needed funding to replenish the spending accounts of the Department of Defense, the Department of State, and other agencies and departments of the Government engaged in the global war on terror through the remainder of this fiscal year. Second, this supplemental includes critical funding for continued efforts to address the damage caused by the hurricanes in the Gulf of Mexico in 2005.

The bill was adopted by the Senate on May 4, and we began discussions with our colleagues from the other body shortly thereafter. A bipartisan majority of the conferees reconciled the differences between the two bills and reached agreement on the conference report on June 8. The House approved the conference report this morning by a rollcall vote of 351 to 67.

The conference agreement provides a total of \$94.519 billion. Of this amount, over \$70 billion is provided to carry out the global war on terror and to cover the expenses of ongoing operations and reconstruction efforts in Iraq and Afghanistan.

Title II of the conference agreement provides \$19.338 billion for hurricane-related damage and recovery costs. Title III provides \$500 million for agriculture disaster assistance to hurricane affected areas. Title IV includes \$2.3 billion for influenza pandemic preparation and response activities. Title V provides \$1.9 billion for various border security initiatives. Title VI includes \$27.6 million for the Architect of the Capitol to address health and safety concerns in the utility tunnels in the Capitol complex. Finally, title VII includes general provisions and technical corrections.

This conference agreement is the result of hard work and true compromise between the House and Senate. This bill provides critically needed funding to our troops in the field and it helps continue the recovery process on the gulf coast. The overall funding level meets the amount requested by the administration, and I hope this agreement will receive bipartisan support in the Senate.

All members have had the opportunity to review the conference agreement, and I am happy to respond to any questions Senators may have about its contents. I do hope we will not indulge in needless delay and proceed with some dispatch in the consideration and approval of this agreement.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak for up to 10 minutes in morning business with respect to a tribute to Senator BYRD and then make another statement with respect to the conference report.

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

(The remarks of Mr. REED are printed in today's RECORD under "Morning Business.")

Mr. REED. Mr. President, as indicated previously, I would like to make a short statement pertaining to the supplemental appropriations conference report before us.

It is interesting, my colleague from Florida spoke about the lessons of Hurricane Katrina. One of those lessons is we have to be prepared. In Rhode Island, we worked with Chairman COCHRAN, Ranking Member BYRD, and also with Senator HARRY REID to incorporate within the supplemental appropriations bill an appropriation to help prepare our hurricane barrier in Providence, RI. I thank the chairman, Senator BYRD, and Senator REID for this effort.

Unfortunately, this provision did not survive the conference committee, and we are not able today to tell the people of Rhode Island that we are giving

them much needed help to strengthen the Fox Point hurricane barrier.

The Fox Point hurricane barrier literally is the protection that will preserve Providence, RI, and the surrounding areas from a devastating hurricane. It protects the city. It protects all the key resources there, such as the infrastructure. It is right at the head of Narragansett Bay. That is where Providence sits, and in a hurricane, if it roars up that bay, there is not much to stop it except this barrier.

It was built in the 1960s. It was at that time a modern, state-of-the-art construction, but the years have intervened. It is no longer a state-of-the-art construction. It needs work. It needs the electro-mechanical system control system replaced. It is one of the few major facilities in the country that I think is still operated by its original electrical components. The barrier employs three 35-foot-high gates that are electronically operated. This is not only to keep the water out, but to make sure they can still continue to pump water from the rivers that back up the hurricane barrier.

Now, most people don't think Rhode Island is the prime target of hurricanes, but in 1938 and in 1954 we were dealt devastating blows. In fact, the damage from the hurricane in 1938 in those dollars was \$125 million. Today it would be \$1 billion. Hurricane Carol in 1954 flooded Providence, leaving the city under 8 feet of water and destroying 4,000 houses.

So we have a need to help the city upgrade these facilities to provide the kind of improved equipment and improved performance that will assure us that if a hurricane comes—and we all know that eventually they will come to Rhode Island and to the rest of the eastern seaboard—we will be prepared.

Again, I thank the chairman and others for their work to put the money in, and I am disappointed that the money was taken out. I hope that in the future we can find another way in which we can protect the people of Providence, RI, and the whole State of Rhode Island.

Mr. President, with that, I once again congratulate Senator BYRD, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to congratulate Senator BYRD as well. What a wonderful gentleman. What a gentle spirit, but what a firm voice. We value your service and we appreciate what you can teach us and what you have taught us.

I also want to thank Chairman COCHRAN for the hard work that he has done on this supplemental bill. He also has put up with a lot of grief from myself and others. The bill is important. I am going to spend a few minutes on things I think the American people ought to be asking about this bill.

The fact that we have the largest supplemental appropriations bill ever to come before this body to me is a

great problem. It tells me part of the system is broken. The fact that the administration would request such a large emergency appropriation, and the fact that we would pursue it and pass it tells us that the system of the true appropriations and authorizing process is broken.

We are in the fourth year—the third-and-a-half year—of a war, and a large portion of what is in this bill has been known in advance that we were going to need it and it should go through the regular order. The fact that we take it outside of the budget caps, the fact that we take it outside of the regular order when we know we are going to spend \$60 billion to \$70 billion at least in executing and prosecuting the war and put it in an emergency supplemental I think says a lot about our process that we need to take very seriously and try to change.

That is a criticism for the administration as well. A lot of the money in this is for the National Guard to refurbish and bring things up that we knew and in regular order we are going to be processing in the Defense appropriations bill that is going to be coming before this body in the next couple of months. So the excuse to say this is all emergency falls short, because it is not. It is not all emergency. We have known all of this money is going to be spent, it should have come through the regular process, and we really don't have a good excuse to tell the American people why we are not doing that.

The second criticism I have of this bill is that the administration requested no rescissions whatsoever. There is nothing in the Federal Government that we could trim to help pay for this emergency bill. That is the assumption of the request by the administration. I want to tell you that is the wrong assumption. Employees who work for the Federal Government, the valuable employees, they know that is not true. People outside of Washington know that is not true. Constituents all across this land know that if we had to find money and if we could drive things to make them more efficient, we could do it. The fact that we are not doing it is another problem with our process. That is not a criticism of individual Members of this body; it is a criticism of the process that we find ourselves in and that we are blinded in the forest by the trees.

We ought to be back to regular order, and if we truly have emergencies, we ought to look to say, How can we trim from somewhere else to pay for it? Because, in effect, this \$94.5 billion, my grandchildren, your grandchildren, and the generation that follows are going to pay for. Nobody that is working today is going to pay for this. We are transmitting the cost to our children and grandchildren. We are saying that we can't make an effort, or the administration doesn't request us to make an effort, or we don't make an effort to find other areas that are less important, lower on the obligation level for

us, that we will just print the money and sign the notes and sell them overseas and say, Children and grandchildren, you pay for this because we don't have the courage to do the hard work to pay for it. We ought to take that criticism and say, Is that really what we want to be known for? Do we want to be known for not making the hard choices that are necessary to fund this war and at the same time not take away opportunity from our children and grandchildren? That is not a personal criticism, but that is a legitimate criticism that the American people ought to be asking.

The third thing is there are things in this bill that are pure politics in nature. Let me just describe one. I withdrew this amendment on the floor, but I think the American people ought to understand what is going on. There is over \$200 million in this bill for Osprey aircraft, the V-22 that has never proven itself in combat. It has never made the test in battle simulation that says it is a viable option. Neither the administration nor the Defense Department requested this money, and this money is going to be spent, it is in the bill, and this bill is going to pass and the President is going to sign this bill. But we are going to spend money, a quarter of a billion dollars, on this program, not because it was requested by the Pentagon, not because it was requested by the administration, but because it was requested by a business to continue a program that hasn't proven itself yet.

There has to be some risk to those who don't perform when they are supplying our military with the latest in terms of equipment and materials, and there is not any, if we continue to do it this way. I am not an expert in the Defense appropriations process, but I have read what the Defense Subcommittee has said on this, and I have read what the articles have said on this, and it doesn't meet the test. Yet, we are going to spend it.

The reason we are going to spend it is because there are enough Members in this body that have employment with this company throughout the country that the pressure to not fund it is greater than the pressure to do what is right. I believe we ought to ask ourselves about the criticism of that. That is not a way to run the future of this country, and it is certainly not a way to protect the heritage for our children in giving them the opportunity that we have all experienced in being in the freest and greatest country in the world.

The risk for our country is a risk that we will lose that heritage of sacrifice today to create opportunity tomorrow. I know I am like a broken record to the appropriators, but my heart says that we should create at least the same opportunities in the future that we have all experienced, and to do less than that denies the very heritage that was given to us.

So I haven't decided for sure whether I am going to vote for this bill. I know

it is important to take care of the critical needs in the hurricane area. I have had two hearings on that, part of my subcommittee, the waste, fraud, and abuse associated with that. But I must emphasize, out of 37 hearings in the Federal Financial Management Oversight Committee, we found over \$200 billion—\$200 billion—of waste, fraud, and abuse in the last year and 2 months. Forty billion dollars of it in Medicaid in terms of false and inappropriate payments, \$46 billion in Medicare, and \$16 billion in Medicaid fraud in New York City alone. Yet we don't respond to it. There is no action on it.

We had the Pentagon in 2005 pay \$6 billion—\$6 billion—in performance payments to contractors who did not meet the performance requirements of their contract. Yet we paid it anyway. But we haven't had a prohibition on that.

I know on the Defense authorization as we get to that, Senator McCAIN is going to offer an amendment that I think is appropriate that we require that portion of the funding of the war that is legitimate to go through the appropriations process and regular order will be there. There are certain portions of that which are unexpected and we will continue to have to do supplementals to do that. But I would remind my colleagues that we are not going to be measured on what we do now; we are going to be measured on what is the opportunity for America 10 years from now and 15 years from now.

We were sent here to make the hard choices, and they are not fun. But we are not making the hard choices, because we are not looking at the programs that aren't effective, that aren't accomplishing the goals and eliminating them to pay for the things that we think are; we are just ignoring them and paying as we go, except we are not paying as we go. We are asking our children and grandchildren to pay.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I want to thank the very able Senator who has just spoken for his service to the Nation and to this body. I thank the very able chairman of the Senate Appropriations Committee, Senator THAD COCHRAN, for all of his meticulous—meticulous—work on this bill.

The President asked the Congress to approve \$92.2 billion of emergency spending and \$2.3 billion to combat pandemic flu. When the committee opened its hearings on the supplemental on March 7, I stated my belief that it is our duty—our duty—to scrutinize the President's request, not only for what is in it, but also for what is not in it.

The conference report that is before us includes \$65.7 billion for the Department of Defense to fund the wars—and there are two of them going on—two wars: the war in Iraq, to which I was opposed, and I feel I was right, and in Afghanistan, which I supported; I support that war, and I supported that war

from the beginning in Afghanistan—an amount said to be sufficient to prosecute those wars and supply our troops.

Upon passage of this legislation, the total amount appropriated for the war in Iraq, including the cost of reconstruction, will be \$318 billion—\$318 billion. That is \$318 for every minute that has passed—every minute—\$318 for every minute since Jesus Christ, praise the Lord, was born. That is a lot of money. Mr. President, \$318 for every minute that has passed since Jesus Christ was born 2,000 years ago. That is a staggering figure. And what is even more unbelievable is that the monthly cost of this war in Iraq, which I have opposed from the beginning, has been steadily escalating from \$5 billion per month in 2004 to more than \$8 billion per month now.

The American people—hey, those people who are out there in the prairies, in the Rocky Mountains, in the lands between Washington, DC, and the Rocky Mountains—they are all asking: How on Earth has the monthly cost of the war in Iraq grown so much in just 2 years? The Bush administration announced that major combat operations ended in May of 2001. Remember that? The banner that we saw on the ship? Let me repeat. The Bush administration announced that major combat operations ended in May of 2003. But the costs of the war continue to spiral. How can that be? Why? Why? This administration does not want to answer these questions. Instead, the administration continues to request funds for these wars—two wars, Afghanistan and Iraq. The administration continues to request funds for the wars through ad hoc emergency supplemental appropriations bills.

Regrettably, the Congress continues to duck for cover. Since the President took us to war in Iraq in 2003, the Congress has approved eight different emergency supplemental appropriations measures to fund the wars—eight. None of those measures received the full scrutiny that is required of such massive expenditures. You know it. I know it. We know it. Everybody should know it. The President refuses to include the full costs of these wars in his regular budget request. Instead, he sends the Congress emergency requests with little or no detailed justification.

According to the Congressional Budget Office, this President has requested \$515 billion of emergency spending—yes, you heard me, \$515 billion of emergency spending that does not appear in the budget. This conference report includes language that I authored, urging the President to put the full costs of the wars in his annual budget. This is the fifth time the Congress has approved such a provision.

My amendment was approved 94 to 0. It is time for the President to get the message. The administration's failure to budget for the wars means that neither the White House nor the Congress is making the tough decisions about how to make the most of public funds to pay for the ongoing wars.

Tales of waste abound. Our troops deserve better treatment, as do you, the American people out there. I am pleased that the conference agreement includes \$35.6 million for improved mine safety and health programs. Since January of this year there have been 19 coal mining deaths in the State of West Virginia, and another 14 mining deaths in the States of Kentucky, Alabama, Maryland, and Utah. This conference report will ensure that an adequate number of safety inspectors will be provided for our Nation's mines and will expedite the introduction of critical safety equipment into the mines. These are critical dollars which will begin to fill the gaps, the unacceptable gaps at the Federal Mine Safety Agency. There are too few inspectors, there is too much out-of-date safety technology, there are too many unprepared rescue teams, and the litany of problems at the Federal Mine Safety Agency goes on while the lives of our Nation's coal miners continue to be at risk.

In the past 5 years at the Mine Safety Agency, safety has taken a back seat. At least 217 coal safety inspector jobs have been eliminated—wiped out. The political leadership at MSHA puts protecting miners' lives on the back burner.

We have a moral obligation to make our coal mines safer. This funding will jump-start the job of protecting our coal miners' lives and providing some peace of mind to the coal miners' families.

I know how those families feel. I grew up in a coal miner's home. My wife's father was a coal miner. You are looking at somebody who speaks the coal miner's language. I do. Coal mine safety should not take a back seat to coal production. Protecting the lives of our coal miners has to be job No. 1 in the mines.

I cannot find the words to adequately express my heartfelt appreciation for the support of Chairman THAD COCHRAN of Mississippi and the other Senate conferees, particularly Senator SPECTER and Senator HARKIN, for their cooperation. With this funding and with the recent approval of the mine safety authorization bill, Congress will have given clear, unmistakable direction to the administration. The safety of our coal mines and the brave miners who work in them must be paramount, uppermost. I will say that once more. The safety of our coal mines and the brave miners, men and women, who work in the coal mines must be paramount.

With regard to funding required to recover from the gulf coast hurricanes, the chairman of our Senate Appropriations Committee took the bull by the horns. Under Senator THAD COCHRAN's leadership, the Senate added \$9.2 billion to the President's budget request to aid the victims of the hurricanes. In addition, the Senate added funds to meet pressing emergency needs for drought relief, port security, the security of U.S. borders, and much needed

medical care for the Nation's veterans. Sadly, the President, our President, threw down the gauntlet and threatened—yes, threatened—to veto the bill. The White House insisted that \$14 billion of what it called low-priority items be dropped from the bill. As a result, the Republican leadership of the House and Senate sat down with White House staff and agreed to drop from the bill emergency disaster drought relief for our farmers, funding for critical veterans' medical services, and funding for increased security at the U.S. ports. Over \$9 billion of critical funding for the victims of the hurricanes—over \$9 billion—has been eliminated, including housing assistance, education assistance, and transportation funds. Where are our priorities?

Instead, this administration has put its highest priority not on disaster needs but on massive tax cuts to the tune of \$254 billion for 2006, tax cuts—yes, hear me, tax cuts at a time when the Nation is at war and spending on that war is on the order of \$8 billion per month. That is like spending \$8 for every minute since Jesus Christ was born—\$8 for every 60 seconds since our Lord Jesus Christ was born.

The administration continues to have a huge credibility gap when it comes to homeland security. There is a continuing drumbeat that another terrorist attack is likely.

Yet once again the administration is trying to secure the homeland on the cheap.

The White House insisted that the conferees strip away \$648 million for port security and \$600 million for the Coast Guard from the bill. Take it out. The administration's speechwriters and the administration's policywriters seem to be living in different worlds.

How serious is the administration about port security when the administration decides to allow Dubai Ports World to operate six major U.S. ports before the President, the Vice President, the Secretary of Defense, and the Secretary of Homeland Security were made aware of the decision? Who is in charge? Who is in charge? What a fiasco.

How serious are we about port security when Customs inspects only 5 percent of the 11 million containers that come into the country each year? How serious are we about port security when the Coast Guard inspects only one-third of foreign ports that trade with the United States? Yet at the insistence of the White House—hear me now—at the insistence of the White House \$648 million for port security is eliminated—gone, gone with the wind.

With regard to border security, the administration continues to be a day late and a dollar short. They opposed my efforts—this little boy from the hills of West Virginia—yes. The administration continues to be a day late and a dollar short. They opposed my efforts last year to add funds for border security. How about that—your security, border security.

Fortunately, Chairman GREGG, the great Senator from New Hampshire—I like him. No, he is not a Democrat. What difference does that make? I like him.

Fortunately, Chairman GREGG and our House counterparts agreed—yes, that old boy from the mountains—agreed with me, and we now have 1,500 more Border Patrol agents. We now have 1,500 more Border Patrol agents and 581 more immigration investigators and agents, and 1,950 more detention beds.

On May 18, 3 weeks after the Senate adopted the comprehensive Gregg-Byrd border security amendment, the White House sent up its own border security package. Rather than following our lead—Senator GREGG and Senator BYRD—the White House insisted on reducing the package for the Department of Homeland Security by \$728 million—that isn't chicken feed—and narrowing the focus to just the Southwest border.

While some may view border security through a microscope, Chairman JUDD GREGG and I share the view that when the border is tightened in one place, the threat will move elsewhere. We should anticipate that inevitable dynamic so that our border enforcement agencies will have the tools to effectively do their jobs when they need those tools, not 2 or 3 years from now. Yet the President requested no funds—no funds, none—for the Coast Guard and no funds—none—for the northern border.

Just few days ago, 17 alleged terrorists were apprehended in Toronto, Canada. This ought to have served as a wake-up call to all of us that the threat to this country is not only on our Southwest border but on all of our borders.

Regrettably, the President had his way in conference. While I appreciate that we have another \$1.2 billion for border security, I worry that the funds are not based on a sound plan for border security.

In conference, Chairman THAD COCHRAN offered an amendment to establish a limit on discretionary spending for fiscal year 2007. He did so to expedite the consideration of the appropriations measure through the Senate in the absence of a final budget resolution. Chairman THAD COCHRAN and I share the goal of debating in the Senate and sending to the President 12 individual, fiscally responsible appropriations bills.

I support setting clear, enforceable limits on the spending contained in the appropriations bills. The issue is: At what level should we cap spending? Chairman THAD COCHRAN presented to the conference a deeming resolution that would limit spending to \$872.8 billion, the level proposed by the President.

Once again, the President's budget represents an irresponsible plan that trades America's long-term future for short-term political gain. If the Congress approves the President's request

for Defense and Homeland Security, the President's budget will fall \$14 billion short of what is needed for domestic programs, just to keep pace with inflation.

The President proposes the largest cut to education funding in the 26-year history of the Education Department, \$2.1 billion or a 4 percent reduction. This is a nonsensical squandering of the future of our children.

How are we going to compete in the global marketplace unless our young people have the tools they need?

Although we have thousands of veterans returning from Iraq and Afghanistan, the President wants to collect \$795 million in new or increased fees charged to whom? To our veterans to pay for whose health care? Their health care. He also proposes \$800 million of additional fees for the health care of military retirees. What a way to say thank you to our dedicated troops.

The President proposes a level of funding for Amtrak that will force it into bankruptcy. The logic behind that decision totally escapes me. With gas prices soaring, why would we want to eliminate a major provider of public transportation?

At a time when we are facing record energy prices, our President is also proposing a \$1.4 billion cut in funds for Low-Income Home Energy Assistance. What a farce.

Despite the fact that the White House continues to raise the specter of another terrorist attack, the President proposes to cut first responder grants by 25 percent. The President proposes to cut fire grants by 55 percent. These are just more examples of budgeting in a closet.

This week the FBI announced that in 2005 this country had the largest increase in violent crime in 15 years. And yet the President proposes to cut grants for State and local law enforcement by over \$1.2 billion.

So may I say that while our President talks a good game on investing in alternative energy supplies, his budget includes only half of the funds necessary to implement the Energy Policy Act of 2005.

To complicate matters even more, the President has proposed that the Appropriations Committees approve \$7.4 billion of new user fees and changes in mandatory law, most of which are not even under the jurisdiction of the committees. For example, the President wants us to approve a \$1.2 billion increase in the ticket tax charged airline passengers. At a time when the airlines are already facing financial difficulties, this is folly, pure folly. If there is one lesson that we should have learned from Hurricane Katrina, it is that there are consequences to starving Federal agencies. FEMA, which performed marvelously after the Northridge earthquake, the Midwest floods, and the 9/11 attacks, FEMA was no longer up to the task when Hurricane Katrina hit.

After 5 years of starving domestic agencies, I wonder which other agencies will be the next FEMA. Will it be the Coast Guard? Will it be the Food and Drug Administration's ability to approve safe drugs or the ability of the Food Safety and Inspection Service to protect food supplies?

I offered an amendment in conference to modify the amendment offered by Chairman COCHRAN to increase discretionary spending for fiscal year 2007. One of the amendments was adopted on a bipartisan vote of 15-13 to increase spending by \$7 billion.

Sadly, the White House and the House majority leader objected to the inclusion of the deeming resolution as modified by my bipartisan amendment. The conference report that is before the Senate, therefore, limits total discretionary spending to the President's stingy—too stingy—\$872.8 billion request.

At this funding level, the Senate will have little choice but to starve Federal agencies of the resources they need to responsibly meet the needs of the American people. That means relegating people's needs to the bottom of the barrel.

The White House got what it wanted in this conference report. Less money for the victims of the hurricane, less money for drought relief, less money for key border security programs, no money for port security, and a "cheap Charlie" limit on other domestic spending.

The President has just made a surprise visit to Baghdad.

Let me say that again. Today, a little while ago, the President made a surprise visit to Baghdad. That is all right. Supporting our troops is very important. However, I have to ask, when will the President be visiting American ports to determine if they are safe?

When will the President visit American farms that have been devastated by drought?

When will the President meet with our Governors, our mayors, our police chiefs to understand why violent crime is on the rise?

When will the President visit our Nation's hospitals to learn why health care in this country is unaffordable?

When will the President visit our Nation's campuses to learn why the cost of a college education has grown 57 percent during his administration, while the level of Pell grants has been frozen for 5 years?

When will he start to look and listen to the voices of American citizens who want a leader for their future here at home?

We now have appropriated \$318 billion for the war in Iraq while America's needs go begging. I wonder if the President will ever ask himself about the consequences of that choice.

While I have serious reservations about what has been dropped from the conference report, the conference report that is before the Senate provides

essential resources for our troops and help for hurricane relief. Therefore, I will support the adoption of the conference report.

I yield the floor.

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

Mr. COLEMAN. Mr. President, I rise to speak about the Emergency Supplemental Appropriations Act which, as the venerable and esteemed Senator from West Virginia stated, provides critical funding for America's troops, money for hurricane recovery, money for mine safety, while staying within the \$94.5 billion funding level called for by the President.

I am going to support this package. I support our troops. I applaud their efforts. I am a strong proponent of fiscal responsibility, and I understand and recognize the tough choices that needed to be made in order to put this supplemental together. But with that said, a large component of this package is disaster assistance. When it comes to helping our fellow Americans through a crisis, we need to assist all with equal zeal.

The fact is, while this bill offers some Americans a helping hand, it gives some others a cold shoulder. While this bill provides needed funding for agricultural disaster assistance in the gulf to producers affected by the hurricanes, it will not send a dime to Minnesota's farmers struggling to survive their own natural disaster.

The Senate bill contained that helping hand. Chairman COCHRAN fought for—and has fought a number of times, by the way. And I thank the chairman for all the work he has done and all the work he has done on the supplemental and I certainly thank him for his sensitivity to the needs of Minnesota producers. I served with him when he was chairman of the Agriculture Committee before he became chairman of the Appropriations Committee. But this relief never made it through the conference. It is not in the final bill.

I find it incomprehensible, if not irresponsible, to provide weather-related disaster assistance for one region of the country while withholding it from another. At its core, this is an issue about equity for all regions that are suffering.

And to the thousands of Minnesotans whose very livelihood has been jeopardized and those losing their farms due to last year's disastrous weather, this bill is nothing short of cruel. The absence of this piece in the bill is nothing short of cruel.

The images from Minnesota in 2005 speak volumes, surreal images of a mounting storm that almost defies description. Once unleashed, these ominous clouds transformed into tornadoes and a devastating downpour. Imagine looking out your living room window and seeing the shadow of this storm, as shown in this picture, cast on a farm you have worked all your life to build—a farm you have seen through good

times and bad, from performing chores before school as a kid to managing the cash flow of a modern farming operation as an adult. These clouds must have brought great anxiety in their path.

But these families would not have to wait long to find out what this storm would bring as they sought shelter from the tornadoes and from the high winds as they found cover from the 15 inches of rain that fell in 1 single day.

When the sky cleared, this is the scene, as shown in this picture, victims of the storm found. These are the fields, carefully cultivated every year, that were the lifeblood of family farms. These fields, left in utter destruction, a source of great pride when covered by a healthy crop, became a source of great concern to producers who understood all too well that no amount of hard work and careful planning would undue the damage done to their fields.

For many farmers, their worst fears were confirmed. In the sugar sector alone, revenue was reduced by \$60 million in Minnesota in 2005, thanks to this natural disaster. In one county, crop loss exceeded \$52 million and farmers were prevented from planting over 90,000 acres, thanks to saturated fields.

Yet the real story cannot be told through statistics. I have met these farmers, and I have listened to their personal trials endured as a result of this catastrophic weather. I was up in Lake Bronson, MN, up in the northwest part of the State, Kittson County. I think the town has about 180 people. I was there on some other matters. In a town of about 180 people, farmers came from surrounding areas. One hundred farmers showed up to talk about what they have been through, to ask for my help in trying to protect this disaster assistance relief.

I looked at the faces of these men and women who are hard working—you could just kind of see that strength in their hands and in their faces—and I turned to one of my staff and said: This is why America won Two World Wars. These are people who have been there for our country time and again. And they were hurting.

Farmers are losing their operations, pure and simple. Some of these producers will not be coming back to the fields next year thanks to this storm. They are not just losing a business, many are also losing a family tradition.

America is losing something here. Thousands of farmers are struggling to figure out how they will make their cash flow work this year. It is easy for us to talk about terrible crop loss numbers in black and white figures on a page, but these numbers do not quite sum up the weight felt by the farmer who is anxiously wringing his ball cap in his hands as he surveys a barren field and wonders how he will convince the bank to give him one more season.

It may shock many Americans to learn these images behind me are not

from the gulf but, instead, that they describe the natural disaster that struck northern Minnesota in the spring of 2005. Even more shocking to Americans might be the fact that, of the millions of dollars in agriculture disaster aid in this emergency supplemental, none will go to these Minnesota farmers.

I traveled to the gulf so see the hurricane damage firsthand in order to fully understand what my fellow Americans who live far from my Minnesota home are suffering, and I have supported their cause in Congress. I do not know that any of my colleagues from the gulf have ventured to my part of the world to witness the dire situation going on in places like Kittson County—and, again, in size and scope what happened in the gulf is almost incomprehensible—but I urge us not to forget what is happening in other parts of the country. For the farmers impacted, this is their life, this is what they got. It is underwater. I invite my fellow Senators who are interested in meeting these farmers to come to Minnesota. And not just to Minnesota; I think this same scene would be replayed in North Dakota and South Dakota and probably replayed in Missouri and other parts of the country.

It is true that the suffering in the gulf is great. I have seen the tremendous damage, and I am committed to helping. But the burden experienced by the farmers I met in places such as Lake Bronson, MN, is also great. Congress should come to the aid of all Americans who find themselves victim of natural disaster and are left in financial peril and economic hardship too great for them to resolve on their own.

This is simply a matter of fairness. The agricultural disaster aid package that was included in the Senate version of this emergency supplemental appropriations bill—of which I coauthored that piece—was fair. It provided assistance to farmers afflicted by natural disasters regardless of region or the type of natural disaster. This is a simple matter of fairness.

What this conference report does is divide the Nation. If not excluded for regional reasons, then I suppose we are left with the conclusion that hurricanes are the only true natural disasters that deserve congressional attention. We all know that is false. And taxpayers know better. They deserve better. The fact this conference report does not provide one dollar for Minnesota's farmers is a true injustice.

I will vote in favor of this emergency supplemental bill because it provides critical funding for our troops. That is what it is about. I am going to be there for that. But I will come to the floor again and again and again to raise the issue of disaster assistance for Minnesota farmers and others in the region. And at every turn I will work to move this funding. I will not let this inequity stand.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor this evening to talk about the supplemental bill before us. And I thank the Senator from Minnesota for his remarks on agricultural disaster spending. I agree with him how critical this is for his State, and for many others, including mine. And I was deeply disappointed that the administration opposed the Senate's agricultural assistance proposal that was in our bill.

Their letter to us said they opposed it on principle because the 2002 farm bill was designed, when combined with crop insurance, to eliminate the need for ad hoc disaster assistance. Unfortunately, that policy has really harmed us in many of our States. I hope to work with the Senator from Minnesota and others to make sure we recognize these disasters that occurred to our agricultural communities. And I, too, am deeply disappointed it is not part of the supplemental.

Mr. President, I do want to speak for a few minutes this afternoon about funding for the war in Iraq and hurricane recovery and other national priorities.

I want to share with my colleagues that I have three real concerns with the bill. First, really, is that it continues the charade we have had that this war be funded off-budget. And, second, this bill leaves out critical funding for areas such as veterans health care, port security, and emergency transportation assistance on the gulf coast.

Much of the progress we made on the Senate floor, through many hours of debate, was thrown out because of an arbitrary limit that was set by the President that is really going to hurt a lot of our communities.

Finally, I want to talk about how this bill improperly included a budget ceiling that is going to affect every single spending bill and many of the decisions we need to make in the coming months. I believe the supplemental is the wrong place to be enacting a budget that was never passed by this entire Senate. I want to talk about each of these concerns.

I will, like all of my colleagues, vote for this bill in the end because it is important that we provide the funding for our troops to carry out their mission as we have asked them to do and because, of course, it supports the recovery efforts along the gulf coast.

My first concern is that the administration keeps trying to fund this war outside of the regular budget process. Instead of including the money our troops need in the annual budget, they keep sending us supplemental emergency requests. This may seem like a very small issue, but it has two real large impacts. First, every dollar we spend through emergency funding adds a dollar to our national debt. With every supplemental, we are burdening our children and grandchildren with more debt. It used to be that emer-

gency spending bills were for emergencies, things we couldn't foresee such as natural disasters. The need for the funding for the war in Iraq is not a surprise. It is not like responding to an earthquake that no one could predict. We should not hand over to the President the final authority on what deserves emergency funding.

I hope my colleagues will join me in expressing concern about this because this administration's approach is going to burden future generations. I don't think we should hide the true cost of the war from the American public, which we do through this supplemental process.

Communities at home today are sacrificing because of the cuts that this administration and Congress have imposed on the annual budget. If the administration had to fund the war in the annual budget, those cuts at home would be a lot more painful. By funding the war off-budget, Republicans are hiding the true cost of the war and the real tradeoffs that we have to make because of it. I hope the administration will be honest with all of us about how much this war is costing and the investments that we are being denied at home because of the way this administration has chosen to fund the war.

I believe the administration should not have the sole authority to decide what is worthy of emergency funding and what is not because we do have emergencies in our backyard as well as overseas.

My second concern with this bill is that it leaves out many of the critical investments we fought to add right here on the Senate floor to the supplemental. Here in the Senate we worked very well on a bipartisan basis to make sure the bill funds priorities such as veterans health care. I commend Senator COCHRAN for his work in trying to get this bill through the Senate and working with all of us to make sure our needs were addressed. But, unfortunately, the President set an arbitrary limit for the size of this bill and said he wouldn't sign a bill that cost a penny more. What happened? The leadership rolled over, agreed to the President's limit, and now that is going to hurt our communities at home.

One of the groups of people it is going to hurt the most is America's veterans. In April, the Senate overwhelmingly passed the Murray-Akaka amendment to ensure that our veterans get the help they need. Our amendment had broad bipartisan support. We worked with Chairman HUTCHISON and others to make this funding emergency spending. But what happened? That amendment was removed from this bill. That is a huge setback for the men and women coming home from the war today and entering a VA system that is now overwhelmed and underfunded. This funding would have allowed us to provide soldiers returning from Iraq and Afghanistan with timely access to the health care they earned.

We know today that the VA is facing funding challenges. In March, the VA

themselves told us that they are seeing 38 percent more Iraqi war veterans than they budgeted for. In fiscal year 2006, the VA expected to provide medical care to 110,000. That number is now rumored to be nearly 170,000. In fact, the VA has treated 74,000 Iraq war veterans in the first quarter of this fiscal year alone. We are hearing that veterans have to wait over a year to get the specialty care they deserve. Some are waiting over 18 months to get their benefits. We have long waiting lists with thousands of names on them at our major VA hospitals. Recently, a VA official actually told us that long waiting lists make care for mental health and substance abuse virtually inaccessible.

I am frustrated that the funding we worked to get on the floor of the Senate for our veterans is no longer in the bill that is in front of us. I believe our veterans deserve better, and I hope that we address this issue again in the near future.

I also want to take some time to mention other investments that were removed from this bill to meet the President's arbitrary limit. I am the ranking member of the Transportation-Treasury subcommittee. I can tell my colleagues that some very important funding initiatives were left on the cutting room floor, initiatives that were sorely needed to help the residents of the gulf and to help that region's economy recover. Let me give an example.

The Senate-passed bill included \$200 million in emergency assistance for transit authorities in the gulf region. In prior supplemental appropriations bills, we have included \$2.75 billion for the Federal Aid Highway Emergency Relief Program, but there is no such companion program for transit agencies. So right now the principal transit agency in the city of New Orleans is operating on funding through a mission assignment from FEMA. But FEMA has made it clear that this funding support is going to expire at the end of this month. Without any additional Federal help, the very limited amount of bus service that is now being provided is going to be severely curtailed. In fact, I am told that as a result of the \$200 million being eliminated during the conference deliberations on this bill, the New Orleans transit authority is likely to be required to lay off between 300 and 450 employees. They are going to have to cut back their extremely limited service even more.

Prior to Katrina, New Orleans had about 62 separate bus routes. By next month, they may have to cut that back to 17. New Orleans is desperate to generate the economic activity that is going to allow this city to again stand on its own two feet. They need workers, including workers who depend on mass transit, to fill all kinds of jobs. Cutting off those transit routes is not going to help that city recover, and throwing bus drivers on an unemployment line is not going to help that city recover.

In Baton Rouge, city leaders are desperate for transit assistance to help them serve the thousands of Louisiana residents now relocated to that city. You can't just add bus service and commuter rail services and expect to cover that cost through the fare box. They have to be subsidized, just like transit services across the country. The city of Baton Rouge never budgeted for these subsidy costs. That city is struggling to provide city services all across the board. They just can't tax all of these new residents. In fact, some of them were left with just the clothes on their backs. I am deeply disappointed that this Congress acquiesced when President Bush chose to ignore all of those needs and draw a line in the sand saying he would veto any bill that exceeded his request.

Because of that demand, the conference was also required to eliminate funding items for the gulf that the President himself requested. Here is why. The President set a limit, and if we wanted to fund anything new that went beyond that limit, the money would have to come out of the investment he requested. And one of those requested items that got eliminated in this conference was a \$202 million request for HUD for tenant-based rental assistance. That funding was intended to serve some 44,000 families, including families who had received HUD support prior to Katrina, and homeless families. The bill that passed the Senate expanded the purpose of this money to include the reconstruction and repair of HUD projects in the afflicted region and to provide vouchers for about 4,500 needy citizens in the region, especially the disabled and homeless.

That provision received widespread support from numerous national organizations, such as AARP, the National Low Income Housing Coalition, American Association of Homes and Services for the Aging, and Volunteers of America. But all that support didn't matter when it came to cutting billions of dollars out of the supplemental. The end result, the conference report now before the Senate eliminated every penny that the President requested and the Senate included for that activity.

My final concern with this bill is, as I said before, it includes a budget ceiling that is far different from the one that was passed in the Senate. That budget ceiling is going to tie our hands when we work to try to help our communities. This undermines the work we do on the Budget Committee to meet America's needs. I know this was done once before, but I am still very concerned about the precedent we are setting. About 12 weeks ago, the Senate adopted a budget resolution by the narrowest of margins, 51 to 49. That budget included more funding than the President's request. That is because from the floor we did our jobs as Senators. We offered a number of amendments. Some were accepted; some were not. Some were added during the floor on consideration of the resolution.

Here on the floor we adopted amendments to boost funding for Alzheimer's research, for cancer research, for low-income energy assistance, for homeland security, for mine safety, for land and water conservation, and we added funding to help recruit a larger Army to ease the burden on all of those who are now serving. Only after those amendments were adopted was the budget resolution found to be acceptable by the barest majority in the Senate.

Since that time, the conference committee has made no progress in reaching a final budget resolution for this year. It is this complete breakdown of the budget process that has now brought us to this point.

As Members of the Senate are aware, the budget resolution claims to do many things. But the most significant thing it does is impose a spending ceiling on the Appropriations Committee. Now that the Congress has failed to adopt a conference report on the budget, the decision was made to include a provision in this supplemental conference report we are now considering that imposes a new spending ceiling on the appropriations process. Never mind that there is no such provision in either the House or the Senate bill.

This emergency supplemental conference report now before us includes one small but extraordinarily meaningful paragraph that masks the fact that this Republican Congress has failed to enact a budget for the U.S. Government. Worse still, the ceiling that is included in this emergency supplemental bill is not the same one that was agreed to by the Senate when they barely passed a budget resolution 51 to 49. Instead, the ceiling that is included in this conference report is \$9 billion lower than the level the Senate adopted, and \$7 billion lower than the ceiling for fiscal year 2008. The ceiling that is included in this bill deliberately ignores the amendments that were adopted by this Senate back in March. So we are basically being presented with a spending ceiling that would wipe out the amendments that were adopted on the Senate floor and bring our ceiling right back down to the level recommended in the President's budget. The Senate already was presented with that ceiling in the resolution that was reported by the Budget Committee. But the Senate amended that proposal many times to add about \$16 billion in spending to it, and only then did they find 51 votes to pass it.

I am sorry the spending ceiling is now included in this bill. I don't think it belongs in an emergency supplemental bill for the war or for the needs of the people who live on the gulf coast.

I do want to acknowledge that Chairman COCHRAN notified us that he would seek to add the deeming resolution to the supplemental. The bottom line is that a new appropriations ceiling does not belong in this emergency supplemental. The Democratic Senators on

the Appropriations Committees want to enthusiastically support the appropriations bills that our committee is going to produce over the next several weeks and months. We want those bills to pass on a broad bipartisan basis. We want those bills to address the critical funding needs of the functions of our Government, whether it is health research or education or infrastructure investment or agriculture or the needs of our troops.

In reality, it is going to be hard enough to produce appropriations bills that are going to get broad bipartisan support at the levels we adopted back in March. It is going to be almost impossible to do so if we ignore the amendments adopted on the Senate floor and impose a spending ceiling that was not proposed by the President.

So I am very troubled by this bill. It used to do a much better job of meeting our priorities at home. But the President set a limit and the Republican Congress went along, and I think that is going to hurt the families that we represent.

I will vote for the emergency supplemental because our troops need the resources to do their jobs and the gulf coast needs our help. But I am really deeply disappointed at the missed opportunities that are represented in this bill. We can do better, and I hope we stop the political games and start determining the right direction. Frankly, our troops and our country and our future depend on it.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from New Hampshire be recognized immediately following my remarks.

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

#### COURTHOUSE SHOOTING IN RENO

Mr. REID. In Reno, NV, yesterday, a friend of mine, Chuck Weller, was shot in the chest. He is a family court judge. We have in Nevada district court judges that do everything but domestic relations and child custody and that kind of thing, which the family court judges like Judge Weller do. He was working at his desk and somebody shot him in the chest through a window. His condition has been recently changed from critical to serious. We think he is going to be OK.

This is a real tragedy for our system of justice. They have not apprehended the man who shot him. They believe they know who did it. We don't know if the man has killed anyone else, but it is a real tragedy.

Judge Weller is a person who does his very best to be fair and reasonable to those people who appear before him. When you deal with child custody matters, support matters, they are very personal, and a judge has a difficult time because there are intense feelings involved in divorce and child custody.

I am really concerned about his wife, Rosa Maria, and their two daughters.

They face difficult days ahead. Everyone in Nevada is grateful for Judge Weller's public service, and we stand with the family during these difficult days.

I think of the men and women in law enforcement in Nevada and around this country; they are the finest that we have. They are the ultimate first responders. I am confident that they will bring Judge Weller's attempted assassin to justice and in the process restore peace to the Reno community. People are concerned. This happened 24 hours ago or more. The man has still not been apprehended.

Judge Weller moved to Nevada in the early 1980s. He graduated from Georgetown School of Law in Washington, DC. He was elected to the Reno family court a couple years ago. During his election, he said he wanted to be a judge because "you can help a lot of people." He was right. Judges do help a lot of people. They make decisions that are very important, but they help us all by administering justice across the country.

We were reminded yesterday that sometimes judges need our help, particularly when it comes to protecting them from violence. It is an unfortunate fact that violence against judges, such as we saw in Reno yesterday, is not unique. It happens far too much.

Federal judges receive an average of 700 inappropriate communications or threats every year. State court judges, because there are so many more, receive thousands. There is no room in our country for violence, but certainly not in our courthouses. That is where Judge Weller was, in the courthouse. These are some of the most heinous crimes we experience, I believe.

But for the bravery of the men and women who serve on the bench in our courthouses, this violence undermines our entire system of justice. We can and must do everything we can to prevent these tragedies.

Judges like Chuck Weller, clerks, jurors, and others who are serving their country at courthouses and upholding the law must be free to do so without threats to their lives.

One of my valued employees, Darrel Thompson—a fine person—was called to jury duty in Washington, DC. He apologized and said, "I am sorry I cannot be at work today." I said, "Darrel, this is your obligation. I wish I could serve on a jury."

Mr. President, I have tried cases before more than a hundred juries. I told Darrel this is his civic duty. I feel that way so strongly that the system of justice must be administered without intemperance, without threats of violence.

In Reno, the city and county are in the process of determining what actions they can take to prevent incidents like this from occurring at the courthouse. One of the things they are going to try is to put a film on the window so you cannot see as well. One of the people said, "I don't think we can

afford bulletproof windows." That is up to local government. Certainly, we at the Federal level should do whatever we can to assist in the administration of justice all over the country.

I have contacted the county commissioner in Washoe County to extend my support in doing whatever we can do from here to prevent such tragedies. If we can give Federal assistance all around the country, then we should do that. Certainly, we cannot have things like this taking place.

A good place to start would be passing the court security bill, S. 1968. This was introduced last year by Senators SPECTER and LEAHY, the chairman and ranking member of the Judiciary Committee. I intend to offer—unless they do it—the text of that bill as an amendment to the next amendable bill on the Senate floor.

S. 1968 was introduced following a wave of violence against judges and their families in our country. A State court judge in Atlanta was killed by a criminal defendant. We also know that family members of a Federal judge in Chicago were killed by a deranged litigant. In the last 25 years, three Federal judges have been killed. Now Judge Weller, a State judge, has fallen victim. We are hopeful and confident that he will pull through.

The Specter-Leahy bill would improve protections for both Federal and State judges. For State courts like the Reno Family Court, the bill would authorize Federal grants to improve security. These Federal grants might be used to strengthen courthouse infrastructure, such as adding bulletproof windows, or it might be used to hire additional security personnel in the courthouse.

There are times when the Federal Government must step forward. One example, which is so important, is when the Federal Government stepped in to give rural police officers the money to buy bulletproof vests. Little counties in Nevada and other places simply could not afford them. They need bullet proof vests for protection. So there are things we can do to help in the administration of justice and police officers generally.

The Federal Government already plays a role in educating State court judges. I have played a role in helping to fund the National Judicial College and keep it funded. It is based in Reno. Judges, I am sure, from New Hampshire, Tennessee, North Dakota, judges from all over the country, have been to the State judicial college in Reno. It is a wonderful facility for training judges. It is now entirely appropriate for the Federal Government to bolster its support for protecting State court judges from physical harm.

The States will take the lead in protecting their own State court officers, but the Federal Government can and should help develop best practices and replicate successful security models around the country. Congress should take immediate steps to try to prevent

a recurrence of the Reno tragedy from occurring in other places.

I want to extend my thoughts and prayers once again to the Weller family that all will be well with Chuck. It is a difficult time for them and the entire Reno community. I ask everybody here to keep the Wellers in their thoughts, because this could be a judge in your State. But, in fact, it is in Nevada, and we are going to do everything we can to protect the administration of justice in our country. I appreciate very much the senior Senator from New Hampshire allowing me to speak before him.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I ask unanimous consent that after I speak Senator DORGAN be recognized, and then that Senator VITTER be recognized.

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

Mr. GREGG. Mr. President, I rise to speak a little about the supplemental appropriations bill, which is now pending. I want to begin by congratulating the Senator from Mississippi, Mr. COCHRAN, for the extraordinary job he did in producing this bill. When it left the Senate, it was around \$105 billion. It comes back to us from conference at \$94.2 billion or \$94.3 billion—I forget the exact number. It was not easy to bring it down from the Senate position to what was acceptable to the President and to the House. It was really a result of Senator COCHRAN simply saying that we are going to make these difficult decisions and we are going to have a bill that meets the conditions the President laid down for our spending responsibility. He deserves a great deal of congratulations and respect for having accomplished that.

Within the bill, he has included also an issue which I am interested in as chairman of the Budget Committee. It is what is called a “deeming resolution.” It sets the amount of money that can be spent on the discretionary side of the budget. That is those accounts that we appropriate, on which we spend every year, and which are automatic expenditures for things like education and some of the health care accounts and national defense are some of the big ones, as is homeland security.

This deeming resolution has set a number of \$873 billion, which I think is a very responsible number, which the President sent up in his budget, and the number the House had in their budget. It wasn't the number that left the Senate when we passed our budget. One of the Senators who spoke before me from the other side was upset that the number that passed the Senate was not included in the deeming resolution, which is a fairly ironic position for anybody to take since they voted against the budget as it left the Senate.

In any event, the deeming resolution as it is in this budget is the number

that was agreed to between the Republican leadership of the Senate and the House, and it was the number that the President felt was appropriate. It will be a difficult number to obtain, there is no question. It represents significant fiscal restraint. It is a clear marker that we are going to try to restrain the rate of growth of the discretionary side of the budget, which is critical to putting in place fiscal responsibility.

I think it is important for people to know that, yes, we presently have a very large deficit. But this deficit is coming down rather precipitously from where it was projected to be 6 months ago. It was projected that we would have a deficit of well over \$400 billion. We are projecting this year that it will be in the \$300 billion range. That is a very positive move in the right direction. Part of that move is a function of the fact that we have started to control the rate of growth of the Federal Government, independent of our needs relative to fighting the war on terrorism and Katrina, which are events that we need to simply spend money on because of the catastrophe of Katrina and because of the need to have our troops in the field and have what they need to be adequately supported.

Another reason the budget deficit has come down so much in the last few months is because our revenues are coming in as a result of the President putting into place, and the Republican Congress supporting the effort, economic policies which energized the economy dramatically—putting in place a tax policy that is fair to entrepreneurs and risk-takers in this country. We have seen people who are willing to go out and take risk, taking action that creates taxable events. Specifically, they have created new companies, created new economic activity and new jobs.

As a result of those things, revenues are jumping dramatically. We have seen the largest revenue increase in the last 40 years, I believe, in this last year; and the year before that, we saw a historic revenue increase. The Federal Government is back to essentially where they were, in a historical context, over the last 20 years as a percent of gross national product. Those revenues had dropped precipitously over the last 3 years because of the breaking or bursting of the Internet bubble and the attack of 9/11, which caused a recession.

So we are seeing the economy come back. We are seeing 5.3 percent growth, which is extraordinary. We are seeing a job situation where we have virtually full employment. According to the economists, when you get down to an unemployment level below 5 percent, you are basically talking about full employment. We have seen this as a result of this expansion of the economy that has now been going on for 39 straight months, or something like that. We have seen a huge jump in revenues, and the effective result of that is that the deficit is coming down also.

In fact, if you were to take out the cost of fighting the war against terrorism and the cost of paying for the Katrina tragedy, we would essentially be functioning on what would be statistically considered to be almost a balanced budget.

We would be at a historic low relative to the deficit as a percentage of the gross national product over the last 20 years. So we are moving in the right direction. By putting in place this deeming resolution 873, we are asserting we are going to be aggressive to try to control the rate of growth on the discretionary side. That is all positive and good, and it largely comes about because we have very strong leadership on the Appropriations Committee through Chairman COCHRAN and his commitment to fiscal discipline.

Another issue I wish to talk about and put the issue in the correct context so people understand what is actually happening is the issue of border security because there has been a lot of confusion as to how much money we are spending on border security, where we are spending it, and what it is being spent on.

I have the good fortune of chairing the Homeland Security Subcommittee of the Appropriations Committee. I suggested we put in the supplemental as an emergency item—not as an emergency item, we paid for it—\$1.9 billion, the purpose of which would be to pay for capital items which were in dire need by Customs, the Border Patrol, and the Coast Guard. These are items such as airplanes—Customs is flying 20 or so P-3s, and they were all grounded a month ago because they are 40 years over their useful life and they have serious structural issues that have to be checked all the time or they have the potential of serious structural issues—new helicopters because the helicopters are 20 years past their useful life; new cars to be used on the border because the Border Patrol goes through cars rather rapidly because of the harshness of the terrain in which they have to use them; sensors; and unmanned vehicles. With the Coast Guard, it is fast boats to be used to make sure our shorelines are protected from people coming across who shouldn't be coming across and maybe want to do us harm.

These are all capital items. The reason I suggested we do capital items is because I didn't want to create an out-year cost which we couldn't afford to pay for under the present budget system, but I did want to take off the table items I knew we were going to spend money on if we were going to have an effective Border Patrol, to have an effective Customs agency, and to have an effective Coast Guard.

The White House looked at that number and said they really didn't want to do that. Instead, they shifted over and said: Let's do operational items, and they decided to take, of that \$1.9 billion, about \$800 million and spend it putting the National Guard on the border, and the balance of the money they

basically used to project the hiring of new people and the addition of beds for detention, both of which I support, but both of which create certain issues, and that is what I want to talk about briefly—the issues created by the supplemental and what will occur in the following appropriations bills of Homeland Security so everybody knows the playing field that is being defined.

The practical effect of this supplemental is, yes, there will be money in place to hire an additional 1,000 agents. We already had money in the pipeline to hire an additional 1,500 agents this year. It takes about 40,000 applications before you can get 1,000 agents. It is not easy to hire them. Then you have to train them, and you have to have a physical facility to train them, which we have in New Mexico. But that facility doesn't have the capacity to train 2,500 agents a year; maybe 2,000 but not 2,500. It is unlikely we can hire an additional 1,000 agents before the end of this fiscal year—maybe 300 or 400, maybe even 500. But I will agree that by putting the money in now, we accelerate what we planned to do next year, which is to hire another 2,000 agents. So we are accelerating that event, if that is the goal.

Secondly, the proposal basically prefunds bedspace which should be funded and creates an outyear cost as a result of that and does a series of other operational things and actually some capital items with which I totally agree, such as technology investment and unmanned vehicle investment.

But the practical effect of doing it this way is we create what is known as a budget tail or an expense in the outyear which we are going to have to pick up, and that is the point I wanted to make today in as factual a way as I can because it is a very big issue we are going to have to deal with as a Congress, and that is this: The President sent up a budget proposal for next year, 2007, which was essentially \$32 billion, rounded up. That request had an assumption of 1,500 new agents, 1,500 new agents we put in this year would be paid for, and then an additional assumption of another 1,500 agents, I believe, on top of that for next year.

It also had in it a request that part of the money, the \$32 billion, be paid for by raising the airline fee which people pay as a tax when they get on an airplane basically to fund the increase in the border security activity, primarily with the Border Patrol agent expansion, of \$1.2 billion. That proposal of \$1.2 billion had been sent up 2 years ago, and it was rejected out of hand. Why? Because the chairman of the authorizing committee, in what I think is a fairly legitimate view of the issue, said: You shouldn't be raising the tax of people getting on airplanes for the purpose of protecting the borders. The airplane tax should go to TSA and FAA and things which are used to make air transportation safer, but it shouldn't tax the airline transportation industry, specifically the passengers, to fund border activity.

When it was sent up again this year, it was basically dead on arrival, which the administration knew it would be. It wasn't a surprise because they had gone through this before. Actually, what they sent up was a request for about \$32 billion in spending but funding for about \$30.8 billion in spending, which means there was a \$1.2 billion gap. That will be difficult to fill in, in and of itself, were that the only problem. But in order to fill that, basically Senator COCHRAN, as chairman of the full committee, is going to have to take it from some other committee to give it to my Homeland Security Subcommittee to pick up that \$1.2 billion, if he is generous to do that or believes it is the right policy. He will have to take it from somebody else. I assure you, whomever he takes it from is not going to be all that appreciative of having lost \$1.2 billion.

That would be a major hurdle to begin with. Now throw on top of that \$1.2 billion shortfall the fact that in this bill, they have forward-funded 1,000 agents plus a lot of other operational expenses, and they have not funded the Coast Guard costs of what is called their fast boat or the expansion of their coastal protection efforts. They have taken the \$600 million we intended to use to do that and spent it on the National Guard. And we have created approximately—the number fluctuates on what one deems to be capital and doesn't deem to be capital. My guess is we are somewhere in the range of \$1.4 billion in operational expenditures which are now put in the pipeline which are not funded for the year 2007.

In addition, the administration tells us—and I would agree with this if we could do it—in the 2008 budget, they are going to ask for 3,500 new agents so that we can ramp up as quickly as possible to the ultimate goal, which is 20,000 agents. It is possible by the 2008 period that we will have the training facilities at a position where we can hire 3,500 agents. It is also possible that we could get 100,000 applications or 120,000 applications or so, whatever it would take to get 3,500 people. So that is a possibility. But the implications of that are significant in the form of cost.

What does this put at risk? All these costs have been put in the pipeline in a manner which is basically up fronting operational costs but not taking off the table capital needs. The practical implications of the \$1.2 billion, if it is not found by Senator COCHRAN—and I am not asking him to. I think if the administration is going to take this position, if they are going to make their bed, they ought to be asked to sleep in it.

If Senator COCHRAN cannot find that \$1.2 billion, the practical effect is we could not maintain the funding for the 1,000 agents that have just been put in the supplemental. We also could not add the new 1,500 agents we would need in order to fund what we expected to do in the 2007 bill. We would have to re-

duce technology and science and sensor technology by about \$100 million. We would have to limit infrastructure construction, especially fence construction, by about \$100 million. We would have to reduce detention expansion capability by about 6,700 beds.

We would have to reduce fugitive operations, where we try to find these people and get them out of the country, by about \$60 million. We would be unable to forward-fund the effort to get the IDENT and the EFIS systems to communicate with each other for the purpose of a U.S. visit, which is absolutely critical. That is where you come across the border, and they fingerprint you. They take two fingerprints of you. By taking 2 fingerprints of you, they can't communicate with the FBI database which has all the criminals in it because that database requires 10 fingerprints. So essentially we are limiting our capacity to figure out who is coming across the border as it relates to the FBI database. There is a protocol where they try to get the worst people and make it work, but the fact is, we have tens of thousands of fingerprints that are not able to be adequately vetted. That would have to be put off. The need to come up with a card with biotics attached to it so we could have a tamperproof identification system would probably have to be put off because we couldn't pay for that. That is a big one.

These items would have to be put off, plus the Coast Guard—and this really frustrates me—the Coast Guard, in order to build out the fleet they need—and they are functioning under old boats, a lot of old boats, and they have helicopters which are not properly structured, many of them, most of them, the vast majority of them are not armed—build out program to get things right and get positioned correctly to protect our coastline, instead of being completed in 2015, which was our goal under our supplemental request, will end up being completed in 2023 or 2024 and cost more money to do it because of the spread out.

So we are facing a lot of very serious issues as to what we will be able to fund and how much we will be able to fund under the present game plan or blueprint as it is set out for this year and next year as a result of this supplemental.

I thought it was important to come down to the Chamber and try to lay out the specifics because at some point, we are going to have to face up to the reality that there is a disconnect between what is being proposed and what is being paid for. This is not going to work.

Mr. President, as chairman of the Budget Committee, I regularly comment on Appropriations bills that are brought to the Senate for consideration and present the fiscal comparisons and budgetary data. Because of its importance, I will also follow that practice for the pending conference report.

The conference report to accompany the Emergency Supplemental Appropriations bill for fiscal year 2006, H.R. 4939, provides \$94.430 billion in budget authority and \$24.327 billion in outlays in fiscal year 2006 for contingency operations in Iraq, Afghanistan, and the global war on terrorism; relief from Hurricane Katrina; other emergency assistance; border security; and avian flu. Of these totals, there are no mandatory funds included. \$143 million in outlays in the conference report are not designated emergency; these outlays will count against the discretionary allocation for regular appropriations for fiscal year 2006.

The budget authority in the conference report is within the level of the President's request of February 16, 2006, when adjusted for avian flu. It is also \$14.468 billion less than the Senate-passed bill, which clearly demonstrates significant progress in conference with respect to conforming the measure to the initial request.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee's estimate of the bill be inserted in the RECORD.

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

H.R. 4939, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

[Fiscal year 2006, \$ millions]

President's request: <sup>1</sup>	
Budget authority .....	92,221
Outlays .....	23,626
<i>Conference report:</i>	<i>General purpose</i>
Total spending:	
Budget authority .....	94,430
Outlays .....	24,327
Emergency:	
Budget authority .....	94,541
Outlays .....	24,184
Non-emergency:	
Budget authority .....	-111
Outlays .....	143
Remaining 302(a) allocation prior to enactment of supplemental:	
Budget authority .....	9,279
Outlays .....	4,365

<sup>1</sup>The President's 2007 budget request included \$2.3 billion for avian flu; for comparison purposes the President's supplemental request adjusted for avian flu totals \$94.521 billion in budget authority.

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. GREGG. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the issues that have just been discussed by my colleague, and others as well, about fiscal discipline are very important issues. I would make the point that I don't think one can find fiscal discipline around here with a high-powered telescope. There is no fiscal discipline around here, unfortunately. In fact, the very bill we are debating at this point is appropriating something over \$90 billion, none of it paid for—none of it.

Emergency funding for defense, emergency funding for Hurricane

Katrina. We have done emergency funding for defense previously. We have done it again, we have done it again, we have done it again. We are now over the hundreds of billions of dollars, all in emergency funding, and we are pretending somehow we have some discipline. It is imperative for this Congress to begin thinking about what this means for our kids and grandkids.

The conference report before us is a conference report that falls short on this very specific area about which I am concerned. Let me mention another area first.

One of the things this bill does is fund a great deal of money for the Defense Department for money that has been consumed in Iraq and Afghanistan in prosecuting the war. It replenishes military accounts, and we are going to do that, we understand that. We have a responsibility. We cannot send American troops abroad and decide we are not going to fund that which they need to do their jobs. We understand that. It would be smarter if we paid for it all, by the way. It would make a great deal of sense if we decided to pay for this rather than charge it to the kids and grandkids. But here we are, once again.

One amendment that was stuck in the bill when it left the Senate was very simple. It was the determination of the Senate that we were not going to have permanent military bases in the country of Iraq, that we were not going to have permanent military basing in Iraq. The Senate agreed with that. My expectation is that we are in Iraq because we want to provide freedom for the Iraqi people, we want to deal with the insurgency, and at some point bring our troops home.

Saddam Hussein was found in a rat hole. He is now on trial. Perhaps he will be executed. The Iraqi people are rid of Saddam Hussein, who committed mayhem and murder on a grand scale. There are unbelievable numbers of skeletons of people who were murdered by Saddam Hussein who turned up in mass graves. So we are there. And we want the American troops to finish their mission and to be able to come home.

But the Senate had previously decided on this bill that we wanted not to have long-term military basing in Iraq. One of the reasons for that decision I think is the administration asked originally for \$1.1 billion to build a U.S. embassy in Iraq, which would be the largest embassy in the world: 1,200 employees and \$1.1 billion. So I regret that the provision dealing with a decision that we were not going to have a permanent military presence, military basing in Iraq was taken out in conference. That was a bipartisan decision by the Senate to put it in, and I regret it was taken out. Nonetheless, it was.

Let me describe just for a moment my concern about another significant part of this bill. I am happy to be supportive of the efforts to help the people in the gulf region who were devastated by the worst natural disaster to ever

hit this country. When Hurricane Katrina hit, people were displaced and people were killed, and it was devastating to be there, and devastating to watch, for that matter. I think this Congress very quickly said to those people in the gulf region, You are not alone and we want to help you. I come willingly and in an interested way to be a part of the people who say we want to help you.

But this piece of legislation that is now before us with respect to family farming—and that is what I want to talk about specifically—says something very unusual and very unfair. It says those farmers in the Gulf of Mexico who lost their crops due to a hurricane called Katrina are going to get some help. They are going to get some disaster relief. All the other farmers across this country who lost their crops: Sorry, you are out of luck.

The U.S. Senate included a provision that I authored in the Appropriations Committee that provided \$3.9 billion in disaster assistance for all farmers in this country who lost their crops due to a disaster. Let me just describe what happened around this country last year.

Last year around this country we had a whole series of things happen. We had serious drought, the third worst year for drought purposes in Illinois since 1895. We had the third driest year in well over a century. In Missouri, Iowa, Indiana, Arkansas: The worst drought since the 1980s. Oklahoma wildfires destroyed—burned—one out of every 100 acres. In North Dakota, this is an example of what the fields looked like. We had 1 million acres that could never be planted. It was never planted. One million acres was planted and washed away. We had farmers who had just dramatic amounts of rainfall. We had one farmer who received one-third of all of the yearly rainfall in one day; just washed everything away. This farmer lost everything.

Once again the U.S. Senate said: We are going to provide disaster help to farmers who lost their crops. It doesn't matter where they are. In the Gulf of Mexico? Yes. To a hurricane? Yes. But then when we got to conference, the President prevailed. The President said, I will veto this bill if it has disaster relief in it, and the Speaker of the House and the folks who march to that tune in the conference said: No, you can't have disaster relief; we will only allow disaster relief for gulf farmers who lost their crops.

So that is the way it came out of the conference. The folks who were burned out, the folks who dried out, the folks who were flooded, those farmers were left behind, once again. And it starts at the doorstep of the White House.

It was this President who came to North Dakota some long while ago and said to farmers: When you need me, I will be there. I will be there for you. Well, we needed him. He is the one who said, I will veto the legislation if you provide disaster relief for farmers. So

he was successful. They stripped the Senate provision out of the bill. When it came out of the Senate, it was a bipartisan provision. It was supported by the chairman of the Senate Appropriations Committee. It was supported by the Senate conferees upon a motion of mine, once again, in the conference. I sat downstairs in this building at 1 o'clock in the morning. We fought for five hours to try to put this in conference, to keep the Senate provision in conference, and we lost.

Someone once said that common sense is genius dressed in work clothes. The question of common sense here is this: Why should we have a circumstance that we are going to legislate now with this conference report that says if you are a farmer in one part of the country and lost everything, you get a little help. If you are a farmer in the rest of the country, Sorry, Charlie, it is over; no help for you.

Rodney Nelson, who is a cowboy poet in North Dakota, wrote an op-ed piece once in the North Dakota papers, and he asked a question about farming. There aren't many people here who are farmers. We come wearing suits. We have nice, shined shoes. We do our work in white shirts. Nobody here is in farming. But the people out there living on the land, raising livestock, planting a seed, hoping they will grow a crop, hoping they will be able to harvest and go to the grain elevator, and perhaps make some money, and be able to carry over for spring planting the next year, those are America's heroes. Those family farmers struggle.

Rodney Nelson asked this question: What is it worth to a country to have a kid that knows how to plant a crop? What is it worth to a country to have a kid that knows how to fix machinery, how to hang a door, how to weld a seam, how to grease a combine, how to butcher a hog? What is it worth to a country to have a kid know how to feed a newborn calf out of a pail? What is it worth to a country to have kids that know all of these things? What is it worth to a country to have a kid know how to go out and work in bitter cold winters or hot summer sun? What is that worth to a country?

The only university that teaches all of those things is American family farming. It is out under the yard light on the family farm someplace. That is where they teach these courses. Carpentry, welding, mechanics, and horticulture, all of these things you learn on the family farms—agriculture, livestock.

Once again, the farmers who have had these fields and ended up having no crop, some of whom are now out of business, they will lose those farms because they can't go a year without income. The bank doesn't say, We are sorry about that. I will tell you what. We won't need our money from you. You just don't need to pay us.

Some of these farmers will have been gone by now. But we were trying to say

to them, You are not alone. We know you got hit really hard with torrential rain in North Dakota and drought in Missouri and Illinois. That is what the Senate was saying. The Republicans and Democrats here said that. And then we got to conference and the President and the House conferees led by the Speaker said: No way; we don't intend to do that.

We are not asking for the moon. This was just a little bit spilling from the barrel. We have talked about all of this money, billions and tens of billions and now hundreds of billions of dollars, all of which have gone through an Appropriations Committee, none of which has been paid for to deal with wars and all of these issues. I understand why we have to do this. What I don't understand is why we are not willing to do what we should do as a Nation to farmers last year who got hit with natural disasters and who lost everything.

I don't come to the floor to say that the people in the gulf shouldn't be helped. Of course they should. I don't come to the floor to say farmers who lost their crops in the gulf shouldn't be helped. Of course they should. I am the first to support them. But I do come to the floor of the Senate to say it is fundamentally unfair to decide there are a couple of classes of farmers who lost everything, and the first is a class that lost it to a natural event, a weather event that has a named called a hurricane.

My colleague, Senator DURBIN, suggested maybe our problem was that—since we had a weather event in June of last year that provided one-third annual rainfall in 24 hours and washed every seed out of the ground—maybe our problem was we didn't name it. They name hurricanes. They didn't name that torrential rain. Maybe if they had named it, then we would have a circumstance where the President and others would say, Let's treat everybody the same. If you got hurt, if you lost everything, we are here to help. That should have been the refrain from this Congress and should have been the refrain from the White House. Regrettably, it wasn't.

So, after working for months, after beginning in the Senate Appropriations Committee on a bipartisan basis, with the chairman of the committee and others, Senator BURNS from Montana and many others, after doing that, after coming from the floor of the Senate and defending it, getting it through the Senate and going to conference, we got stiffed. When I say "we," I am talking about people who lost everything out there that fully expected this Congress to do the right thing.

Regrettably, this conference report, while it does the right thing in some areas, in my judgment shortchanges a lot of farm families who had high hopes that this Congress would do the right thing for them.

So we will live to fight another day for fairness, but this conference report with respect to the way it treats fam-

ily farmers who suffered disasters last year certainly cannot be linked under the category of fairness, in my judgment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I stand in strong support of this supplemental appropriations bill. There are many, many very important reasons to support it, and certainly one is because of the essential support it gives all of our Armed Forces around the world, particularly with regard to the crucial fight in Iraq. That is an essential reason to support it. Certainly the important money it puts toward border security, and we must do so much more with regard to border security.

I stand first and foremost and primarily with a focus on the crucial challenge of hurricane recovery all along the gulf coast, including in my home State of Louisiana. I strongly and proudly support this bill because it is an enormous help, an enormous commitment at the Federal level of keeping true to President Bush's Jackson Square pledge to make sure we have a full and robust recovery on the gulf coast.

This hurricane experience has been surreal for so many, literally millions who lived through it, including me. And it hasn't just been Hurricane Katrina which, of course, devastated southeast Louisiana as well as Mississippi and parts of Alabama. It has been Hurricane Rita, too, which damaged, devastated south Acadiana and southwest Louisiana just a few weeks after Hurricane Katrina.

It has been quite an experience in terms of introducing me to my work in the Senate. I will never forget so many of the experiences I lived through and saw firsthand, obviously Hurricane Katrina hitting on August 29 and seeing the aftermath of that, the unbelievable devastation, particularly because of the levee breaches in the New Orleans area. After living there on the ground, working on those issues day in and day out, I finally returned to the Senate on September 13 and stood here on the floor and tried to communicate exactly what I saw, but it was difficult because, again, so many of those images were just so surreal, so outside the realm of anything I had experienced before.

Then, just a few weeks later, September 24, it was almost unbelievable, but it happened. We were socked by a second devastating Hurricane Rita that went into the Texas-Louisiana border area, but really affected the entire Louisiana coast because it came in at an angle from the southeast to the northwest, in that direction, pushing flood waters all up and down, east and west of the Louisiana coast, but of course particularly devastating southwest Louisiana and south Acadiana.

I remember in that entire period thinking many times, and I will be

happy to admit this, none too proudly, that this was heavy, heavy lifting in terms of my new job in the U.S. Senate. I remember on more than one occasion e-mailing my wife Wendy that this just seemed so tough a haul in terms of what we needed to do, including through Federal legislation, particularly as it was hitting when understandable concerns about spending at the Federal level were at an all-time high. I noted in several of those e-mails that it just seemed like a very, very tough haul.

After months and months of work and joining with so many others in the gulf coast and outside the gulf coast and all around the country, I am so delighted that we are really getting that job done in terms of this Federal support. What seemed like such an uphill battle so many months ago is finally coming together, in terms of very aggressive, very robust Federal help.

Let me make clear, that is not primarily because of my effort. That is not primarily because of the effort of the rest of the Louisiana delegation—which has been completely united and which has worked very hard, yes—but that is primarily because of the leadership of others and their efforts. So I primarily come to the floor today to say thank you to those leaders.

Of course, we have to start with President Bush, the President of the United States. On September 15 he stood in Jackson Square and addressed the Nation. I was there personally. I will never forget that moment. It was surreal, in some ways, because the entirety of the French Quarter was dark, uninhabited, but there we were in Jackson Square and the President was speaking to the Nation, making a firm commitment that New Orleans and Louisiana and the gulf coast wouldn't just come back but would be rebuilt smarter, better, stronger than ever.

This legislation keeps that pledge. It makes good on that promise, and it only is happening because of the President's strong leadership in this regard. So in all my thanks—and we have many people to thank—I want to start first and foremost with President Bush. He stated it unequivocally, boldly, strongly on September 15 in Jackson Square, and he has made good on that pledge and that promise. This legislation helps do exactly that.

I also want to specifically thank all my fellow Senators, particularly leaders in this regard such as Senator COCHRAN, the chairman of the Appropriations Committee. In the months following the tragedies of Hurricane Katrina and Hurricane Rita, some of the most important work I participated in was getting fellow Senators, fellow Members of Congress, down to the devastated regions, allowing them to see the scope of the devastation firsthand. So many came and so many responded in terms of really getting it, really understanding exactly the unprecedented scope of this devastation. So I thank all my colleagues who did

that, all my colleagues who joined together in this enormously important boost for the gulf coast and for Louisiana.

Again, there are very many folks who worked hard on it, but none harder than the chairman of the Appropriations Committee, Senator COCHRAN, himself, of course, from a devastated State. So I deeply and sincerely thank all those fellow Members of the Senate.

What is it that we have accomplished? It really is a lot from the Federal level: passing the funding, the support, the help we need on the gulf coast for our full recovery. I am proud and happy to say in all of this the Senate has led the way through the leadership of Senator COCHRAN and others, in terms of passing the levels of support we need. The Senate led the way, the Senate bill led the way in the conference committee.

Several categories are enormously important. First, in this bill \$4.2 billion for Louisiana of community development block grant funding. That is enormously important. It will complete a \$12 billion package for Louisiana primarily dedicated to homeowners, many of whom lost everything, and to housing needs. That is crucial in terms of revitalizing and rebuilding our community for the better.

Another absolutely crucial issue as a threshold concept is rebuilding the levees far better than before to give everyone in the region peace of mind that we will have adequate protection in the future. Again, in this bill, \$3.7 billion will go to the Corps of Engineers for their ongoing emergency levee repairs and reconstruction. Just as important is crucial authorization language that is necessary to allow them to get that work done immediately. Again, a crucial threshold issue. Nothing will happen in terms of a robust recovery in the New Orleans area without knowing that we will have the levees we need to give individuals, families, businesses real security in the future.

Other important categories—\$500 million for agricultural relief, focused on the gulf coast region where the devastation from Hurricanes Katrina and Rita happened. Again, I acknowledge Chairman COCHRAN, who kept that package in the bill—slimmed down, yes, but vitally important nonetheless—and preserved it in the conference committee negotiations. That was enormously important.

Similarly, fisheries, \$118 million for fisheries that were decimated all along the gulf coast, particularly in Louisiana and Mississippi, is another crucial component in the bill.

This is so important and is vital particularly when coupled with our earlier legislation, a big bill in December where we passed billions in December also in CDBG funds, in levee money, in health care—Medicare and Medicaid—in education, passing money that followed the evacuee child wherever that child went so we can pay for those extraordinary needs, and in higher edu-

cation, in extraordinary help for local government where the tax base was decimated for the foreseeable future, jurisdictions such as Saint Bernard's, the sheriff's office, local government, the city of New Orleans, and others.

Also, crucial legislation in December on the tax side of the equation—GO Zone legislation—to provide powerful incentives for businesses, families, and individuals to come back and rebuild and bring the jobs with them to revitalize our economy because that is at the core of our recovery as well.

I say thank you to the President of the United States, to all of my Senate colleagues, to all who worked on this crucially important legislation. I say it with every piece of sincerity and heartfeltness in my body because this has just been a matter of survival, of life and death for all of us in Louisiana.

The most important way I can say thank you is in continuing to work with folks on the ground in Louisiana to assure all of you, to assure the President of the United States, to assure the American people, that this money gets spent right on the ground; that it is not just thrown at a problem but actually helps fund positive change and reform on the ground in Louisiana because that is exactly the leadership we need to move in the direction we need to take.

As we turn our attention to how that money is spent on the ground, I assure you I will be an active participant in that work, an active player in that debate. I will continue to use all of my leadership skills, everything I can muster, to make sure, again, that this enormous Federal support that everyone here—the President and others—has made possible goes to fund positive change and reform on the ground in Louisiana. We certainly need it in a whole host of categories: political reform, levee board reform, health care restructuring, educational improvement through charter schools, and the like, and on and on.

That is my pledge to my colleagues. That is, perhaps, the best way I can continue to say thank you for this vitally important help that will mean New Orleans, LA, including southwest Louisiana, decimated so hard by Rita, the entire gulf coast comes back—but also comes back better, stronger than ever.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have come to the floor to try to bring a sense of urgency to the Senate about getting this conference report finally approved. The House has approved it. The conference report has been duly approved by a majority of the Appropriations Committee. The distinguished chairman of the Appropriations Committee, Senator THAD COCHRAN, is here now. I, as chairman of the Defense Subcommittee, want to point out that this supplemental was received by the Senate on February 17, and it is now June 13.

The Army has notified us of the need, and we have approved reprogramming of \$1.4 billion to carry the Army through June. The difficulty is that we are now informed, despite the circumstances of the reprogramming, the Army, at the end of June, will have only \$300 million left in its O&M account. The O&M account is the money to pay bills for any of the departments, and I think as we look at this, Members of the Senate should realize all over the country there are actions being taken now to the detriment of many of our bases, our ports, and various installations even here at home, here in the United States.

But the main thing is that the Chief of Staff of the Army, GEN Peter Schoomaker, has asked Chairman COCHRAN, on May 17, to do his best to accelerate the approval of this bill because almost half of the money that is in this supplemental appropriations bill is for the Army. I don't think there are many Senators who realize that every time there is a reprogramming it involves a real change in the overall structure of the Army. They must take money from various accounts and reprogram it into the operation and maintenance account in order to meet current bills—not only current bills here at home but in the war zone.

Very clearly, the impact of this is being felt, as I said, all over the country. For instance, I received notice from Fort Greely, in Alaska—that is the national missile defense base—that there have been a series of layoffs now at that small fort due to the program that the Army has had to undertake. I have before me the instructions that were given by GEN Dick Cody, the Vice Chief of Staff. He gave it to all general officers on May 26; that is, he has given instructions—really a command to the Army—to reduce spending while ensuring that life, health, and safety issues are covered. The priority is to continue critical support to ongoing operations and readiness activities for units and personnel identified—and that meant with regard to rotation concepts. But with the exception of those concepts, General Cody has commanded that the bases—and this was beginning May 26—not order noncritical spare parts or supplies.

He advised the Army Materiel Command to reduce the purchases and to postpone and cancel all nonessential travel and training conferences and to stop the shipments of goods unless necessary to support deployed forces and units with identified deployment dates.

What I am trying to tell the Senate is that right now, beginning on June 15, here are the orders starting 2 days from now: Release all temporary civilian employees funded with O&M accounts or performing O&M fund work. That includes depot operations. Freeze all contract awards and new task orders on existing contracts. Process solicitation of new contracts only up to the point of award. Suspend the use of all Government purchase cards. And if

this bill is not approved by June 26, beginning June 26 release service-contracted employees to include recruiters, if doing so will not carry penalties and termination costs.

General Cody has advised there may be other painful actions necessary if they don't get these funds.

I think this is a critical situation right now. The impact of not getting these funds now really causes duplicate actions. They not only have to seek reprogramming for transfer of the funds from other accounts to O&M, but then when they get these funds they will have to have authority to reprogram the funds from this account back into the accounts from which they are taken. This really causes enormous manpower problems in the Department of the Army handling situations like this.

I have come to plead with the Senate, let's settle the disputes on this bill. The bill is final now, in terms of the conference report. It is not subject to amendment. I can tell every Member of the Senate, the longer this bill is delayed the more people are going to be laid off in every State of the Union. It doesn't make any sense at all to delay getting this bill to the President. It is ready, it is overdue, and it is time we realized there are substantial costs to the military, when we know they have a crisis that requires supplemental appropriations, not to get the bill approved and to the President as soon as possible.

I plead with the leadership, I plead with both sides, let's approve this conference report and get it to the President tomorrow. In doing so, it will prevent that list of items I just mentioned that will occur starting June 15 because I am assured the President will sign the bill as quickly as possible after Congress has approved it and the Senate will take final action on this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Alaska for his comments. He is insightful. He is experienced. He understands the implications that would flow from the failure of the Senate to act promptly in approving this conference report. He is chairman of the Defense appropriations subcommittee. He has previously served as chairman of the full committee. He has had a wide range of experience in the military service himself during World War II. I think we should listen to him and we should act in accordance with his suggestions and recommendations. I hope the Senate will not prolong this debate unnecessarily.

Everybody has a right to be heard. Everybody has a right to express their views. But the opportunity is now. Let's finish talking about this bill this evening and let's vote on it the first thing in the morning—whenever it is the pleasure of the leader for us to do

so. I commend him and thank him for his strong leadership.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SALAZAR. Mr. President, I rise today to state that I will vote for the emergency supplemental conference report that is before us, and I will do so without hesitation. I expect that most of my colleagues will also join in that vote. We will vote in that way because we know our brave men and women in uniform are currently in harm's way. They are in harm's way, and they need the resources this bill provides for them to move forward.

I also strongly support the hurricane relief and the reconstruction element of this conference report. Those funds are very much needed to address the urgent issues we are facing in the gulf coast and the reconstruction of that area from the disaster which was caused by Hurricane Katrina.

I appreciate the leadership of Chairman COCHRAN and the rest of the delegation from the Gulf Coast States that has brought this matter to the urgent attention of the American Nation. But I also rise to express my disappointment in what is not in this conference report and to help give voice with my colleagues to the millions of farmers, ranchers, and rural communities where needs have not been met in this report.

I am disappointed with the prevailing attitude in our Nation's Capital for the men and women who produce an abundant supply of the safest and highest quality food in the world. This bill is literally leaving them out to dry.

Last year, a bipartisan group of Senators recognized the dire situation that was facing our Nation's farmers and ranchers. We introduced the Emergency Agricultural Disaster Assistance Act of 2006. That bill would provide \$3.9 billion in emergency disaster assistance for farmers and ranchers who suffered losses due to natural disasters. This was an excellent piece of legislation which could have only been written by a consensus, hard work, and a bipartisan approach. We are all extremely proud that the Senate included both provisions in the emergency supplemental but in part because it included this assistance for farmers and ranchers. And there was a Presidential veto that came on the bill we passed out of the Senate. Because these provisions were stripped from the supplemental bill, our rural communities will suffer an unnecessary wrong.

I stand with the farmers and ranchers of rural America today because I recognize that this problem we face today in rural America will not go away. It will not simply disappear when the Senate

stands adjourned until the final vote on this emergency supplemental.

As I travel across Colorado, I hear from farmers and ranchers who have been consistently hit by disaster emergency after disaster emergency. With the rising cost of fuel and other interest costs, this problem can and will only get worse.

The 2005 winter wheat crop in Colorado was the fifth below-average crop in 6 years, with potential losses for producers of \$50 million in my State alone in 2005. Corn producers are reporting that their crops will be 20 percent below average. Sugar beet growers in my State of Colorado will see a decline of almost 50 percent. Farm fuel has increased 79 percent from where it was in September of 2004. It cost \$2.60 a gallon in September 2005. It was \$1.40 in December 2004, and we expect it will probably be higher this September of 2006. One of my constituents, a farmer in Kit Carson County, a very rural and very remote place in the eastern plains of Colorado, estimated that he will need an additional \$46,000 to cover the increased cost of fuel alone this year.

I have often heard here on this Senate floor that rural America is "the forgotten America." I very much agree with that characterization of rural America. The conference committee, faced with the looming threat of a Presidential veto and pushed by House leadership which is out of touch with rural constituencies, abandoned this opportunity for a renewed commitment to rural America.

I will join with my colleagues, both Democrats and Republicans, in making sure we do not abandon rural America. I will continue to stand with the hard-working folks of rural America and with my colleagues who understand the hardships that are faced in more than 50 percent of the counties of our great State.

The drought in my State of Colorado has not miraculously ended in 2006. It continues. Flooding and other natural disasters are still affecting producers across the country. Therefore, my colleagues and I will be back, and again we will push for agricultural disaster assistance to ensure that our farmers and ranchers in rural communities have a real voice here in Washington, DC.

I am also deeply disappointed that a small but very important amendment I authored—an amendment that was accepted by the Senate—was stripped in conference. That provision would have increased the funds available to deal with the wildfire season which is upon us right now and particularly to address the hazards presented by the massive infestation of beetles that has turned vast swaths of our forests into swaths of dry fuel for wildfires.

There was never any doubt in my mind or in the minds of the people of the West that this was, in fact, an emergency situation we face. There was never any doubt that these resources were needed—and they are needed at this time.

Try to imagine how painful it is for communities to brace themselves for the worst when they have approved mitigation plans that are simply sitting on the shelf just waiting for resources so they can be implemented and wood fuel can be safely removed. We had an opportunity to help ease this pain and to do it in this supplemental. Now that opportunity has passed us by.

I was heartened when my Senate colleagues joined in support of the amendment, just as I am so disappointed that it is not finally included in the conference report before us. When across our State the fires start burning during this summer, I will again remind my colleagues that we had a chance to avert this disaster and to address this emergency we know exists, and again we were not able to do so. But on this point, too, I will not give up. I do not believe our Senate should give up. We should keep fighting to address the urgent threat and the underlying causes of the tremendously dangerous wildfire situation in which Colorado communities and communities across America find themselves. That truly is a disaster emergency we face.

Finally, I regret that almost \$650 million in funding for important port security programs included in the Senate-passed version was left out of this conference report. Those funds would have been used to pay for new imaging machines to allow inspectors to look inside cargo containers as they arrive in American ports, to add Customs inspectors at dozens of foreign ports, and to place more U.S. Coast Guard inspectors at foreign and domestic ports. These should be high priorities, especially given the bipartisan concern about foreign ownership of U.S. ports and the fact that port inspectors currently check less than 5 percent—that is less than 5 percent—of the more than 11 million containers that enter American ports every year. As a cosponsor of the Greenlane Maritime Cargo Act, a bipartisan bill to shore up our port security system, I regret the action that has been produced by this conference report, stripping it of the \$650 million we included in the bill for port security.

In conclusion, I will vote for the emergency supplemental because it is before the Senate and we must make sure we are reconstructing the gulf coast and supporting our men and women in uniform. However, the supplemental emergency conference report is flawed because it does not do what it should be doing for farmers and ranchers who have been dealing with disaster emergencies, and it does not take care of the looming fire emergency we will face across America over the summer months.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we are happy to have an indication of support for the conference report from the distinguished Senator from Colorado.

I, too, join him in regretting we could not do more for the agricultural producers who sustained setbacks all around the country because of unfortunate weather conditions and other problems earlier this year.

We had, as the Senate remembers, an amendment in the markup of this bill in this Senate Committee on Appropriations adding about \$4 billion for a wide range of needs in the agricultural sector. I regret, too, we were not able to sustain that provision in negotiations with the House counterparts on the Committee on Appropriations.

We did have difficulty in expanding the provisions beyond the narrow request the President made for funding for the Departments of Defense and State to continue to wage a successful war against terror and to provide needed assistance in the gulf region for further recovery efforts and rebuilding efforts as a result of Hurricane Katrina. Those were the limitations.

The President had threatened to veto the bill if it contained any more than had been requested by the administration for urgent supplemental funding. We were over the barrel, as they say. In negotiations with the House, this is the best we could do.

The conference agreement is the result of a lot of hard work and compromise, as well, between the House and the Senate. The bill provides critically needed funding to our troops and helps continue the recovery as a result of the damages sustained in Hurricane Katrina. The funding level meets the requests of the administration. We will look at the other needs in agriculture and other areas in the regular fiscal year 2007 funding cycle.

We are having hearings now throughout our Committee on Appropriations and the subcommittees that have jurisdiction over these different areas of responsibilities. I am assured we are going to do our best to continue to meet the needs of production agriculture around the country. It is a vital industry. It is the most important industry in my State, surely. More people are involved in agriculture and in processing agricultural commodities than any other economic activity.

I share the Senator's concerns and assure him we will work to identify the needs in his State and around the country as we go through the appropriations process during this next fiscal year. I thank the Senator for his comments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate resume consideration of the pending conference report on Wednesday immediately following morning business. I further ask consent that there be 25 minutes of debate controlled by the chairman and 75 minutes controlled by the ranking member. I further ask consent that following the use or yielding back of time, the conference report be set aside, and further that at 10 o'clock a.m. on Thursday, June 15, the Senate proceed to a vote on the adoption of the conference report to accompany H.R. 4939, the emergency supplemental appropriations bill, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### TRIBUTE TO SENATOR ROBERT BYRD

Mr. REED. Mr. President, on Monday, Senator ROBERT BYRD of West Virginia reached an extraordinary milestone: 17,327 days in the United States Senate, almost 48 years. He has cast over 17,000 rollcall votes. His congressional career has spanned the tenure of 10 Presidents, beginning with President Dwight David Eisenhower. In West Virginia, he has run 14 times and never lost.

He has served for over 60 years in both the House and the Senate and other public service. This year he is running for his unprecedented ninth term as a United States Senator from West Virginia. Suffice it to say, he is the longest serving Senator in the history of West Virginia, as he is in the history of the United States. He is the only person in West Virginia to carry every county in the State, all 55. He has run unopposed for the Senate because of the regard, the respect, and, indeed, the affection of the people of West Virginia.

He is 88 years old. He is not slowing down, he has never slowed down, and he will keep it up. As a Member of the Senate, he has been a leader—Democratic whip, majority and minority leader, chairman of the Appropriations Committee, and President pro tempore of the Senate on two occasions.

In everything he has done, he has been a champion of the Constitution and the people of West Virginia. He secured billions of dollars in funding for his home State, and he has been a leader on mine safety and other issues that are so closely tied to his constituents.

In May 2001, Senator BYRD was given the award that everyone recognizes is

his due. Gov. Bob Wise and both houses of the West Virginia General Assembly named him "West Virginian of the 20th Century," and he is striving now for the 21st century.

He is an individual who is a self-made man, starting off in war industries in a shipyard, and earning his law degree cum laude from American University while a Member of the United States Congress. He is also someone who recognizes the need for education of others. He created the Robert C. Byrd National Honors Scholarship. This scholarship provides opportunities for young Americans to pursue education as he has pursued his education.

He is a historian—a historian of this Senate and the Roman Senate. In fact, his 3,000-page "History of the United States Senate" is the premier history of this August body. He is a defender, a supporter, and, in some cases, the living embodiment of the United States Constitution. He carries it with him everywhere and every time. He is someone who not only talks about the Constitution, but on the floor of this Senate and in this country defends it each day.

He is an individual of great prominence. He is an individual of great humanity.

There is only one fact, I think, that is dimming this very special occasion for the Senator, and that is, it is not being shared by his beloved wife Erma Ora Byrd. But she is looking on this day with the same satisfaction, the same sense of accomplishment.

It is only fitting to close with a quote from Senator BYRD because I can in no way match his oratorical skills. In September 1998, he addressed the history of the Senate and he said:

Clio being my favorite muse, let me begin this evening with a look backward over the well-traveled roads of history. History always turns our faces backward, and this is as it should be, so that we might be better informed and prepare to exercise wisdom in dealing with future events.

His grasp of the past has given him a wise and insightful view of the future. He has always encouraged us to learn our history and then practice our history to shape the future of this country in this Hall of the Senate.

He has stood tall on so many occasions, but most notably I think was in October 2002. With an iron will and articulate voice, he questioned the policy of this Government as we entered this fight in Iraq.

History, I think, will record his wisdom, his decency, and his contribution to the country. Although I am a day late, I hope I am not a dollar short.

Congratulations to Senator BYRD on his model accomplishment.

Mr. NELSON of Florida. Mr. President, I join our colleagues in the accolades and commendation for our colleague, the senior Senator from West Virginia. I believe there is no other Senator who commands the respect and the admiration and the love of fellow Senators as does Senator BYRD.

My first encounter with Senator BYRD, I will never forget. Right over there at that desk, 5½ years ago, I rose to make my maiden speech in the Senate. In the course of that speech to a fairly empty Chamber of the Senate, I happened to mention that it was my maiden speech. In a few moments, suddenly the doors of the Senate flung open and in strode Senator BYRD. He sat down at his desk and listened very politely and patiently as I continued my first oration in this tremendous, most deliberative body. As I finished, Senator BYRD stood and said, "Would the Senator from Florida yield?" I said, of course, "I yield to the distinguished Senator from West Virginia." He proceeded to give a history of the Senate about maiden speeches. He told how, in the old days, when word would get out that a new Senator was going to give his first speech, all of the other Senators would gather around because they wanted to hear what the new Senator was saying. Of course, you can imagine what an impression this made on this new Senator 5½ years ago by not only the conscience of the Senate but the historian of the Senate, the keeper of the rules of the Senate, the distinguished Senator from West Virginia. And, of course, he passed a milestone yesterday. All of us are proud for him, and we are exceptionally proud for this institution, that it would have a Senator such as the distinguished senior Senator from West Virginia.

I want the Senate to know that this Senator is very privileged that he has had the opportunity not only to call him a friend and colleague but that this Senator has had the opportunity to sit at his knee and try to soak up the wisdom of the years, the exceptional historical knowledge of this institution and the extraordinary knowledge of history of planet Earth that the Senator brings to this Chamber.

Mr. LAUTENBERG. Mr. President, I rise to talk about a significant event that took place yesterday in the U.S. Senate, and that is the fact that we have now a new longest serving U.S. Senator in the history of our country. Senator BYRD nears the end of his eighth term here in the Senate but holding more than just another significant record. His contribution to our country has been almost beyond compare. He already holds Senate records for the most leadership positions held and for the most rollcall votes cast, over 17,600 and still counting.

Starting in 1946, Senator BYRD has run in 14 elections for the West Virginia House of Delegates, the State Senate, the U.S. House of Representatives, and the U.S. Senate. He inspires the envy of all of us because he has won all of these races, and I have no doubt that voters in West Virginia will reelect him to a ninth Senate term this fall. That is going to enable him in December of 2009 to pass the record that Carl Hayden has as the longest serving Member of Congress in United States history. But BOB BYRD is not here

merely to set and break records. He is here to serve the people of West Virginia and all Americans, and he has done so admirably.

Senator BYRD is a testament to the values of hard work and perseverance. Almost from the start, he has had a hard life, but he has triumphed. His mother died from the 1918 flu pandemic, when Senator BYRD was just an infant. His aunt and uncle raised him in the hardscrabble coalfields of West Virginia during the Great Depression. He was the valedictorian of his high school class, but he couldn't afford to go to college. After high school, Senator BYRD went to work. He pumped gas, sold produce, became a meat cutter and welder. During World War II, he helped to build Liberty and Victory ships in the Baltimore and Tampa shipyards.

Following the war, he began his career as an elected official, winning a seat in the House of Delegates in West Virginia. In 1952, he was elected to the first of three terms in the U.S. House of Representatives. In 1958, he was elected to the U.S. Senate. In his races since then, he has carried all 55 of West Virginia's counties. In the year 2000, he won all but seven of West Virginia's 1,970 precincts. What a record. It is hard to find one that compares in any way to the allegiance that he has had from the constituents in West Virginia who not only send him back here but love him as their representative at the same time.

It just wasn't winning elections. Senator BYRD could have rested on his laurels, but that is not his style. His life and career have been a relentless pursuit of self-improvement. In 1963, after 10 years of taking classes at night, Senator BYRD earned his law degree cum laude from American University. He didn't have to do that because he wasn't going to become a lawyer, but he thought it would make him a better person and a better Senator.

Senator BYRD is a great example to all of us, but he is especially interesting for America's young people for three reasons. First, he is truly a self-made man. Nothing has been handed to him. He has earned it all. He knows what it is like to be poor, and he knows what it is like to do hard manual labor. That is why he has always been the working man's champion.

Second, he is always striving to learn more and do more. No other Senator can match his extensive knowledge on so many subjects or can recite so many passages from the Bible or from Roman history or from Shakespeare and other playwrights and poets. Senator BYRD isn't content merely to memorize what others have written. He literally wrote the book on the history of the U.S. Senate. No one can match his knowledge of Senate rules, precedents, and parliamentary procedure.

Finally, Senator BYRD is a shining example to all of us because of his steadfast commitment to principle, especially with regard to the role of a

U.S. Senator. He has never wavered in his defense of our institution. All Americans are deeply indebted to him for that dedication and loyalty. At a time when the current administration is intent on usurping powers that the Founding Fathers reserved for Congress, we need Senator BYRD more than ever, his reminders to all of us about what is appropriate in terms of obeying the rules and the procedures we have adopted, but more importantly, the honor that this institution has developed over more than 200 years.

Senator BYRD has demonstrated that fearlessly standing on principle, even when it is unpopular, is the key to a successful political career and in life generally. His concern for his State and his constituents, and his ability to deliver for them, are legendary. But above all, Senator BYRD has stood up for the Constitution. He is what we refer to as a Senator's Senator. We are truly fortunate to have him here, and we are truly privileged to serve with him. He is also a wonderful colleague. He never forgets a birthday or other important occasion, never fails to remind us of the beauty of the seasons.

Yesterday his service here in the Senate reached 17,327 days, a record for which he can be appropriately proud. I know that day was bittersweet because it also marked the birthday of his beloved wife, Erma Ora James, his high school sweetheart, and a coal miner's daughter. We were all so sad when Erma passed away this past March, just 2 months shy of their 69th wedding anniversary. Their love for each other, their respect for each other, was an inspiration to every one of us.

Senator BYRD's record-setting day yesterday was tinged with some sorrow and reflection, but I hope he can take comfort in knowing that so many people here in the Senate and all across America hold him in such high regard.

I would like to borrow a page from Senator BYRD by quoting Shakespeare, who in "Twelfth Night" wrote:

Some are born great, some achieve greatness, and some have greatness thrust upon them.

Senator BYRD has achieved greatness in the U.S. Senate. He achieved it through his tireless service to the people of West Virginia and his fearless defense of the Constitution of the United States of America. The Senate and the Nation are far better for his efforts. We wish him well, a continued ability to serve, and look forward to hearing from him when he talks about subjects that are so familiar to him and yet are so far removed from the typical daily thought that we run into.

Senator BYRD, when I first came here, invited me into his office. He delivered a treatise on the former rulers of Great Britain, the Kings of England. From memory, he recalled the length of their term, how they died, who succeeded each and every one of them. I sat there feeling like I was back in the university or even earlier than that, because he had this incredible and has

this incredible memory of so many things, and he can relate them wonderfully.

I come out of the computer business. Until I got here and got to know BOB BYRD, I didn't realize that there is someone who has the knowledge, the database, the information that is very difficult to find in other than very large capacity computers.

Mrs. MURRAY. Mr. President, I do want to talk for a minute about Senator BYRD and recognize he has set a record in the Senate, as many of my colleagues have noted on the floor.

He marked his 17,327th day in office yesterday and became the longest serving Senator in history. That is truly a remarkable accomplishment, and I personally have many fond memories of working with Senator BYRD and look forward to many more.

I remember well when I came here as a freshman Senator 13½ years ago. Senator BYRD at the time brought in all of us freshmen Senators to sit across from him in his very important office and looked down at us and told us that we would be presiding, as is the Presiding Officer today, and told us about our responsibilities and made it very clear he would be watching from his office, and if we were reading any other material or talking to anyone it would be noted.

I certainly did remember that during the many hours I spent in the Presiding Officer's chair because I knew he was watching. But I think it was a simple reminder to all of us as to the importance of the office we hold here and the respect we have to have for our colleagues.

I remember as well that he invited me to lunch several months later with the Senator from Oregon, Mr. Hatfield, a Republican, to sit down and talk with me about the responsibilities I had as a Senator. And I was so impressed sitting in the room with Senator BYRD and Senator Hatfield, never in my life expecting to have that kind of opportunity. And at that meeting they impressed upon me the importance of working across the aisle and respect for the minority and how important everybody's voice is here. It was an important lesson and one I think we all should be reminded of more often.

But just that simple act of inviting me to lunch with two incredible leaders in the Senate is a memory I hold dear, and I thank my colleague for doing that.

But, frankly, I think what I most will remember Senator BYRD for—and is a good reminder to all of us, too—is several years ago when my husband came out here to Washington, DC—he lives in Washington State. I go home every weekend. But he came out here because it was our wedding anniversary, and instead of me having to fly home, he flew out here. He was coming up the steps of the Capitol, and I met him as Senator BYRD was walking out to his car.

Senator BYRD saw my husband, and he said: Welcome. Nice to have you

here at this end of the country. What brings you here?

And my husband said: Well, it is our wedding anniversary.

And Senator BYRD, who, as we well know, lost his beloved wife just a few short weeks ago, was about to celebrate I think it was his 67th wedding anniversary. He looked at my husband and said: Which anniversary is this?

And my husband said: It is our 32nd.

Senator BYRD paused and said: Well, it is a good start.

I think the message of that is important for all of us in our everyday lives, in our responsibilities as spouses, and as Senators, to remember it is a good start every day, and you can't rest on your laurels and think back: Well, we have done this for 32 years. The next 32 will be easy. Every day you have to come out and work hard at whatever role you are in at the time.

I certainly say to my good friend, Senator BYRD, how much I respect him and admire him. And today, as he marks his 17,328th day in office, I say to him: It is a good start.

Mr. KOHL. Mr. President, I rise to pay tribute to Senator BYRD, a man I am honored to call colleague and friend.

Senator BYRD is a hero and a patriot—as noble and eloquent as the great Senators—from Cicero to Richard B. Russell—of whom he has taught us all so much. He is a living example of the great opportunity in America. He is a living tribute to the preeminence of our constitutional democracy.

Senator BYRD lives to serve the people of West Virginia who sent him here, just as he would die to protect the Constitution that guides his every step. It is his duty and joy to use his prodigious legislative skill for West Virginia, and it is West Virginians' great fortune to be represented by a man who knows and does his job so well.

Several years ago, Senator BYRD turned one of my worst days in the Senate into one of my best. It was the end of session, late in the evening, and I had lost a fierce battle over dairy policy. Most Senators were wandering out to make their planes, and Senator BYRD stood up. In ringing tones, he made a short speech about the battle I just lost. In part, he said: "He has stood up for the people of Wisconsin. That is what I like about him. He stands for principle. He stands for his people."

No kinder words have been spoken about me in this Chamber—no accolade of which I am more proud. Senator BYRD, you too stand for principle. You stand for your people. And that's what I like about you.

I am not an orator like Senator BYRD, and I certainly don't have the words to say what his friendship has meant to me and what his stewardship has meant to this country. Let me instead borrow the words of Henry Wadsworth Longfellow, a poet Senator BYRD quotes often here on the floor and often from memory. I'm sure he knows this one, too:

Lives of great men all remind us  
We can make our lives sublime,  
And, departing, leave behind us  
Footprints on the sands of time

Senator BYRD is a great man. His dedication to duty, his love of country, and his devotion to his family are examples to us all. He leaves footprints in the very soil of this Nation that have and will continue to shape—for the better—who we are. I am grateful for his friendship and honored to serve with him.

Mrs. BOXER. Mr. President, I rise to add my voice to the chorus of praise for an extraordinary member of this institution—my dear friend from West Virginia, Senator ROBERT BYRD.

What a pleasure it has been to serve with Senator BYRD.

I am constantly inspired by his grace—his brilliance—and his unmatched work ethic.

Today we honor Senator BYRD for reaching the milestone of longest-serving Senator in history—8 terms—48 years—and 17,666 votes.

These are stunning numbers, but this legend is much more than the Cal Ripken, Jr., of the Senate.

Longevity is only part of the story. We know him best for his intellect, his devotion to the people of West Virginia, and his reverence for the institution of the Senate; for keeping a copy of the Constitution in his breast pocket—next to his heart—at all times, not for symbolism but for constant counsel, for having served beside 11 Presidents—both Democrat and Republican; for standing with them when their cause is just—yet never backing down from a fight with any President when he believes important principles are at stake, particularly when our role as a coequal branch of government is threatened.

And that is what I admire most about Senator BYRD: He always stands on principle and fights for what he believes, no matter what the odds.

What an inspiration this has been to me and to so many of us.

What an inspiration—his love of this country, his integrity, his absolute dedication to honest and principled government.

And what an inspiration—his 68-year partnership with his wife Erma—whom I know he misses dearly—and whom I know is looking down on him today with tremendous pride and love.

And it is for these reasons—far more than for his longevity—that we honor him today.

But anyone who knows Senator BYRD realizes that these words of praise are not sought because, despite his well-earned title of Senate Historian—Senator BYRD is not one to dwell on the past. He is a forward thinker.

For him, this special day is really just another day at the office.

Because as ROBERT BYRD knows best of all—there are crucial issues to debate. Problems to solve. And many more votes to be cast.

Mr. OBAMA. Mr. President, I rise today to honor my friend and colleague

ROBERT BYRD, who yesterday officially became the longest serving Member in the history of the Senate.

As of June 12, 2006, Senator BYRD had officially served West Virginia in the Senate for 17,327 days. That is an astounding 47½ years since he took office on January 3, 1959. It was a time when a postage stamp cost \$0.04, gasoline was \$0.25 per gallon, and you could buy a brand new Ford car for a little over \$2,100.

Senator BYRD has served through 10 Presidencies, statehood for Alaska and Hawaii, wartime and peacetime, surplus and deficit, the dawn of space travel and the advent of the Information Age. And, as I stand here today, I have to chuckle at the fact that when I was just beginning the first grade, Senator BYRD was already serving his second term in the Senate.

However, the indelible mark he has left on this institution has more to do with the quality of his service than the length of his service. Senator BYRD has a deep love for his beloved home state of West Virginia, for the institution of the U.S. Senate, and for our country. Always ready with a copy of the Constitution in his pocket, Senator BYRD understands just how sacred this document truly is, and he fights every day to protect it.

He literally wrote the book on the rules and traditions of the Senate, and he teaches by example, offering the kind of eloquent, principled debate that has historically filled this Chamber. His speeches are honest and heartfelt, with a Shakespearean rhythm, peppered with stories from his boyhood in the coalfields of Appalachia. He is never shy about scolding colleagues when they put politics before principles or when they violate the practices of this great institution.

And yet he also exemplifies the cordial tradition of the Senate, disagreeing without being disagreeable, and always willing to offer a handshake to a political opponent at the end of hard-fought debate. He is a man of integrity, who has demonstrated that an honest search for truth can lead to a principled change of heart and a desire to seek justice for all.

I know this remarkable accomplishment is a bittersweet one, since Senator BYRD is not able to share it with his beloved wife Erma, who passed away in March. Yesterday, the day on which Senator BYRD set this record, was also Erma's birthday. It is fitting that he marks this milestone on the same day he celebrates Erma's life, because he has often credited Erma's unconditional love and support with sustaining him through his years of service.

When asked last week about achieving this milestone, Senator BYRD replied that "records are fine, but what's important is what I do for the people of West Virginia." That humble devotion to the people he serves is what brought ROBERT BYRD to the Senate more than 47 years ago, and it is what continues to drive him each and every day.

After I was sworn in last January, one of the first Senators I met with was Senator BYRD. We sat down in his hideaway on the first floor of the Capitol. After we posed for a few photographs, I inquired after his wife, who I had heard had taken a turn for the worse, and asked about some of the figures in the many photos that lined the walls. Eventually I asked him what advice he would give me as a new member of the Senate.

"Learn the rules," Senator BYRD said. "Not just the rules but the precedents as well." He pointed to a series of thick binders behind him, each one affixed with a hand-written label. "Not many people bother to learn them these days. Everything is so rushed, so many demands on a Senator's time. But these rules unlock the power of the Senate. They're the keys to the kingdom."

We spoke about the Senate's past, the Presidents he had known, the bills he had managed. He told me too many Senators today became quickly fixated on reaching the White House, not understanding that in the constitutional design it was the Senate that was supreme, the heart and soul of the Republic.

"So few people read the Constitution today," Senator BYRD said, pulling out a pocket copy from his breast pocket. "I've always said this document and the Holy Bible, they've been all the guidance I need."

On many occasions over the past year and a half, I have remembered these wise words as I have performed my duties in the Senate.

I am proud to call ROBERT BYRD a colleague, a friend, and a mentor. I congratulate him on this remarkable achievement and wish him all the best for many more years of service to our country.

Mr. LIEBERMAN. Mr. President, I rise to pay tribute to my friend and colleague, Senator ROBERT C. BYRD, who today, on his 17,327th day in office, becomes longest serving Member of the Senate.

As I thought about Senator BYRD's remarkable career, I wondered: What can I say that would properly honor his long labors in service to this Senate and this Nation?

I decided to look back in history, the history that Senator BYRD has quoted time and again, and seek the advice of other Senators known for their oratory. And while many great speakers have blessed the United States Senate over its history, including Senator BYRD, I found wisdom in the advice of the great Roman Senator and orator, Cato the Elder.

He said: "Rem tene; verba sequentur." (rem TEN-ay WHEREba seKENToor)—"Grasp the subject, the words will follow."

So I sat back and thought about Senator BYRD, both over his long career that I have read about, and the 18 years I have been privileged to work with him as a colleague.

A lot of thoughts came to mind.

Warm. Courteous. Kind.

Hardworking. Humble. Humorous.

Both well read and an accomplished author well worth reading.

But none of these were quite right. I still hadn't grasped the subject.

Then an image hit me, the image of Senator BYRD reaching into his coat pocket for that copy of the Constitution he always keeps by his heart.

That was it. I knew I had grasped my subject.

Time after time, Senator BYRD has taken this floor to remind us we have duties beyond our parties, beyond our passions, beyond our personal philosophies.

Our overwhelming duty is to our Nation's Constitution and the unique responsibilities it assigns each House of the legislative branch.

In particular, Senator BYRD constantly reminds us that our duty as Senators is to be the more deliberative of the two legislative bodies as the Framers envisioned this Chamber to be. Federalist No. 62 says the Senate should be a body that does not "yield to the impulse of sudden and violent passions" or be "seduced into pernicious resolutions."

So I thought about the history of this Senate. And I would like to reflect on the very first Senator, William Maclay of Pennsylvania, because his spirit is alive today in Senator BYRD. Senator Maclay became known among his colleagues as a stickler for following the Constitution, which sometimes put him at odds with those same colleagues. He also kept a meticulous diary of the proceedings of that first Senate.

One of the earliest debates in the first Senate was over what to call George Washington. It is hard to imagine now, but there were many back then who thought that "President of the United States" was not a fitting title, that something grander was needed.

A Title Committee was appointed in the Senate to consider titles such as, Your Elective Highness, and His Highness, the President of the United States and Protector of the Rights of the Same.

And those were some of the more modest proposals. The Senate also thought about giving special, nobility-style titles to members of the executive branch.

Senator Maclay found this absurd and in violation of the Constitution. He waited for someone else to speak out. But when no one else did, the very first Senator of the very first Senate rose and said:

"Mr. President, the Constitution of the United States has designated our chief magistrate by the appellation of President of the United States of America. This is his title of office. We cannot alter, add to, or diminish it without infringing on the Constitution. As to grades of order or nobility, nothing of the kind can be established by Congress."

In his diary, Maclay was even more biting about attempts to establish lofty titles because he thought they violated both the letter and the spirit of the Constitution.

He wrote:

"Never will I consent to straining the Constitution, nor will I consent to the exercise of doubtful power. We come here the servants, not the lords, of our constituents."

Now does that sound like anybody we know?

Looking toward the future, Senator Maclay went on to write:

"The new government, instead of being a powerful machine whose authority would support any measure, needs help . . . and must be supported by the ablest names and most shining characters which we can select."

I believe everyone here agrees that Senator BYRD embodies the "shining character" and dedication to the Constitution that the first Senator of the first Senate thought would be crucial to the new Nation's success.

I also believe Senator BYRD has done so by following the advice of that ancient Roman Senator who he has quoted so often, Cato the Elder. Senator BYRD has truly grasped his subject—the Constitution—and the words have followed for nearly half a century.

I hope his words will continue to enlighten this Senate and this Nation for years to come.

Senator BYRD, thank you.

Mr. BAUCUS. Mr. President, the Book of Proverbs says: "The silver-haired head is a crown of glory."

Today, the crown of glory rests upon the silver-haired head of our dear friend and colleague, ROBERT C. BYRD. For yesterday, he became the longest-serving Senator in the history of the Senate.

Senator BYRD has served in the Senate since January 3, 1959. That is longer than there have been 50 States in the Union. That was before Charles de Gaulle was President of France. That was before NASA had astronauts.

Senator BYRD has served as Senator during the terms of 10 Presidents, 9 majority leaders, and 8 Speakers of the House of Representatives.

For 12 years, Senator BYRD served as the leader of Senate Democrats. He served as majority leader, minority leader, and then majority leader again.

Senator BYRD has served as the Senate's historian, elder statesman, and conscience.

Senator BYRD has zealously defended the power of the purse. Senator BYRD has zealously defended the Senate. And Senator BYRD has zealously defended the Constitution of the United States.

But notwithstanding his having held the high rank of Senator for longer than any human being, Senator BYRD has never forgotten whence he came.

Senator ROBERT C. BYRD grew up in the bituminous coalfields of West Virginia, graduated from high school class in the depths of the Great Depression, and worked pumping gas, selling

produce, cutting meat, and welding ships. Even though Senator BYRD reached the zenith of power, Senator BYRD has always remained a man of the people.

Senator ROBERT C. BYRD is an assiduous pursuer of knowledge, a tenacious friend, and a man of deep, abiding faith.

Now Senator BYRD surpasses in length of service the likes of Strom Thurmond, Carl Hayden, John Stennis, Russell Long, and Richard Russell. And now Senator BYRD stands in quality of service with the likes of Daniel Webster, John Calhoun, Henry Clay, Robert La Follette, and Robert Wagner.

I thank almighty God that for more than 47 years, Americans have been able to call him "Senator." I thank God that for more than 27 of those years, I have been blessed to serve here with him. And I thank God that for more than 27 years, I have been blessed to call him "friend."

#### HONORING OUR ARMED FORCES

CAPTAIN DOUGLAS A. DICENZO

Mr. GREGG. Mr. President, I rise today to pay tribute to U.S. Army CPT Douglas A. DiCenzo, of Plymouth, NH, a brave American who has made the ultimate sacrifice in service to our country.

Douglas, or Doug to his family and friends, graduated from Plymouth Regional High School in 1995. While there, he gave us a glimpse of the characteristics that would later make him a remarkable soldier. He was a scholar-athlete in the truest sense. He exemplified leadership as class president, captain of both the football and wrestling teams, and an all-state offensive guard for the State champion Bobcat football team.

Daniel Webster said, "God grants liberty only to those who love it, and are always ready to guard and defend it." In this spirit, after high school, Doug earned an appointment to the U.S. Military Academy at West Point, NY. Upon graduating with his fellow cadets as a second lieutenant with the Class of 1999, he earned an assignment as an Army infantry officer. Subsequently Doug completed the arduous infantry officer, Army Airborne, and Ranger courses. Next came a tour of duty to Fort Wainwright, AK, 2nd Battalion, 1st Infantry Regiment, beginning as a platoon leader with B Company, Mortar Platoon Leader for Headquarters and Headquarters Company, executive officer for C Company and then battalion maintenance officer. Then, in July 2004, Doug was assigned to Headquarters, V Corp in Germany and a year later was assigned to command the 150 soldiers of C Company, 2nd Battalion, 6th Infantry Regiment 2nd Brigade, 1st Armored Division, based in Baumholder, Germany.

In November 2005, he deployed with his unit to Kuwait, and then Iraq, in support of Operation Iraqi Freedom. Tragically, on May 25, 2006, this brave soldier, along with a comrade from his

unit, was killed during combat operations in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. Captain DiCenzo's awards and decorations include the Bronze Star, Purple Heart, Army Commendation Medal with two Oak Leaf Clusters, Army Achievement Medal with three Oak Leaf Clusters, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Medal, Army Service Medal, Overseas Service Ribbon, Combat Infantry Badge, Expert Infantryman Badge, Parachutist Badge, Ranger Tab, Army Presidential Unit Citation, and Army Valorous Unit Award.

Patriots from the State of New Hampshire have served our nation with honor and distinction from Bunker Hill to Baghdad—and U.S. Army CPT Douglas A. DiCenzo served in that fine tradition. Captain DiCenzo was a well-respected and natural leader who exemplified the principles of the U.S. Military Academy at West Point—duty, honor, country. This optimistic, passionate, and patriotic American demonstrated the virtues extolled in the Cadet Prayer, "Encourage us in our endeavor to live above the common level of life. Make us to choose the harder right instead of the easier wrong, and never to be content with a half truth when the whole can be won. Endow us with courage that is born of loyalty to all that is noble and worthy, that scorns to compromise with vice and injustice and knows no fear when truth and right are in jeopardy." CPT Douglas DiCenzo was dedicated to serving his country in these chaotic and violent times because he thought it was his duty to do this.

My heartfelt sympathy, condolences, and prayers go out to Doug's wife Nicole and their 18-month-old son Dakin, as well as to Doug's parents, Larry and Cathy, his brother Daniel, and his family and friends who have suffered this grievous loss. The death of Doug, only 30 years old, on a battlefield far from New Hampshire is also a great loss for our State, our Nation, and the world. Although he will be sorely missed by all, his family and friends may sense some comfort in knowing that because of his devotion, leadership, sense of duty, and selfless dedication, the safety and liberty of each and every American is more secure. May God bless CPT Douglas A. DiCenzo.

PRIVATE BENJAMIN J. SLAVEN

Mr. HAGEL. Mr. President, I wish to express my sympathy over the loss of U.S. Army PVT Benjamin J. Slaven from Nebraska. Private Slaven died when an improvised explosive device detonated near his vehicle while on patrol in Ad Diwaniyah, Iraq on June 9. He was 22 years old.

Private Slaven grew up in Plymouth, NE and received his high school equivalency diploma from Southeast Community College in 2005. He was deployed to Iraq in March after serving in the U.S. Army Reserves. Before being deployed, Private Slaven worked with develop-

mentally disabled young adults at the Beatrice State Development Center in Beatrice, NE. He was a member of Detachment 1, 308th Transportation Company based in Lincoln, NE. Private Slaven will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like Private Slaven are currently serving in Iraq.

Private Slaven is survived by his mother, Judy Huenink of Plymouth, NE; father, Bruce Slaven of Beatrice, NE; and sister, Misti Slaven. Judy and Bruce both served in the Air Force, and Misti is training to be a medical lab technician in the Army Reserve at Fort Bliss, TX. Our thoughts and prayers are with them at this difficult time. America is proud of Private Slaven's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring PVT Benjamin J. Slaven.

LANCE CORPORAL BRENT ZOUCHA

Mr. President, I also wish to express my sympathy over the loss of U.S. Marine Corps LCpl Brent Zoucha from Nebraska. Lance Corporal Zoucha died of wounds received while conducting combat operations in Al Anbar province, Iraq on June 9. He was 19 years old.

Lance Corporal Zoucha was a lifelong resident of Clarks, NE and graduated from High Plains Community High School in 2005. In high school, he was a standout athlete, earning second place in the high jump at the 2005 State track meet. He was also named honorable mention to the Omaha World-Herald's all-Nebraska basketball team. Lance Corporal Zoucha enlisted in the Marine Corps while still in high school and served with his brother, CPL Dyrek Zoucha, in the same unit in Iraq. He was a member of the 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. Lance Corporal Zoucha will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like Lance Corporal Zoucha are currently serving in Iraq.

Lance Corporal Zoucha is survived by his mother, Rita; brothers, Dyrek and Dominic; and sister, Sherri, of Duncan, NE. Our thoughts and prayers are with them at this difficult time. America is proud of Lance Corporal Zoucha's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring LCpl Brent Zoucha.

PRIVATE TIM MADISON

Mr. President, I further express my sympathy over the loss of U.S. Army PVT Tim Madison from Nebraska. Private Madison was killed in a training exercise at Fort Carson, CO, on June 8. He was 28 years old.

Private Madison grew up in Bellevue, NE, and graduated from Bellevue East High School in 1997. Private Madison was a loving father of three children and loved being outdoors. He was a member of the Army's 2nd Brigade

Combat Team, Fort Carson, CO. Private Madison will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like Private Madison are currently serving in the U.S. military.

Private Madison is survived by his wife Melissa; children, Hailee, Jonathan and Michael of Fort Carson, CO; parents, Ken Madison, Sr., a retired Air Force master sergeant, and Nancy Madison; brothers, Kenneth Jr., Anthony, and Richard; and sister, Christina, all of Bellevue, NE. Our thoughts and prayers are with them at this difficult time. America is proud of Private Madison's service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring PVT Tim Madison.

#### HURRICANE SEASON AND INSURANCE COMPANIES

Mr. NELSON of Florida. Mr. President, I wish to address a topic that is appropriate, since tropical storm Alberto is on the coast of Florida—in the Big Bend area of Florida—right now. Fortunately, Alberto stayed a tropical storm, although there was a moment last night when the National Hurricane Center thought it was going to become a hurricane, which is 74-plus miles an hour.

Isn't it interesting that here we are in early June—normally, hurricanes don't really start brewing up until July, and the severe ones don't start brewing up until August and September. But we see the confluence of two things. We see not only the active hurricane cycles the meteorologists will tell you about, that these are 10- and 15-year cycles and hurricanes will become much more active and much more frequent. When you add that meteorological phenomenon to the fact of global warming where, as the Earth's temperatures rise because of the trapping of the greenhouse gases, the rising of the temperature of the water, the rising of the temperature of the atmosphere—the effect of that is more frequent and more ferocious storms. Whether that global warming is affecting this particular cycle, I know not. But I know that the phenomenon of global warming added to—if we are in a 10- or 15-year meteorological phenomena of hurricane cycles, that can add all the more to the distress, dismay, and tragedy that the Atlantic and the gulf coast of the United States will suffer over the coming number of years.

That brings me to the subject matter: the cost of insurance, particularly homeowners insurance, which is going to—if it hasn't already—become prohibitive for coastal dwellers. It is not just coastal dwellers because the insurance rates are spread in a particular way where the property owner will share in the burden of the cost of insurance no matter whether the home-

owner lives on the coast or lives inland. This is exactly what has happened to the gulf coast as a result of Katrina. It is what happened in Florida for the active hurricane year of 2004, in which four hurricanes hit Florida within a 6-week period. As a result, you see insurance rates that are absolutely escalating, with the phenomenon that is now occurring in Florida and Gulf States, including Alabama; Mississippi, the home of the distinguished senior Senator from Mississippi, who is on the floor at the moment; Louisiana; and eventually it will happen to Texas when they get pounded a couple of times—that is, the phenomenon that homeowner insurance rates are going through the roof.

In addition to that, insurance companies—if they have not gone broke—are bailing out; they are canceling policies right and left. Those which are staying are canceling policies, and other insurance companies are canceling all of their homeowners coverage. The bottom line is that this is a tough time for homeowners just to be able to afford financially the cost of what is known as windstorm insurance.

Now, I rise to tell the Senate about a package of bills that has been filed but one in particular that I suggest to the Senate is a way of addressing not only the pleas of our constituents back home, the pleas of insurance companies, the pleas of reinsurance companies, the pleas of insurance regulators, the insurance commissioners of the 50 States, but the pleas particularly of our constituents who are paying the tab. This is the question: Can any one insurance company or any one State withstand the financial losses we anticipate from the megahurricanes of the future? The answer to that is no. That is why they are now turning to the Federal level of government.

May I say that 11 years ago, I was confronted with one of the toughest jobs I have ever had in a lifetime of public service when I was elected the Florida State treasurer, which is also the position of the elected insurance commissioner of Florida. I inherited the chaos in the aftermath of the monster hurricane, Hurricane Andrew, in the early 1990s. It had paralyzed the insurance marketplace of Florida, not only in south Florida where the hurricane hit but the entire State of Florida, because what is happening today happened in the mid-1990s—companies had gone broke, they were fleeing the State of Florida, and those which were staying were canceling policies right and left. Companies were asking the insurance commissioner for rate increases that were being hiked to the Moon. It is the same phenomenon we have today.

I can tell you that we had to make up the solution as we went because that kind of financial impact to the insurance industry and to the people served by that industry had never happened. Andrew was a \$16 billion insurance loss storm. That, in today's dollars, is

about a \$23 billion insurance loss storm. But what really scared the "bejeebers" out of the insurance marketplace was the realization that if the hurricane had turned 1 degree to the north and drawn a bead on the Dade County-Broward County line instead of south Dade in Homestead, a relatively unpopulated part of Dade County, if it turned that 1 degree to the north and hit that more populated area, it would have been a \$50 billion loss storm, and that would have taken down every insurance company that was doing business in the path of the storm—taken them down financially. It would have drained all of their reserves.

That is the circumstance we have facing the States of the gulf coast as well as the Atlantic coast today because you put a category 4—by the way, remember, by the time Katrina hit Louisiana, it was only a category 3. Look at what it did to the Mississippi coast. If you put a category 4, which is winds up to 145 miles per hour, or a category 5, which is in excess of that, into a concentrated area of high urban density and you have major loss, you will have insurance companies going down the tubes financially.

So what are they doing? They are coming to us. Well, the problem is that the Federal level of government has never dealt with insurance. It was back in the 1930s that the McCarran-Ferguson Act was enacted, which said the regulation of insurance is going to be done by the 50 States. And they are coming to us because of the financial enormity of loss not only to insurance companies but to our respective States as well. And, therefore, what do we do? It is hard to get consensus here because we don't deal in insurance matters, and it is hard to get consensus because the insurance industry is not unified on what to do. Certainly, the reinsurance industry has a different perspective than the insurance industry. The insurance regulators have another perspective.

So, after consulting with my dear friend and senior colleague from Mississippi and with the senior Senator from Louisiana, Ms. LANDRIEU, we have filed a bill modeled after what the State of Florida had to do after the monster mega-hurricane in the nineties, and that was build consensus by forming a prestigious commission representative across the board of all the peoples and organizations that are affected by this enormous question and ask that commission, that emergency national commission—which is exactly what we did in Florida in 1995. We formed what we called then the academic task force headed by presidents of the universities of Florida. They reported back within 3 months.

We took that package to the State legislature. We got the legislature to pass it into law. The law enabled the insurance commissioner then to help the insurance companies restore the marketplace at affordable prices so the people would have available affordable insurance.

So the three of us—Senator COCHRAN, Senator LANDRIEU, this Senator—have filed this bill setting up a national commission under law appointing specific designees that are a broad representation of the industry, of the problem, to come back to the Congress and to the executive branch within 90 days with their recommendation that then we can deliberate the work product thereof to see if we can have some solution as to these dire economic conditions that our people, that our States, and, in fact, private industry are facing as we now face another active hurricane season.

I conclude by saying that we are very happy that the National Association of Insurance Commissioners, that organization that represents all 50 insurance commissioners of our States, plus the District of Columbia, plus the Virgin Islands, plus Puerto Rico, have all come together and unanimously endorsed this concept.

We cannot get consensus here because everybody has a different idea, including the industry, but we can take what happened successfully in Florida and use that model to build consensus so that we will know what to do and then can pass appropriate legislation.

Mr. President, I wanted to share this right as the winds are hitting the State of Florida from the first named storm of this hurricane season, the storm named Alberto.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Florida for his initiative in bringing this issue in this form to the Senate. I am pleased to cosponsor the legislation with him, Senator LANDRIEU, and others who may cosponsor this legislation.

We are reaching out to the industry and to experts in related business activities who have experience, a depth of understanding about this challenge we face to give us the benefit of their advice and their counsel.

There are specific recommendations, if they can come to a consensus, on how Government can more responsibly address this critical issue. In our State of Mississippi right now, there are people in limbo trying to decide whether they take on the burden of increased costs of insurance, of chances that they may not get insurance they can afford. So rebuilding is slow. Recovery is slow. Businesses are reluctant to embark upon expansion or remodeling, refurbishing, rebuilding, reconstructing from slabs the businesses they had in the gulf coast region.

This is a real dilemma, and it is an economic challenge that no one State can really overcome using the resources of a State government or a national blue ribbon commission, such as the one brought together by Haley Barbour of Mississippi. Our Governor has reached out to the business community and individuals who have experience who could be of help in recov-

ering from the disaster that hit our State.

This is bigger than one State, bigger than our State's commission that Governor Barbour has appointed and that is working hard and making a big difference and making us believe that we can recover, and we will recover. That is a very important part of this situation and this challenge.

I think this is a very important step to take, and it comes at a time when we have laid before the Senate now a conference report making supplemental appropriations to the Departments of State and Defense for the war on terror, but as far as our current domestic challenges are concerned, \$19 billion to help sustain the recovery and rebuilding that is underway, recovering from Hurricanes Katrina and Rita that were so devastating to our gulf coast region.

Mr. President, I commend the Senator.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 10, 2006, gay performance artist Kevin Aviance was severely beaten in New York City. According to reports, Aviance was walking home from a local bar when four teens began shouting obscenities and attacked him from behind. During the attack Aviance was kicked and punched while the attackers yelled sexually derogatory slurs at him.

An officer with New York's Hate Crimes Taskforce reported that four men were arrested and charged with a hate crime in connection to the attack.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### FLORIDA CITRUS-CANKER QUARANTINE

Mr. NELSON of Florida. Mr. President, I rise to call on the U.S. Department of Agriculture to reconsider its recent decision to ban Florida's citrus industry from shipping fruit to other citrus-producing States, as this decision could adversely affect a major segment of my State's economy.

Specifically, the Government ban lacks adequate scientific backing and

could even harm Florida's ability to trade with other citrus-producing countries.

This industry has long played an important role in my State's economy, and the Government has often been supportive and helpful, including after the past two hurricane seasons that were devastating to the industry and spread canker extensively, making eradication no longer possible.

While the Department of Agriculture has helped the industry recover from the storms and with combating canker in the past, I am hopeful it will do so again in a way that does not cause more harm than good.

#### WORLD DAY AGAINST CHILD LABOR

Mr. HARKIN. Mr. President, yesterday was the annual commemoration of the International Labor Organization's, ILO, World Day Against Child Labor, the day we set aside to speak out against the fact that millions of children around the globe continue to be trapped in forced and abusive labor, often in extremely hazardous conditions.

The good news, this year, is that child labor is in decline across the globe. According to the recent ILO report, "The End of Child Labor: Within Reach," released on May 4 of this year, between the years 2000 and 2004, the number of child laborers worldwide fell by 11 percent, from 246 million to 218 million. Even better, the number of children and youths aged 5-17 trapped in hazardous work decreased by 26 percent, declining from 171 million in 2000 to 126 million in 2004. Among younger child laborers, the drop was even sharper at 33 percent.

This is remarkable progress in just 4 years' time. And looking to the future, the ILO report cautiously predicts that, "if the current pace of decline is maintained, and if global efforts to stop child labor continue." We have a real opportunity to eliminate child labor in its worst forms within 10 years' time. However, difficult challenges lie ahead, especially in agriculture, where 7 out of 10 child laborers work. I know this firsthand from my work trying to end child labor in the cocoa industry. Child labor is deeply entrenched in cocoa plantations in Ivory Coast and elsewhere. But, with the cooperation of the chocolate industry, we are making progress in fighting it.

Likewise, in the broader fight against child labor, the ILO report verifies that we are on the right track to eliminating abusive and exploitative child labor. The great work of the ILO's International Program on the Elimination of Child Labor, IPEC, really vindicates the confidence I placed in this program early on. I secured the first Federal appropriation for the IPEC program back in 1996, and over the last decade, I have secured a total of more than \$323 million for the program. Clearly, that money has made a

real difference in the lives of children. It has given them an opportunity to get an education and to break the cycle of poverty.

In August 2005, I visited Pakistan and spent time at an IPEC program funded by the U.S. Department of Labor to combat child labor in the Pakistani carpet industry. I was able to sit down and talk with young adults who had been laborers in the carpet industry as children but had been removed and given the opportunity to go to school. In Pakistan, the Department of Labor's international child labor program has helped to ensure that 20,000 children between the ages of 10-18 have been removed from hazardous work conditions and provided with either nonformal education or vocational training. I have also visited child labor rehabilitation programs in Brazil, Nepal, and Bangladesh. These visits have showed me the incredibly beneficial impacts that governments can make, but I also realize that industry partnerships are essential to the real eradication of child labor.

Although there has been a tremendous amount of progress in ending child labor, now is not the time to become complacent. Unfortunately, hundreds of millions of children are still forced to work illegally for little or no pay. Economic development alone is not enough, and we must focus on human rights and educational opportunities for those in poverty. Social change must go hand in hand with economic development, which requires workers' and employers' organizations. Our keys to success will be mainstreaming child labor efforts with other human rights and development goals, as well as getting national governments, NGOs, and international organizations all working cooperatively to end child poverty.

We should not think about these children only on June 12 each year. We should think about this last vestige of slavery 365 days a year. I have remained steadfast in my commitment to eliminating abusive and exploitative child labor. It was in 1992 that I first introduced a bill to ban all products made by abusive and exploitative child labor from entering the United States. In my view, we can make significant progress to eliminate this scourge if we all do our part and redouble our efforts. This means that governments must not merely pass laws but enforce them, while also striving to provide quality, free education. Businesses must take responsibility, as well, by not hiring children, and by paying adults livable wages so they can provide for their families. Multilateral institutions must also play a robust role. Together, we can eliminate the worst forms of child labor by 2016.

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BROADCAST DECENCY  
ENFORCEMENT ACT

Mr. THUNE. Mr. President, I rise today in support of the Broadcast De-

gency Enforcement Act. As an original cosponsor of the bipartisan bill, I strongly support the Senate's recent unanimous action to add real teeth to the broadcast decency laws. The Broadcast Decency Enforcement Act enables the Federal Communications Commission to significantly increase the fines on television and radio broadcasters who violate the FCC decency rules regarding over-the-air public broadcasts. Specifically, this legislation will increase the maximum fine for the broadcast of obscene, indecent, or profane material to \$325,000 for each violation, with a cap of \$3 million for any single act or failure to act. This is a tenfold increase over the current maximum fine per offense.

The First amendment states, "Congress shall make no law . . . abridging the freedom of speech, or of the press." However, the Supreme Court has determined many times that not all forms of speech are protected. In fact, the Court has deemed fit to regulate such forms of speech as obscenity, defamation, speech that incites violence, speech that is harmful to children, and speech that is broadcasted on radio and television.

Unfortunately, broadcasters have recently started playing fast and loose with the decency guidelines. Some of the infractions have made the headlines, but many others never do. Either way, the broadcasters have a responsibility to America's viewing public, and particularly to America's parents. Their behavior demands a response. Allowing obscene, indecent, or profane material over our unrestricted airways can make the job of raising children in today's world even tougher than it already might be. Putting in place a fine that means something significant to broadcasters who violate decency regulations will help parents who are trying to surround their young children with good role models and decent behavior.

My parents provided me with a strong value system that I depend on to this day. As a father of two teenage daughters, I am doing my best to make sure my girls understand the difference between right and wrong as they prepare for life on their own. Parents will always have the primary role of instilling values in children, supported by teachers, church leaders, and friends. Decent television will never take the place of good parenting, but if there is a modest action that we can take here in Washington to keep the airwaves a little cleaner, I believe we should take that action. I am proud to support this effort to do just that.

Mr. President, the House has recently passed this same legislation, and I call on the President to sign the bill into law. American families deserve nothing less.

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APPRECIATION FOR LARRY Q.  
NOWELS

Mr. LUGAR. Mr. President, I would like to take this opportunity to extend

the appreciation of the Senate to a dedicated public servant at the Congressional Research Service, CRS, of the Library of Congress. Larry Q. Nowels is retiring from CRS after more than 30 years of service to the Congress. This length of public service is not only a credit to Mr. Nowels but also a demonstration of the dedication that the staff of the Congressional Research Service brings in its support of our work in Congress.

Mr. Nowels first joined CRS in 1973 as an information resources assistant, while simultaneously pursuing an advanced degree in international relations at American University. His primary responsibility at CRS was to help in the management of the Foreign Affairs Division library, a task for which he was well prepared, having worked throughout his high school years as a library page in Claremont, CA. In a very short time he was promoted to division librarian, then to technical information specialist, to foreign affairs analyst, and finally to foreign affairs specialist. He served as section head of the International Organizations, Development, and Security Section of the Foreign Affairs and National Defense Division from 1985 to 1997, and for a period in 1992, served as acting assistant chief of the division.

Mr. Nowels' first research assignment at CRS was to assist senior staff in monitoring reporting requirements in the foreign affairs field, a joint committee project begun in 1975 for the Senate Committee on Foreign Relations and House Committee on International Relations. For the next 30 years, Mr. Nowels would assist Congress in tracking, moderating, and understanding the use of reporting requirements in fulfilling its oversight responsibility. In that first year, Mr. Nowels was also involved in the preparation of three other contributions by CRS to the congressional committees dedicated to foreign relations: the Committee on Foreign Relations' biennial Legislative History; the Committee on International Relations' annual Congress and Foreign Policy; and the annual Legislation on Foreign Relations, a joint committee project begun by the 88th Congress and continued to this day as a joint effort of the Congressional Research Service, Committee on Foreign Relations, and Committee on International Relations. Mr. Nowels remained intimately involved with each of these projects for many years and also provided mentorship to a notable succession of CRS staff.

During his career, Mr. Nowels wrote nearly 500 memoranda and reports for Members of Congress and congressional committees, organized numerous seminars, provided many briefings to Members and congressional staff, accompanied congressional delegations abroad, and testified before congressional committees, primarily on issues related to foreign assistance. Over the years, he introduced congressional staff persons, both new to Washington

and those most senior, to the appropriations process through courses in the Graduate Legislative Institute and briefed newly elected Members of Congress at biennial Williamsburg seminars. He provided groundbreaking analysis to the Congress on U.S. aid to Communist nations, implications of the Gramm-Rudman-Hollings deficit reduction on foreign policy, debt forgiveness including heavily indebted poorest country—HIPC—Initiatives, post-Cold War aid, Israeli loan guarantees, numerous congressional-executive efforts at foreign aid reform, international family planning programs, third-country foreign aid programs, establishment of the Millennium Challenge Corporation, and multiyear foreign policy budget trends.

Mr. Nowels attended the National War College at the National Defense University in 1986–1987, where he won an award for his writing. On several occasions he was detailed to committees to serve alongside committee staff. In recent years, he traveled extensively on behalf of the Department of State's Speakers Program to speak to foreign officials, academics, and journalists on the U.S. Congress and U.S. foreign policy.

Mr. Nowels' exemplary contribution and service has been recognized by the Congressional Research Service with numerous special service awards, performance awards, and outstanding performance evaluations. His sustained excellence was acknowledged and honored by the Library of Congress with a Meritorious Service Award in 1992.

Larry Nowels is a fine example of those many dedicated staff of the Congressional Research Service who help inform Congress as it deliberates important public policy issues. His gracious demeanor and considerable expertise on U.S. foreign aid and U.S. foreign policy made him an invaluable asset to Congress for many years. On behalf of my colleagues, I extend our deep appreciation to Larry for his service and wish him the very best in future endeavors.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO VICE ADMIRAL KEITH W. LIPPERT

• Mr. ALLEN. Mr. President, I rise today to honor a lifetime commitment of service to the United States of America, our Defense Department and our great U.S. Navy by a true patriot, VADM Keith W. Lippert, Supply Corps, U.S. Navy. On September 1, 2006, Vice Admiral Lippert will retire after 37 years and 8 months of dedicated and exceptionally distinguished service in the U.S. Navy. In addition to his retirement, Vice Admiral Lippert will relinquish command as the 14th Director of the Defense Logistics Agency, DLA, and I would note that he will retire as our longest serving DLA Director having spent the last 5 years at the helm

of a Defense agency that has become increasingly important to the Nation. The Admiral's departure is indeed a loss for our nation since over these last 5 years, he has made remarkable accomplishments and I would highlight a few of them here.

The remarkable success of our military servicemen and women in the field, and the battles won every day by our forces engaged in the global war against terrorism could not be accomplished if not for the unparalleled logistics support our military so critically depends upon. On Admiral Lippert's watch this support has increased to the extent that 95 percent of the materials used by the entire U.S. military is provided by the 22,000 personnel hard at work in DLA activities around the globe and many here in Virginia. I am proud to note that Virginia hosts the DLA Headquarters and the Defense Energy Support Center at Fort Belvoir in Northern Virginia, the Defense Supply Center, Aviation, and Distribution Depot in our State capital of Richmond, and another Distribution Depot right on Virginia's Navy waterfront in Norfolk.

DLA has facilities in 48 States and 24 countries around the world and each facility is a source of pride for all of the DLA employees. All of the fuel supporting our jets, helicopters, ships and tanks is purchased by DLA. All of the food, military clothing, and supplies needed to sustain our forces is managed by the DLA workforce.

The DLA Defense Distribution system, a total of 26 distribution depots here in the United States and in overseas locations such as Kuwait, Korea, Japan, Italy, and Germany are all crucial to the steady flow of materials to our troops and these depots constitute a national treasure in their own right.

Allied forces that have partnered with DLA on Admiral Lippert's watch also enjoy this same support.

Remarkably, Admiral Lippert has aggressively driven down the cost of managing this enterprise to the lowest level in the 45-year history of DLA while dramatically improving the inventory validity of our critical defense stocks, championing a series of transformational initiatives, leading the most successful enterprise resource planning software re-engineering initiative in the entire Defense Department, and greatly improving the quality of customer service provided by this amazing Agency. I would add that the Agency has become equally important to the Coast Guard, FEMA and other Agencies in our Federal, State, and local governments. This support was especially significant to our country after the last hurricane season when millions of Meals Ready to Eat, MREs, were sent en masse from Norfolk to our fellow citizens in need.

Thirty-eight years ago, Vice Admiral Lippert earned his commission through the Navy Reserve Officer Training Corps program at Miami University in Oxford, OH, with a bachelor of arts de-

gree in mathematics in 1968. He received his master's degrees in management and in operations research from the Naval Postgraduate School. In 1994, he attended the senior executive program in national and international security at the John F. Kennedy School of Government, Harvard University.

The admiral has spent a significant time on sea duty tours including service as the supply officer on the nuclear submarine USS *Queenfish*, SSN 651, as assistant supply officer on the Submarine Tender USS *Simon Lake*, AS 33, and as the supply officer on the Submarine Tender USS *Canopus*, AS 34. The admiral has had increasingly important shore duty tours including assignments as assistant comptroller, Commander Submarine Force, U.S. Pacific Fleet, operations research officer at the Navy Ships Parts Control Center, Mechanicsburg, PA; inventory analysis staff, Naval Supply Systems Command, Washington, DC; executive officer, Naval Supply Center, Jacksonville, FL; and director, spares programs and policy branch in the Office of the Deputy Chief of Naval Operations for Logistics.

In 1990, he rejoined the Naval Supply Systems Command as the deputy commander for financial management/comptroller. From July 1993 to July 1995, Admiral Lippert served as the commander, Defense General Supply Center in the great capital of our commonwealth, Richmond. In August 1995, he became the first commander of the Naval Inventory Control Point with offices in Philadelphia, PA, and Mechanicsburg, PA. Admiral Lippert officially entered the Flag Officer Corps when he was awarded the rank of rear admiral, lower half, in November 1995. From 1997 to 1999, he served as the vice commander for the Naval Supply Systems Command and received his promotion to rear admiral, upper half, in October 1998. From 1999 to 2001, he commanded the Naval Supply Systems Command and served as the Navy's 41st chief of Supply Corps. In May of 2000, President Clinton appointed Vice Admiral Lippert to represent the Navy as a member of the President's Committee for Purchase from People who are Blind or Severely Disabled. He assumed his current position as the director of DLA in July of 2001 and received his promotion to vice admiral in September of 2001.

His decorations include the Defense Superior Service Medal, three Legion of Merits, four Meritorious Service Medals, two Navy and Marine Corps Commendation Medals, Navy and Marine Corps Achievement Medal, and Submarine Supply Dolphins. He is also the recipient of the Society of Logistics Engineers 1992 International Award for outstanding performance in financial management/inventory control. Under Admiral Lippert's tenure as Director, DLA received two Joint Meritorious Unit Awards.

In closing I wish to commend Vice Admiral Lippert for his nearly 38 years

of distinguished service to our Nation, protecting our freedoms of life, liberty, and the pursuit of happiness and wish him the best in his future endeavors. His departure is a great loss to our Navy, but we are markedly better for having had him aboard. He leaves us with a Defense agency that is indeed a national treasure and one that has been vastly improved on his watch. I honor this patriot and dedicated public servant, wishing him a fond farewell, fair winds for his sails and following seas.●

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#### HONORING THE LIFE OF JERRY W. LEE

● Mr. BAYH. Mr. President, today I rise to pay tribute to the life of a distinguished civil servant and friend, Jerry W. Lee, who passed away on June 7. Jerry's dedication to the working families of our State kept him involved in public service up until his death, doing his part to help Hoosiers from all walks of life. I know that he will be greatly missed.

Jerry was a good and decent man who dedicated his life to serving others. From his work with organized labor to his involvement in the community, his career was filled with acts of conscientious service on behalf of friends, family members, and Hoosiers across Indiana. The contributions he made touched countless lives, and his presence and straight talk will be sorely missed.

For the past 20 years, Jerry served as secretary-treasurer and business manager of the Laborers' Indiana District Council, standing up for the working men and women of our State. He devoted all of his energy to ensuring good jobs at decent wages for his workers and helping take care of their families. He is survived by his mother; his wife, Benetta Jo Woodruff Lee; his son, Darren Lee; his three daughters, Stephanie Bean, Christina Brown and Connie Phillips; his two brothers, Sammy Joe Lee and Donald Dean Lee; 11 grandchildren; and five great-grandchildren.

A lifelong Hoosier, he was also involved in numerous other labor associations and was a veteran of the U.S. Air Force. It is a rare man who can make such an impact on so many people over the course of one life. Hoosiers will miss Jerry as a friend, a community leader, and an advocate for working Hoosiers.

It is my sad duty to enter the name of Jerry Lee in the official RECORD of the U.S. Senate for his service to the State of Indiana.●

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#### CONGRATULATING NEWPORT POLICE CHIEF MICHAEL CAPRIGLIONE

● Mr. BIDEN. Mr. President, it is with great pleasure that I rise today to commend Police Chief Michael Capriglione of the town of Newport, DE. Chief Capriglione has been recognized by the National Highway Traffic Safety Ad-

ministration with a Public Service Award for his outstanding dedication to the fight against drunken driving in the State of Delaware.

Chief Capriglione was nominated for this award by the mid-Atlantic office of the NHTSA, which began the Checkpoint Strikeforce Campaign in Delaware in 2001. The Checkpoint Strikeforce Campaign is an initiative that works to decrease the number of impaired driving crashes through increased police presence on the roads and statewide sobriety checkpoints on weekends and during holidays. The campaign has continued to grow since its inception, with increasing numbers of affiliated police agencies and officers joining the program each year. In 2003, county teams were created to pool resources and enhance the efficiency of the campaign in each of Delaware's three counties. Chief Capriglione was named the head of the New Castle County DUI Task Force and has served as the primary law enforcement advocate for the Checkpoint Strikeforce Campaign in Delaware.

The campaign had been highly successful; an increasing number of DUI arrests are made each year, with 685 intoxicated drivers arrested between July and December 2005 alone. This results in safer roads for our citizens to travel: 2004 saw the lowest number of alcohol-related highway deaths ever recorded in the State. The campaign has also expanded from its original half-year scope to become a year-round initiative. Under Chief Capriglione's leadership, the New Castle County DUI Task Force has established checkpoints during major holidays and other events typically associated with higher rates of impaired driving, including Super Bowl Sunday and St. Patrick's Day. During the recent Cinco de Mayo holiday, the county teams conducted checkpoints that resulted in 19 DUI arrests, as well as 7 drug arrests, 8 felony arrests, and the apprehension of 3 wanted individuals.

Chief Michael Capriglione has been instrumental in the development and success of the Checkpoint Strikeforce Campaign in Delaware. Through his exceptional leadership and commitment to public service, Delaware's roadways have become safer and its citizens more secure. He is the embodiment of public service and deserves all of the recognition he has received for his remarkable efforts, and more. We are fortunate to have committed, effective law enforcement professionals such as Chief Capriglione working to combat the problem of drunken driving throughout Delaware and the Nation, and I ask the Senate to join me in thanking Chief Capriglione for his dedicated service.●

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#### TRIBUTE TO LIEUTENANT GENERAL DANIEL JAMES III, USAF

● Mr. BOND. Mr. President, I rise today to honor LTG Daniel James III who recently retired as Director, Air

National Guard. To say that General James has had a distinguished career at the National Guard Bureau would be an understatement due to his unmatched success in formulating, developing, and coordinating all policies, plans, and programs affecting more than 106,000 Guard members throughout the United States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

The general personifies the model commander with a career in the military that spanned almost four decades. He earned his commission as a distinguished graduate of the University of Arizona's ROTC program in 1968. The general is a command pilot with approximately 4,000 hours in fighter and trainer aircraft. A combat veteran with two Distinguished Flying Crosses, General James completed two Active-Duty tours in Southeast Asia, logging 500 combat hours as a forward air controller and F-4 Phantom aircraft commander. Prior to becoming ANG Director, General James was the Adjutant General for Texas National Guard headquarters. In June of 2002, he was appointed to the position as Director, Air National Guard.

In closing, I ask my fellow colleagues to join me in expressing our deep appreciation for the numerous contributions Lieutenant General James has made on behalf of our brave service men and women. It is my honor to recognize the general for his distinguished service to our Nation. Recalling our national anthem, to our veterans and Armed Forces, I say, we would not be "the land of the free" if we were not also "the home of the brave." We wish Daniel and his family continued success as he closes out his service to the Air Force and the people of this grateful Nation.●

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#### TRIBUTE TO JACK BANDY

● Mr. ISAKSON. Mr. President, I wish today to honor in the RECORD of the Senate my friend, B. Jackson Bandy, a great Georgian, a great American, and a great citizen of Whitfield County. I honor Jack upon his induction into the Junior Achievement Northwest Georgia Business Hall of Fame.

Junior Achievement was founded in Dalton, GA, in 1964 and sends volunteers from the community into local schools to teach students about business, economics, and personal finance. Each year the local district serves more than 8,900 students in 44 schools, including more than 30 schools in Whitfield and Murray Counties. The district has more than 300 volunteers. Nominees from this community for this award were selected based on business excellence, inspiring leadership, community involvement, and innovation.

In addition, Jack was one of three founders in 1956 of the tufted carpet business Coronet Industries, which was eventually bought by Beaulieu. But Jack is more than just a businessman

and great golfer. He is a family man—a wonderful and devoted father and grandfather. He would do anything for his family and friends and has touched the lives of many who will never be able to meet or thank him.

Jack worked for many years as a volunteer on the Hamilton Healthcare System Board of Trustees in Dalton and is now an honorary trustee. For all of his charitable giving and hard work, the hospital named the “Bandy Parking Plaza” in honor of Jack. He is the backbone of his Methodist Church and has worked on the board of the United Way. With his Junior Achievement honor, it is clear that Jack is devoted to educating young people at all levels, but he has also endowed the Bandy Chair in Preaching at Emory University, and the gym at Dalton State College is named for him.

Jack Bandy is a class act who is well loved in work and at home. He is interested in the lives and achievements in others and will be embarrassed that I am honoring him today. But I feel I would be remiss if I did not honor him for his achievements and sacrifices. He has given a great deal of his time and money to make Dalton, the State of Georgia, and our Nation a better place to live.●

#### 100TH ANNIVERSARY OF THE FOUNDING OF CHELSEA, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I rise today to honor the 100th anniversary of the founding of the town of Chelsea, SD. Chelsea is a rural community in Faulk County. Small towns like Chelsea are part of the backbone of our wonderful State.

Chelsea originally began in the middle of a wheat field, where extensions of the Minneapolis and St. Louis railroads met. There are competing stories for how the town was named. One says that Chelsea was named after the borough of London, one that it was named for a landowner in Chelsea, OK, and another that says it was named for someone from Chelsea, MA.

The first building to go up in Chelsea was two-story poolhall and saloon, built by H.E. Batteen. Other businesses soon followed. By 1909, there were 30 businesses in Chelsea, including a post office, weekly paper, bank, butcher, lumber yard, and drug store. There were at least three churches, including the Sacred Heart Catholic Church, which is still active today.

The area in which Chelsea is situated has both fertile farmland and excellent fishing and hunting. In particular, the area is known for its great pheasant shooting and the numerous hunting lodges that dot the landscape around Chelsea.

Small communities such as Chelsea do not always get the attention that they deserve, but it is places like Chelsea that help to maintain South Dakota's agricultural roots and deep-seated character. I am proud to honor Chelsea

on its 100th anniversary, and I am confident that the next 100 years will bring still more progress and prosperity.●

#### 125TH ANNIVERSARY OF THE FOUNDING OF ABERDEEN, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I rise today to recognize the 125th anniversary of the founding of one of South Dakota's great cities, Aberdeen. Aberdeen is the third largest city in the State, and the county seat of Brown County. Aberdeen boasts a robust economy, first-rate hospital, two 4-year universities, art, culture, shopping, and outdoor recreation. Taken all together, Aberdeen has an exceptional quality of life, and things are only getting better for this dynamic city.

Aberdeen was founded in July of 1881 with the arrival of the Milwaukee Railroad and takes its name from the home town of the Milwaukee Railroad's Scottish President, Alexander Mitchell. As more railroads came into the area, Aberdeen became known as the “Hub City,” referring to its role as a busy intersection for trainlines. Aberdeen's citizens are justly proud of their city's history, and they have undertaken numerous successful projects designed to preserve and celebrate this heritage. The city's many historic attractions include the Granary Rural Cultural Center, Dacotah Prairie Museum, and J.L. Zeitlow Telephone Pioneer Museum, among others. In addition, Aberdeen is home to and promotes a lively and renowned antique market.

Perhaps Aberdeen's most famous early resident was Lyman “Frank” Baum, who would eventually write “The Wonderful Wizard of Oz.” During his time in Aberdeen, Baum owned a store, Baum's Bazaar and later edited The Aberdeen Saturday Pioneer. Many believe that Baum's description of Kansas in “The Wonderful Wizard of Oz” was based on his time in Aberdeen. Storybook Land, a theme park based on “The Wonderful Wizard of Oz,” commemorates Baum. Another nationally known figure from Aberdeen in more recent times is former Senate Majority Leader Tom Daschle.

Other institutions in the Aberdeen area include two 4 year universities, Northern State University and Presentation College; a top flight medical center, Avera St. Luke's Hospital; Wylie Park recreational area; and of course plenty of good hunting and fishing.

Aberdeen combines the warmth and friendliness of a small town with the cosmopolitanism associated with larger communities. I am pleased to recognize the achievements of Aberdeen, and to offer my congratulations to the residents of the city on this historic milestone. As the city motto states, Aberdeen is indeed “A Great Place to Live.”●

#### 125TH ANNIVERSARY OF THE FOUNDING OF MELLETTE, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the city of Mellette, SD.

Mellette was incorporated into South Dakota in 1881, with the first store opening the same year. The community was named after Arthur Mellette, the first governor of South Dakota. By 1882, Mellette was a thriving town with 39 businesses including doctors, lawyers, and other professionals. The Western Enterprise was the first newspaper in Mellette, and by the time publication ended in 1941, the newspaper was the oldest, continuous paper in Spink County.

Today, Mellette is the home of 240 residents, 8 businesses, churches, and other civic organizations. The Mellette Volunteer Fire Department, established in 1895, still keeps residents safe. Northwestern Elementary, Middle, and High Schools also call Mellette home.

I am pleased to announce that Mellette celebrated its 125th anniversary with a community celebration on May 26 to 27. There were numerous events, such as karaoke, a flea market, a parade, an antique tractor pull, a horseshoe tournament, kid's games, and a Harley motorcycle raffle, followed by a community supper. A historical display included “Old Time” Mellette videos. The festivities were a fitting celebration to honor a wonderful community.

I am proud to publicly honor Mellette on this memorable occasion. After 125 years, Mellette still exemplifies what it means to be a great South Dakota community.●

#### 125TH ANNIVERSARY OF THE FOUNDING OF GROTON, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I rise to honor the city of Groton, SD, and to recognize the 125th anniversary of its founding.

Groton was founded in 1881 in Brown County. Still standing from those early days is Trinity Episcopal Church which was built in 1884 as a place for the newly formed town to come together and gather as a community. Groton now has six churches and multiple gathering places to house its growing and thriving community.

Groton is home to the Granary Rural Cultural Center. Groton's commitment to fine arts and culture shines through in this establishment where art shows from artists from both North and South Dakota are on display. The Granary Rural Cultural Center not only promotes the arts, but also the heritage of those living in the Dakotas while celebrating and caring for the land.

One of the most notable pieces of Groton's history took place in 1923 when \$1,000 was stolen from the First

National Bank, while the tellers were held at gunpoint. During the holdup, one brave citizen ran outside to ring the alarm alerting the authorities of the situation. Fortunately, only minor injuries were inflicted in the ordeal.

Groton will be celebrating its 125th anniversary with a variety of events. Among the festivities will be an all-school reunion, Legion baseball, pancake breakfast, water carnival, bingo, tractor pull, parade, dance, fireworks display, and community church service. The anniversary will serve as an occasion to bring this close-knit community even closer together.

I am proud to publicly recognize Groton and congratulate the community on this achievement. As the people of Groton take this opportunity to appreciate how far the city has come from its beginnings, I know they will understand the important role Groton plays in making South Dakota the great State that it is.●

#### CENTENNIAL OF THE FOUNDING OF BRENTFORD, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I rise in order to pay tribute to the centennial of the founding of the city of Brentford, SD. The community is distinguished as the only "Brentford" in the United States.

Brentford was established in 1906 along the Minneapolis and St. Louis Railroad line and named by a railroad employee for Brentford, England. The town was built in less than a year and reached a peak population of around 300, with a current population around 70.

There are a church, gas station, restaurant, and two construction companies located in Brentford. Additionally, the Brentford Volunteer Fire Department serves Brentford City, Tetonka, and LaPrairie townships, and part of Clifton Township.

I am pleased to announce that Brentford will be celebrating its centennial on June 23 through 25. There are numerous events scheduled, including a parade, performances by Brentford area musicians, fireworks, a paintball tournament, and an antique tractor pull. This celebration is a fitting way to recognize this milestone for this pleasant and progressive community.

One hundred years after its founding, Brentford continues to be a vital community and a great asset to South Dakota. I am proud to honor the achievements of Brentford on this memorable occasion.●

#### HONORING KENNETH BLACK OF MAINE

● Ms. SNOWE. Mr. President, I wish to commemorate the grand opening of the Maine Discovery Center and dedication of the Chief Warrant Officer Kenneth Black Exhibition Hall in Rockland, ME. This event represents the culmination of a lifetime of exceptional

achievement by former Coastguardman Kenneth Black who nearly single-handedly amassed the largest collection of lighthouse lenses on display in a museum anywhere in the United States.

The monumental efforts of Ken Black, known by many as "Mr. Lighthouse," have been a lifelong pursuit and truly a labor of love. Ken started his first exhibit many years ago at the base of America's first light Station in Boston Harbor. When he was commanding officer of the Rockland Coast Guard Station in the 1970s, he created a display of artifacts at the entryway building at the base of the tower, and a small collection started to grow and take on a life of its own. So much so—that when the admiral in charge of the first Coast Guard district in Boston took note of what Ken was doing, he named him as the official curator of the First Coast Guard District Marine Exhibit. That appointment offered Ken a fortuitous opportunity to begin amassing lighthouse artifacts.

Exemplifying the best of Maine's can-do spirit, Ken meticulously went to great lengths, literally piece by piece, to seek out, collect, and store these maritime marvels. Eventually, this collection would be housed in what would become known as the Shore Village Museum. Lacking pretense of any kind, this unassuming, home-spun dream became a landmark museum and a destination point for maritime and lighthouse enthusiasts everywhere until its closing in 2004.

Because of Ken's persistent pursuit and uncommon initiative, his legacy of work can now be viewed as part of the Maine Lighthouse Museum which has the distinction of being home not just to the world-renown lighthouse lenses but also to one of the most revered exhibits of lighthouse artifacts and Coast Guard memorabilia in the United States. One thing is clear above all else, we owe Ken a great debt of gratitude for having the unrelenting industry, foresight, and diligence to collect, preserve, and showcase these artifacts.

As the sponsor of the Maine Lights Program in the 104th Congress, I am extraordinarily proud of the indispensable contribution Ken has made to the discipline of lighthouse history. As I said in my letter on the opening of the Maine Lighthouse Museum last June, this legislation allowed many outstanding individuals and organizations to share their fondness for lighthouses by working to record the history of lighthouses and keep that history alive. And, indeed, that is precisely what has happened.

Through the tireless and indomitable work of Kenneth Black, for whom this exhibition hall is rightfully named, generations today and to come will have the pleasure of viewing these time-honored artifacts. I saw them firsthand last summer when I toured the museum and was awed and extremely impressed, and I know that this new addition will be equally re-

markable. For all of these reasons, I am deeply pleased to honor the astounding contributions that Ken has made toward bringing to greater light these valuable gems of history. I also want to acknowledge and thank the many individuals and groups who have shared in Ken's vision and joined with him in making this dream a reality. The city of Rockland and the State of Maine are incredibly fortunate to have this exceptional Lighthouse Museum in its midst. It is most fitting that the U.S. Coast Guard presented a well-deserved lifetime achievement award to Ken Black for unflinching vigilance and continued perseverance in saving and presenting these lighthouse artifacts.●

#### TRIBUTE TO R. GERALD DAVIDSON

● Mr. TALENT. Mr. President, I rise today in recognition of a remarkable Missourian. The First Baptist Church of Arnold, MO, has announced the retirement of its longtime and much beloved pastor, R. Gerald Davidson. Dr. Davidson has served as a pastor for the last 50 years, the last thirty of which, he has dedicated to the First Baptist Church of Arnold.

Dr. Gerald Davidson is a visionary leader and has been instrumental in furthering and directing the ministry of the church. Today, the First Baptist Church of Arnold is the third largest church in the Missouri Southern Baptist Convention. Dr. Davidson's personal dedication to the gospel has never faltered, and his own personal example has set the standard for both his church members and Baptist leadership throughout the Nation.

In fact, Dr. Davidson's vision and his good works have reached throughout the world. On numerous mission trips he has preached the gospel in Mexico, Haiti, Jamaica, South Africa, Taiwan, Brazil, Indonesia, Russia, Romania, Belarus, Slovenia, Croatia, Bolivia, India, Turkey, United Arab Emirates, and Kenya.

However, Dr. Davidson's dedication starts at home. He has been married to his wife Verlena Stone Davidson for 51 years. She has been an equal partner in the ministry, serving side by side with her husband. The Davidsons have three children, Doug, Debbie, Darla, and are blessed with 10 grandchildren.

Dr. Davidson's many accomplishments throughout his distinguished career are a result of hard work and dedication. The Arnold community joins me in appreciating Dr. Davidson's dedicated service.●

#### CENTENNIAL CELEBRATION FOR MURDO, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I rise to recognize my hometown of Murdo, SD, which is celebrating its centennial this year.

Located in Jones County, the town of Murdo was established in 1906 when a lot sale was held to distribute the land that originally belonged to cattle

rancher Murdo Mackenzie. Today, Murdo is a thriving town that I am proud to call home. It is a welcoming community that reflects the values and principles we as Americans hold dear.

It gives me great pleasure to rise with my fellow citizens of Murdo in celebrating our centennial and looking forward to a bright future.●

#### MESSAGES FROM THE HOUSE

At 12:06 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3967. An act to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

H.R. 4013. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for conjunctive use of surface and groundwater in Juab County, Utah.

H.R. 4162. An act to provide for an exchange of lands between the Secretary of Agriculture and the United Water Conservation District of California to eliminate certain private inholdings in the Los Padres National Forest, and for other purposes.

H.R. 5169. An act to designate the facility of the United States Postal Service located at 1310 Highway 64 NW., in Ramsey, Indiana, as the "Wilfred Edward 'Cousin Willie' Sieg, Sr. Post Office".

The message also announced that the House has passed the following bill, without amendment:

S. 1445. An act to designate the facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, Colorado, as the "William H. Emery Post Office".

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

H. Con. Res. 338. Concurrent resolution expressing the sense of Congress regarding the activities of Islamist terrorist organizations in the Western Hemisphere.

H. Con. Res. 368. Concurrent resolution expressing the sense of the Congress with respect to honoring the goals and ideals of Alex's Lemonade Stand Days, June 9 through 11, 2006.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At 5:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 409. Concurrent resolution commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand.

#### MEASURES REFERRED

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

H.R. 4013. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for conjunctive use of surface and groundwater in Juab County, Utah; to the Committee on Energy and Natural Resources.

H.R. 4162. An act to provide for an exchange of lands between the Secretary of Agriculture and the United Water Conservation District of California to eliminate certain private inholdings in the Los Padres National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5169. An act to designate the facility of the United States Postal Service located at 1310 Highway 64 NW. in Ramsey, Indiana, as the "Wilfred Edward 'Cousin Willie' Sieg, Sr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 338. Concurrent resolution expressing the sense of Congress regarding the activities of Islamist terrorist organizations in the Western Hemisphere; to the Committee on Foreign Relations.

H. Con. Res. 368. Concurrent resolution expressing the sense of the Congress with respect to honoring the goals and ideals of Alex's Lemonade Stand Days, June 9 through 11, 2006; to the Committee on the Judiciary.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3967. An act to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7075. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Report to Congress on Catastrophic Hurricane Evacuation Plan Evaluation"; to the Committee on Commerce, Science, and Transportation.

EC-7076. A communication from the Administrator, Department of Transportation, transmitting, pursuant to law, a report entitled "Pilot Programs for Emergency Notification Systems at Highway-Rail Grade Crossings"; to the Committee on Commerce, Science, and Transportation.

EC-7077. A communication from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of the Administration's intent to award a contract to Trinity Technology Group for screening services at Tupelo Regional Airport in Tupelo, Mississippi; to the Committee on Commerce, Science, and Transportation.

EC-7078. A communication from the Assistant Secretary, Legislative and Intergovern-

mental Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Report on Analyzing Potential Vessel Routing Measures for Reducing Vessel (Ship) Strikes of North Atlantic Right Whales"; to the Committee on Commerce, Science, and Transportation.

EC-7079. A communication from the Attorney, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Administrator, received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7080. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook— Patent Rights and Rights in Data, CSC Programs" (RIN2700-AD24) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7081. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Conforming Civil and Criminal Penalties to Statutory Requirements" (RIN2127-AJ83) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7082. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FMVSS No. 101 Petition for Reconsideration of Final Rule" (RIN2127-AJ81) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7083. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Vehicles Built in Two or More Stages, Response to Petitions for Reconsideration" (RIN2127-AJ91) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7084. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Galbraith Lake, AK" ((RIN2120-AA66)(Docket No. 05-AAL-37)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7085. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Minchumina, AK, CORRECTION" ((RIN2120-AA66)(Docket No. 05-AAL-41)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7086. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kuparuk, AK" ((RIN2120-AA66)(Docket No. 06-AAL-05)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7087. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Minchumina, AK" ((RIN2120-AA66)(Docket No. 05-AAL-41)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7088. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Enroute Domestic Airspace Area, Vandenberg AFB, CA" ((RIN2120-AA66)(Docket No. 05-AWP-15)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7089. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Bay St. Louis, MS" ((RIN2120-AA66)(Docket No. 06-ASO-2)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7090. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Herlong, CA" ((RIN2120-AA66)(Docket No. 04-ANM-24)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7091. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Togiak Village, AK" ((RIN2120-AA66)(Docket No. 06-AAL-06)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7092. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; St. Paul Island, AK" ((RIN2120-AA66)(Docket No. 05-AAL-23)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7093. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Middleton Island, AK" ((RIN2120-AA66)(Docket No. 06-AAL-04)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7094. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Cold Bay, AK" ((RIN2120-AA66)(Docket No. 05-AAL-40)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7095. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Valdez Pioneer Field, AK" ((RIN2120-AA66)(Docket No. 05-AAL-42)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7096. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class E Airspace; Paducah Farrington Airport, KY" ((RIN2120-AA66)(Docket No. 06-ASO-4)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7097. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Mason City Municipal Airport, IA"

((RIN2120-AA66)(Docket No. 06-ACE-3)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7098. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Restricted Areas R-3002A, B, C, D, E and F; and Establishment of Restricted Area R-3002G; Fort Benning, GA" ((RIN2120-AA66)(Docket No. 04-ASO-14)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7099. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (43); Amdt. No. 3165" ((RIN2120-AA65)(Docket No. 30492)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7100. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (138); Amdt. No. 3164" ((RIN2120-AA65)(Docket No. 30491)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7101. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Standards for Flight Guidance Systems" ((RIN2120-AI41)(Docket No. FAA-2004-18775)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7102. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-226)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7103. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318-100 Series Airplanes; Model A319-100 Series Airplanes; Model A320-111 Airplanes; Model A320-200 Series Airplanes; Model A321-100 Series Airplanes; and Model A321-200 Series Airplanes" ((RIN2120-AA64)(Docket No. 2004-NM-270)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7104. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747-400, 747-400D, and 747SR Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-206)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7105. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200 and -200PF Series Airplanes Equipped with Pratt and Whitney Engines" ((RIN2120-AA64)(Docket No. 2006-NM-082)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7106. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bom-

bardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-100)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7107. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727, 727C, 727-100, and 727-100C Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-111)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7108. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model 600N Helicopters" ((RIN2120-AA64)(Docket No. 2006-SW-10)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7109. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120-AA64)(Docket No. 2004-NM-81)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7110. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes" ((RIN2120-AA64)(Docket No. 2003-NM-233)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7111. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-109)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7112. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. 2004-NM-269)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7113. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Models AT-400, AT-401, AT-401B, AT-402, AT-402A, and AT-402B Airplanes" ((RIN2120-AA64)(Docket No. 2006-CE-05)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7114. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes" ((RIN2120-AA64)(Docket No. 2005-CE-14)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7115. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA-365 N1, AS-365 N2, N3, SA-366 G1, and EC-155B and B1 Helicopters" ((RIN2120-AA64)(Docket No. 2006-

SW-07)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7116. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives CORRECTION; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes" ((RIN2120-AA64)(Docket No. 2004-NM-272)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7117. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-199)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7118. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-301, -311, and -315 Airplanes" ((RIN2120-AA64)(Docket No. 2004-NM-51)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7119. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Airplanes, Model A300 B4-600 Series Airplanes, Model A300 B4-600R Series Airplanes, Model A300 F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-068)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7120. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes" ((RIN2120-AA64)(Docket No. 2005-CE-49)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7121. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319-131, -132, and -133; A320-232 and -233; and A321-131, -231, and -232 Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-154)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7122. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-9-81, DC-9-82, DC-9-83, DC-9-87, MD-88, and MD-90-30 Airplanes" ((RIN2120-AA64)(Docket No. 2003-NM-219)) received on May 31, 2006; to the Committee on Commerce, Science, and Transportation.

#### 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. VOINOVICH:

S. 3492. A bill to strengthen performance management in the Federal Government, to make the annual general pay increase for Federal employees contingent on performance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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

S. 3493. A bill to provide that quantitative restrictions shall not apply with respect to certain knit performance outerwear pants; to the Committee on Finance.

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

S. 3494. A bill to provide that quantitative restrictions shall not apply with respect to woven performance outerwear pants; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. SMITH, Mr. MCCAIN, Mr. KERRY, Mr. HAGEL, Mr. LUGAR, Ms. MURKOWSKI, and Mr. CARPER):

S. 3495. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam; to the Committee on Finance.

By Mr. DEMINT:

S. 3496. A bill to amend the Internal Revenue Code of 1986 to eliminate the limitation on the foreign earned income exclusion, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 3497. A bill to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM:

S. 3498. A bill to suspend temporarily the duty on certain thin fiberglass sheets; to the Committee on Finance.

By Mr. KYL (for himself, Mr. GRASSLEY, Mr. DEWINE, Mr. CORNYN, Mr. BROWNBACK, Ms. SNOWE, Mr. BURNS, Mrs. HUTCHISON, and Mr. ALLEN):

S. 3499. A bill to amend title 18, United States Code, to protect youth from exploitation by adults using the Internet, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, Mr. CONRAD, Mr. HARKIN, Mr. ROBERTS, Ms. COLLINS, Mr. DAYTON, Mr. SALAZAR, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, Mr. THUNE, Mr. JOHNSON, Mr. NELSON of Nebraska, Ms. MURKOWSKI, and Ms. SNOWE):

S. 3500. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN:

S. 3501. A bill to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act to establish an acquisition fund for the water rights and habitat acquisition program; to the Committee on Indian Affairs.

By Mr. KENNEDY (for himself, Mrs. CLINTON, and Mr. KERRY):

S. 3502. A bill to modernize the education system of the United States, to arm individuals with 21st century knowledge and skills in order to preserve the economic and national security of the United States, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 3503. A bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. BROWNBACK):

S. 3504. A bill to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN:

S. 3505. A bill for the relief of Konstantinos Ritos; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 3506. A bill to prohibit the unauthorized removal or use of personal information contained in a database owned, operated, or maintained by the Federal government; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BIDEN:

S. Res. 507. A resolution designating the week of November 5 through November 11, 2006, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country; to the Committee on the Judiciary.

By Mr. BIDEN:

S. Res. 508. A resolution designating October 20, 2006 as "National Mammography Day"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. BENNETT, and Mr. BURR):

S. Res. 509. A resolution designating June 21, 2006, as "National Professional Medical Coder Day", in honor of the dedication and continued service of professional medical coders to the Nation; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself, Mr. LAUTENBERG, Ms. SNOWE, Ms. STABENOW, Mr. MENENDEZ, Mr. LOTT, and Mrs. DOLE):

S. Res. 510. A resolution designating the period beginning on June 28, 2006, and ending on July 5, 2006, as "National Clean Beaches Week", supporting the goals and ideals of that week, and recognizing the considerable value and role of beaches in the culture of the United States; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself and Mr. HATCH):

S. Res. 511. A resolution commending and supporting Radio Al Mahaba, the 1st and only radio station for the women of Iraq; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 211

At the request of Mrs. DOLE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service

for information and referral on human services, volunteer services, and for other purposes.

S. 418

At the request of Mr. ENZI, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 832

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 832, a bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes.

S. 842

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 842, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1112

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

S. 1173

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1173, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1319

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1319, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1360

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1513

At the request of Ms. MIKULSKI, the names of the Senator from New Jersey

(Mr. MENENDEZ), the Senator from North Carolina (Mrs. DOLE) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1513, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 1934

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 1968

At the request of Mr. REID, his name was added as a cosponsor of S. 1968, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

S. 2068

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2068, a bill to preserve existing judgeships on the Superior Court of the District of Columbia.

S. 2115

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2115, a bill to amend the Public Health Service Act to improve provisions relating to Parkinson's disease research.

S. 2249

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2249, a bill to eliminate the requirement that States collect Social Security numbers from applicants for recreational licenses.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2435

At the request of Mr. LUGAR, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2435, a bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. 2658

At the request of Mr. BOND, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2750

At the request of Mr. DEMINT, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2750, a bill to improve access to emergency medical services through medical liability reform and additional Medicare payments.

S. 2917

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2917, a bill to amend the Communications Act of 1934 to ensure net neutrality.

S. 3456

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3456, a bill to ensure the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

S. 3487

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3487, a bill to amend the Small Business Act to reauthorize and improve the disaster loan program, and for other purposes.

S. CON. RES. 99

At the request of Ms. SNOWE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Con. Res. 99, a concurrent resolution expressing the sense of the Congress regarding the policy of the United States at the 58th Annual Meeting of the International Whaling Commission.

S. RES. 462

At the request of Mr. GRASSLEY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 462, a resolution designating June

8, 2006, as the day of a National Vigil for Lost Promise.

S. RES. 493

At the request of Mr. DEWINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 493, a resolution calling on the Government of the United Kingdom to establish immediately a full, independent, public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane, as recommended by international Judge Peter Cory as part of the Western Park agreement and a way forward for the Northern Ireland Peace Process.

AMENDMENT NO. 4203

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 4203 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4205

At the request of Mr. LAUTENBERG, the names of the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Iowa (Mr. HARKIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KERRY) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 4205 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4206

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 4206 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4208

At the request of Mr. WARNER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 4208 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. TALENT, his name was added as a cosponsor of amendment No. 4208 proposed to S. 2766, *supra*.

At the request of Mr. FRIST, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 4208 proposed to S. 2766, *supra*.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. VOINOVICH:

S. 3492. A bill to strengthen performance management in the Federal Government, to make the annual general pay increase for Federal employees contingent on performance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I rise today to introduce the Federal Workforce Performance Appraisal and Management Improvement Act. Before I describe for my colleagues the details of this legislation, I would like to provide background on why I believe it is important for Congress to consider legislation reforming the performance appraisal processes of the government.

My interest in the federal workforce began after working with the Federal Government for 18 years as an outside force, 10 years as mayor of Cleveland and 8 years as Governor of Ohio. Through my work as chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, I continue to observe that investing in personnel and workforce management; in fact, management in general, struggles to be a priority in the Federal Government. My own experience as county auditor, county commissioner, mayor, and governor has taught me that, of all the things in which government can invest, resources dedicated to human capital bring the greatest return.

I continue to applaud the current administration for its systematic approach to improving and scrutinizing the management practices of the Federal Government through the President's Management Agenda and its related scorecard. Each year, the administration raises the bar as to what earns an agency a green, or successful, rating. One of the criteria used to evaluate a department or agency for strategic management of human capital this year is demonstrating a strong performance appraisal system for the Senior Executive Service, agency managers, and 60 percent of the workforce.

I believe that an effective performance management system is fundamental to building a results-oriented organization. By developing a system

where employees have regular discussions with their supervisors about expectations for their performance, both employees and supervisors will be more effective in achieving their agency's mission. The primary goal of the Federal Workforce Performance Appraisal and Management Improvement Act of 2006 is to build and maintain this environment.

This legislation would strengthen and improve the employee performance appraisal system, which now is vague in its requirements. While some organizations have taken steps to modernize their performance management systems and tools such as the President's Management Agenda have moved agencies in that direction, there is no comprehensive governmentwide mandate to do so. This legislation would begin the reform process by layering a modern performance management system over the existing General Schedule system.

This legislation would require that every Federal employee receive annually a written performance appraisal. That appraisal must align with the agency's strategic goals, be developed with the employee, make meaningful distinctions among employee performance, and use the results in making decisions for training, rewarding, promoting, reassigning, and removing employees.

This legislation would require the Office of Personnel Management to provide technical assistance to agencies and approve the system. The government must utilize the Office of Personnel Management's institutional expertise.

This legislation would require that managers receive the appropriate training to judge the performance of their subordinates, make expectations clear to employees, and give constructive feedback.

This legislation would stipulate that if an employee does not achieve a successful rating under the new appraisal system, then that employee would be ineligible for the annual pay increase or a within grade increase.

This legislation would provide individuals hired as senior level or senior technical to access level II of the Executive Schedule with an OPM certified performance appraisal system, consistent with statute for the Senior Executive Service.

I am introducing this legislation because I believe that employees should receive a rigorous evaluation each year and that their pay should be determined based upon their performance. I agree with the observation that has been made repeatedly by Comptroller General David Walker, that the passage of time should not be the single most important factor in determining an employee's pay. Instead, it should be determined by productivity, effectiveness, and contributions of that employee.

I have implemented pay for performance before, and it can work. However,

it requires a significant commitment on behalf of managers and leaders. Instead of taking one giant bite at the apple, I believe it will be easier for Federal agencies to implement enhanced employee appraisals first. By instituting a more rigorous performance management standard on top of the current general schedule, I am optimistic this will create less anxiety among Federal employees.

I also would like to stress that I intend this effort to be completely bipartisan. The proposal I have outlined here today is not set in stone, and I imagine that it will undergo many changes.

I would like to transform the culture of the Federal workforce into a high-performing, continually improving organization that focuses on achieving results for the American people. The Federal workforce must be as agile, nimble, and intellectually energetic as the leading nongovernmental organizations or dot-com companies, capable of addressing the wide ranging challenges facing the U.S., from national security to global economic competitiveness to providing vital social services.

We must discuss the challenges before us and ask if the rules and culture of today's Federal workforce get the job done. We must engage in a dialogue about the future of the public service and ask the difficult questions about what we want it to achieve and how do we make it happen. This conversation will make many people uncomfortable, but it must take place. For as all of us who work on Federal workforce issues know, there is great disagreement about the types of reforms and changes that should be made going forward. We must ask, what should the Federal workforce be doing for America to meet the challenges of the 21st century? Once we have answered that question, we can begin to discuss how we build that workforce.

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

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

S. 3492

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Workforce Performance Appraisal and Management Improvement Act of 2006".

#### SEC. 2. PERFORMANCE APPRAISAL SYSTEMS.

Subchapter 1 of chapter 43 of title 5, United States Code, is amended—

(1) by amending section 4302 to read as follows:

##### “§ 4302. Establishment of performance appraisal systems

“(a)(1) Subject to paragraphs (2) and (3), each agency shall establish 1 or more performance appraisal systems to promote high performance.

“(2) In designing and applying a performance appraisal system established under this subsection, each agency shall—

“(A) link the system with the strategic goals and annual performance plan of the agency;

“(B) involve employees in the development of their performance standards;

“(C) provide each employee with a written performance appraisal annually;

“(D) make meaningful distinctions in performance; and

“(E) use the results of performance appraisals as a basis for training, rewarding, compensating, reassigning, promoting, reducing in grade, retaining, and removing employees.

“(3) Consistent with section 4304, each performance appraisal system established under this subsection shall be developed with appropriate technical assistance from the Office of Personnel Management and shall be reviewed before implementation and from time to time thereafter by the Director of the Office to determine whether the system meets the requirements of this subchapter. The agency shall promptly take any corrective action directed by the Director of the Office at any time under section 4304 (b)(3).

“(b) Under regulations which the Director of the Office of Personnel Management shall prescribe, each performance appraisal system shall provide for—

“(1) holding supervisors and managers accountable in their performance appraisal for effectively managing the performance of employees, which includes—

“(A) assessing performance;

“(B) providing ongoing feedback and preparing written performance appraisals;

“(C) addressing poor performance; and

“(D) promoting and rewarding excellent performance;

“(2) establishing performance standards related to relevant assigned tasks for each employee or position under the system which will permit—

“(A) the accurate evaluation of performance on the basis of objective criteria, to the maximum extent feasible; and

“(B) making meaningful distinctions in performance;

“(3) communicating to each employee at the beginning of each appraisal period the performance standards and the critical elements of the employee's position;

“(4) evaluating each employee during the appraisal period on such standards;

“(5) assisting employees in improving unacceptable performance;

“(6) reassigning, reducing in grade, or removing employees who continue to have unacceptable performance, but only after an opportunity to demonstrate acceptable performance;

“(7) establishing multiple levels of summary performance ratings which provide for making meaningful distinctions in performance, including at least—

“(A) a summary level of fully successful (or equivalent);

“(B) a summary level of unacceptable; and

“(C) a summary level above fully successful; and

“(8) recognizing and rewarding employees whose performance so warrants.”; and

(2) by amending section 4304 to read as follows:

##### “§ 4304. Responsibilities of the Office of Personnel Management

“(a) The Office of Personnel Management shall make technical assistance available to agencies in the development of performance appraisal systems.

“(b)(1) The Director of the Office shall review each performance appraisal system developed by any agency under this subchapter prior to its implementation and determine whether the performance appraisal system as designed meets the requirements of this subchapter.

“(2) The Director of the Office shall—

“(A) review agency performance appraisal systems developed under this subchapter

from time to time after their implementation to determine the extent to which the application of any such system meets the requirements of this subchapter; and

“(B) report to the President and Congress any finding that an agency has failed to meet those requirements.

“(3) If the Director of the Office determines that a system does not meet the requirements of this subchapter (including regulations prescribed under section 4305), the Director of the Office shall direct the agency to implement an appropriate system or to correct operations under the system, and any such agency shall take any action so required.”.

#### SEC. 3. MANDATORY TRAINING PROGRAMS FOR SUPERVISORS.

(a) IN GENERAL.—Section 4121 of title 5, United States Code, is amended to read as follows:

##### “§ 4121. Specific training programs

“(a) In this section, the term ‘supervisor’ means—

“(1) a supervisor as defined under section 7103(a)(10); and

“(2) any other employee as the Director of the Office may by regulation prescribe.

“(b) Under operating standards promulgated by, and in consultation with, the Director of the Office of Personnel Management, the head of each agency shall establish—

“(1) a comprehensive management succession program to provide training to employees to develop managers for the agency; and

“(2) a program to provide training to supervisors on actions, options, and strategies a supervisor may use in—

“(A) communicating performance expectations and conducting employee performance appraisals;

“(B) mentoring employees and improving employee performance and productivity;

“(C) dealing with employees whose performance is unacceptable; and

“(D) otherwise carrying out the duties and responsibilities of a supervisor.

“(c)(1) Not later than 1 year after the date on which an individual is appointed to the position of supervisor, and every 5 years thereafter, that individual shall be required to complete the program established under subsection (b)(2).

“(2) Each program established under subsection (b)(2) shall include provisions under which credit may be given for periods of similar training previously completed.

“(d) The Director of the Office of Personnel Management shall prescribe regulations to carry out this section.”.

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect as provided under section 8 and apply to—

(A) each individual appointed to the position of a supervisor, as defined under section 4121(a) of title 5, United States Code, (as added by subsection (a) of this section) on or after that effective date; and

(B) each individual who is employed in the position of a supervisor on that effective date as provided under paragraph (2).

(2) SUPERVISORS ON EFFECTIVE DATE.—Each individual who is employed in the position of a supervisor on the effective date of this section shall be required to—

(A) complete the program established under section 4121(b)(2) of title 5, United States Code (as added by subsection (a) of this section), not later than 3 years after the effective date of this section; and

(B) complete that program every 5 years thereafter in accordance with section 4121(c) of such title.

#### SEC. 4. PAY RATES AND SYSTEMS.

Chapter 53 of title 5, United States Code, is amended—

(1) in section 5303, by adding at the end the following:

“(h)(1) An employee covered under subchapter III whose summary rating of performance for the most recently completed appraisal period is below the fully successful level, as defined by the Director of the Office of Personnel Management, may not receive an increase in the rate of basic pay of that employee as the result of an adjustment under this section. The Director shall prescribe such rules as may be necessary to administer this subsection, including rules regarding the treatment of an employee whose rate of basic pay falls below the minimum rate of the applicable grade (or between steps of a grade) and the treatment of an employee whose performance subsequently improves.

“(2) When a determination is made that an employee covered under subchapter III will not receive an increase in the rate of basic pay of that employee because the employee’s summary rating of performance for the most recently completed appraisal period is below the fully successful level, the employee is entitled to prompt written notice of that determination and an opportunity for reconsideration of the determination within the agency, as specified in the procedures prescribed by the Director of the Office of Personnel Management under section 5335(c). If the determination is affirmed on reconsideration, the employee is entitled to appeal to the Merit Systems Protection Board under the same terms and conditions as specified in such section.”;

(2) in section 5304, by amending subsection (i) to read as follows:

“(i) The Director of the Office of Personnel Management shall prescribe regulations, consistent with this section, governing the payment of comparability payments to employees. The regulations shall provide that, at the time of an increase in a comparability payment, the rate of basic pay of an employee covered under subchapter III, or any other pay system designated by the Director, whose summary rating of performance for the most recently completed appraisal period is below the fully successful level, as defined by the Director, shall be reduced by an amount that results in retaining the employee’s total rate of pay under this section and sections 5303 and 5304a, as in effect immediately before any increase under such sections. Such a reduction in an employee’s rate of basic pay shall not be considered a reduction in pay for the purpose of applying the adverse action procedures under section 7512.”; and

(3) in section 5305, by amending subsection (f) to read as follows:

“(f)(1) When a schedule of special rates established under this section is adjusted under subsection (d), the special rate of an employee shall be adjusted in accordance with conversion rules prescribed by the Director of the Office of Personnel Management (or by such other agency as the President may designate under the last sentence of subsection (a)(1)).

“(2) The conversion rules prescribed under paragraph (1), shall provide that a covered employee whose summary rating of performance for the most recently completed appraisal period is below the fully successful level, as defined by the Director of the Office of Personnel Management, may not receive an increase in the special rate of that employee as the result of an adjustment under subsection (d). The Director shall prescribe such rules as may be necessary to administer this paragraph, including rules regarding the treatment of an employee whose rate of basic pay falls below the minimum rate of the applicable grade (or between pay rates or steps of a grade) and the treatment of an employee whose performance subsequently im-

proves. The rules may provide for reducing an employee’s rate of basic pay to the extent necessary to prevent any increase in the employee’s special rate. Such a reduction in an employee’s rate of basic pay shall not be considered a reduction in pay for the purpose of applying the adverse action procedures in section 7512.

“(3) When a determination is made that a covered employee will not receive an increase in the special rate of that employee under this subsection because the employee’s summary rating of performance for the most recently completed appraisal period is below the fully successful level, the employee is entitled to prompt written notice of that determination and an opportunity for reconsideration of the determination within the agency, as specified in the procedures prescribed by the Director under section 5335(c). If the determination is affirmed on reconsideration, the employee is entitled to appeal to the Merit Systems Protection Board under the same terms and conditions as specified in such section.”;

(4) in section 5335—

(A) in subsection (a) by amending subparagraph (B) to read as follows:

“(B) the employee’s summary rating of performance for the most recently completed appraisal period is at least at the fully successful level, as defined by the Director of the Office of Personnel Management.”; and

(B) by amending subsection (c) to read as follows:

“(c)(1) When an employee’s summary rating of performance for the most recently completed appraisal period is below the fully successful level, the pay of that employee may not be increased under this section. Such an employee is entitled to prompt written notice of the determination not to increase the pay of that employee and an opportunity for reconsideration of the determination within the agency under uniform procedures prescribed by the Director of the Office of Personnel Management. If the determination is affirmed on reconsideration, the employee is entitled to appeal to the Merit Systems Protection Board. If the reconsideration or appeal results in a reversal of the earlier determination, the new determination supersedes the earlier determination and is deemed to have been made as of the date of the earlier determination. The authority of the Director to prescribe procedures and the entitlement of the employee to appeal to the Board do not apply to a determination made by the Librarian of Congress.

“(2) Notwithstanding any other provision of law, an employee may grieve or appeal the first pay determination under this subsection or under section 5303(h), 5305(f), or 5363(b)(2)(C) that is based on the employee’s most recent summary rating of performance. An employee may not grieve or appeal any subsequent pay determination made that is based on the same summary rating of performance”;

(5) by amending section 5338 to read as follows:

#### “§ 5338. Regulations

“The Director of the Office of Personnel Management may prescribe regulations necessary for the administration of this subchapter. Such regulations shall address how paysetting rules apply to an employee whose rate of basic pay is not equal to 1 of the scheduled step rates as a result of a determination not to increase the rate of basic pay of that employee under section 5303(h) or 5305(f) or to reduce the rate of basic pay of that employee under section 5304(i) or 5305(f).”;

(6) in section 5343 (relating to prevailing rate wage systems)—

(A) in subsection (e)—

(i) by amending paragraph (2) to read as follows:

“(2) A prevailing rate employee under a regular wage schedule whose summary rating of performance for the most recently completed appraisal period is at least at the fully successful level, as defined by the Director of the Office of Personnel Management, shall advance automatically to the next higher step within the grade at the beginning of the first applicable pay period following the completion by that employee of—

“(A) 26 calendar weeks of service in step 1;

“(B) 78 calendar weeks of service in step 2;

and

“(C) 104 calendar weeks of service in each of steps 3 and 4.”;

(ii) by amending paragraph (4) to read as follows:

“(4) Supervisory wage schedules and special wage schedules authorized under subsection (c)(3) may have single or multiple rates or steps according to prevailing practices in the industry on which the schedule is based. A prevailing rate employee under a supervisory or special wage schedule with multiple rates or steps whose summary rating of performance for the most recently completed appraisal period is at least at the fully successful level, as defined by the Director of the Office of Personnel Management, shall advance automatically to the next higher step within the grade at the beginning of the first applicable pay period following the completion by that employee of any required waiting period.”; and

(iii) by adding at the end the following:

“(5)(A) When a summary rating of performance of an employee covered under this subchapter for the most recently completed appraisal period is below the fully successful level, as defined by the Director of the Office of Personnel Management, the employee may not be advanced to the next higher step within the grade under paragraph (2) or (4). Such an employee is entitled to prompt written notice of the determination not to increase the pay of that employee and an opportunity for reconsideration of the determination within the agency under uniform procedures prescribed by the Director of the Office of Personnel Management. If the determination is affirmed on reconsideration, the employee is entitled to appeal to the Merit Systems Protection Board. If the reconsideration or appeal results in a reversal of the earlier determination, the new determination supersedes the earlier determination and is deemed to have been made as of the date of the earlier determination.

“(B) Notwithstanding any other provision of law, an employee may grieve or appeal the first pay determination under this paragraph, subsection (g), or section 5363(b)(2)(C) when such determinations are made based on the same summary rating of performance. An employee may not grieve or appeal any subsequent pay determination made that is based on the same summary rating of performance.”

(B) by adding at the end the following:

“(g)(1) An employee covered under this subchapter whose summary rating of performance for the most recently completed appraisal period is below the fully successful level, as defined by the Director of the Office of Personnel Management, may not receive an increase in the rate of basic pay of that employee as the result of an adjustment in any wage schedule established under this subchapter. The Director may prescribe such rules as may be necessary to administer this subsection, including rules regarding the treatment of an employee whose rate of basic pay falls below the minimum rate of the applicable grade (or between steps of a grade) and the treatment of an employee whose performance subsequently improves.

“(2) When a determination is made that a covered employee will not receive an increase in the rate of basic pay of that employee at the time of an adjustment in a wage schedule because the employee’s summary rating of performance for the most recently completed appraisal period is below the fully successful level, the employee is entitled to prompt written notice of that determination and an opportunity for reconsideration of the determination within the agency, as specified in the procedures prescribed by the Director of the Office of Personnel Management under subsection (e)(5). If the determination is affirmed on reconsideration, the employee is entitled to appeal to the Merit Systems Protection Board under the same terms and conditions as specified under subsection (e)(5).”;

(7) in section 5363(b)(2) (relating to pay retention)—

(A) in subparagraph (B) by striking “A rate” and inserting “Except as provided in subparagraph (C), a rate”; and

(B) by adding at the end the following:

“(C)(i) An employee’s retained rate may not be increased under subparagraph (B) if the employee’s summary rating of performance for the most recently completed appraisal period is below the fully successful level, as defined by the Director of the Office of Personnel Management. The Director shall prescribe such rules as may be necessary to administer this subparagraph, including rules regarding the treatment of an employee whose performance subsequently improves.

“(ii) When a determination is made that an employee will not receive an increase in the retained rate of that employee because the employee’s summary rating of performance for the most recently completed appraisal period is below the fully successful level, the employee is entitled to prompt written notice of that determination and an opportunity for reconsideration of the determination within the agency, as specified in the procedures prescribed by the Director of the Office of Personnel Management under section 5335(c). If the determination is affirmed on reconsideration, the employee is entitled to appeal to the Merit Systems Protection Board under the same terms and conditions as specified under section 5335(c).”;

(8) in section 5376(b) (relating to pay for certain senior-level positions)—

(A) in paragraph (2), by striking “Subject to paragraph (1)” and inserting “Subject to paragraphs (1) and (3)”; and

(B) by adding at the end the following:

“(3) Notwithstanding any other provision of this section, an employee covered under this section whose summary rating of performance for the most recently completed appraisal period is below the fully successful level, as defined by the Director of the Office of Personnel Management, may not receive an increase in the rate of basic pay of that employee. The Director shall prescribe such rules as may be necessary to administer this paragraph, including rules regarding the treatment of an employee whose rate of basic pay falls below the otherwise applicable minimum rate prescribed by paragraph (1)(A) and the treatment of an employee whose performance subsequently improves.”;

(9) in section 5382(a), in the first sentence, by inserting “(except as provided by section 5383(a))” after “for the Senior Executive Service, and”;

(10) in section 5383, by amending subsection (a) to read as follows:

“(a) Each appointing authority shall determine, in accordance with criteria established by the Director of the Office of Personnel Management, which of the rates within a range established under section 5382 shall be paid to each senior executive under such ap-

pointing authority. Such criteria shall provide that a member of the Senior Executive Service may not receive an increase in the rate of basic pay of that member if such member’s summary rating of performance for the most recently completed appraisal period is below the fully successful level, as defined by the Director. The Director shall prescribe such rules as may be necessary to administer this subsection, including rules regarding the treatment of a member whose rate of basic pay falls below the otherwise applicable minimum rate prescribed by section 5382(a) and the treatment of a member whose performance subsequently improves.”.

#### SEC. 5. SENIOR EXECUTIVE SERVICE PLACEMENT IN OTHER PERSONNEL SYSTEMS.

Section 3594(c)(2) of title 5, United States Code, is amended to read as follows:

“(2)(A) Except as provided in subparagraph (B) of this paragraph, an employee who is receiving basic pay under paragraph (1)(B)(ii) or (iii) is entitled to have the rate of basic pay of the employee increased by 50 percent of the amount of each increase in the maximum rate of basic pay for the grade of the position in which the employee is placed under subsection (a) or (b) until the rate is equal to the rate in effect under paragraph (1)(B)(i) for the position in which the employee is placed.

“(B) A rate of basic pay established under paragraph (1)(B)(ii) or (iii) may not be increased under subparagraph (A) if the employee’s summary rating of performance for the most recently completed appraisal period is below the fully successful level, as defined by the Director of the Office of Personnel Management. The Director shall prescribe such rules as may be necessary to administer this subparagraph, including rules regarding the treatment of an employee whose performance subsequently improves.”.

#### SEC. 6. CERTAIN SENIOR-LEVEL POSITIONS.

(a) LOCALITY PAY.—Section 5304 of title 5, United States Code, as amended by section 4 of this Act, is further amended—

(1) in subsection (g), by amending paragraph (2) to read as follows:

“(2) The applicable maximum under this subsection shall be level III of the Executive Schedule for—

“(A) positions under subparagraphs (A) and (B) of subsection (h)(1); and

“(B) any positions under subsection (h)(1)(C) as the President may determine.”; and

(2) in subsection (h)—

(A) in paragraph (1)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively;

(iii) in clause (v), by striking “or” at the end;

(iv) in clause (vi), by striking the period at the end and inserting “; or”; and

(v) by adding at the end the following:

“(vii) a position to which section 5376 applies (relating to certain senior-level and scientific and professional positions).”;

(B) in paragraph (2)(B)—

(i) in clause (i)—

(I) by striking “subparagraphs (A) through (C)” and inserting “subparagraphs (A) and (B)”; and

(II) by striking “or (vi)” and inserting “(vi), or (vii)”; and

(ii) in clause (ii)—

(I) by striking “paragraph (1)(D)” and inserting “paragraph (1)(C)”; and

(II) by striking “or (vi)” and inserting “(vi), or (vii)”.

(b) ACCESS TO HIGHER MAXIMUM RATE OF BASIC PAY.—Section 5376(b) of title 5, United States Code, as amended by section 4 of this Act, is further amended—

(1) in paragraph (1) by amending subparagraph (B) to read as follows:

“(B) subject to paragraph (4), not greater than the rate of basic pay payable for level III of the Executive Schedule.”; and

(2) by adding at the end the following:

“(4) In the case of an agency which, under section 5307(d), has a performance appraisal system which, as designed and applied, is certified as making meaningful distinctions based on relative performance, paragraph (1)(B) shall apply as if the reference to ‘level III’ were a reference to ‘level II’.

“(5) No employee may suffer a reduction in pay by reason of transfer from an agency with an applicable maximum rate of pay prescribed under paragraph (4) to an agency with an applicable maximum rate of pay prescribed under paragraph (1)(B).”.

(c) AUTHORITY FOR EMPLOYMENT; APPOINTMENTS; CLASSIFICATION STANDARDS.—Title 5, United States Code is amended—

(1) in section 3104(a), in the second sentence, by striking “prescribes” and inserting “prescribes and publishes in such form as the Office may determine”;

(2) in section 3324(a) by striking “the Office of Personnel Management” and inserting: “the Director of the Office of Personnel Management on the basis of qualification standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director”;

(3) in section 3325—

(A) in subsection (a), in the second sentence, by striking “or its designee for this purpose” and inserting the following: “on the basis of standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director of the Office of Personnel Management”; and

(B) by adding at the end the following:

“(c) The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to carry out the purpose of this section.”; and

(4) in section 5108(a)(2) by inserting “published by the Director of the Office of Personnel Management in such form as the Office may determine” after “and procedures”.

#### SEC. 7. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations to carry out this Act, including the amendments made by this Act.

#### SEC. 8. EFFECTIVE DATES AND IMPLEMENTATION.

(a) SECTIONS 2 AND 3.—

(1) EFFECTIVE DATE.—The amendments made by sections 2 and 3 shall take effect on the earlier of—

(A) 180 days after the date of enactment of this Act; or

(B) the effective date of implementing regulations prescribed by the Director of the Office of Personnel Management.

(2) SUBMISSIONS.—

(A) PERFORMANCE APPRAISAL SYSTEMS.—Not later than July 1, 2007, each agency covered by subchapter I of chapter 43 of title 5, United States Code, shall submit to the Director of the Office of Personnel Management each performance appraisal system established under that subchapter so that the Director may determine whether the system meets the requirements of the subchapter. Each submission under this paragraph shall include all information the Director requires in order to make the determination.

(B) REPORT TO CONGRESS.—Not later than November 1, 2007, the Director of the Office of Personnel Management shall submit a report regarding the Director’s review under section 4304(b)(1) of title 5, United States Code, as amended by section 2 of this Act, to the President and Congress.

(b) SECTIONS 4 AND 5.—The amendments made by sections 4 and 5 shall apply with respect to any employee beginning on the first day of the first pay period following the completion of 52 weeks after the date on which the first annual adjustments in rates of basic pay under section 5303 of title 5, United States Code, occur following the date of enactment of this Act.

(c) SECTION 6.—

(1) EFFECTIVE DATE.—The amendments made by section 6 shall take effect on the first day of the first pay period beginning on or after the 180th day following the date of enactment of this Act.

(2) NO REDUCTIONS IN RATES OF PAY.—

(A) IN GENERAL.—The amendments made by section 6 may not result, at the time such amendments take effect, in a reduction in the rate of basic pay for an individual holding a position to which section 5376 of title 5, United States Code, applies.

(B) DETERMINATION OF RATE OF PAY.—For the purposes of subparagraph (A), the rate of basic pay for an individual described in that subparagraph shall be deemed to be the rate of basic pay set for the individual under such section 5376, plus applicable locality pay paid to that individual, as of the effective date under paragraph (1).

(d) REFERENCES TO MAXIMUM RATES.—Except as otherwise provided by law, any reference in a provision of law to the maximum rate under section 5376 of title 5, United States Code—

(1) as provided before the effective date of the amendments made by section 6, shall be considered a reference to the rate of basic pay for level IV of the Executive Schedule; and

(2) as provided on or after the effective date of the amendments made by section 6, shall be considered a reference to—

(A) the rate of basic pay for level III of the Executive Schedule; or

(B) if the head of the agency responsible for administering the applicable pay system certifies that the employees are covered by a performance appraisal system meeting requirements established by the Director of the Office of Personnel Management, level II of the Executive Schedule.

By Mr. BAUCUS (for himself, Mr. SMITH, Mr. MCCAIN, Mr. KERRY, Mr. HAGEL, Mr. LUGAR, Ms. MURKOWSKI, and Mr. CARPER):

S. 3495. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I introduce with Senator GORDON SMITH a bill to grant Vietnam permanent normal trade relations status.

Thirty-one years ago, the lights went out on the relationship between the United States and Vietnam. Diplomatic relations were broken off, and trade ceased. The story between our two countries became one of refugees, prisoners of war, and soldiers missing in action. Hostility and mistrust prevailed. Normalization was a dream of the visionary or the fool.

In 1991—16 years after the last helicopters took off from the roof of the U.S. Embassy in Saigon—flickers of reconciliation emerged out of the darkness. In April of that year, President George H.W. Bush presented the Vietnamese government with a roadmap for normalization. That started a process

of healing that lasted through successive Republican and Democratic administrations and was supported by courageous bipartisan action in the Congress: Between 1991 and 1993, veterans Senator JOHN KERRY, Senator MCCAIN, and former Senator Bob Smith led the Senate Select Committee on POW/MIA Affairs in the most exhaustive investigation of the status of POWs and MIAs ever conducted. In February of 1994, President Bill Clinton lifted the trade embargo on Vietnam. 17 months later, in July of 1995, he announced the normalization of political relations with Vietnam. In July of 2000, the United States and Vietnam concluded a comprehensive Bilateral Trade Agreement, allowing the United States to provide, for the first time, nondiscriminatory treatment to Vietnam's products. And just last month, the United States and Vietnam signed another trade agreement, paving the way for Vietnam's accession to the World Trade Organization.

Today, we continue the legacy of reconciliation.

This morning, Senator SMITH and I—along with Senators MCCAIN, KERRY, HAGEL, LUGAR, MURKOWSKI, and CARPER—introduced a bill to grant Vietnam Permanent Normal Trade Relations status, or PNTR. I congratulate Representatives RAMSTAD and THOMPSON for introducing the House version of this bill.

This is the final step on the road to normalization. With this bill, we will complete the process begun 15 years ago.

Today, we open a new book to the future.

With 83 million people and a median age just over 25 years old, Vietnam is one of the most important emerging markets in Asia. Our trade with Vietnam has grown to 30 times what it was in 1994.

With PNTR, we begin the story of full engagement between the United States and Vietnam. It is a story of economic cooperation and cultural understanding. It is a story where trade and markets overshadow memories of guns and war.

I look forward to working with my Senate and House colleagues, the administration, and all interested parties to pass this historic bill by the August recess.

I ask that a copy of the text of the bill be printed into the RECORD.

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

S. 3495

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

Congress finds the following:

(1) In July 1995, President Bill Clinton announced the formal normalization of diplomatic relations between the United States and Vietnam.

(2) Vietnam has taken cooperative steps with the United States under the United States Joint POW/MIA Accounting Com-

mand (formerly the Joint Task Force-Full Accounting) established in 1992 by President George H. W. Bush to provide the fullest possible accounting of MIA and POW cases.

(3) In 2000, the United States and Vietnam concluded a bilateral trade agreement that included commitments on goods, services, intellectual property rights, and investment. The agreement was approved by joint resolution enacted pursuant to section 405(c) of the Trade Act of 1974 (19 U.S.C. 2435(c)), and entered into force in December 2001.

(4) Since 2001, normal trade relations treatment has consistently been extended to Vietnam pursuant to title IV of the Trade Act of 1974.

(5) Vietnam has undertaken significant market-based economic reforms, including the reduction of government subsidies, tariffs and nontariff barriers, and extensive legal reform. These measures have dramatically improved Vietnam's business and investment climate.

(6) Vietnam is in the process of acceding to the World Trade Organization. On May 31, 2006, the United States and Vietnam signed a comprehensive bilateral agreement providing greater market access for goods and services and other trade liberalizing commitments as part of the World Trade Organization accession process.

**SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO VIETNAM.**

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NON-DISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Vietnam; and

(2) after making a determination under paragraph (1) with respect to Vietnam, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF THE APPLICABILITY OF TITLE IV.—On and after the effective date of the extension of nondiscriminatory treatment to the products of Vietnam under subsection (a), title IV of the Trade Act of 1974 shall cease to apply to that country.

Mr. SMITH. Mr. President, I rise to join the Senator from Montana, Mr. BAUCUS, in offering legislation that would grant Vietnam permanent normalized trade relations treatment and help to pave the way for Vietnam's accession to the World Trade Organization. I am proud to also be joined in this effort by Senators MCCAIN, KERRY, HAGEL, LUGAR, MURKOWSKI, and CARPER.

Last December, I was privileged to lead a delegation of U.S. Senators to Vietnam. During our visit, we met with President Luong and other Vietnamese officials to discuss the importance of our bilateral relationship and the need to get a good market access agreement between the United States and Vietnam that will help cement that relationship.

I congratulate Ambassadors Rob Portman and Susan Schwab and the USTR team for their work to get this agreement. This is a great achievement.

Over the last decade, our relationship with Vietnam has been characterized by increased cooperation and engagement. The passage of our legislation will enhance those ties and create new economic opportunities for U.S. businesses.

In recent years, Vietnam has undertaken a number of market-based economic reforms, including the reduction of government subsidies, tariffs, and non-tariff barriers, and extensive legal reforms. These reforms have spurred dramatic economic growth. Vietnam is now the fastest growing economy in Southeast Asia and a growing market for U.S. exporters.

In 2000, the United States and Vietnam concluded a bilateral trade agreement. Since that agreement entered into force, U.S. exports to Vietnam have increased by 150 percent. Last year alone, U.S. exports to Vietnam rose by 24 percent.

The recently negotiated market access agreement will build upon that success by further lowering trade barriers to a wide range of U.S. industrial and agricultural products and services. Upon Vietnam's accession to the WTO, U.S. businesses will enjoy greater access to a market of more than 83 million people.

Agricultural producers will benefit from immediate tariff reductions on U.S. exports as well as new commitments by Vietnam to improve implementation of sanitary and phytosanitary measures. Oregon growers will benefit as tariffs on apples and pears are cut from 40 percent to 10 percent over the next 5 years and tariffs on frozen French fries are reduced from 50 percent to 13 percent over the next 6 years.

Oregon manufacturing and branding companies have long had a presence in Vietnam. These companies will immediately benefit from increased market access and greater regulatory transparency.

Having Vietnam within the rules-based global trading system will be good for U.S. businesses. This accession agreement will be key to ensuring that Vietnam follows global trade rules.

It will also ensure that the Vietnamese people will be able to realize the benefits of trade liberalization. By increasing transparency and implementing market-based reforms, Vietnam is essentially opening itself to international commerce. Countries that open themselves to trade attract investment, which in turn creates jobs and enhances individual welfare.

The passage of PNTR legislation will mark the final step toward normalizing our relationship with Vietnam. This bill represents a historic moment in our relationship with Vietnam and a definitive statement of how we have moved beyond our past divisions.

I am especially pleased with the strong bipartisan support that we have received for this bill. I am hopeful that we will be able to move this bill before Congress leaves for the August recess, so that it can be signed into law before President Bush's visit to Vietnam in November.

By Mr. KYL (for himself and Mr. McCAIN):

S. 3497. A bill to provide for the exchange of certain Bureau of Land Man-

agement land in Pima County, Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, today I am pleased to join with Senator McCAIN to introduce the Las Cienegas Enhancement Act of 2006. This legislation directs a land exchange between the Bureau of Land Management and the Las Cienegas Conservation, LLC, in southeastern Arizona. The bill is the product of consensus. State and local officials, conservationists, and other stakeholders have worked together to structure an exchange that is fair and in the public interest.

Let me explain the details of the exchange. The land to be transferred out of Federal ownership, approximately 1,280 acres, is referred to as the "Sahuarita property." This property is BLM-managed land south of Tucson near Corona de Tucson. The land is low-lying Sonoran desert and has been identified for disposal by the BLM through its land-use planning process.

The private land to be brought into Federal ownership is approximately 2,392 acres of land referred to as the "Empirita-Simonson property." This property lies north of the Las Cienegas National Conservation Area managed by the BLM. The Empirita-Simonson property lies within the "Sonoita Valley Acquisition Planning District" established by Public Law 106-538, which designated the Las Cienegas National Conservation Area. The act directed the Department of the Interior to acquire lands from willing sellers within the planning district for inclusion within the conservation area to further protect the important resource values for which the area was designated.

Although this bill is centered on the land exchange I just described, it also accomplishes two other important objectives: addressing water withdrawals at Ciengas Creek and providing road access to a popular recreation destination, the Whetstone Mountains controlled by the Forest Service.

Let's talk about water. Arizonans understand that protecting our water supply is crucial to the State's future. For this reason, when we can, we look for ways to promote responsible use of our limited water supply. This bill is one of those examples of responsible use. There is a prior claim to a well site on the private land that will be exchanged. That prior claim would allow the developer to withdraw 1,600 acre feet of water a year. Pima County and the community at large are concerned about the future of Ciengas Creek and the entire riparian area if these water withdrawals occur.

To address this concern, the land exchange is conditioned on Las Cienegas Conservation Inc. conveying the well site to Pima County and relinquishing those water rights it controls. The net result is a water savings of 1,050 acre-feet per year. This is a significant benefit to this riparian area.

Overall, this bill allows us to accomplish important environmental and

conservation objectives while managing our development. It is a bill with broad support that includes the Governor of Arizona, Pima County, the city of Tucson, and many others. I urge my colleagues to work with me to approve this legislation at the earliest possible date.

By Mr. KYL (for himself, Mr. GRASSLEY, Mr. DEWINE, Mr. CORNYN, Mr. BROWNBACK, Ms. SNOWE, Mr. BURNS, Mrs. HUTCHISON, and Mr. ALLEN):

S. 3499. A bill to amend title 18, United States Code, to protect youth from exploitation by adults using the Internet, and for other purposes; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise today to introduce the Internet SAFETY Act of 2006. The word "SAFETY" in the bill's title stands for Stop Adults Facilitating the Exploitation of Youth. It is a fairly descriptive acronym, for the provisions of the Internet SAFETY Act are designed to crack down on the spread of Internet child pornography and related conduct. The act does so by creating new Federal offenses and causes of action targeted at those who produce or knowingly facilitate Internet child pornography, by increasing penalties for child pornography, sex trafficking, and sexual abuse offenses, and by increasing resources available for prosecution and prevention of child sexual-abuse offenses, including authorizing 200 new assistant U.S. attorneys across the country to prosecute child pornography and sexual exploitation crimes.

The need for renewed law-enforcement attention to child pornography is demonstrated in a recent report of the U.S. Justice Department titled "Project Safe Childhood." I will ask to have an extended excerpt from the report printed in the RECORD at the conclusion of my remarks. As the report notes, "judging simply by [recent] crime statistics, it is clear that the Internet is helping to fuel an epidemic of child pornography" in this country. Unfortunately, by providing greater technical ease and increased anonymity in trading images, the Internet has "taken down barriers that one time served as a deterrent to child pornographers." In 2003, an estimated 20,000 images of child pornography were posted on the Internet every week. Between 1998 and 2004, child pornography reports made to the National Center for Missing and Exploited Children increased from 3,267 to 106,119—a thirty-fold increase over a 6-year period. The Justice Department also notes that there has been an escalation in the severity of abuse depicted in child pornography in recent years, "with the images found today more frequently involving younger children—including toddlers and even infants—and despicable acts such as penetration of infants." The Project Safe Childhood report concludes that "the nation should be alarmed at the fact that child pornography is being produced,

possessed, and distributed in record numbers." As the report notes, child pornography's harm extends beyond that done to the children who are sexually abused to produce such images: "child pornography [also] plays a central role in child molestations, serving to justify offenders' conduct, assist them in gaining compliance with their victims, and to provide a means to blackmail the children they have molested in order to prevent exposure."

The Internet SAFETY Act does the following things. It creates a new Federal offense, punishable by a maximum of 10 years in prison, for financially facilitating access to child pornography on the Internet. The act also deters Internet facilitation of child pornography by imposing civil penalties for Internet communications providers that fail to report child pornography, criminal penalties for Web site operators who insert words or images into source code with the intent to deceive persons into viewing obscene material on the Internet, and by requiring commercial Web site operators to place warning marks prescribed by the Federal Trade Commission on Web pages that contain sexually explicit material.

The Internet SAFETY Act also punishes the operation of child pornography enterprises. It creates a new Federal offense, punishable by a minimum of 10 years in prison, for the operation of an enterprise that profits from the sexual exploitation of children. The act also imposes mandatory, consecutive 10 year sentences for any child pornography or exploitation offense committed by a registered sex offender. In addition, the act increases penalties for offenses involving child pornography, child prostitution and sex trafficking, child sexual abuse, and sexual assault.

The Internet SAFETY Act also expands the Federal private right of action against child pornographers. It allows a victim, including parents of a minor victim, to seek civil remedies, and also allows a victim to seek remedies as an adult. This provision is inspired by a young girl named Masha who was adopted from Russia by a man who repeatedly molested her, photographed her, and posted pornographic images of her on the Internet. In addition, the act adds the obscenity and child pornography statutes to the RICO predicates and adds electronic mail fraud to the wiretap predicates.

The Internet SAFETY Act also establishes within the Justice Department an Office on Sexual Violence and Crimes Against Children to coordinate sex offender registration and notification programs and grant programs, and to assist State, local, and tribal governments and other entities with sex offender registration or notification and other measures.

Finally, the act authorizes and directs the Attorney General to make grants to States, local governments, Indian tribes, and nonprofit organiza-

tions for child sexual abuse prevention programs. In addition, the act authorizes appropriations for 200 additional child exploitation prosecutors in U.S. Attorneys' Offices around the country and 20 additional Internet Crimes Against Children task forces.

I ask unanimous consent that the following passages from the Justice Department's report Project Safe Childhood be printed in the RECORD.

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

PROJECT SAFE CHILDHOOD—PROTECTING CHILDREN FROM ONLINE EXPLOITATION AND ABUSE

INTRODUCTION

The Internet and other communications technologies are increasingly used by sexual predators and abusers as tools for exploiting and victimizing our children. First, these technologies have contributed to a significant increase in the proliferation and severity of child pornography. They provide pornographers with an easily accessible and seemingly anonymous means for collecting large number of images of child sexual abuse. Eventually, some predators turn to producing their own images. The result has been that images of child sexual abuse today are more disturbing, more graphic, and more sadistic than ever before, and they involve younger and younger children. Second, as the Internet and related technologies have grown, children have become increasingly at risk of being sexually solicited online by predators. Law enforcement is uncovering an escalating number of "enticement" cases, where perpetrators contact children in chat rooms or through instant messaging and arrange to meet at a designated location for the purpose of making sexual contact.

\* \* \* \* \*

*Part II. The Need for a national initiative to protect children*

Two types of dangers to children are especially problematic. First, the threat of sexual predators contacting children online, with the hope of luring them to meet in person, has been amply demonstrated by academic studies as well as recent investigative journalism reports. A Youth Internet Safety Survey conducted between August 1999 and January 2000 found that approximately one in five children per year receives an unwanted sexual solicitation online. One in thirty-three children per year receives an aggressive sexual solicitation—i.e., one in which a solicitor asks to meet them somewhere, calls them on the telephone, or sends mail, money, or gifts. And one in four per year has an unwanted exposure to sexually explicit material. Meanwhile, only 25 percent of the youth who encountered a sexual solicitation told a parent. Only a fraction of all episodes were reported to authorities, such as a law enforcement agency, an Internet service provider, or a hotline. According to a recent media report, at any given time, 50,000 predators are on the Internet prowling for children. These figures make clear that the threat of online enticement of children is immense.

Second, the victimization of children through the production and distribution of child pornography is equally troubling, and on the rise. It was estimated, even in 2003, that more than 20,000 images of child pornography are posted on the Internet each week. NCMEC's CyberTipline logged a 39 percent increase in reports of the possession, creation, or distribution of child pornography in 2004. The gravity of these increases is more

dramatically demonstrated by comparing the actual number of reports in 1998 to those logged in 2004, rather than merely reciting percentage increases. In 1998, the CyberTipline received 3,267 reports of child pornography. In 2004, the CyberTipline received 106,119 of these reports, marking more than a 30-fold increase in child pornography reports in a six year period. Judging simply by crime statistics, it is clear that the Internet is helping to fuel an epidemic of child pornography.

Not only is there an increase in the volume of pornographic images, there is also an escalation in the severity of the abuse depicted, with the images found today more frequently involving younger children—including toddlers and even infants—and despicable acts such as penetration of infants. And technology lends itself to the dissemination of more graphic images via the web, with its easy access, low cost, and apparent anonymity.

Experts agree that the escalation in both the prevalence and severity of child pornography is driven at least in part by advances in computer technology and increased access to the Internet. According to a recent study, 78.6 percent of Americans go online, and almost two-thirds of Americans use the Internet at home. While it is impossible to determine exactly how many people are looking at child pornography, experts attribute the escalation in the quantity of child pornography being created and distributed to the growth of the Internet, and the concomitant ease with which child predators can now buy, sell, and swap images. The resulting sense of community among child predators is in turn helping to embolden those who may have had misgivings about a sexual interest in children, and it is thus driving a market for new images with fresh faces. Before the Internet, it was difficult and risky for child exploiters to go out and find other child exploiters with whom to share images, which left the child pornography industry relegated to small black markets in underground bookstores or secret mailings. Today, the Internet has provided these pedophiles with an accessible, convenient, and anonymous means for interacting with their community and obtaining illicit material. The Internet has thus taken down borders that at one time served as a deterrent to child pornographers.

THESE ESCALATING TRENDS PRESENT A SERIOUS RISK TO OUR SOCIETY

The harm caused by enticement offenses is beyond question. Sexual abuse is a serious crime that deeply affects any victim, especially children, and it has dramatic secondary effects on our society. The looming danger of our children being preyed upon by pedophiles in chat rooms or through social networking sites is, in short, among the gravest threats facing children today.

The impact of child pornography on victims, and on society as a whole, is far less appreciated today than the threat of enticement offenses. Child pornography images are not just pictures, akin to any number of other images legally available on the Internet. Most images of child pornography depict victims—children—who have been exploited and abused. These images are permanent visual records of child sexual abuse. For this reason, the very term commonly used to describe these terrible images—"child pornography"—does not adequately convey the horrors these images depict. A more accurate term would be "images of child sexual abuse," because the very production of the images necessarily involves the sexual abuse of a child. And the child is re-victimized each time they are viewed.

The nation should be alarmed at the fact that child pornography is being produced, possessed, and distributed in record numbers.

According to a 2005 study entitled "Child-Pornography Possessors Arrested in Internet-Related Crimes: Findings from the National Juvenile Online Victimization Study," which studied defendants arrested and charged with possession of child pornography between July 2000 and June 2001:

More than 80 percent of arrested [child pornography] possessors had images of prepubescent children, and 80 percent had images of minors being sexually penetrated. Approximately 1 in 5 (21 percent) arrested [child pornography] possessors had images of children enduring bondage, sadistic sex, and other sexual violence. More than 1 in 3 (39 percent) [child pornography] possessors had videos depicting child pornography with motion and sound.

Although their identities are often unknown, many of the children in these graphic images were sexually victimized and assaulted. Those who possess these pictures—for sexual gratification, curiosity, as a means of profit, or for other reasons—are adding to the burdens of these young victims, whose trauma may be increased by knowing their pictures are circulating globally on the Internet with no hope of permanent removal or could be entered into circulation in the future.

Child pornography victimizes children in a very real and dramatic way. Of course, no child can consent to being sexually exploited through the production of sexually-explicit images. Each time the image is viewed or distributed, the child is again victimized. "[N]o mere words could ever truly describe the daily torture of victims who were forced to participate in child pornography years ago and now, as adults, see images of themselves 'performing' on the Internet. In addition to the obvious physical injuries that a child can suffer due to sexual abuse, the emotional and psychological trauma is devastating, and lasting. Many child victims suffer from depression, withdrawal, anger, and other conditions that often continue into adulthood. They experience feelings of guilt and responsibility for the abuse, a sense of powerlessness and feelings of worthlessness.

Thus, for the sole fact of the victimization and damage that child pornography visits upon children, possession of child pornography is a heinous crime that must be stamped out. But that is only half of the story of the pernicious effect of child pornography. Possession of child pornography is a serious crime for four additional reasons, each of which is described more fully below:

1. The exchange of child pornography by and between child exploiters validates and encourages them in their beliefs and behaviors;

2. The greater availability of child pornography has led to the production, receipt, and distribution of more shocking, graphic images, which are increasingly involving younger children and infants;

3. The compulsion to collect child pornography images may lead to a compulsion to molest children, or may be indicative of a propensity to molest children; and

4. Child pornography is frequently used by molesters as an affirmative tool, either to silence their victims, to blackmail them into further exploitation, or to entice other children.

#### VALIDATION AND ENCOURAGEMENT

Use of the Internet by child pornographers to exchange images and communications regarding those images provides positive reinforcement for them in their beliefs and behaviors, encouraging further exploitation of children. One study of offenders revealed that exploiters' relationships with other offenders, forged online, "legitimize[d] and

normalize[d] their interests" in their own minds. In short, the process of collecting and trading child pornography bonds the offenders together, and having an extensive child pornography collection heightens an offender's status within this community. The incentives to abuse children, capture the abuse, and share the images are strong, allowing the producer a way into the community and a means for obtaining yet more images of abuse from other producers or distributors. Child pornography is used as a means of establishing trust and camaraderie amongst child exploiters and molesters, as proof of good intentions when initiating contacts with one another. It is, in part, for these reasons that offenders are frequently found with thousands of images.

In considering this factor, one can see the important role that the Internet has played in the growth of the child pornography market. Before the Internet, child exploiters were isolated. Without knowing that others like them existed, pedophilia or a sexual interest in children was a shameful secret. Through the Internet, however, persons who desire to exploit children get to know that others like them exist, they share their preferences and their child pornography, and they no longer feel abnormal. The child exploiter sees in the Internet a way of validating his behavior: he is able to convince himself that his behavior or obsession is not abnormal, but is in fact shared by thousands of other people who, in the predator's mind, are sensitive, intelligent, and caring people.

#### MORE SHOCKING, GRAPHIC IMAGES

A more distressing trend is that, as pedophiles collect more and more images of child sexual abuse, they become desensitized to the horrors contained within their existing collections, and they seek gratification through novel and yet more disturbing images. The only way that this demand can be met is through a supply of new images involving more horrific images of I hands-on sexual abuse than that already present in the person's collection of images. The result has been a rise in demand for pornographic images of younger children, including babies and toddlers. Twenty percent of the images seized depicting sexual exploitation of children involved images of babies and two- and three-year-olds. And, disturbingly, the abuse is getting worse, with the depictions being more sadistic than ever.

#### INCREASED COMPULSION/PROPENSITY TO MOLEST CHILDREN

As an offender's interest in children draws him to the child pornography market, his compulsion to view and collect images may become entwined with, or lead to, a compulsion to molest children. A study conducted by Ethel Quayle and Max Taylor revealed that the subject's access to child pornography "intensified his levels of sexual arousal and behavior and fueled his desire to engage in a relationship with a child." The subject progressed from viewing images, to entering chat rooms, to attempting to meet children offline.

Several factors other than mere sexual perversion may cause the tendency of child pornography collectors to begin to molest children. For instance, a collector's desire for novel and more graphic images could provide an incentive simply to produce the images himself, and computer technology today makes it easier to create the images and distribute them. In addition, collectors often feel that they have to produce new images because, in order to continue trading for new images, they have to offer up their own new images as part of the rules of some child pornography communities.

Empirical studies support the proposition that individuals who view child pornography

are often also child molesters. According to a study completed in 2000 by Dr. Andres E. Hernandez, Director of the Sex Offender Treatment Program at the Butner Federal Correctional Complex in North Carolina, 79.6% of 54 offenders convicted of child pornography offenses admitted that they had molested significant numbers of children without detection. On average, the offenders had 26.37 child sex victims and admitted to over 1,424 contact sexual crimes. Of these 1,400+ contact sexual crimes, only 53 were detected or known about and taken into account at sentencing.

Consistent with these studies, a 1986 Report of the U.S. Senate Permanent Subcommittee on Investigations on Child Pornography and Pedophilia stated: "No single characteristic of pedophilia is more pervasive than the obsession with child pornography. The fascination of pedophiles with child pornography and child abuse has been documented in many studies and has been established by hundreds of sexually explicit materials involving children."

Although the U.S. Senate Subcommittee found no direct evidence of causality—i.e., that possession of child pornography causes people to commit child sex offenses—it did conclude that child pornography plays a central role in child molestations, "serving to justify [the offender's] conduct, assist them in seducing their victims and provide a means to blackmail the children they have molested in order to prevent exposure." In a 2005 study of child pornography possessors arrested in Internet-related crimes, the reviewers concluded that "one out of six [child pornography] possession cases beginning with an investigation of or allegation about [child pornography] possession discovered a dual offender who had also sexually victimized a child or attempted to do so."

According to Raymond Smith, Assistant Inspector-in-Charge of the Special Investigations Division and the manager of USPIS's Child Exploitation Program, the USPIS began in 1997 compiling statistical information on the number of child pornography suspects arrested by U.S. Postal Inspectors that were also child molesters. Additionally, the USPIS began to collect data on the number of child victims identified and rescued from further sexual abuse as a result of investigations conducted by Postal Inspectors. Since 1997, 802 child molesters were identified and stopped, and 1,048 victimized children were rescued. According to Smith, of the more than 2,400 individuals arrested since 1997 for using the U.S. Mail and the Internet to sexually exploit children, child molesters were identified in one out of every three cases.

#### AFFIRMATIVE TOOLS OF MOLESTERS

Not only do images of child pornography record horrific abuse and victimization of children, but they often are also used as affirmative tools by the abusers. Abusers frequently use such pornography to lower another child's inhibitions with images that appear to show the victim enjoying the abuse or to validate sex between children and adults as normal. Moreover, offenders use the images to blackmail the victim into silence or into performing further acts of abuse, threatening to release the images to parents, peers, or others if the victim talks or does not allow further exploitation. Such blackmailing even can be aimed at forcing kids into prostitution and the child trafficking trade.

Child pornography plays a central role in child molestations, serving to justify offenders' conduct, to assist them in gaining compliance from their victims, and to provide a means to blackmail the children they have molested in order to prevent exposure. Consequently, child pornography does not simply involve abuse of the individual child victim whose image is created; it is also used

affirmatively to perpetuate the sexual exploitation of the same child or other children.

Child and adult pornography is frequently used by child exploiters to lure children into physical sex acts. After a child molester befriends a child and gains the child's trust, he will expose the child to pornography to persuade the child that the behavior is normal and acceptable, and to coax him or her into participation. The Sexually Exploited Child Unit of the Los Angeles Police Department conducted a ten year study and found that adult and child pornography was reportedly used in over 87% of all their child molestation cases. Child pornography is therefore not just a tool for perpetuating more (and more graphic) child pornography—it is also a tool for exploiters to gain opportunities to exploit and molest even more children.

#### A CALL TO ARMS

The measures taken to this point have not served to dramatically lessen the number of incidents of child exploitation. Indeed, all of the evidence leads to the conclusion that the exploitation of children is a burgeoning problem. The explosion in the production and trafficking of child pornography, in particular, represents nothing short of an epidemic confronting our country.

By Mr. THOMAS (for himself, Mr. CONRAD, Mr. HARKIN, Mr. ROBERTS, Ms. COLLINS, Mr. DAYTON, Mr. SALAZAR, Mr. DOMENICI, Mr. BURNS, Mr. DORGAN, Mr. THUNE, Mr. JOHNSON, Mr. NELSON of Nebraska, Ms. MURKOWSKI and Ms. SNOWE):

S. 3500. A bill to amend title VIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

Mr. THOMAS. Mr. President, I am pleased to rise today to introduce the Rural Hospital and Provider Equity, R-HoPE, Act of 2006 with Senator CONRAD, Senator HARKIN, Senator ROBERTS, and fellow Senate Rural Health Caucus members Senators COLLINS, DAYTON, SALAZAR, BURNS, DOMENICI, DORGAN, THUNE, JOHNSON, BEN NELSON, and MURKOWSKI. As always, it is important to note that rural health care legislation has a long history of bipartisan collaboration and cooperation.

The 108th Congress reaped unparalleled successes in terms of rural health care legislation. When Congress enacted the Medicare Modernization Act, MMA, it included a comprehensive health care package specifically tailored with rural communities, hospitals, and providers in mind. This was the largest rural provider payment package ever considered by Congress.

As Republican cochairman of the Senate Rural Health Caucus, I was proud to help lead the effort to put rural providers on a level playing field with their urban neighbors. We enacted commonsense Medicare payment equity provisions critical to maintaining access to quality health care in isolated and underserved areas. Rural America achieved a significant victory, and we have much to celebrate. However, our mission is not complete. Sev-

eral of the MMA's rural health provisions have expired, or are set to expire this year. That is why I have introduced the Rural Hospital and Provider Equity Act—to finish the work we started 3 years ago.

This legislation not only reauthorizes expiring rural MMA provisions but also takes additional steps to address inequities in the Medicare payment system that continually place rural providers at a disadvantage. My bill recognizes the unique needs of rural hospitals and levels the playing field between rural and urban providers.

Rural hospitals are more dependent on Medicare payments as part of their total revenue. In fact, Medicare accounts for almost 70 percent of total revenue for small, rural hospitals. Rural hospitals have lower patient volumes, but must compete nationally to recruit providers due to the nursing—and other health professional—workforce shortages. Additional burdens are placed on rural hospitals and providers because of higher uninsured and underinsured rates in rural America. Also, seniors living in rural areas tend to be poorer and have more chronic conditions than their urban and suburban counterparts.

First, the Rural Hospital and Provider Equity Act recognizes the special circumstances rural hospitals face and addresses these issues by equalizing Medicare disproportionate share hospital, DSH, payments. These add-on payments help hospitals cover the costs of serving a high proportion of low-income and uninsured patients. Current law allows urban facilities to receive unlimited add-ons corresponding with the amount of patients served. However, small or rural hospital add-on payments are capped at 12 percent. This measure eliminates the rural hospital cap, bringing their payments in line with the benefits urban facilities receive.

Second, the bill recognizes that low-volume hospitals have a higher cost per case which results in negative operating margins. To alleviate this problem, we established a low-volume inpatient payment adjustment for hospitals that have less than 2000 annual discharges per year and are located more than 15 miles from another hospital. This provision will improve payments for approximately one-third of all rural hospitals.

In addition to these Medicare payment reforms, this legislation strengthens the over 3,000 rural health clinics that serve many rural Americans. Under current law, rural health clinics receive an all-inclusive payment rate that is capped at approximately \$63. This payment has not been adjusted—except for inflation—since 1988. To recognize the rising costs of health care, this bill raises the rural health clinic cap to \$82, making it comparable to the rate Community Health Centers receive. By caring for folks in underserved areas, rural health clinics and community health centers are a

key component of the rural health care delivery system. As not every small town can sustain a hospital, we need to ensure these types of facilities are paid adequately and are provided enough flexibility to meet the health care needs of the communities they serve.

Home health care agencies are another critical element of the continuum of care in rural areas. These providers face unique circumstances in the distances they are required to travel to provide services. The current Medicare payment system does not make adequate adjustments to reflect the reality of rural and frontier health care. This bill recognizes the situation these providers face by ensuring their Medicare payments cover their costs to provide Medicare services.

As you all may know, there are approximately 1,165 hospitals nationwide that have converted to critical access hospital, CAH, status. This program was created in the Balanced Budget Act of 1997 to ensure folks in small, rural communities would have access to 24-hour emergency services as well as some hospital care in their hometowns. Fifty-two percent of my State's hospitals have downsized to Critical Access Hospital status. The measure I have introduced contains several provisions to strengthen this important rural hospital program.

The Rural Hospital and Provider Equity Act will also ensure rural areas can maintain access to important emergency medical services, EMS. Rural EMS providers are primarily volunteers who have difficulty recruiting, retaining, and educating EMS personnel. Rural EMS providers also have less capital to buy and upgrade essential, lifesaving equipment. The legislation will assist ambulance providers in collecting payments for transporting patients to the hospital after answering a 911 call regardless of the final diagnosis. This is a commonsense approach and ensures that all aspects of emergency care are operating under the same definition of emergency.

It is important for the Federal Government to remember that one payment system does not fit all. Rural providers care for patients under much different circumstances than their urban counterparts. This legislation is designed to ensure rural hospitals, rural health clinics, rural ambulance providers, rural home health agencies, rural mental health providers, rural physicians, and other critical allied health clinicians are paid accurately and fairly. I strongly encourage all my colleagues with an interest in rural health to cosponsor this legislation.

Finally, I want to thank the American Hospital Association, the National Rural Health Association, the Federation of American Hospitals, the National Association of Rural Health Clinics, the National Association for Home Care, the American Academy of

Nurse Practitioners, the American Ambulance Association, and the Association of Marriage and Family Therapists, for their work and support in this effort.

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

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

S. 3500

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Rural Hospital and Provider Equity (HoPE) Act of 2006”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Fairness in the Medicare disproportionate share hospital (DSH) adjustment for rural hospitals.
- Sec. 3. Extension and Expansion of Medicare hold harmless provision under the prospective payment system for hospital outpatient department (HOPD) services.
- Sec. 4. Improvement of definition of low-volume hospital for purposes of the Medicare inpatient hospital payment adjustment.
- Sec. 5. Extension of Medicare wage index reclassifications for certain hospitals.
- Sec. 6. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
- Sec. 7. Critical access hospital improvements.
- Sec. 8. Capital infrastructure revolving loan program.
- Sec. 9. Extension of Medicare incentive payment program for physician scarcity areas.
- Sec. 10. Extension of floor on Medicare work geographic adjustment.
- Sec. 11. Medicare home health care planning improvements.
- Sec. 12. Rural health clinic improvements.
- Sec. 13. Community health center collaborative access expansion.
- Sec. 14. Applying add-on policy for home health services furnished in a rural area for 2007.
- Sec. 15. Use of medical conditions for coding ambulance services.
- Sec. 16. Extension of increased Medicare payments for ground ambulance services in rural areas.
- Sec. 17. Improvement in payments to retain emergency and other capacity for ambulances in rural areas.
- Sec. 18. Coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program.
- Sec. 19. Medicare remote monitoring pilot projects.
- Sec. 20. Facilitating the provision of telehealth services across State lines.

**SEC. 2. FAIRNESS IN THE MEDICARE DISPROPORTIONATE SHARE HOSPITAL (DSH) ADJUSTMENT FOR RURAL HOSPITALS.**

Section 1886(d)(5)(F)(xiv)(II) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)(xiv)(II)) is amended—

(1) by striking “or, in the case” and all that follows through “subparagraph (G)(iv)”;

(2) by inserting at the end the following new sentence: “The preceding sentence shall not apply to any hospital with respect to discharges occurring on or after October 1, 2006.”.

**SEC. 3. EXTENSION AND EXPANSION OF MEDICARE HOLD HARMLESS PROVISION UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT (HOPD) SERVICES.**

(a) **EXTENSION.**—

(1) **IN GENERAL.**—Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 5105 of the Deficit Reduction Act of 2005 (Public Law 109-171), is amended—

- (A) in subclause (I)—
  - (i) by striking “(I)”;
  - (ii) by striking “(iii) located in a rural area” and inserting “(iii)”;
  - (iii) by striking “before January 1, 2006” and inserting “before January 1, 2009”;
- (B) by striking subclause (II).

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall apply to covered OPD services furnished on or after January 1, 2006.

(b) **STUDY AND REPORT.**—

(1) **STUDY.**—The Secretary of Health and Human Services shall conduct a study to determine if, under the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)), costs incurred by sole community hospitals (as defined in section 1886(d)(5)(D)(iii) of such Act (42 U.S.C. 1395ww(d)(5)(D)(iii))) located in urban areas by ambulatory payment classification groups (APCs) exceed those costs incurred by other hospitals located in urban areas.

(2) **REPORT.**—Not later than January 1, 2008, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under paragraph (1) together with recommendations for such legislation and administrative action as the Secretary determines to be appropriate.

**SEC. 4. IMPROVEMENT OF DEFINITION OF LOW-VOLUME HOSPITAL FOR PURPOSES OF THE MEDICARE INPATIENT HOSPITAL PAYMENT ADJUSTMENT.**

Section 1886(d)(12)(C)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(12)(C)(i)) is amended by inserting “(or, beginning with fiscal year 2007, 2,000 discharges)” after “800 discharges”.

**SEC. 5. EXTENSION OF MEDICARE WAGE INDEX RECLASSIFICATIONS FOR CERTAIN HOSPITALS.**

(a) **MMA PROVISION.**—Section 508 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395ww note) is amended by adding at the end the following new subsection:

“(g) **THREE-YEAR EXTENSION FOR CERTAIN HOSPITALS.**—

“(1) **IN GENERAL.**—In the case of a hospital described in paragraph (2)—

“(A) subsections (a)(3) and (b) shall be applied by substituting ‘6-year period’ for ‘3-year period’; and

“(B) the limitation under subsection (e) shall not apply after March 31, 2007.

“(2) **HOSPITAL DESCRIBED.**—A hospital described in this paragraph is a hospital—

“(A) that is reclassified to an area under this section as of the day before the date of enactment of this subsection; and

“(B)(i) that is located in a State with less than 10 people per square mile; or

“(ii)(I) that is located in a rural area; and

“(II) for which the Secretary has determined the extension under this subsection to be appropriate.”.

(b) **ADDITIONAL PROVISION.**—The Secretary of Health and Human Services shall extend

the special exception reclassification of a sole community hospital located in a State with less than 10 people per square mile (made under the authority of section 1886(d)(5)(I)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(I)(i))) and contained in the final rule promulgated by the Secretary in the Federal Register on August 11, 2004 (69 Fed. Reg. 49170) for 3 years through fiscal year 2010.

**SEC. 6. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.**

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2282; 42 U.S.C. 1395l-4(b)) is amended by striking “2-year” and inserting “4-year”.

**SEC. 7. CRITICAL ACCESS HOSPITAL IMPROVEMENTS.**

(a) **CLARIFICATION OF PAYMENT FOR CLINICAL LABORATORY TESTS FURNISHED BY CRITICAL ACCESS HOSPITALS.**—

(1) **IN GENERAL.**—Section 1834(g)(4) of the Social Security Act (42 U.S.C. 1395m(g)(4)) is amended—

(A) in the heading, by striking “NO BENEFICIARY COST-SHARING” and inserting “TREATMENT OF”;

(B) by adding at the end the following new sentence: “For purposes of the preceding sentence and section 1861(mm)(3), clinical diagnostic laboratory services furnished by a critical access hospital shall be treated as being furnished as part of outpatient critical access services without regard to whether—

“(A) the individual with respect to whom such services are furnished is physically present in the critical access hospital at the time the specimen is collected;

“(B) such individual is registered as an outpatient on the records of, and receives such services directly from, the critical access hospital; or

“(C) payment is (or, but for this subsection, would be) available for such services under the fee schedule established under section 1833(h).”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall apply to cost reporting periods beginning on or after October 1, 2003.

(b) **ELIMINATION OF ISOLATION TEST FOR COST-BASED AMBULANCE REIMBURSEMENT.**—

(1) **IN GENERAL.**—Section 1834(1)(8) of the Social Security Act (42 U.S.C. 1395m(1)(8)) is amended—

(A) in subparagraph (B)—

(i) by striking “owned and”;

(ii) by inserting “(including when such services are provided by the entity under an arrangement with the hospital)” after “hospital”;

(B) by striking the comma at the end of subparagraph (B) and all that follows and inserting a period.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to services furnished on or after January 1, 2007.

**SEC. 8. CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM.**

(a) **IN GENERAL.**—Part A of title XVI of the Public Health Service Act (42 U.S.C. 300q et seq.) is amended by adding at the end the following new section:

“CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM

“SEC. 1603. (a) **AUTHORITY TO MAKE AND GUARANTEE LOANS.**—

“(1) **AUTHORITY TO MAKE LOANS.**—The Secretary may make loans from the fund established under section 1602(d) to any rural entity for projects for capital improvements, including—

“(A) the acquisition of land necessary for the capital improvements;

“(B) the renovation or modernization of any building;

“(C) the acquisition or repair of fixed or major movable equipment; and

“(D) such other project expenses as the Secretary determines appropriate.

“(2) AUTHORITY TO GUARANTEE LOANS.—

“(A) IN GENERAL.—The Secretary may guarantee the payment of principal and interest for loans made to rural entities for projects for any capital improvement described in paragraph (1) to any non-Federal lender.

“(B) INTEREST SUBSIDIES.—In the case of a guarantee of any loan made to a rural entity under subparagraph (A), the Secretary may pay to the holder of such loan, for and on behalf of the project for which the loan was made, amounts sufficient to reduce (by not more than 3 percent) the net effective interest rate otherwise payable on such loan.

“(b) AMOUNT OF LOAN.—The principal amount of a loan directly made or guaranteed under subsection (a) for a project for capital improvement may not exceed \$5,000,000.

“(c) FUNDING LIMITATIONS.—

“(1) GOVERNMENT CREDIT SUBSIDY EXPOSURE.—The total of the Government credit subsidy exposure under the Credit Reform Act of 1990 scoring protocol with respect to the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, under subsection (a) may not exceed \$50,000,000 per year.

“(2) TOTAL AMOUNTS.—Subject to paragraph (1), the total of the principal amount of all loans directly made or guaranteed under subsection (a) may not exceed \$250,000,000 per year.

“(d) CAPITAL ASSESSMENT AND PLANNING GRANTS.—

“(1) NONREPAYABLE GRANTS.—Subject to paragraph (2), the Secretary may make a grant to a rural entity, in an amount not to exceed \$50,000, for purposes of capital assessment and business planning.

“(2) LIMITATION.—The cumulative total of grants awarded under this subsection may not exceed \$2,500,000 per year.

“(e) TERMINATION OF AUTHORITY.—The Secretary may not directly make or guarantee any loan under subsection (a) or make a grant under subsection (d) after September 30, 2010.”

(b) RURAL ENTITY DEFINED.—Section 1624 of the Public Health Service Act (42 U.S.C. 300s-3) is amended by adding at the end the following new paragraph:

“(15)(A) The term ‘rural entity’ includes—

“(i) a rural health clinic, as defined in section 1861(aa)(2) of the Social Security Act;

“(ii) any medical facility with at least 1 bed, but with less than 50 beds, that is located in—

“(I) a county that is not part of a metropolitan statistical area; or

“(II) a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725));

“(iii) a hospital that is classified as a rural, regional, or national referral center under section 1886(d)(5)(C) of the Social Security Act; and

“(iv) a hospital that is a sole community hospital (as defined in section 1886(d)(5)(D)(iii) of the Social Security Act).

“(B) For purposes of subparagraph (A), the fact that a clinic, facility, or hospital has been geographically reclassified under the Medicare program under title XVIII of the Social Security Act shall not preclude a hos-

pital from being considered a rural entity under clause (i) or (ii) of subparagraph (A).”

(c) CONFORMING AMENDMENTS.—Section 1602 of the Public Health Service Act (42 U.S.C. 300q-2) is amended—

(1) in subsection (b)(2)(D), by inserting “or 1603(a)(2)(B)” after “1601(a)(2)(B)”; and

(2) in subsection (d)—

(A) in paragraph (1)(C), by striking “section 1601(a)(2)(B)” and inserting “sections 1601(a)(2)(B) and 1603(a)(2)(B)”; and

(B) in paragraph (2)(A), by inserting “or 1603(a)(2)(B)” after “1601(a)(2)(B)”.

**SEC. 9. EXTENSION OF MEDICARE INCENTIVE PAYMENT PROGRAM FOR PHYSICIAN SCARCITY AREAS.**

Section 1833(u)(1) of the Social Security Act (42 U.S.C. 1395l(u)(1)) is amended by striking “before January 1, 2008” and inserting “before January 1, 2009”.

**SEC. 10. EXTENSION OF FLOOR ON MEDICARE WORK GEOGRAPHIC ADJUSTMENT.**

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2007” and inserting “before January 1, 2009”.

**SEC. 11. MEDICARE HOME HEALTH CARE PLANNING IMPROVEMENTS.**

(a) IN GENERAL.—Section 1814(a)(2) of the Social Security Act (42 U.S.C. 1395f(a)(2)), in the matter preceding subparagraph (A), is amended—

(1) by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”; and

(2) by inserting “(as those terms are defined in section 1861(aa)(5))” after “clinical nurse specialist”;

(3) by inserting “or home health agency (as the case may be)” after “facility”; and

(4) by inserting “(or in the case of services described in subparagraph (C), a physician assistant (as defined in 1861(aa)(5)) under the supervision of a physician)” after “collaboration with a physician”.

(b) CONFORMING AMENDMENTS.—(1) Section 1814(a) of the Social Security Act (42 U.S.C. 1395f(a)) is amended—

(A) in paragraph (2)(C), by inserting “a nurse practitioner, a clinical nurse specialist, or a physician assistant (as the case may be)” after “physician” each place it appears;

(B) in the second sentence, by striking “or clinical nurse specialist” and inserting “clinical nurse specialist, or physician assistant”;

(C) in the third sentence—

(i) by striking “physician certification” and inserting “certification”;

(ii) by inserting “(or on January 1, 2007, in the case of regulations to implement the amendments made by section 11 of the Rural Hospital and Provider Equity (HoPE) Act of 2006)” after “1981”; and

(iii) by striking “a physician who” and inserting “a physician, nurse practitioner, clinical nurse specialist, or physician assistant who”;

(D) in the fourth sentence, by inserting “, nurse practitioner, clinical nurse specialist, or physician assistant” after “physician”.

(2) Section 1835(a) of the Social Security Act (42 U.S.C. 1395n(a)) is amended—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “or, in the case of services described in subparagraph (A), a physician, or a nurse practitioner or clinical nurse specialist (as those terms are defined in 1861(aa)(5)), who does not have a direct or indirect employment relationship with the home health agency but is working in collaboration with a physician (or a physician assistant (as defined in 1861(aa)(5)) under the supervision of a physician)” after “a physician”;

(ii) in subparagraph (A) by inserting “a nurse practitioner, a clinical nurse spe-

cialist, or a physician assistant (as the case may be)” after “physician” each place it appears;

(B) in the third sentence, by inserting “, nurse practitioner, clinical nurse specialist, or physician assistant (as the case may be)” after “physician”;

(C) in the fourth sentence—

(i) by striking “physician certification” and inserting “certification”;

(ii) by inserting “(or on January 1, 2007, in the case of regulations to implement the amendments made by section 11 of the Rural Hospital and Provider Equity (HoPE) Act of 2006)” after “1981”; and

(iii) by striking “a physician who” and inserting “a physician, nurse practitioner, clinical nurse specialist, or physician assistant who”;

(D) in the fifth sentence, by inserting “, nurse practitioner, clinical nurse specialist, or physician assistant” after “physician”.

(3) Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(A) in subsection (m)—

(i) in the matter preceding paragraph (1)— (I) by inserting “, or a nurse practitioner, clinical nurse specialist, or physician assistant (as those terms are defined in subsection (aa)(5))” after “physician” the first place it appears; and

(II) by inserting “or a nurse practitioner, clinical nurse specialist, or physician assistant” after “physician” the second place it appears; and

(ii) in paragraph (3), by inserting “or a nurse practitioner, clinical nurse specialist, or physician assistant” after “physician”; and

(B) in subsection (o)(2)—

(i) by inserting “, nurse practitioners, clinical nurse specialists, or physician assistants (as those terms are defined in subsection (aa)(5))” after “physicians”; and

(ii) by inserting “, nurse practitioner, clinical nurse specialist, physician assistant,” after “physician”

(4) Section 1895 of the Social Security Act (42 U.S.C. 1395fff) is amended—

(A) in subsection (c)(1), by inserting “, or the nurse practitioner, clinical nurse specialist, or physician assistant (as those terms are defined in section 1861(aa)(5)),” after “physician”; and

(B) in subsection (e)—

(i) in paragraph (1)(A), by inserting “, or a nurse practitioner, clinical nurse specialist, or physician assistant (as those terms are defined in section 1861(aa)(5)),” after “physician”; and

(ii) in paragraph (2)—

(I) in the heading, by striking “PHYSICIAN CERTIFICATION” and inserting “RULE OF CONSTRUCTION REGARDING REQUIREMENT FOR CERTIFICATION”; and

(II) by striking “physician”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2007.

**SEC. 12. RURAL HEALTH CLINIC IMPROVEMENTS.**

Section 1833(f) of the Social Security Act (42 U.S.C. 1395l(f)) is amended—

(1) in paragraph (1), by striking “, and” at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) by inserting “(before 2007)” after “in a subsequent year”; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(3) in 2007, at \$82 per visit; and

“(4) in a subsequent year, at the limit established under this subsection for the previous year increased by the percentage increase in the MEI (as so defined) applicable

to primary care services (as so defined) furnished as of the first day of that year.”

**SEC. 13. COMMUNITY HEALTH CENTER COLLABORATIVE ACCESS EXPANSION.**

Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended by adding at the end the following:

“(s) MISCELLANEOUS PROVISIONS.—

“(1) RULE OF CONSTRUCTION WITH RESPECT TO RURAL HEALTH CLINICS.—

“(A) IN GENERAL.—Nothing in this section shall be construed to prevent a community health center from contracting with a federally certified rural health clinic (as defined by section 1861(aa)(2) of the Social Security Act) for the delivery of primary health care services that are available at the rural health clinic to individuals who would otherwise be eligible for free or reduced cost care if that individual were able to obtain that care at the community health center. Such services may be limited in scope to those primary health care services available in that rural health clinic.

“(B) ASSURANCES.—In order for a rural health clinic to receive funds under this section through a contract with a community health center under paragraph (1), such rural health clinic shall establish policies to ensure—

“(i) nondiscrimination based upon the ability of a patient to pay; and

“(ii) the establishment of a sliding fee scale for low-income patients.”.

**SEC. 14. APPLYING ADD-ON POLICY FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA FOR 2007.**

Section 421 of Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2283), as amended by section 5201(b) of the Deficit Reduction Act of 2005 (Public Law 109-171), is amended—

(1) in the heading, by striking “**ONE-YEAR**” and inserting “**TEMPORARY**”; and

(2) in subsection (a), by striking “before January 1, 2007” and inserting “before January 1, 2008”.

**SEC. 15. USE OF MEDICAL CONDITIONS FOR CODING AMBULANCE SERVICES.**

Section 1834(l)(7) of the Social Security Act (42 U.S.C. 1395m(l)(7)) is amended to read as follows:

“(7) CODING SYSTEM.—

“(A) IN GENERAL.—The Secretary shall, in accordance with section 1173(c)(1)(B) and not later than January 1, 2007, establish a mandatory system or systems for the coding of claims for ambulance services for which payment is made under this subsection, including a code set specifying the medical condition of the individual who is transported and the level of service that is appropriate for the transportation of an individual with that medical condition.

“(B) MEDICAL CONDITIONS.—The code set established under subparagraph (A) shall take into account the list of medical conditions developed in the course of the negotiated rulemaking process conducted under paragraph (1).”.

**SEC. 16. EXTENSION OF INCREASED MEDICARE PAYMENTS FOR GROUND AMBULANCE SERVICES IN RURAL AREAS.**

Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking “before January 1, 2007” and inserting “before January 1, 2008”;

(2) in subparagraph (B), in the heading, by striking “AFTER 2006” and inserting “AFTER 2007”.

**SEC. 17. IMPROVEMENT IN PAYMENTS TO RETAIN EMERGENCY AND OTHER CAPACITY FOR AMBULANCES IN RURAL AREAS.**

(a) IN GENERAL.—Section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) is

amended by adding at the end the following new paragraph:

“(15) ADDITIONAL PAYMENTS FOR PROVIDERS FURNISHING AMBULANCE SERVICES IN RURAL AREAS.—

“(A) IN GENERAL.—In the case of ground ambulance services furnished on or after January 1, 2007, for which the transportation originates in a rural area (as determined under subparagraph (B)), the Secretary shall provide for a percent increase in the base rate of the fee schedule for a trip identified under this subsection.

“(B) IDENTIFICATION OF RURAL AREAS.—The Secretary, in consultation with the Office of Rural Health Policy, shall use the Rural-Urban Commuting Areas (RUCA) coding system, adopted by that Office, to designate rural areas for the purposes of this paragraph. A rural area is any area in RUCA levels 2 through 10 and any unclassified area.

“(C) TIERING OF RURAL AREAS.—The Secretary shall designate 4 tiers of rural areas, using a ZIP Code population-based methodology generated by the RUCA coding system, as follows:

“(i) TIER 1.—A rural area that is a high metropolitan commuting area, in which 30 percent or more of the commuting flow is to an urban area, as designated by the Bureau of the Census (RUCA level 2).

“(ii) TIER 2.—A rural area that is a low metropolitan commuting area, in which less than 30 percent of the commuting flow is to an urban area or to a large town, as designated by the Bureau of the Census (RUCA levels 3-6).

“(iii) TIER 3.—A rural area that is a small town core, as designated by the Bureau of the Census, in which no significant portion of the commuting flow is to an area of population greater than 10,000 people (RUCA levels 7-9).

“(iv) TIER 4.—A rural area in which there is no dominant commuting flow (RUCA level 10) and any unclassified area.

The Secretary shall consult with the Office of Rural Health Policy not less often than every 2 years to update the designation of rural areas in accordance with any changes that are made to the RUCA system.

“(D) PAYMENT ADJUSTMENTS FOR TRIPS IN RURAL AREAS.—The Secretary shall adjust the payment rate under this section for ambulance trips that originate in each of the tiers established in subparagraph (C) according to the national average cost of full-cost providers for providing ambulance services in each such tier.”.

(b) REVIEW OF PAYMENTS FOR RURAL AMBULANCE SERVICES AND REPORT TO CONGRESS.—

(1) REVIEW.—Not later than July 1, 2009, the Secretary of Health and Human Services shall review the system for adjusting payments for rural ambulance services under section 1834(l)(15) of the Social Security Act, as added by subsection (a), to determine the adequacy and appropriateness of such adjustments. In conducting such review, the Secretary shall consult with providers and suppliers affected by such adjustments and with representatives of the ambulance industry generally to determine—

(A) whether such adjustments adequately cover the additional costs incurred in serving areas of low population density; and

(B) whether the tiered structure for making such adjustments appropriately reflects the difference in costs of providing services in different types of rural areas.

(2) REPORT.—Not later than January 1, 2010, the Secretary shall submit to Congress a report on the review conducted under paragraph (1) together with any recommendations for revision to the systems for adjusting payments for ambulance services in rural areas that the Secretary of Health and Human Services determines appropriate.

(c) CONFORMING AMENDMENTS.—(1) Section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

“(16) DESIGNATION OF RURAL AREAS FOR MILEAGE PAYMENT PURPOSES.—In establishing any differential in the amount of payment for mileage between rural and urban areas in the fee schedule established under paragraph (1), the Secretary shall, in the case of ambulance services furnished on or after January 1, 2007, identify rural areas in the same manner as provided in paragraph (15)(B).”.

(2) Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking “January 1, 2010” and inserting “January 1, 2007”.

(3) Section 1834(l)(13)(A)(i) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)(i)) is amended—

(A) by inserting “(or in the case of such services furnished in 2007, in a rural area identified by the Secretary under paragraph (15)(B))” after “such paragraph”; and

(B) by striking “paragraphs (11) and (12)” and inserting “paragraphs (11), (12), and (15)”.

**SEC. 18. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES UNDER PART B OF THE MEDICARE PROGRAM.**

(a) COVERAGE OF SERVICES.—

(1) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by section 5112 of the Deficit Reduction Act of 2005 (Public Law 109-171), is amended—

(A) in subparagraph (Z), by striking “and” at the end;

(B) in subparagraph (AA), by inserting “and” at the end; and

(C) by adding at the end the following new subparagraph:

“(BB) marriage and family therapist services (as defined in subsection (cc)(1)) and mental health counselor services (as defined in subsection (cc)(3)).”.

(2) DEFINITIONS.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 5112 of the Deficit Reduction Act of 2005 (Public Law 109-171), is amended by adding at the end the following new subsection:

“Marriage and Family Therapist Services; Marriage and Family Therapist; Mental Health Counselor Services; Mental Health Counselor

“(cc)(1) The term ‘marriage and family therapist services’ means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as an incident to a physician’s professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

“(2) The term ‘marriage and family therapist’ means an individual who—

“(A) possesses a master’s or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

“(B) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy; and

“(C) in the case of an individual performing services in a State that provides for licensure or certification of marriage and family therapists, is licensed or certified as

a marriage and family therapist in such State.

“(3) The term ‘mental health counselor services’ means services performed by a mental health counselor (as defined in paragraph (4)) for the diagnosis and treatment of mental illnesses which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as incident to a physician’s professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

“(4) The term ‘mental health counselor’ means an individual who—

“(A) possesses a master’s or doctor’s degree in mental health counseling or a related field;

“(B) after obtaining such a degree has performed at least 2 years of supervised mental health counselor practice; and

“(C) in the case of an individual performing services in a State that provides for licensure or certification of mental health counselors or professional counselors, is licensed or certified as a mental health counselor or professional counselor in such State.”

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

“(v) marriage and family therapist services and mental health counselor services;”

(4) AMOUNT OF PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking “and (V)” and inserting “(V)”; and

(B) by inserting before the semicolon at the end the following: “, and (W) with respect to marriage and family therapist services and mental health counselor services under section 1861(s)(2)(BB), the amounts paid shall be 80 percent of the lesser of the actual charge for the services or 75 percent of the amount determined for payment of a psychologist under subparagraph (L)”.

(5) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting “marriage and family therapist services (as defined in section 1861(ccc)(1)), mental health counselor services (as defined in section 1861(ccc)(3)),” after “qualified psychologist services.”

(6) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clauses:

“(vii) A marriage and family therapist (as defined in section 1861(ccc)(2)).

“(viii) A mental health counselor (as defined in section 1861(ccc)(4)).”

(b) COVERAGE OF CERTAIN MENTAL HEALTH SERVICES PROVIDED IN CERTAIN SETTINGS.—

(1) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking “or by a clinical social worker (as defined in subsection (hh)(1)),” and inserting “, by a clinical social worker (as defined in subsection (hh)(1)), by a marriage and family therapist (as defined in subsection (ccc)(2)), or by a mental health counselor (as defined in subsection (ccc)(4)).”

(2) HOSPICE PROGRAMS.—Section 1861(dd)(2)(B)(i)(III) of the Social Security Act (42 U.S.C. 1395x(dd)(2)(B)(i)(III)) is amended by inserting “or one marriage and family therapist (as defined in subsection (ccc)(2))” after “social worker”.

(c) AUTHORIZATION OF MARRIAGE AND FAMILY THERAPISTS TO DEVELOP DISCHARGE PLANS FOR POST-HOSPITAL SERVICES.—Section 1861(ee)(2)(G) of the Social Security Act (42 U.S.C. 1395x(ee)(2)(G)) is amended by inserting “marriage and family therapist (as defined in subsection (ccc)(2)),” after “social worker.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services furnished on or after January 1, 2007.

#### SEC. 19. MEDICARE REMOTE MONITORING PILOT PROJECTS.

(a) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall conduct pilot projects under title XVIII of the Social Security Act for the purpose of providing incentives to home health agencies to utilize home monitoring and communications technologies that—

(A) enhance health outcomes for Medicare beneficiaries; and

(B) reduce expenditures under such title.

(2) SITE REQUIREMENTS.—

(A) URBAN AND RURAL.—The Secretary shall conduct the pilot projects under this section in both urban and rural areas.

(B) SITE IN A SMALL STATE.—The Secretary shall conduct at least 3 of the pilot projects in a State with a population of less than 1,000,000.

(3) DEFINITION OF HOME HEALTH AGENCY.—In this section, the term “home health agency” has the meaning given that term in section 1861(o) of the Social Security Act (42 U.S.C. 1395x(o)).

(b) MEDICARE BENEFICIARIES WITHIN THE SCOPE OF PROJECTS.—The Secretary shall specify the criteria for identifying those Medicare beneficiaries who shall be considered within the scope of the pilot projects under this section for purposes of the application of subsection (c) and for the assessment of the effectiveness of the home health agency in achieving the objectives of this section. Such criteria may provide for the inclusion in the projects of Medicare beneficiaries who begin receiving home health services under title XVIII of the Social Security Act after the date of the implementation of the projects.

(c) INCENTIVES.—

(1) PERFORMANCE TARGETS.—The Secretary shall establish for each home health agency participating in a pilot project under this section a performance target using one of the following methodologies, as determined appropriate by the Secretary:

(A) ADJUSTED HISTORICAL PERFORMANCE TARGET.—The Secretary shall establish for the agency—

(i) a base expenditure amount equal to the average total payments made to the agency under parts A and B of title XVIII of the Social Security Act for Medicare beneficiaries determined to be within the scope of the pilot project in a base period determined by the Secretary; and

(ii) an annual per capita expenditure target for such beneficiaries, reflecting the base expenditure amount adjusted for risk and adjusted growth rates.

(B) COMPARATIVE PERFORMANCE TARGET.—The Secretary shall establish for the agency a comparative performance target equal to the average total payments under such parts A and B during the pilot project for comparable individuals in the same geographic

area that are not determined to be within the scope of the pilot project.

(2) INCENTIVE.—Subject to paragraph (3), the Secretary shall pay to each participating home care agency an incentive payment for each year under the pilot project equal to a portion of the Medicare savings realized for such year relative to the performance target under paragraph (1).

(3) LIMITATION ON EXPENDITURES.—The Secretary shall limit incentive payments under this section in order to ensure that the aggregate expenditures under title XVIII of the Social Security Act (including incentive payments under this subsection) do not exceed the amount that the Secretary estimates would have been expended if the pilot projects under this section had not been implemented.

(d) WAIVER AUTHORITY.—The Secretary may waive such provisions of titles XI and XVIII of the Social Security Act as the Secretary determines to be appropriate for the conduct of the pilot projects under this section.

(e) REPORT TO CONGRESS.—Not later than 5 years after the date that the first pilot project under this section is implemented, the Secretary shall submit to Congress a report on the pilot projects. Such report shall contain a detailed description of issues related to the expansion of the projects under subsection (f) and recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(f) EXPANSION.—If the Secretary determines that any of the pilot projects under this section enhance health outcomes for Medicare beneficiaries and reduce expenditures under title XVIII of the Social Security Act, the Secretary may initiate comparable projects in additional areas.

(g) INCENTIVE PAYMENTS HAVE NO EFFECT ON OTHER MEDICARE PAYMENTS TO AGENCIES.—An incentive payment under this section—

(1) shall be in addition to the payments that a home health agency would otherwise receive under title XVIII of the Social Security Act for the provision of home health services; and

(2) shall have no effect on the amount of such payments.

#### SEC. 20. FACILITATING THE PROVISION OF TELEHEALTH SERVICES ACROSS STATE LINES.

(a) IN GENERAL.—For purposes of expediting the provision of telehealth services, for which payment is made under the Medicare program, across State lines, the Secretary of Health and Human Services shall, in consultation with representatives of States, physicians, health care practitioners, and patient advocates, encourage and facilitate the adoption of provisions allowing for multistate practitioner practice across State lines.

(b) DEFINITIONS.—In subsection (a):

(1) TELEHEALTH SERVICE.—The term “telehealth service” has the meaning given that term in subparagraph (F) of section 1834(m)(4) of the Social Security Act (42 U.S.C. 1395m(m)(4)).

(2) PHYSICIAN, PRACTITIONER.—The terms “physician” and “practitioner” have the meaning given those terms in subparagraphs (D) and (E), respectively, of such section.

(3) MEDICARE PROGRAM.—The term “Medicare program” means the program of health insurance administered by the Secretary of Health and Human Services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

Mr. CONRAD. Mr. President, today I am pleased to join Senator THOMAS in introducing the Rural Hospital and Provider Equity Act, or R-HoPE. This

proposal will help shore up health care in rural areas and give rural Americans hope that health care will be available when they need it.

R-HoPE is the next step in addressing the inequities that exist in Medicare reimbursement and ensuring access to health services, like ambulance, mental health and home health care, in rural communities. The proposal has strong bipartisan support. In fact we're pleased to have over 12 cosponsors today from both sides of the aisle.

Our proposal also has broad support among provider groups including the National Rural Health Association, the American Hospital Association, the American Ambulance Association, Federation of American Hospitals, the National Association of Rural Health Clinics, National Association for Home Care and Hospice, and the American Academy of Nurse Practitioners.

As my colleagues know, prior to the Medicare Modernization Act, Medicare was shortchanging rural providers. Our reimbursement was significantly less than our urban counterparts. For example, Mercy Hospital in Devil's Lake North Dakota received half as much reimbursement for treating pneumonia as Mercy Hospital in New York City did. While I will be the first to admit that health care can be more expensive in urban areas, it certainly isn't twice the cost. And for that matter, rural hospitals don't get a "rural discount" when they go to buy supplies or new technology. It costs rural hospitals even more to purchase technology and supplies because they can't achieve the economies of scale that larger, more urban hospitals can.

The MMA recognized this disparity in reimbursement and took steps to close the gap. We secured over \$25 billion for rural health care, but most of the changes were only temporary. Even with the MMA funding, many rural hospitals and providers continue to experience negative margins. In 2003, before the MMA passed, rural hospitals had overall Medicare margins of negative 5.4 percent—compared to negative 0.9 percent for urban providers. In its March 2006 report, the Medicare Payment Advisory Commission projected that rural hospitals would experience negative 4.5-percent margins this year. Facilities cannot continue to provide high quality services if they lose over 4 percent on every Medicare patient.

R-HoPE will help continue the progress made by the MMA and add new provisions that will protect access to rural health care.

First, it will help ensure that everyone who chooses to live in a rural community has a hospital nearby. For example, the proposal recognizes that rural facilities can't achieve the same economies of scale as large hospitals by giving extra payments to hospitals with fewer than 2,000 patients a year. R-HoPE also reinstates provisions that protect rural hospitals against losses under the current outpatient payment system. Next, the bill extends an MMA

provision that has helped rural hospitals to better meet their labor costs by improving their "wage index" calculation. In addition, the proposal would close the gap in payments hospitals receive for serving low-income patients by giving the same level of special "disproportionate share payments" that urban areas enjoy. Lastly, the bill establishes a new loan program to help rural hospitals repair crumbling buildings.

Second, R-HoPE would guarantee that rural Americans can see a doctor when they are sick. As is the case with most rural States, much of North Dakota is designated as a health professional shortage area, HPSA. Recruiting doctors to these areas is very difficult, and the Medicare program recognized that extra payments are needed when it established the 10-percent physician scarcity payment for doctors who serve Medicare patients in HPSAs. R-HoPE would extend these vital bonus payments. Our proposal also extends a provision from the MMA that erases geographic inequities in physician payments.

Third, our bill would guarantee that when there is an emergency in a rural area, an ambulance is there to respond. Many rural ambulance services are closing because of low Medicare reimbursement. These services are often staffed by volunteers; few first responders are paid. R-HoPE would protect rural ambulance services by improving how Medicare pays EMS providers in rural areas. The bill also extends a 2-percent bonus payment for rural ambulance services and takes steps to reduce the number of wrongful denials of payment by Medicare contractors.

Fourth, R-HoPE helps to bolster a vital rural health care safety net provider, rural health clinics. Our bill would help preserve this important source of health care by increasing the all-inclusive payment from \$63 to \$82. In addition, our bill encourages rural health clinics to collaborate with community health centers to provide care in rural areas.

Fifth, R-HoPE takes a number of steps to protect the availability of home and mental health in rural areas by increasing the number of providers who are allowed to order and provide these vital services. It also extends the rural add-on payment for home health services provided in rural areas and creates a pilot project to use home monitoring technology to provide home health services.

This bill also removes barriers to telehealth. Specifically, the bill would address problems that arise when telehealth services are provided across State lines and payment is denied because the practitioner isn't licensed in the State where the patient resides.

Finally, the bill we are introducing includes two small changes to the critical access hospital, CAH, program that will put these facilities on a much sounder financial footing. These provisions would ensure CAHs could afford

to provide quality ambulance care and receive fair reimbursement for lab services provided outside the hospital.

Rural America is the backbone of this country. We must not turn our backs on rural Americans and their health care needs. They have a right to the same quality health care enjoyed by other Americans. And that right is being threatened by low Medicare reimbursement and limited access to providers. R-HoPE truly gives hope to those living in rural communities by erasing the inequities in current law that impede access to care.

I want to thank my Senate colleagues who have joined in this effort, as well as the organizations who worked with us, for their cooperation in developing this important health care proposal. It is my hope that this legislation will help strengthen our rural health care system and preserve it for generations to come.

By Mr. McCain:

S. 3501. A bill to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act to establish an acquisition fund for the water rights and habitat acquisition program; to the Committee on Indian Affairs.

Mr. McCain. Mr. President, today I am introducing legislation to amend the Shivwits Band of Paiute Indian Tribe of Utah Water Rights Settlement Act 2000 in order to bring that settlement to an orderly conclusion. That act ratified a negotiated settlement of the Shivwits Band of Paiute Indian Tribe's water entitlement to flow from the Santa Clara River in Utah. The Department of the Interior requested the amendment and provided technical assistance in crafting the legislation.

As part of section 10, Water Rights Settlement, of the Shivwits Settlement Act a water rights and habitat acquisition program was authorized. Congress authorized \$3.0 million to be appropriated to implement section 10. However, when the Department of the Interior attempted to implement the provision in section 10, which was intended to maintain the \$3.0 million in an interest bearing account, the Treasury Department advised that the language in section 10 was insufficient for this purpose. The Treasury Department and Department of the Interior developed technical correction language to address this deficiency in the settlement act by amending the statutory language for the establishment of the acquisition fund and investment of the acquisition fund.

The bill I am introducing today will allow the Shivwits Band water rights and habitat acquisition program authorized under section 10 of the settlement act to move forward. This legislation is supported by the Department of the Interior and will fully implement the Shivwits Band of Paiute Indian Tribe of Utah Water Settlement Act of 2000. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3501

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ACQUISITION FUND.**

Section 10 of the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act (Public Law 106-263; 114 Stat. 743) is amended—

(1) in subsection (f), by striking the second sentence; and

(2) by adding at the end the following:

“(g) ACQUISITION FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ‘Santa Clara Water Rights and Habitat Acquisition Fund’ (referred to in this section as the ‘Acquisition Fund’), consisting of—

“(A) such amounts as are appropriated to the Acquisition Fund under paragraph (2); and

“(B) any income earned on investment of amounts in the Acquisition Fund under paragraph (4).

“(2) TRANSFERS TO ACQUISITION FUND.—There are appropriated to the Acquisition Fund amounts equivalent to amounts made available under subsection (f).

“(3) EXPENDITURES FROM ACQUISITION FUND.—On request by the Secretary, the Secretary of the Treasury shall transfer from the Acquisition Fund to the Secretary such amounts as the Secretary determines to be necessary to carry out this section.

“(4) INVESTMENT OF AMOUNTS.—

“(A) IN GENERAL.—On request by the Secretary, the Secretary of the Treasury shall invest such portion of the Acquisition Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

“(B) OBLIGATIONS.—Investments may be made only in public debt securities with maturities suitable to the needs of the Acquisition Fund, as determined by the Secretary, that bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

“(C) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

“(i) on original issue at the issue price; or

“(ii) by purchase of outstanding obligations at the market price.

“(D) SALE OF OBLIGATIONS.—Any obligation acquired by the Acquisition Fund may be sold by the Secretary of the Treasury at the market price.

“(E) CREDITS TO ACQUISITION FUND.—The income on, and the proceeds from the sale or redemption of, any obligations held in the Acquisition Fund shall be credited to, and form a part of, the Acquisition Fund.

“(5) TRANSFERS OF AMOUNTS.—

“(A) IN GENERAL.—The amounts required to be transferred to the Acquisition Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Acquisition Fund on the basis of estimates made by the Secretary of the Treasury.

“(B) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

“(6) MANAGEMENT.—The Acquisition Fund (including the principal of the Acquisition

Fund and any interest generated on that principal) shall be managed in accordance with this section.”.

By Mr. KENNEDY (for himself, Mrs. CLINTON, and Mr. KERRY):

S. 3502. A bill to modernize the education system of the United States, to arm individuals with 21st century knowledge and skills in order to preserve the economic and national security of the United States, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, American families face great challenges in dealing with the rapidly changing global economy. The value of their wages is declining, the cost of living is going up, and many jobs are moving overseas. More and more Americans feel the American dream is slowly slipping out of reach.

We can and must deal more effectively with this problem. We have a responsibility to make the investments that are necessary to our progress—a responsibility to our families, to our economy, to our Nation, and even to our national security.

We can guarantee America’s continuing prosperity in the future, but we must work for it. We must sacrifice for it. The rest of the world is playing for keeps. We cannot just tinker at the margins if we expect to continue to be a leader in this rapidly shrinking world.

We must ensure that our citizens can achieve the American dream once again. To do so, our highest priority must be a world class education for every American. We must make the American employee and employer the best educated, best trained, and most capable in the world. We need to strengthen the capacities of every person in the Nation.

This isn’t just my opinion. In recent years, study after study has emphasized education as the solution to keeping America competitive in the years to come.

Last year, the Council on Competitiveness urged a focus on lifelong skill development—through elementary, secondary and higher education, and through training and workforce support, as essential to keeping America on the cutting edge of innovation.

A recent National Academy of Sciences report contains these recommendations. Two of the report’s four major recommendations state that education is the solution to meeting the global challenge.

The National Association of Manufacturers has also issued a report urging a renewed focus on education and training to keep American businesses competitive.

Other industrialized countries are embracing education as the key to competing in this new economy, but America is slipping behind. We rank 28th out of 40 nations in math education. We were 3rd in the world in 1975 in the production of new scientists and engineers, but now we rank 15th. By

2008, 6 million U.S. jobs will go unfilled because our workforce will not be qualified to fill them.

These shortcomings threaten both our economic security and our national security.

The last time America was shocked into realizing we were unacceptably behind in math and science was in 1957, when the Soviet Union launched Sputnik. To meet that crisis, Republican President Eisenhower worked closely with a Democratic Congress to pass the National Defense Education Act. The new law declared a national “education emergency,” and we doubled the Federal investment in education virtually overnight.

Today I join with my colleagues, Senator CLINTON and Senator KERRY, to introduce a new National Defense Education Act for our own day and generation.

To respond to this major challenge, we must ensure our education standards are internationally competitive, so that our high school graduates can succeed in the new economy. We must make a commitment to all students—regardless of the studies they choose to pursue—that cost will not be a barrier to a college degree. We must strengthen math and science education in this country by making college free for students training to become math or science teachers in high need schools.

Our New National Defense Education Act responds to each of these imperatives. It modernizes our education system and equips Americans with 21st century knowledge and skills.

It provides incentives and resources for schools to develop and implement more rigorous standards in math, science and reading.

The legislation updates the Nation’s report card—the National Assessment of Educational Progress—to ensure that it sets a national benchmark which is internationally competitive and is aligned with the demands of the 21st century global economy. It expands our ability to monitor science achievement. It requires the NAEP to measure student preparedness to enter college, the 21st century workforce, or the armed services. It also requires the Secretary of Education to examine the gaps in student performance on State-level assessments and NAEP assessments, and to assist States in understanding those gaps. It provides critical resources to states to create PreK-16 Preparedness Councils to help them with their efforts to improve state standards and ensure that they are aligned with the expectations of colleges, employers, and the Armed Services. It also provides funding to States working in collaboration to establish common standards and assessments.

The New NDEA also directs resources to high need schools, to enable them to invest in math, science, engineering and technology textbooks and laboratories, and give their students equal

access to a curriculum that will provide the skills they need to be successful in the 21st century global economy.

The legislation recognizes the critical role of the National Science Foundation in ensuring our children have access to cutting-edge science and technology programs, by doubling the investment in elementary, secondary, and postsecondary education programs at NSF.

The New NDEA also helps open the doors of college to all by creating the Contract for Educational Opportunity grant program, or "CEO Grants," which guarantee students that if they work hard and are admitted to college, their financial need will be met through additional State and Federal financial aid.

The legislation also offers additional grants to make college tuition free for low- and middle-income students studying science, technology, engineering or math, as well as critical-need foreign languages.

The bill provides larger grants to students studying to become teachers in these fields who agree to work in a high poverty school for at least 4 years. It also provides teachers with tax credits, increased loan forgiveness and additional incentives to continue to teach where they are needed the most. It provides grants to institutions of higher education to develop innovative programs for recruiting and training new teachers, and invests in teacher training programs to support their continuing education.

The bill recognizes that it is increasingly important for students to be exposed to other languages and cultures. In recent years, foreign language needs have significantly increased throughout the public and private sector because of the wider range of security threats, the emergence of new nation states, and the globalization of the U.S. economy. American businesses increasingly need employees experienced in foreign languages and international cultures to manage a culturally diverse workforce.

The New NDEA responds to these needs by providing grants for elementary and secondary critical-need language programs, summer institutes to improve teachers' knowledge and instruction of foreign languages and international content, and study abroad and foreign language study opportunities for high school students, and undergraduate and graduate students.

The New NDEA also continues to invest in our current workforce. The bill builds on existing formula funds for job training with competitive grants to support innovative strategies to meet emerging labor market needs.

From our earliest days as a nation, education has been the engine of the American dream. Our country is home to the greatest universities in the world, and our education system has produced the world's leading teachers, scientists, writers, musicians, and in-

ventors. We cannot let these achievements stall. Slogans are not enough. We have to put first things first, and give children, parents, schools, communities and states the support they need to refuel the amazing engine of education and keep our country great in the years ahead.

I urge my colleagues to join us in making this strong new commitment to securing our Nation's future by supporting the New National Defense Education Act.

Mr. President, I ask unanimous consent that the text of the New National Defense Education 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. 3502

*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 "New National Defense Education Act of 2006".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Throughout our Nation's history, the skills and education of our workforce have been a major determinant of the standard of living of the people of the United States.

(2) Spurred into action by the launch of Sputnik, Congress passed the National Defense Education Act of 1958 (Public Law 85-864, 72 Stat. 1580). The law, now nearly 50 years old, declared a national "educational emergency", and Federal expenditures for education more than doubled in the 4 years after its passage. The programs authorized under the Act helped the United States to improve rapidly in mathematics, science, engineering, technology, and foreign languages and led to our dominance in the arms race and the global economy.

(3) Today, our Nation once again faces an international challenge in education: we must confront a shortage of highly skilled and educated workers, especially in mathematics, science, engineering, technology, and critical-need foreign languages. As a percentage of total first university degrees granted, the United States produced fewer graduates in mathematics, science, and engineering in 2002 than the Nation did in 1985. Currently, the United States Government requires 34,000 employees with foreign language skills in 100 languages across more than 80 Federal agencies. These trends pose a threat to our national security and our economic security.

(4) Student achievement in mathematics and science in elementary school and secondary school lags behind other nations, according to the Trends in International Mathematics and Science study and other studies, including the Programme for International Student Assessment, that recently ranked United States secondary school students 28th out of 40 first- and second-world nations, and tied with Latvia, in mathematics performance and problem solving.

(5) According to the most recent National Assessment of Educational Progress, less than 40 percent of the students in grade 4 and 30 percent of the students in grade 8, and only 17 percent of the students in grade 12, reach the proficient level in mathematics, and approximately 1/3 of the students in grades 4 and 8, and nearly 1/2 of the students in grade 12, do not reach the basic level in science.

(6) A State-by-State comparison of the 2005 National Assessment of Educational

Progress average scale scores for 8th grade mathematics reveals that 31 States—more than 1/2 of the States in the Nation—scored more than 10 points (about 1 grade level) below the highest scoring State, Massachusetts.

(7) More than 200,000,000 children in China are studying English, a compulsory subject for all Chinese primary school students. By comparison, only about 24,000 of approximately 54,000,000 elementary and secondary school children in the United States are studying Chinese.

(8) There is a significant shortage of trained and qualified mathematics and science teachers in the United States. According to the National Science Board, in 2002, between 17 and 28 percent of public secondary school science teachers (depending on the specific scientific field), and 20 percent of public secondary school mathematics teachers, lacked full certification in their teaching field.

(9) More than 1/2 of the 20 fastest growing occupations require postsecondary degrees in mathematics or science. According to the National Science Board, out of more than 15,000,000 college students, less than 400,000 Americans a year graduate with a bachelor's degree in mathematics, science, engineering, or technology. According to the National Science Foundation, only 75,000 American undergraduate students obtain a master's degree in mathematics, science, engineering, or technology.

(10) In a 2002 Government Accountability Office report, the United States Army reported that it was experiencing serious shortfalls of translators and interpreters in 5 of its 6 critical languages: Arabic, Korean, Mandarin Chinese, Persian-Farsi, and Russian. According to the Modern Language Association, enrollment in foreign languages declined from 16 percent of college students in 1965 to 8 percent in 1974, rebounding to just 8.6 percent in 2002. Less commonly taught languages accounted for only 12 percent of all language enrollments. This means that 1 percent of American undergraduate students are studying these critical languages.

(11) In 2002, 79 percent of Americans agreed that students should have a study-abroad experience sometime during college. Only 1 percent of all United States undergraduate students studied abroad in the 2001-2002 school year.

(12) The Government Accountability Office estimates that the number of students enrolled in science, technology, engineering, or mathematics doctoral degree programs at United States institutions of higher education declined from 217,395 during the 1995-1996 academic year to 198,504 during the 2003-2004 academic year.

(13) The extent of this crisis requires a coordinated Federal response and an increased Federal investment in programs of the Department of Education and the National Science Foundation.

#### TITLE I—MODERNIZING AMERICA'S EDUCATION SYSTEM

##### Subtitle A—Prekindergarten Through Grade 16 Education

#### SEC. 111. PURPOSES.

The purposes of this subtitle are the following:

(1) To ensure students receive an education competitive with other industrialized countries.

(2) To assist States in improving the rigor of standards and assessments.

(3) To provide for the establishment of pre-kindergarten through grade 16 student preparedness councils to better link early childhood education and school readiness with elementary school success, elementary student

skills with success in secondary school, and secondary student skills and curricula, especially with respect to reading, mathematics, and science, with the demands of higher education, the 21st century workforce, and the Armed Forces, in order to—

(A) ensure that greater number of students, especially low-income and minority students, complete secondary school with the coursework and skills necessary to enter—

(i) credit-bearing coursework in higher education without the need for remediation;

(ii) high-paying employment in the 21st century workforce; or

(iii) the Armed Forces.

(4) To establish a system that encourages local educational agencies to adopt a curriculum that meets State academic content standards and student academic achievement standards and prepares all students for success in elementary school, secondary school, and post-secondary endeavors in the 21st century.

#### SEC. 112. DEFINITIONS.

In this subtitle:

(1) IN GENERAL.—The terms “elementary school”, “limited English proficient”, “local educational agency”, “scientifically based research”, “secondary school”, “Secretary”, and “State educational agency” have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ACADEMIC CONTENT STANDARDS; STUDENT ACADEMIC ACHIEVEMENT STANDARDS.—The terms “academic content standards” and “student academic achievement standards”, when used with respect to a particular State, mean the academic content standards and student academic achievement standards adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

(3) 21ST CENTURY CURRICULUM.—The term “21st century curriculum” means a course of study identified by a State as preparing secondary school students for entrance into credit-bearing coursework in higher education without the need for remediation, employment in the 21st century workforce, or entrance into the Armed Forces. A State shall define the 21st century curriculum in terms of content as well as course names.

(4) END OF COURSE EXAMINATION.—The term “end of course examination” means an assessment of student learning given at the end of a particular course that is used to measure student learning of State academic content standards in the subject matter of the course.

(5) GRADUATION RATE.—The term “graduation rate” means the percentage of students who graduate from secondary school with a regular diploma in the standard number of years.

(6) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(7) PROFESSIONAL DEVELOPMENT.—The term “professional development” includes activities that—

(A) improve and increase teachers’ knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;

(B) are an integral part of broad educational improvement plans across the school and across the local educational agency;

(C) give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet the State academic content standards and student academic achievement standards and the 21st century curriculum demands;

(D) are high-quality, sustained, intensive, and classroom-focused, in order to have a positive and lasting effect on classroom instruction and the teacher’s performance in the classroom;

(E) advance teacher understanding of effective instructional strategies that are based on scientifically based research and are directly aligned with the State academic content standards and State assessments;

(F) are designed to give teachers the knowledge and skills to provide instruction and appropriate language and academic support services to limited English proficient students and students with special needs, including the appropriate use of curricula and assessments;

(G) are, as a whole, regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development; and

(H) include instruction in the use of data and assessments to inform and instruct classroom practice.

(8) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(9) STATE ASSESSMENT.—The term “State assessment”, when used with respect to a particular State, means the student academic assessments implemented by the State pursuant to section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(10) STUDENT PREPAREDNESS.—The term “student preparedness” means preparedness based on the knowledge and skills that—

(A) are prerequisites for entrance into—

(i) credit-bearing coursework in higher education without the need for remediation;

(ii) the 21st century workforce; and

(iii) the Armed Forces;

(B) can be measured and verified objectively using widely accepted professional assessment standards; and

(C) are consistent with widely accepted professional assessment standards and competitive with international levels of preparedness of students for postsecondary success.

#### SEC. 113. ALIGNING STATE STANDARDS WITH NATIONAL BENCHMARKS.

(a) REPORT ON RESULTS OF STATE ASSESSMENTS AND NATIONAL ASSESSMENT.—Not later than 90 days after each release of the results of the National Assessment of Educational Progress (as carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(2)) and section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2)) in reading or mathematics (or, beginning in 2009, science) in grades 4 and 8, the Secretary shall—

(1) prepare and submit to Congress the report described in subsection (b) on the results of the State assessments and the assessments of reading and mathematics, and, beginning in 2009, science, in grades 4 and 8, required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(2) identify States with significant discrepancies in performance between the 2 assessments, as described in subsection (b)(3).

(b) CONTENTS OF REPORT.—

(1) IN GENERAL.—The report described in this subsection shall include the following information for each subject area and grade described in subsection (a)(1) in each State:

(A) The percentage of students who performed at or above the basic level on the State assessment—

(i) for the most recent applicable year;

(ii) for the preceding year; and

(iii) for the previous year in which the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 was given in such subject, and the change in such percentages between those assessments.

(B) The percentage of students who performed at or above the proficient level on the State assessment—

(i) for the most recent applicable year;

(ii) for the preceding year; and

(iii) for the previous year in which the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 was given in such subject, and the change in such percentages between those assessments.

(C) The percentage of students who performed at or above the basic level on the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965—

(i) for the most recent applicable year; and

(ii) for the previous such assessment, and the change in such percentages between those assessments.

(D) The percentage of students who performed at or above the proficient level on the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965—

(i) for the most recent applicable year; and

(ii) for the previous such assessment, and the change in such percentages between those assessments.

(E) The difference between—

(i) the percentage of students who performed at or above the basic level for the most recent applicable year on the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(ii) the percentage of students who performed at or above the basic level on the State assessment for such year.

(F) The difference between—

(i) the percentage of students who performed at or above the proficient level for the most recent applicable year on the assessment required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(ii) the percentage of students who performed at or above the proficient level on the State assessment for such year.

(2) ANALYSIS.—In addition to the information described in paragraph (1), the Secretary shall include in the report—

(A) an analysis of how the achievement of students in grades 4, 8, and 12, and the preparedness of students in grade 12 (when such data on preparedness exists from assessments described in section 303 of the National Assessment of Educational Progress Authorization Act), in the United States compares to the achievement and preparedness of students in other industrialized countries; and

(B) possible reasons for any deficiencies identified in the achievement or preparedness of United States students compared to students in other industrialized countries.

(3) RANKING.—The Secretary shall—

(A) using the information described in paragraph (1), rank the States according to the degree to which student performance on State assessments differs from performance on the assessments required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(B) identify those States with the most significant discrepancies in performance between the State assessments and the assessments required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965.

(c) REPORT ON STATE PROGRESS.—Beginning 5 years after the date of enactment of this Act, the Secretary shall include in the report described in subsection (a)(1) the following:

(1) Information about the progress made by States to decrease discrepancies in student performance on the State assessments and the assessments required under section 1111(c)(2) of the Elementary and Secondary Education Act of 1965.

(2) The differences that exist in States across subject areas and grades.

**SEC. 114. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS CHANGES.**

(a) NATIONAL ASSESSMENT GOVERNING BOARD.—Section 302 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621) is amended—

(1) in subsection (a), by striking “shall formulate” and all that follows through the period at the end and inserting “shall—

“(1) formulate policy guidelines for the National Assessment of Educational Progress (carried out under section 303); and

“(2) carry out, upon the request of a State, an alignment analysis (under section 304) comparing a State’s academic content standards and student academic achievement standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, assessment specifications, assessment questions, and performance standards with national benchmarks reflected in the assessments authorized under this Act.”;

(2) in subsection (b)(1), by adding at the end the following:

“(O) One representative of the Armed Forces with expertise in military personnel requirements and military preparedness, who shall serve as an ex-officio, nonvoting member.”;

(3) in subsection (c), by striking paragraph (4);

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting “and grade 12 student preparedness levels” after “achievement levels”;

(ii) in subparagraph (D), by inserting “members of the business and military communities,” after “parents.”;

(iii) in subparagraph (E), by inserting “and” after “subject matter.”;

(iv) by redesignating subparagraphs (G), (H), (I), and (J) as subparagraphs (H), (I), (K), and (L), respectively;

(v) by inserting after subparagraph (F) the following:

“(G) consistent with section 303, measure grade 12 student preparedness.”;

(vi) by inserting after subparagraph (I) (as redesignated by clause (iv)) the following:

“(J) ensure the rigor of the National Assessment of Educational Progress framework and assessments, taking into consideration—

“(i) the knowledge and skills that are prerequisite to credit-bearing coursework in higher education without the need for remediation, the 21st century workforce, and the Armed Forces; and

“(ii) rigorous international content and performance standards, and how the achievement of students in grades 4, 8, and 12, and the preparedness of students in grade 12, in the United States compare to the achievement and the preparedness of students in other industrialized countries.”;

(vii) in subparagraph (K) (as redesignated by clause (iv)), by striking “and” after the semicolon;

(viii) in subparagraph (L) (as redesignated by clause (iv)), by striking the period and inserting “; and”;

(ix) by inserting after subparagraph (L) the following:

“(M) conduct an alignment analysis as described in section 304 for each State that requests such analysis.”; and

(x) in the flush matter at the end—

(I) by inserting “for an assessment” after “data”;

(II) by inserting “Assessment Board’s” after “prior to the”; and

(III) by striking “(J)” and inserting “(L)”;

(B) in paragraph (4), by inserting “of Educational Progress” after “National Assessment”;

(C) in paragraph (5), in the paragraph heading, by inserting “ADVICE” after “TECHNICAL”; and

(D) in paragraph (6), by inserting “or grade 12 student preparedness levels” after “student achievement levels”; and

(5) in subsection (g)(1), by inserting “of Educational Progress” after “National Assessment”.

(b) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—Section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking “PURPOSE” and inserting “PURPOSES”;

(B) by striking paragraph (1) and inserting the following:

“(1) PURPOSES.—The purposes of this section are—

“(A) to provide, in a timely manner, a fair and accurate measurement of student achievement and grade 12 student preparedness in reading, mathematics, science, and other subject matter as specified in this section; and

“(B) to report trends in student achievement and grade 12 student preparedness in reading, mathematics, science, and other subject matter as specified in this section.”;

(C) in paragraph (2)—

(i) in subparagraph (B), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(ii) by striking subparagraph (C) and inserting the following:

“(C) conduct a national assessment and collect and report assessment data, including achievement and student preparedness data trends, in a valid and reliable manner on student academic achievement and student preparedness in public and private schools in reading, mathematics, and science at least once every 2 years in grade 12.”;

(iii) in subparagraph (D)—

(I) by striking “subparagraph (B) are implemented and the requirements described in subparagraph (C) are met,” and inserting “subparagraphs (B) and (C) are implemented.”; and

(II) by striking “science.”;

(iv) in subparagraph (E)—

(I) by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(II) by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”;

(v) in subparagraph (H), by striking “achievement data” and inserting “student achievement data and grade 12 student preparedness data”;

(D) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(II) in clause (ii)—

(aa) by inserting “and grade 12 student preparedness” after “achievement”; and

(bb) by striking “reading and mathematics” and inserting “reading, mathematics, and science”; and

(III) in clause (iv), by striking “an evaluation” and inserting “a review”; and

(i) in subparagraph (C)(ii), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(E) in paragraph (4)(B), by striking “, require, or influence” and inserting “or require”; and

(F) in paragraph (5)(B), by striking “academic achievement” and inserting “academic achievement or grade 12 student preparedness”;

(2) in subsection (c)(3)(A), by striking “academic achievement” and inserting “academic achievement or grade 12 preparedness”;

(3) in subsection (d)(3)—

(A) in subparagraph (A), by striking “reading and mathematics in grades 4 and 8” and inserting “reading, mathematics, and science in grades 4 and 8”; and

(B) in subparagraph (B), by striking “reading and mathematics assessments in grades 4 and 8” and inserting “reading, mathematics, and science assessments in grades 4 and 8”;

(4) in subsection (e)—

(A) in the subsection heading, by inserting “AND GRADE 12 STUDENT PREPAREDNESS LEVELS” after “LEVELS”;

(B) in paragraph (1)—

(i) by striking the paragraph heading and inserting “DEVELOPMENT.—”; and

(ii) by inserting “, and develop grade 12 student preparedness levels” after “subsection (b)(2)(F)”;

(C) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

“(A) STUDENT ACHIEVEMENT AND GRADE 12 PREPAREDNESS LEVELS.—

“(i) STUDENT ACHIEVEMENT LEVELS.—The student achievement levels described in paragraph (1) shall be determined by—

“(I) identifying the knowledge and skills that—

“(aa) are prerequisite to credit-bearing coursework in higher education without the need for remediation in English, mathematics, or science, participation in the 21st century workforce, and the Armed Forces or, in the case of grade 4 and grade 8 students, are prerequisite to grade 12 preparedness;

“(bb) are competitive with rigorous international content and performance standards; and

“(cc) can be measured and verified objectively using widely accepted professional assessment standards; and

“(II) developing student achievement levels that are—

“(aa) based on the knowledge and skills identified in subclause (I);

“(bb) based on the appropriate level of subject matter knowledge for the grade levels to be assessed, or the age of the students, as the case may be; and

“(cc) consistent with relevant widely accepted professional assessment standards.

“(ii) GRADE 12 STUDENT PREPAREDNESS LEVELS.—The grade 12 student preparedness levels described in paragraph (1) shall be determined by—

“(I) identifying the knowledge and skills that—

“(aa) are prerequisite to credit-bearing coursework in higher education without the need for remediation in English, mathematics, or science, participation in the 21st century workforce, and the Armed Forces;

“(bb) are competitive with rigorous international content and performance standards; and

“(cc) can be measured and verified objectively using widely accepted professional assessment standards; and

“(II) developing grade 12 student preparedness levels that are—

“(aa) based on the knowledge and skills identified in subclause (I); and

“(bb) consistent with widely accepted professional assessment standards.”; and

(ii) in subparagraph (C), by striking “achievement levels” and inserting “student achievement levels and grade 12 student preparedness levels”;

(D) in paragraph (3)—

(i) by striking “After determining that such levels” and inserting “After determining that the student achievement levels and grade 12 student preparedness levels”;

(ii) by striking “an evaluation” and inserting “a review”;

(E) in paragraph (4), by inserting “or grade 12 student preparedness levels” after “achievement levels”; and

(5) in subsection (f)(1)—

(A) in subparagraph (A), by inserting “and grade 12 student preparedness levels” after “student achievement levels”; and

(B) in subparagraph (B)—

(i) in clause (i), by inserting “or grade 12 student preparedness” after “achievement”;

(ii) in clause (ii), by inserting “and grade 12 student preparedness levels” after “achievement levels”;

(iii) by striking clause (iii) and inserting the following:

“(iii) whether any authorized assessment is being administered as a random sample and is reporting the trends in student achievement or grade 12 student preparedness in a valid and reliable manner in the subject areas being assessed;”;

(iv) in clause (iv), by striking “and” after the semicolon;

(v) in clause (v), by striking “and mathematical knowledge.” and inserting “and mathematical knowledge and scientific knowledge; and”;

(vi) by adding at the end the following:

“(vi) whether the appropriate authorized assessments are measuring, consistent with this section, the preparedness of students in grade 12 in the United States for entry into—

“(I) credit-bearing coursework in higher education without the need for remediation in English, mathematics, or science;

“(II) the 21st century workforce; and

“(III) the Armed Forces.”.

(c) NATIONAL BENCHMARKS.—The National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.) is amended—

(1) by redesignating sections 304 and 305 as sections 305 and 306, respectively; and

(2) by inserting after section 303 the following:

**“SEC. 304. NATIONAL BENCHMARKS.**

“(a) PURPOSES.—The purposes of this section are—

“(1) to encourage the coordination of, and consistency between—

“(A) a State’s academic content standards and student academic achievement standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, assessment specifications, and assessment questions; and

“(B) national benchmarks, as reflected in the National Assessment of Educational Progress;

“(2) to assist States in increasing the rigor of their State academic content standards, student academic achievement standards, assessment specifications, and assessment questions, to ensure that such are competitive with rigorous national and international benchmarks; and

“(3) to improve the instruction and academic achievement of students, beginning in the early grades, to ensure that secondary school graduates are well-prepared to enter—

“(A) credit-bearing coursework in higher education without the need for remediation;

“(B) the 21st century workforce; or

“(C) the Armed Forces.

“(b) ALIGNMENT ANALYSIS.—

“(1) IN GENERAL.—When the chief State school officer of a State identifies a need for, and requests the Assessment Board to conduct, an alignment analysis for the State in reading, mathematics, or science in grades 4 and 8, the Assessment Board shall perform an alignment analysis of the State’s academic content standards and student academic achievement standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)), assessment specifications, and assessment questions, for the identified subject in grades 4 and 8. Such analysis shall begin not later than 180 days after the alignment analysis is requested.

“(2) ASSESSMENT BOARD RESPONSIBILITIES.—As part of the alignment analysis, the Assessment Board shall—

“(A) identify the differences between the State’s academic content standards and student academic achievement standards, assessment specifications, and assessment questions for the subject identified by the State, and national benchmarks reflected in the National Assessment of Educational Progress in such subject in grades 4 and 8;

“(B) at the State’s request, recommend steps for, and policy questions such State should consider regarding, the alignment of the State’s academic content standards and student academic achievement standards in the identified subject, with national benchmarks reflected in the National Assessment of Educational Progress in such subject in grades 4 and 8; and

“(C) at the State’s request, and in conjunction with a State prekindergarten through grade 16 student preparedness council established under section 115 of the New National Defense Education Act of 2006, assist in the development of a plan described in section 115(e)(1)(C) of such Act.

“(3) CONTRACT.—At the discretion of the Assessment Board, the Assessment Board may enter into a contract with an entity that possesses the technical expertise to conduct the analysis described in this subsection.

“(4) STATE PANEL.—The chief State school officer of a State participating in an alignment analysis described in this subsection shall appoint a panel of not less than 6 individuals to partner with the Assessment Board in conducting the alignment analysis. Such panel—

“(A) shall include—

“(i) local and State curriculum experts;

“(ii) relevant content and pedagogy experts, including representatives of entities with widely accepted national educational standards and assessments; and

“(iii) not less than 1 entity that possesses the technical expertise to assist the State in implementing standards-based reform, which may be the same entity with which the Assessment Board contracts to conduct the analysis under paragraph (3); and

“(B) may include other State and local representatives and representatives of organizations with relevant expertise.”.

(d) DEFINITION OF SECRETARY.—Section 305 of the National Assessment of Educational Progress Authorization Act (as redesignated by subsection (c)(1)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 306(a) of the National Assessment of

Educational Progress Authorization Act (as redesignated by subsection (c)(1)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) for fiscal year 2007—

“(A) \$7,500,000 to carry out section 302;

“(B) \$200,000,000 to carry out section 303; and

“(C) \$10,000,000 to carry out section 304; and”;

(2) in paragraph (2)—

(A) by striking “5 succeeding” and inserting “4 succeeding”; and

(B) by striking “and 303, as amended by section 401 of this Act” and inserting “, 303, and 304”.

(f) CONFORMING CHANGES AND AMENDMENTS.—

(1) CONFORMING CHANGES TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(A) STATE PLANS.—Section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2)) is amended by striking “and mathematics” and inserting “, mathematics, and science”.

(B) LOCAL EDUCATIONAL AGENCY PLANS.—Section 1112(b)(1)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)(F)) is amended by striking “reading and mathematics” and inserting “reading, mathematics, and science”.

(2) CONFORMING AMENDMENT.—Section 113(a)(1) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9513(a)(1)) is amended by striking “section 302(e)(1)(J)” and inserting “section 302(e)(1)(L)”.

**SEC. 115. PREKINDERGARTEN THROUGH GRADE 16 STUDENT PREPAREDNESS COUNCIL GRANTS.**

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From amounts appropriated under subsection (g) for a fiscal year, the Secretary is authorized to award, on a competitive basis, grants to States for the purpose of allowing the States to establish State prekindergarten through grade 16 student preparedness councils (referred to in this section as “councils”) that—

(A) convene stakeholders within the State and create a forum for identifying and deliberating on educational issues that cut across prekindergarten through grade 12 education and higher education, and transcend any single system of education’s ability to address;

(B) develop and implement a plan for improving the rigor of a State’s academic content standards, student academic achievement standards, assessment specifications, and assessment questions as necessary, to ensure such standards and assessments meet national and international benchmarks as reflected in the assessments required under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(2)) or as defined by the council as necessary for success in credit-bearing coursework in higher education without the need for remediation, the 21st century workforce, or the Armed Forces;

(C) inform the design and implementation of integrated prekindergarten through grade 16 data systems, which—

(i) will allow the State to track the progress of individual students from prekindergarten through grade 12 and into higher education; and

(ii) shall be capable of being linked with appropriate databases on service in the Armed Forces and participation in the 21st century workforce; and

(D) shall develop challenging—

(i) school readiness standards;

(ii) curricula for elementary schools and middle schools; and

(iii) 21st century curricula for secondary schools.

(2) DURATION.—The Secretary shall award grants under this section for a period of not more than 5 years.

(3) EXISTING STATE COUNCIL.—A State with an existing State council may qualify for the purposes of a grant under this section if—

(A) such council—  
(i) has the authority to carry out this section; and

(ii) includes the members required under subsection (b); or

(B) the State amends the membership or responsibilities of the existing council to meet the requirements of subparagraph (A).

(b) COMPOSITION.—

(1) REQUIRED MEMBERS.—The members of a council described in subsection (a) shall include—

(A) the Governor of the State or the designee of the Governor;

(B) the chief executive officer of the State public institution of higher education system, if such a position exists;

(C) the chief executive officer of the State Higher Education Coordinating Board;

(D) the chief State school officer;

(E) not less than 1 representative each from—

(i) the business community; and

(ii) the Armed Forces;

(F) a public elementary school teacher employed in the State; and

(G) a public secondary school teacher employed in the State.

(2) OPTIONAL MEMBERS.—The council described in subsection (a) may also include—

(A) a representative from—

(i) a private institution of higher education;

(ii) the Chamber of Commerce for the State;

(iii) a civic organization;

(iv) a civil rights organization;

(v) a community organization; or

(vi) an organization with expertise in world cultures;

(B) the State official responsible for economic development, if such a position exists; or

(C) a dean or similar representative for a school of education at an institution of higher education or a similar teacher certification or licensure program.

(c) TIMELINE.—A State receiving a grant under this section shall establish a council (or use or amend an existing council in accordance with subsection (a)(3)) not later than 60 days after the receipt of the grant.

(d) APPLICATION.—

(1) IN GENERAL.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) demonstrate that the opinions of the larger education, business, and military community, including parents, students, teachers, teacher educators, principals, school administrators, and business leaders, will be represented during the determination of the State academic content standards and student academic achievement standards, assessment specifications, assessment questions, and the development of curricula, if applicable;

(B) include a comprehensive plan to provide high-quality professional development for teachers, paraprofessionals, principals, and school administrators;

(C) explain how the State will provide assistance to local educational agencies in implementing rigorous State standards through substantive curricula, including scientifically based remediation and acceleration opportunities for students; and

(D) explain how the State and the council will leverage additional State, local, and other funds to pursue curricular alignment and student success.

(e) USE OF FUNDS.—

(1) REQUIRED ACTIVITIES.—A State receiving a grant under this section shall use the grant funds to establish a council that shall carry out the following:

(A) Design and implement an integrated prekindergarten through grade 16 longitudinal data system for the State, if such system does not exist, that will allow the State to track the progress of students from prekindergarten, through grade 12, and into higher education, the 21st century workforce, and the Armed Forces. The data system shall—

(i) include—

(I) a unique statewide student identifier for each student;

(II) student-level enrollment, demographic, and program participation information, including race or ethnicity, gender, and income status;

(III) the ability to match individual students' test records from year to year to measure academic growth;

(IV) information on untested students;

(V) a teacher identifier system with the ability to match teachers to students;

(VI) student-level transcript information, including information on courses completed and grades earned;

(VII) student-level college preparedness examination scores;

(VIII) student-level graduation and dropout data;

(IX) the ability to match student records between the prekindergarten through grade 12 and the postsecondary systems;

(X) a State data audit system assessing data quality, validity, and reliability;

(XI) rates of student attendance at institutions of higher education;

(XII) rates of student enrollment and retention in the Armed Forces; and

(XIII) student nonmilitary postsecondary employment information;

(ii) to the extent possible, coordinate with other relevant State databases, such as criminal justice or social services data systems;

(iii) allow the State to analyze correlations between course-taking patterns in prekindergarten through grade 12 and outcomes after secondary school graduation, including—

(I) entry into higher education;

(II) the need for, and cost of, remediation in higher education;

(III) graduation from higher education;

(IV) entry into the 21st century workforce;

(V) entry into the Armed Forces; and

(VI) to the extent possible through linkages with appropriate databases on service in the Armed Forces and participation in the 21st century workforce, persistence in the Armed Forces and continued participation in the 21st century workforce; and

(iv) ensure that the use of any available data does not allow for the public identification of the individual student's personally identifiable information, and that all data shall be collected and maintained in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g; commonly referred to as the Family Educational Rights and Privacy Act of 1974).

(B) If an integrated prekindergarten through grade 16 longitudinal data system exists or is currently being built, ensure that it complies with the requirements described in subparagraph (A).

(C) Develop and implement a plan to increase the rigor of standards or assessments in reading, mathematics, or science in order to better align such standards or assess-

ments with national benchmarks reflected in the National Assessment of Educational Progress in grades 4 and 8 (in accordance with the results of the alignment analysis conducted under section 304 of the National Assessment of Educational Progress Authorization Act), and in other grades to ensure the alignment of kindergarten through grade 12 standards or assessments with the revisions made in grades 4 and 8, or to align such standards or assessments with the demands of higher education, the 21st century workforce, or the Armed Forces or other national and international benchmarks identified by the council. Such plan may include—

(i) an articulation of the steps necessary—

(I) for revising the State academic content standards and student academic achievement standards, assessment specifications, and assessment questions for the identified subject; and

(II) to better align the standards and the assessment specifications and questions described in subclause (I) with—

(aa) national benchmarks as reflected in the National Assessment of Educational Progress required under section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) for the identified subject; or

(bb) the demands of higher education, the 21st century workforce, or the Armed Forces or other national or international benchmarks identified by the council;

(ii) an articulation of the steps necessary and the process the State will undertake to revise standards or assessments, or both, in the identified subject;

(iii) a description of the partners the State will work with to revise standards or assessments, or both; and

(iv) a description of the activities the State will undertake to implement the revised standards or assessments, or both, at the State educational agency level and the local educational agency level, which activities may include—

(I) preservice and in-service teacher, paraprofessional, principal, and school administrator training;

(II) statewide meetings to provide professional development opportunities for teachers and administrators;

(III) development of curricula and instructional methods and materials;

(IV) the redesign of existing assessments, or the development or purchase of new high-quality assessments, with a focus on ensuring that such assessments are rigorous, measure significant depth of knowledge, use multiple measures and formats (such as student portfolios), and are sensitive to inquiry-based, project-based, or differentiated instruction; and

(V) other activities necessary for the effective implementation of the new State standards or assessments, or both.

(D) Analyze the State's level of prekindergarten through grade 16 curricular alignment and the success of the State's education system in preparing students for higher education, the 21st century workforce, and the Armed Forces by—

(i) using the data produced by a data system described in subparagraph (A) or (B), or other information as appropriate; and

(ii) exploring a possible agreement between the State educational agency and the higher education system in the State on a common assessment or assessments that—

(I) shall follow established guidelines to guarantee reliability and validity;

(II) shall provide adequate accommodations for students who are limited English proficient and students with disabilities; and

(III) may be a placement examination, end of course examination, college, workforce, or Armed Forces preparedness examination, or

admissions examination, that measures secondary students' preparedness to succeed in postsecondary, credit-bearing courses.

(E) If the State has an officially designated college preparatory curriculum at the time the State applies for a grant under this section—

(i) describe the extent to which students who completed the college preparatory curriculum are more or less successful than other students, including students who did not complete a college preparatory curriculum, in entering and graduating from a program of study at an institution of higher education or entering the 21st century workforce or the Armed Forces;

(ii) examine the extent to which the expectations of the college preparatory curriculum are aligned with the entry standards of the State's institutions of higher education, including whether such curriculum enables secondary school students to enter credit-bearing coursework in higher education without the need for remediation; and

(iii) examine the extent to which the curriculum allows graduates to attain the skills necessary to enter the 21st century workforce or the Armed Forces.

(F) If the State has not designated a college preparatory curriculum at the time the State applied for a grant under this section, or if the curriculum described in subparagraph (E) does not result in a higher number of students enrolling in and graduating from institutions of higher education or entering the 21st century workforce or the Armed Forces, or is not aligned with the entry standards described in subparagraph (E)(ii), develop a 21st century curriculum that—

(i) may be adopted by the local educational agencies in the State for use in secondary schools;

(ii) enables secondary school students to enter credit-bearing coursework in higher education without the need for remediation;

(iii) allows graduates to attain the skills necessary to enter the 21st century workforce or the Armed Forces;

(iv) reflects the input of teachers, principals, school administrators, and college faculty; and

(v) focuses on providing rigorous core courses that reflect the State academic content standards and student academic achievement standards.

(G) Develop and make available specific opportunities for extensive professional development for teachers, paraprofessionals, principals, and school administrators, to improve instruction and support mechanisms for students using a curriculum described in subparagraph (E) or (F).

(H) Develop a plan to provide remediation and additional learning opportunities for students below grade level to ensure that all students will have the opportunity to meet the curricular standards of a curriculum described in subparagraph (E) or (F).

(I) Use data gathered by the council to improve instructional methods, better tailor student support services, and serve as the basis for all school reform initiatives.

(J) Implement activities designed to ensure the enrollment of all students in rigorous coursework, which may include—

(i) specifying the courses and performance levels required for acceptance into public institutions of higher education;

(ii) collaborating with institutions of higher education or other State educational agencies to develop assessments aligned to State academic content standards and a curriculum described in subparagraph (E) or (F), which assessments may be used as measures of student achievement in secondary school as well as for entrance or placement at institutions of higher education;

(iii) creating ties between elementary schools and secondary schools, and institutions of higher education, to offer—

(I) accelerated learning opportunities, particularly with respect to mathematics, science, engineering, technology, and critical-need foreign languages (as determined by the Secretary under section 222) to secondary school students, which may include—

(aa) granting postsecondary credit for secondary school courses;

(bb) providing early enrollment opportunities in postsecondary education for secondary students enrolled in postsecondary-level coursework;

(cc) creating dual enrollment programs;

(dd) creating satellite secondary school campuses on the campuses of institutions of higher education; and

(ee) providing opportunities for higher education faculty who are highly qualified, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), to teach credit-bearing postsecondary courses in secondary schools; and

(II) professional development activities for teachers, which may include—

(aa) mentoring opportunities; and

(bb) summer institutes;

(iv) expanding or creating higher education awareness programs for middle school and secondary school students;

(v) expanding opportunities for students to enroll in highly rigorous postsecondary preparatory courses, such as Advanced Placement and International Baccalaureate courses; and

(vi) developing a high-quality professional development curriculum to provide professional development opportunities for paraprofessionals, teachers, principals, and administrators.

(2) **PLANNING AND IMPLEMENTATION.**—A State receiving a grant under this section may use grant funds received for the first fiscal year to form the council and plan the activities described in paragraph (1). Grant funds received for subsequent fiscal years shall be used for the implementation of the activities described in such paragraph.

(f) **REPORTS AND PUBLICATION.**—

(1) **REPORTS.**—

(A) **INITIAL REPORT.**—Not later than 9 months after a State receives a grant under this section, the State shall submit a report to the Secretary that includes—

(i) an analysis of alignment and articulation across the State's systems of public education for prekindergarten through grade 16, including data that indicates the percent of students who—

(I) graduate from secondary school with a regular diploma in the standard number of years;

(II) complete a curriculum described in subparagraph (E) or (F) of subsection (e)(1);

(III) matriculate into an institution of higher education (disaggregated by 2-year and 4-year degree-granting programs);

(IV) are secondary school graduates who need remediation in reading, writing, mathematics, or science before pursuing credit-bearing post-secondary courses in English, mathematics, or science;

(V) persist in an institution of higher education into the second year; and

(VI) graduate from an institution of higher education within 150 percent of the expected time for degree completion (within 3 years for a 2-year degree program and within 6 years for a baccalaureate degree);

(ii) an analysis of the strengths and weaknesses of the State—

(I) in transitioning students from the prekindergarten through grade 12 education system into higher education, the 21st century workforce, and the Armed Forces; and

(II) in transitioning students from the prekindergarten through grade 12 education system into mathematics, science, engineering, technology, and critical-need foreign language degree programs at institutions of higher education;

(iii) an analysis of the quality and rigor of the State's curriculum described in subparagraph (E) or (F) of subsection (e)(1), and the accessibility of the curriculum to all students in prekindergarten through grade 12;

(iv) an analysis of the strengths and weaknesses of the State in recruiting, retaining, and supporting qualified teachers, including—

(I) whether the State needs to recruit additional teachers at the secondary level for specific subjects (such as mathematics, science, engineering and technology education, (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), and critical-need foreign languages (as determined by the Secretary under section 222)), particular schools, or local educational agencies; and

(II) recommendations on how to set and achieve goals in this pursuit; and

(v) a detailed action plan that describes how the council will accomplish the goals and tasks required by the grant under this section, including a timeline for accomplishing all activities under the grant.

(B) **ANNUAL REPORTS.**—Not later than 1 year following the submission of the initial report described in subparagraph (A), and annually thereafter for the duration of the grant, a State receiving a grant under this section shall prepare and submit to the Secretary a report that describes the State's progress in accomplishing the goals and tasks required by the grant, including progress on each item described in subparagraph (A). The final annual report under this subparagraph shall be submitted 1 year after the expiration of the grant.

(2) **PUBLICATION.**—A State submitting a report in accordance with this subsection shall publish and widely disseminate the report to the public, including posting the report on the Internet.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$200,000,000 for fiscal year 2007, and such sums as may be necessary for each of the 4 succeeding fiscal years.

#### **SEC. 116. COLLABORATIVE STANDARDS AND ASSESSMENTS GRANTS.**

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE STATE.**—The term “eligible State” means a State that demonstrates that it has analyzed and, where applicable, revised the State standards and assessments, through participation in a prekindergarten through grade 16 student preparedness council described in section 115 or through other State action, to ensure the standards and assessments—

(A) are aligned with the demands of the 21st century; and

(B) prepare students for entry into—

(i) credit-bearing coursework in higher education without the need for remediation;

(ii) the 21st century workforce; and

(iii) the Armed Forces

(2) **ELIGIBLE CONSORTIUM.**—

(A) **IN GENERAL.**—The term “eligible consortium” means a consortium of 2 or more eligible States that agrees to allow the Secretary, under subsection (e), to make available any assessment developed by the consortium under this section to a State that so requests, including a State that is not a member of the consortium.

(B) **ADDITIONAL MEMBERS.**—An eligible consortium may include, in addition to 2 or more eligible States, an entity with the

technical expertise to carry out a grant under this section.

(b) PROGRAM AUTHORIZED.—From amounts authorized under subsection (f), the Secretary shall award grants, on a competitive basis, to eligible consortia to enable the eligible consortia to develop common standards and assessments that—

(1) are highly rigorous, internationally competitive, and aligned with the demands of higher education, the 21st century workforce, and the Armed Forces; and

(2) in the case of assessments, set rigorous performance standards comparable to rigorous national and international benchmarks.

(c) APPLICATION.—An eligible consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) REPORT.—Not later than 90 days after the end of the grant period, an eligible consortium receiving a grant under this section shall prepare and submit a report to the Secretary describing the grant activities.

(e) AVAILABILITY OF ASSESSMENTS.—The Secretary shall—

(1) make available, to a State that so requests and at no charge to the State, any rigorous, high-quality assessment developed by an eligible consortium under this section; and

(2) notify potential eligible States, at reasonable intervals, of all assessments currently under development by eligible consortia under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$75,000,000 for fiscal year 2007 and such sums as are necessary for each of the 4 succeeding fiscal years.

#### Subtitle B—Investing in Teachers

##### SEC. 121. PURPOSE.

The purpose of this subtitle is to increase the number and quality of teachers of mathematics, science, engineering and technology education, and critical-need foreign languages, in order to prepare students for entry into credit-bearing courses in higher education without the need for remediation, the 21st century workforce, and the Armed Forces.

##### SEC. 122. DEFINITION OF ENGINEERING AND TECHNOLOGY EDUCATION.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) is amended—

(1) by redesignating paragraphs (19) through (43) as paragraphs (20) through (44), respectively; and

(2) by inserting after paragraph (18) the following:

“(19) ENGINEERING AND TECHNOLOGY EDUCATION.—The term ‘engineering and technology education’ means a curriculum and instruction that—

“(A) uses technology as a knowledge base or as a way of teaching innovation using an engineering design process and context;

“(B) develops an appreciation and fundamental understanding of technology through design skills and the use of materials, tools, processes, and limited resources;

“(C) is taught in conjunction with applied mathematics, science, language arts, fine arts, and social studies as a part of a comprehensive education;

“(D) applies the use of tools and skills employed by a globalized skilled 21st century workforce that are necessary for communication, manufacturing, construction, energy systems, biomedical systems, transportation systems, and other related fields; and

“(E) through the application of engineering principles and concepts, develops pro-

ficiency in abstract ideas and in problem-solving techniques that build a comprehensive education.”.

(b) HIGHER EDUCATION ACT OF 1965.—Section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003) is amended—

(1) by redesignating paragraphs (5) through (16) as paragraphs (6) through (17), respectively; and

(2) by inserting after paragraph (4) the following:

“(5) ENGINEERING AND TECHNOLOGY EDUCATION.—The term ‘engineering and technology education’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.”.

##### SEC. 123. EXPANDING TEACHER LOAN FORGIVENESS.

(a) INCREASED AMOUNT; APPLICABILITY OF EXPANDED PROGRAM TO READING SPECIALIST.—Sections 428J(c)(3) and 460(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078-10(c)(3), 1087j(c)(3)) are each amended—

(1) by striking the paragraph heading and inserting “ADDITIONAL AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, ENGINEERING AND TECHNOLOGY EDUCATION, A CRITICAL-NEED FOREIGN LANGUAGE, OR SPECIAL EDUCATION”;

(2) in the matter preceding subparagraph (A), by striking “\$17,500” and inserting “\$23,000”; and

(3) in subparagraph (A)(ii), by striking “or science” and all that follows through “; and” and inserting “, science, engineering and technology education, or a critical-need foreign language (as determined by the Secretary under section 222 of the New National Defense Education Act of 2006), on a full-time basis; and”.

(b) ANNUAL INCREMENTS INSTEAD OF END OF SERVICE LUMP SUMS.—

(1) FFEL LOANS.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078-10(c)) is amended by adding at the end the following:

“(4) ANNUAL INCREMENTS.—Notwithstanding paragraph (1), in the case of an individual qualifying for loan forgiveness under paragraph (3), the Secretary shall, in lieu of waiting to assume an obligation only upon completion of 5 complete years of service, assume the obligation to repay—

“(A) after each of the first and second years of service by an individual in a position qualifying under paragraph (3), 15 percent of the total amount of principal and interest of the loans described in paragraph (1) to such individual that are outstanding immediately preceding such first year of such service;

“(B) after each of the third and fourth years of such service, 20 percent of such total amount; and

“(C) after the fifth year of such service, 30 percent of such total amount.”.

(2) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following:

“(4) ANNUAL INCREMENTS.—Notwithstanding paragraph (1), in the case of an individual qualifying for loan cancellation under paragraph (3), the Secretary shall, in lieu of waiting to assume an obligation only upon completion of 5 complete years of service, assume the obligation to repay—

“(A) after each of the first and second years of service by an individual in a position qualifying under paragraph (3), 15 percent of the total amount of principal and interest of the loans described in paragraph (1) to such individual that are outstanding immediately preceding such first year of such service;

“(B) after each of the third and fourth years of such service, 20 percent of such total amount; and

“(C) after the fifth year of such service, 30 percent of such total amount.”.

##### SEC. 124. EXCLUSION FROM GROSS INCOME OF COMPENSATION OF TEACHERS AND PRINCIPALS IN CERTAIN HIGH-NEED SCHOOLS AND TEACHING HIGH-NEED SUBJECTS.

(a) IN GENERAL.—PART III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139A the following new section:

##### “SEC. 139B. COMPENSATION OF CERTAIN TEACHERS AND PRINCIPALS.

“(a) PRINCIPALS IN HIGH-NEED SCHOOLS.—In the case of an individual employed as a principal in a high-need school during the taxable year, gross income does not include so much remuneration for such employment (which would but for this paragraph be includible in gross income) as does not exceed \$15,000.

“(b) TEACHERS IN HIGH-NEED SCHOOLS AND OF HIGH-NEED SUBJECTS.—

“(1) IN GENERAL.—In the case of an individual employed as a teacher of high-need subjects and in a high-need school during the taxable year, gross income does not include so much remuneration for such employment (which would but for this paragraph be includible in gross income) as does not exceed \$15,000.

“(2) TEACHER OF HIGH-NEED SUBJECTS.—For purposes of this subsection, the term ‘teacher of high-need subjects’ means any teacher in a public elementary or secondary school who—

“(A)(i) teaches primarily 1 or more high-need subjects in 1 or more of grades 9 through 12, or

“(ii) teaches 1 or more high-need subjects in 1 or more of grades kindergarten through 8,

“(B) received a baccalaureate or similar degree from an eligible educational institution (as defined in section 25A(f)(2)) with a major in a high-need subject, and

“(C) is highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 or, in the case of a special education teacher, in section 602 of the Individuals with Disabilities Education Act).

“(3) HIGH-NEED SUBJECTS.—For purposes of this subsection, the term ‘high-need subject’ means mathematics, science, engineering and technology education, a critical-need foreign language (as determined by the Secretary of Education under section 222 of the New National Defense Education Act of 2006), special education, teaching English language learners, or any other subject identified as a high-need subject by the Secretary of Education for purposes of this section.

“(c) LIMITATION ON TOTAL REMUNERATION TAKEN INTO ACCOUNT.—In the case of any individual whose employment is described in subsections (a) and (b)(1), the total amount of remuneration which may be taken into account with respect to such employment under this section for the taxable year shall not exceed \$25,000.

“(d) HIGH-NEED SCHOOL.—For purposes of this section, the term ‘high-need school’ means a public elementary school or secondary school that is eligible for assistance under section 1114(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314(a)).”.

(b) CLERICAL AMENDMENT.—The table of sections of such part is amended by inserting after the item relating to section 139A the following new item:

“Sec. 139B. Compensation of certain teachers and principals”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration received in taxable years beginning after the date of the enactment of this Act.

**SEC. 125. MATHEMATICS AND SCIENCE EDUCATION PARTNERSHIPS AND TEACHER INSTITUTES FOR THE 21ST CENTURY THROUGH THE NATIONAL SCIENCE FOUNDATION.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) SENSE OF THE SENATE.—It is the sense of the Senate that—

(A) the activities of the mathematics and science education partnerships of the National Science Foundation, described in section 9 of the National Science Foundation Authorization Act of 2002, meet a distinct need separate from other Federal investments in improving science, technology, engineering, and mathematics education;

(B) funding for the mathematics and science education partnerships for fiscal year 2007 should be increased to the \$400,000,000 level authorized for fiscal year 2005 under section 5 of such Act, and increased by 10 percent annually for each of the fiscal years 2008 through 2011; and

(C) the increase in funding for the mathematics and science education partnerships should be in addition to any other amounts authorized or appropriated for the National Science Foundation.

(2) AUTHORIZATION OF APPROPRIATIONS FOR NSF MATHEMATICS AND SCIENCE EDUCATION PARTNERSHIPS.—There is authorized to be appropriated to the National Science Foundation for education and human resources to carry out the mathematics and science education partnerships described in section 9 of the National Science Foundation Authorization Act of 2002, in addition to the amounts authorized under section 214(b), amounts as follows:

(A) For fiscal year 2007, \$400,000,000, of which \$50,000,000 shall be for the teacher institutes for the 21st century under section 9(a)(3)(B) of the National Science Foundation Authorization Act of 2002.

(B) For fiscal year 2008, \$440,000,000, of which \$60,000,000 shall be for the teacher institutes for the 21st century under such section.

(C) For fiscal year 2009, \$484,000,000, of which \$70,000,000 shall be for the teacher institutes for the 21st century under such section.

(D) For fiscal year 2010, \$532,400,000, of which \$80,000,000 shall be for the teacher institutes for the 21st century under such section.

(E) For fiscal year 2011, \$585,640,000, of which \$90,000,000 shall be for the teacher institutes for the 21st century under such section.

(b) TEACHER INSTITUTES FOR THE 21ST CENTURY.—Section 9(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(a)) is amended—

(1) in paragraph (3)(B), by striking “summer or” and inserting “teacher institutes for the 21st century, as described in paragraph (7)”;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

“(7) TEACHER INSTITUTES FOR THE 21ST CENTURY.—

“(A) IN GENERAL.—Teacher institutes for the 21st century carried out in accordance with paragraph (3)(B) shall—

“(i) be carried out in conjunction with a school served by the local educational agency in the partnership;

“(ii) be science, mathematics, engineering, and technology focused institutes that provide professional development to elementary school and secondary school teachers during the summer;

“(iii) serve teachers who are considered highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965), teach high-need subjects, and

teach in high-need schools (as defined in section 1114(a) of the Elementary and Secondary Education Act of 1965);

“(iv) focus on the theme and structure developed by the Director under subparagraph (C);

“(v) be content-based and build on school year curricula that are object-centered, experiment-oriented, content-based, and grounded in current research;

“(vi) ensure that any pedagogy component is designed around specific strategies that are relevant to teaching the subject and content on which teachers are being trained, which may include training teachers in the essential components of adolescent literacy instruction in order to improve student reading skills within the subject areas of mathematics, science, and engineering and technology education (as defined in section 9101 of the Elementary and Secondary Education Act of 1965);

“(vii) be a multiyear program that is conducted for a period of not less than 2 weeks per year;

“(viii) provide for direct interaction between students and faculty of the teacher institute;

“(ix) have a component that includes the use of the Internet;

“(x) provide for followup training in the classroom during the academic year for a period of not less than 3 days, which may or may not be consecutive, for participants in the teacher institute, except that for teachers in rural local educational agencies, the followup training may be provided through the Internet;

“(xi) provide teachers participating in the teacher institute with travel expense reimbursement, stipends, and classroom materials related to the teacher institute; and

“(xii) establish a mechanism to provide supplemental support during the academic year for teacher institute participants.

“(B) OPTIONAL MEMBERS OF THE PARTNERSHIP.—In addition to the partnership requirement under paragraph (2), an institution of higher education or eligible nonprofit organization (or consortia) desiring a grant for a teacher institute for the 21st century may also partner with a museum or educational partnership organization.

“(C) THEME AND STRUCTURE.—Each year, not later than 180 days before the application deadline for a grant under this section, the Director shall, in consultation with a broad group of professional education organizations, develop a theme and structure for the teacher institutes of the 21st century supported under paragraph (3)(B).”.

**SEC. 126. TEACH GRANTS; RECRUITING TEACHERS WITH MATHEMATICS, SCIENCE, ENGINEERING, TECHNOLOGY, OR LANGUAGE MAJORS.**

(a) TEACH GRANTS.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

**“PART C—TEACH GRANTS**

**“SEC. 231. PURPOSES.**

“The purposes of this part are—

“(1) to improve student academic achievement;

“(2) to help recruit and prepare teachers to meet the national demand for a highly qualified teacher in every classroom; and

“(3) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

**“SEC. 232. PROGRAM ESTABLISHED.**

“(a) PROGRAM AUTHORITY.—

“(1) PAYMENTS REQUIRED.—For each of the fiscal years 2007 through 2014, the Secretary shall pay to each eligible institution of higher education such sums as may be necessary

to pay to each eligible student (defined in accordance with section 484) who files an application and agreement in accordance with section 233, and qualifies under subsection (a)(2) of such section, a TEACH Grant in the amount of \$7,000 for each academic year during which that student is in attendance at an institution of higher education.

“(2) REFERENCE.—Grants made under this part shall be known as ‘Teacher Education Assistance for College and Higher Education Grants’ or ‘TEACH Grants’.

“(b) PAYMENT METHODOLOGY.—

“(1) PREPAYMENT.—Not less than 85 percent of such sums shall be advanced to eligible institutions prior to the start of each payment period and shall be based upon an amount requested by the institution as needed to pay eligible students until such time as the Secretary determines and publishes in the Federal Register with an opportunity for comment, an alternative payment system that provides payments to institutions in an accurate and timely manner, except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment.

“(2) DIRECT PAYMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which they are eligible, in cases where the eligible institution elects not to participate in the disbursement system required by paragraph (1).

“(3) DISTRIBUTION OF GRANTS TO STUDENTS.—Payments under this part shall be made, in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purposes of this part. Any disbursement allowed to be made by crediting the student’s account shall be limited to tuition and fees and, in the case of institutionally owned housing, room and board. The student may elect to have the institution provide other such goods and services by crediting the student’s account.

“(c) REDUCTIONS IN AMOUNT.—

“(1) PART-TIME STUDENTS.—In any case where a student attends an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of the TEACH Grant for which that student is eligible shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with a schedule of reductions established by the Secretary for the purpose of this part, computed in accordance with this part. Such schedule of reductions shall be established by regulation and published in the Federal Register in accordance with section 482 of this Act.

“(2) NO EXCEEDING COST OF ATTENDANCE.—No TEACH Grant for a student under this part shall exceed the cost of attendance (as defined in section 472) at the institution that such student attends. If, with respect to any student, it is determined that the amount of a TEACH Grant exceeds the cost of attendance for that year, the amount of the TEACH Grant shall be reduced until the TEACH Grant does not exceed the cost of attendance at such institution.

“(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

“(1) UNDERGRADUATE STUDENTS.—The period during which an undergraduate student may receive TEACH Grants shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by the student at the institution that the student attends, except that—

“(A) any period during which the student is enrolled in a noncredit or remedial course

of study, subject to paragraph (3), shall not be counted for the purpose of this paragraph; and

“(B) the total amount that a student may receive under this part for undergraduate study shall not exceed \$28,000.

“(2) GRADUATE STUDENTS.—The period during which a graduate student pursuing a master’s degree or doctoral degree may receive TEACH Grants shall be the period required for the completion of a course of study for the degree at the institution the student attends, except that the total amount that a student may receive under this part for graduate study shall not exceed \$14,000 for a student pursuing a master’s degree or \$28,000 for a student pursuing a doctoral degree.

“(3) REMEDIAL COURSE; STUDY ABROAD.—Nothing in this section shall exclude from eligibility a course of study that is noncredit or remedial in nature (including a course in English language acquisition) if such course is determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to utilize existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility a program of study abroad that is approved for credit by the home institution at which the student is enrolled.

**“SEC. 233. ELIGIBILITY AND APPLICATIONS FOR GRANTS.**

“(a) APPLICATIONS; DEMONSTRATION OF ELIGIBILITY.—

“(1) FILING REQUIRED.—The Secretary shall from time to time set dates by which students shall file applications for TEACH Grants under this part. Each student desiring a TEACH Grant for any year shall file an application therefore containing such information and assurances as the Secretary may deem necessary to enable the Secretary to carry out the functions and responsibilities of this part.

“(2) DEMONSTRATION OF ELIGIBILITY.—Each such application shall contain such information as is necessary to demonstrate that—

“(A) if the applicant is an enrolled student—

“(i) the student is an eligible student for purposes of section 484 (other than subsection (r) of such section);

“(ii) the student—

“(I) has a grade point average that is determined, under standards prescribed by the Secretary, to be comparable to a 3.25 average on a zero to 4.0 scale, except that, if the student is in the first year of a program of undergraduate education, such grade point average shall be determined on the basis of the student’s cumulative secondary school grade point average; or

“(II) displayed high academic aptitude by receiving a score above the 75th percentile on at least 1 of the batteries in an undergraduate or graduate school admissions test; and

“(iii) the student is completing coursework and other requirements necessary to begin a career in teaching, or plans to complete such coursework and requirements prior to graduating; or

“(B) if the applicant is a current or prospective teacher applying for a grant to obtain a graduate degree—

“(i) the applicant is a teacher or a retiree from another occupation with expertise in a field in which there is a shortage of teachers, such as mathematics, science, engineering and technology education, a critical-need foreign language (as determined by the Secretary under section 222 of the New National Defense Education Act of 2006), special edu-

cation, English language acquisition, or another high-need subject; or

“(ii) the applicant is or was a teacher who is using high-quality alternative certification routes, such as Teach for America, to get certified.

“(b) AGREEMENTS TO SERVE.—Each application under subsection (a) shall contain or be accompanied by an agreement by the applicant that—

“(1) the applicant will—

“(A) serve as a full-time teacher for a total of not less than 4 academic years within 8 years after completing the course of study for which the applicant receives a TEACH Grant under this part;

“(B) teach—

“(i) in a school eligible for assistance under section 1114(a) of the Elementary and Secondary Education Act of 1965; and

“(ii) in any of the following fields: mathematics, science, engineering and technology education, a critical-need foreign language (as determined by the Secretary under section 222 of the New National Defense Education Act of 2006), bilingual education, or special education, or as a reading specialist, or another field documented as high-need by the Federal Government, State government, or local educational agency and submitted to the Secretary;

“(C) submit evidence of such employment in the form of a certification by the chief administrative officer of the school upon completion of each year of such service; and

“(D) comply with the requirements for being a highly qualified teacher as defined in section 9101 of the Elementary and Secondary Education Act of 1965 or, in the case of a special education teacher, in section 602 of the Individuals With Disabilities Education Act; and

“(2) in the event that the applicant is determined to have failed or refused to carry out such service obligation, the sum of the amounts of such TEACH Grants will be treated as a loan and collected from the applicant in accordance with subsection (c) and the regulations thereunder.

“(c) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—In the event that any recipient of a TEACH Grant fails or refuses to comply with the service obligation in the agreement under subsection (b), the sum of the amounts of such TEACH Grants provided to such recipient shall be treated as a Direct Loan under part D of title IV, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary in regulations promulgated to carry out this part.

**“SEC. 234. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part \$600,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**“PART D—RECRUITING TEACHERS WITH MATHEMATICS, SCIENCE, ENGINEERING, TECHNOLOGY, OR LANGUAGE MAJORS**

**“SEC. 241. PROGRAM AUTHORIZED.**

“(a) DEFINITION OF HIGH-NEED SCHOOL.—In this section, the term ‘high-need school’ means a school described in section 1114(a) of the Elementary and Secondary Education Act of 1965.

“(b) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—From the amounts appropriated under section 242, the Secretary shall make competitive grants to institutions of higher education to improve the availability and recruitment of teachers from among students majoring in mathematics, science, engineering, technology, a critical-need foreign language (as determined by the Secretary under section 222 of the New National Defense Education Act of 2006), special education, or teaching the

English language to students with limited English proficiency.

“(2) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to institutions of higher education offering programs that—

“(A) focus on preparing teachers in subjects in which there is a shortage of highly qualified teachers and increasing the number of teachers from minority or underrepresented groups; and

“(B) prepare students to teach in high-need schools.

“(c) APPLICATION.—Any institution of higher education desiring to obtain a grant under this section shall submit to the Secretary an application at such time, in such form, and containing such information and assurances as the Secretary may require, which shall—

“(1) include reporting on baseline production of teachers—

“(A) with expertise in mathematics, science, a critical-need foreign language, special education, or teaching students with limited English proficiency;

“(B) from minorities or underrepresented groups; and

“(C) who teach for 5 years or more in a high-need school; and

“(2) establish a goal and timeline for increasing the number of teachers described in each subparagraph of paragraph (1) who are prepared for teaching by the institution.

“(d) GRANT AWARD AMOUNTS.—In determining the amount of a grant award under this section to an institution of higher education, the Secretary shall consider—

“(1) the extent to which the institution—

“(A) focuses on preparing teachers in subjects in which there is a shortage of highly qualified teachers and increasing the number of teachers from minority or underrepresented groups; and

“(B) prepares students to teach in high-need schools; and

“(2) in the case of an institution that has previously received a grant under this section, the progress made by the institution in increasing the number of teachers described in subsection (c)(1), as compared to the baseline production of such teachers reported in the institution’s initial application.

“(e) USE OF FUNDS.—Funds made available by a grant under this section—

“(1) shall be used to create new recruitment incentives to teaching for students from other majors, with an emphasis on high-need subjects such as mathematics, science, engineering and technology education, a critical-need foreign language, special education, and teaching the English language to students with limited English proficiency and other subjects identified as high-need by the Federal Government, State government, or local educational agency;

“(2) may be used to upgrade the curriculum in order to provide all students studying to become teachers with high-quality instructional strategies for teaching reading and teaching the English language to students with limited English proficiency, and for modifying instruction to teach students with special needs;

“(3) may be used to integrate school of education faculty with other arts and science faculty in mathematics, science, engineering, technology, a critical-need foreign language, or teaching the English language to students with limited English proficiency, through steps such as—

“(A) dual appointments for faculty between schools of education and schools of arts and science or engineering; and

“(B) integrating coursework with clinical experience;

“(4) may be used to develop strategic plans between schools of education and local educational agencies to better prepare teachers

for high-need schools, including the creation of professional development partnerships for training new teachers in state-of-the-art practice;

“(5) may be used to create pilot programs to foster collaborations at the institution of higher education between a school of science, mathematics, or engineering, or a foreign language department or language center, and a school of education in order to enable the collaborating entities to develop a 4-year program of study that would combine a baccalaureate degree in mathematics, science, engineering, or technology with concurrent teacher certification or licensure; and

“(6) may be used to develop and implement a master’s degree program for current mathematics, science, or engineering and technology education teachers that—

“(A) will strengthen the participating teachers’ subject area knowledge and pedagogical skills; and

“(B) shall be designed to allow a teacher to enroll in the program on a part-time basis and obtain a master’s degree within a 2-year period.

“(f) REPORTS.—For each year that an institution of higher education receives a grant under this section, the institution of higher education shall prepare and submit to the Secretary an annual report documenting the baseline data regarding the teachers described in subsection (c)(1) and the progress made toward increasing the number of such teachers, as described in subsection (c)(2).

**“SEC. 242. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part \$500,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.”

(b) PART A AUTHORIZATION.—Section 210 of the Higher Education Act of 1965 (20 U.S.C. 1030) is amended by striking “\$300,000,000 for fiscal year 1999” and inserting “\$400,000,000 for fiscal year 2007”.

**Subtitle C—Ensuring College Access for All**  
**SEC. 131. CONTRACT FOR EDUCATIONAL OPPORTUNITY (CEO) GRANTS.**

(a) DEFINITIONS.—In this section:

(1) COHORT.—The term “cohort” means a group of students in a State who are in the same grade for an identified school year.

(2) EXPECTED FAMILY CONTRIBUTION.—The term “expected family contribution”, with respect to a student, means the student’s expected family contribution as determined in accordance with part F of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.).

(3) UNMET NEED.—The term “unmet need”, with respect to a student, means the difference between the cost of attendance (as defined in section 472 of the Higher Education Act of 1965 (20 U.S.C. 108711) to attend an institution of higher education for an academic year and the resources available to the student for such academic year, including Federal, State, and institutional financial assistance and the student’s expected family contribution.

(b) PURPOSES.—The purposes of this section are—

(1) to encourage States to provide a financial aid guarantee for low-income students;

(2) to increase student academic performance and achievement;

(3) to increase public school secondary school graduation rates as well as enrollment, persistence, and graduation rates in public and private institutions of higher education, especially among low-income and underrepresented minority students; and

(4) to improve the overall quality and supply of a State’s workforce.

(c) PAYMENTS TO STATES AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall pay to States the Federal share, as determined

under subsection (e), in order to assist the States in awarding contract for educational opportunity grants (referred to in this section as “CEO grants”), under subsection (g) to students in a cohort who sign a contract for educational opportunity in grade 8 and satisfy the requirements of the contract. A CEO grant shall provide each such student with a need-based financial aid guarantee, in an amount equal to the student’s calculated unmet need to attend a 2- or 4-year degree-granting public institution of higher education in the State, to enable the student to attend a 2- or 4-year degree-granting public or private institution of higher education in the State.

(2) MANDATORY SPENDING.—This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Secretary to provide for the payment of amounts provided under this subsection.

(d) APPLICATION.—

(1) IN GENERAL.—A State desiring a payment under subsection (c) shall submit, through the State agency identified in the application, to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) APPLICATION.—An application submitted under paragraph (1) shall include the following:

(A) A description of how the State will establish a State benchmark for increasing the overall public school secondary school graduation rate and the enrollment, persistence, and graduation rates at the State’s 2- and 4-year degree-granting public and private institutions of higher education, as well as a description of strategies and activities the State will employ to achieve the State’s set goals as reflected in the benchmark.

(B) The identification of the State agency that will administer the CEO grants program, and a description of the State agency’s capacity to administer such program.

(C) A description of the entities that will contribute funds for the non-Federal share of the CEO grants program.

(D) A description of the State’s academic and nonacademic components of the contract for educational opportunity, including 100 hours of community service, and how the State defines satisfactory academic progress toward completing coursework that leads to a secondary school diploma.

(E) A description of how the State agency will provide access for all students to a State curriculum that prepares the students to enter into credit-bearing coursework in higher education without the need for remediation, the 21st century workforce, or the Armed Forces.

(F) A description of how the State agency will notify students in grade 7 of their eligibility to participate in the CEO grants program and earn a CEO grant, as well as how the State will specifically target students from low-income and underrepresented minority families.

(G) A description of how the State agency will regularly communicate with a cohort from the time the students sign the contract for educational opportunity through the period that the students are eligible for CEO grants.

(H) An assurance that the State will award a CEO grant, in the amount of the student’s calculated unmet need to attend a 2- or 4-year degree-granting public institution of higher education in the State, to each student who successfully meets the requirements of the contract for educational opportunity.

(I) An assurance that decisions regarding the State’s higher education budget shall not lead to increases in tuition and fees at public

2- or 4-year degree-granting institutions of higher education that are greater than the Consumer Price Index.

(J) An assurance that the State shall maintain current levels of investment in State student aid programs in addition to providing the non-Federal share required under subsection (e)(4).

(e) PAYMENTS; USE OF FUNDS.—

(1) IN GENERAL.—The Secretary shall pay the Federal share of the CEO grants program, in the amount described in paragraph (4), to each State that submits a complete application pursuant to subsection (d).

(2) USE OF FUNDS.—The Federal share and non-Federal share described in paragraph (4) shall be used exclusively for awarding financial aid grants to cover the unmet need for all students in a cohort who have successfully met the components of the State’s contract, except that a State may use not more than 2 percent of such funds for administrative purposes.

(3) SUBSEQUENT PAYMENTS.—

(A) IN GENERAL.—The Secretary shall make subsequent annual payments for future cohorts to States, in accordance with paragraph (4), that receive a payment under this section and that are not determined to be ineligible under subparagraph (B).

(B) INELIGIBILITY.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall determine a State to be temporarily ineligible to receive a payment under subparagraph (A) if—

(I) the State fails to submit an annual report pursuant to subsection (h); or

(II) the Secretary determines, based on information submitted in the annual report submitted under subsection (h), that—

(aa) the State is not effectively meeting the terms and goals of the application; or

(bb) that the State is not making satisfactory progress toward the benchmark set forth in subsection (d)(2)(A).

(ii) INELIGIBILITY NOT TO AFFECT CERTAIN COHORTS.—A determination of ineligibility to receive subsequent payments for future cohorts under clause (i) with respect to a State shall not apply to payments for students in a cohort in the State who are in grade 8, 9, 10, 11, or 12 at the time of the determination.

(iii) REINSTATEMENT.—If the Secretary determines a State is ineligible under clause (i), the Secretary may enter into an agreement with the State setting forth the terms and conditions under which the State may regain eligibility to receive payments under this section.

(4) MATCHING REQUIREMENT.—The amount of the Federal share under this section for an academic year shall be equal to the amount of the non-Federal share provided by the State for such year. The sum of the Federal share and the non-Federal share for an academic year shall be an amount equal to the total unmet need, for the academic year, to attend a 2- or 4-year degree-granting public institution of higher education in the State, for all students in an identified cohort that complete all eligibility requirements of a contract for educational opportunity.

(f) REALLOTMENT OR REDISTRIBUTION OF FUNDS.—If funds remain for a cohort for 6 years after the cohort has graduated from secondary school, the State shall return excess Federal funds to the Secretary. Any returned excess funds shall be used by the Secretary to carry out the program under this section.

(g) CEO GRANTS.—

(1) IN GENERAL.—A State receiving a payment under subsection (c) for a cohort shall provide, in the amount determined under paragraph (3), a CEO grant to each student in the cohort who—

(A) successfully completes the requirements of the contract for educational opportunity; and

(B) enrolls in a 2- or 4-year degree-granting institution of higher education in the State not later than 2 years after receiving a secondary school diploma.

(2) CONTRACTS FOR EDUCATIONAL OPPORTUNITY.—

(A) IN GENERAL.—A student who is in a cohort for which a State is eligible for payments under subsection (c) and who desires to receive a CEO grant shall sign a contract for educational opportunity when the student begins grade 8 stating that the student will carry out all of the following by the time the student graduates from secondary school:

(i) Receive a secondary school diploma.

(ii) By the beginning of grade 11 (except as provided in subparagraph (B)), demonstrate satisfactory academic progress (as determined by the State agency) toward completing coursework that leads to a secondary school diploma.

(iii) Complete the academic components of the State contract for educational opportunity, as determined by the State agency.

(iv) Complete the nonacademic portion of the State contract for educational opportunity (as determined by the State agency), including 100 hours of community service, of which at least 50 hours of community service shall be completed before the student begins grade 11 (except as provided in subparagraph (B)).

(v) Apply for admission to a 2- or 4-year degree-granting institution of higher education in the State.

(vi) Preceding the date that the student intends to enroll in an institution of higher education, file for Federal financial aid.

(B) SPECIAL CIRCUMSTANCES.—

(i) TRANSITION.—During the academic year following the date of enactment of this Act, in the case of students in a cohort who are in grade 9, 10, 11, or 12 for such academic year, the students of such cohort shall be eligible for CEO grants if such students sign the contract for educational opportunity during the academic year and otherwise complete all of the eligibility requirements for the contract for educational opportunity under subparagraph (A) as applicable and by such time as determined by the State and approved by the Secretary.

(ii) STUDENTS WHO MOVE INTO THE STATE.—In the case of a student who moves into a State after the student begins grade 8, such student shall be eligible for a CEO grant from such State if such student signs the contract for educational opportunity at the time the student moves into the State and the student otherwise completes all of the eligibility requirements for the contract for educational opportunity under subparagraph (A), as applicable and by such time as determined by the State and approved by the Secretary.

(3) AMOUNT OF CEO GRANTS.—

(A) IN GENERAL.—A CEO grant for an academic year shall be in an amount equal to the student's calculated unmet need to attend a 2- or 4-year degree-granting public institution of higher education in the State for such year.

(B) PRIVATE INSTITUTIONS.—A CEO grant for a student who elects to enroll in a private 2- or 4-year degree-granting public institution of higher education in the State shall be in the amount described in subparagraph (A).

(4) MULTIPLE GRANTS.—

(A) IN GENERAL.—A State shall award a CEO grant to a student who meets the requirements of this section for each academic year that the student attends a 2- or 4-year

degree-granting institution of higher education in the State.

(B) MAXIMUM NUMBER OF GRANTS.—During the 6-year period beginning on the date of receipt of a CEO grant under this subsection, a student who meets the requirements of this subsection shall be eligible to receive a CEO grant for each year that the student is enrolled in a 2- or 4-year degree-granting institution of higher education in the State, except that no student shall receive a total of more than 4 CEO grants.

(5) INELIGIBILITY.—A student who otherwise meets the requirements for a CEO grant shall be ineligible if the student fails to maintain an acceptable level of academic standing, as determined by the institution of higher education that the student attends, or is dismissed from the institution of higher education for disciplinary reasons.

(h) EVALUATION AND REPORT.—A State receiving a payment under subsection (c) for a cohort shall prepare and submit an annual report to the Secretary on the success of the cohort. The State report shall include the following:

(1) The following information relating to the students in the cohort who sign a contract for educational opportunity, as applicable:

(A) The participation and completion rates in the CEO grants program under this section.

(B) The public school secondary school graduation rate and how the rate relates to the established State benchmark described in subsection (d)(2).

(C) The rate of enrollment in public and private institutions of higher education and how the rate relates to the established State benchmark.

(D) The rate of persistence in public and private institutions of higher education and how the rate relates to the established State benchmark.

(E) The rate of graduation from public and private institutions of higher education and how the rate relates to the established State benchmark.

(F) Average CEO grant aid per student.

(G) A description of, and justification for, any increase in tuition and fees at the public 2- or 4-year degree-granting institutions of higher education in the State.

(2) A comparison of the rates described in subparagraphs (B) through (E) of paragraph (1) for students in the cohort who sign a contract for educational opportunity to such rates for a representative sample of students in the cohort in the State who do not sign a contract.

## TITLE II—ARMING AMERICANS WITH 21ST CENTURY KNOWLEDGE AND SKILLS

### Subtitle A—Increasing the Number of New American Scientists, Engineers, and Language Experts

#### SEC. 211. PURPOSE.

The purpose of this subtitle is to increase the number of low-income and middle-income students who pursue careers in mathematics, science, technology, engineering, and critical-need foreign languages.

#### SEC. 212. GRANTS FOR STRENGTHENING MATHEMATICS, SCIENCE, AND ENGINEERING AND TECHNOLOGY EDUCATION INFRASTRUCTURE.

(a) GRANTS FOR STRENGTHENING MATHEMATICS, SCIENCE, AND ENGINEERING AND TECHNOLOGY EDUCATION INFRASTRUCTURE.—Part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.) is amended by adding at the end the following:

#### “SUBPART 22—GRANTS FOR STRENGTHENING MATHEMATICS, SCIENCE, AND ENGINEERING AND TECHNOLOGY EDUCATION INFRASTRUCTURE

##### “SEC. 5621. GRANTS FOR STRENGTHENING MATHEMATICS, SCIENCE, AND ENGINEERING AND TECHNOLOGY EDUCATION INFRASTRUCTURE.

“(a) PURPOSE.—The purpose of this section is to improve mathematics, science, and engineering and technology education infrastructure in public elementary schools and secondary schools to facilitate improved educational opportunities for all students.

“(b) DEFINITION OF HIGH-NEED.—In this section, the term ‘high-need’, when used with respect to a school, means a public elementary school or secondary school that is eligible for assistance under section 1114(a) of the Elementary and Secondary Education Act of 1965.

“(c) PROGRAM AUTHORIZED.—From amounts appropriated under section 5401(b) for a fiscal year, and subject to subsection (d), the Secretary, in consultation with the Director of the National Science Foundation, shall award grants to local educational agencies to enable the local educational agencies to carry out the activities described in subsection (g).

“(d) RESERVATION OF FUNDS.—From amounts appropriated under section 5401(b) for a fiscal year, the Secretary shall reserve a total of ½ of 1 percent for the Secretary of the Interior to award grants to elementary schools and secondary schools operated or funded by the Bureau of Indian Affairs to enable such elementary schools and secondary schools to carry out the activities described in subsection (g).

“(e) APPLICATION.—

“(1) IN GENERAL.—A local educational agency desiring a grant under subsection (c) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(2) CONTENTS.—The application described in paragraph (1) shall include the following:

“(A) A description of the activities under subsection (g) for which assistance is sought and the costs of such activities.

“(B) A description of the process through which the local educational agency identified the activities described in subparagraph (A).

“(C) Clear principles that the local educational agency used to determine the priority of qualifying activities under this section that prioritize the use of quantitative data, such as student achievement on standardized assessments and income data, in order to give priority to projects benefiting high-need schools.

“(D) An assurance that the local educational agency will provide a complete and detailed accounting of the use of grant funds awarded to the local educational agency under this section.

“(E) A description of the evaluation process that will assess the accomplishments of the program.

“(f) APPLICATION APPROVAL.—

“(1) DETERMINATION IN CONSULTATION WITH NATIONAL SCIENCE FOUNDATION.—The Secretary shall review each application submitted under subsection (e) to determine whether the application is sufficient. In making such a determination, the Secretary shall consult with the Director of the National Science Foundation, in part to ensure that the application is coordinated with any preexisting National Science Foundation initiatives in the State.

“(2) DETERMINATION OF INSUFFICIENT APPLICATION.—If the Secretary determines that an application submitted by a local educational agency does not meet the requirements of

paragraph (1) or subsection (e), the Secretary shall provide the local educational agency with—

“(A) a written explanation of why the application did not comply with such requirements; and

“(B) an opportunity to submit an amended application.

“(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies with a high percentage of high-need schools.

“(g) REQUIRED USE OF FUNDS.—A local educational agency that receives a grant under subsection (c) shall use grant funds, in accordance with the application of the local educational agency, to carry out not less than 1 of the following:

“(1) The purchase or refurbishment of mathematics, science, and engineering and technology education equipment, including laboratory equipment.

“(2) The purchase of instructional materials or curricula with proven effectiveness in improving mathematics, science, and engineering and technology education outcomes, including age-appropriate reading materials on varying grade levels that provide poor readers with access to mathematics, science, and engineering and technology education subject matter.

“(3) Support for a science, mathematics, or engineering and technology education specialist in each school who is responsible for—

“(A) assisting in the implementation of the school's science, mathematics, or engineering and technology education program;

“(B) assisting other teachers in delivering quality instruction;

“(C) assisting in identifying and developing professional development opportunities tied to the curriculum; and

“(D) providing guidance on curricula, equipment, and other components necessary for high-quality instruction.

“(4) Any other directly related activity—

“(A) identified by the local educational agency in the application required under subsection (e); and

“(B) approved by the Secretary, in consultation with the Director of the National Science Foundation.

“(h) REPORT.—

“(1) IN GENERAL.—A local educational agency that receives a grant under this section for a fiscal year shall submit, not later than January 31 of the succeeding fiscal year, a report in such form and containing such information as the Secretary determines to be reasonably necessary to evaluate the compliance of the local educational agency with the provisions of this section.

“(2) CONTENTS.—The report described in paragraph (1) shall include the following:

“(A) A description of the activities carried out with grant funds under this section.

“(B) A complete and detailed accounting of the use of funds awarded under this section, including how the local educational agency gave priority to projects benefiting students served by high-need schools.

“(C) A description of how the local educational agency assesses the impact of the program.

“(D) A description of how students were served by the projects assisted under this section, including any expansion of inquiry-based learning opportunities, and an accounting of the approximate number of students so served.

“(E) An accounting of student academic progress made as a result of activities funded under this section, using previously established statewide academic achievement assessments in mathematics and science.

“(F) Qualitative testimony from students, teachers, administrators, or parents on the effect of activities funded under this section.

“(3) PENALTY.—A local educational agency that receives a grant under this section for a fiscal year but does not submit the report required under this subsection shall not be eligible to receive any subsequent grant funds under this section.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 5401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241) is amended—

(1) by striking “this part” and inserting “this part (excluding subpart 22)”;

(2) by striking “There are” and inserting the following:

“(a) GENERAL AUTHORIZATION.—There are”; and

(3) by adding at the end the following:

“(b) MATHEMATICS, SCIENCE, AND ENGINEERING AND TECHNOLOGY EDUCATION INFRASTRUCTURE.—There are authorized to be appropriated to carry out subpart 22, \$500,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.”

(c) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 5618 the following:

“Subpart 22—Grants for Strengthening Mathematics, Science, and Engineering and Technology Education Infrastructure

“Sec. 5621. Grants for strengthening mathematics, science, and engineering and technology education infrastructure.”

**SEC. 213. SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, AND CRITICAL-NEED FOREIGN LANGUAGE SCHOLARS.**

(a) DEFINITIONS.—In this section:

(1) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(2) SECRETARY.—The term “Secretary” means the Secretary of Education.

(b) PROGRAM AUTHORIZED.—From amounts appropriated under subsection (j) for a fiscal year, the Secretary shall carry out a program to award grants, on a competitive basis, to institutions of higher education (or consortia of such institutions) to enable the institutions of higher education (or consortia) to provide scholarships to make higher education tuition free for low-income and middle-income undergraduate and graduate students who are enrolled at the institutions of higher education to earn degrees in science, technology, engineering, mathematics, and critical-need foreign languages (as determined by the Secretary under section 222).

(c) APPLICATION.—An institution of higher education or a consortium seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall give special consideration to programs that—

(1) are a central organizational focus of the institution of higher education or consortium;

(2) enable scholarship recipients to become successful members of the science, technology, engineering, mathematics, and critical-need foreign language 21st century workforce; and

(3) recruit undergraduate and graduate students, especially female and underrepresented minority students, who would otherwise not pursue careers in science, technology, engineering, mathematics, or a critical-need foreign language.

(e) USE OF FUNDS.—An institution of higher education or a consortium receiving a

grant under this section shall use the grant funds to carry out a program to encourage low-income and middle-income undergraduate and graduate students enrolled at the institution of higher education, or at an institution of higher education that is a member of the consortium, respectively, to earn degrees in science, technology, engineering, mathematics, or a critical-need foreign language, through administering scholarships in accordance with subsection (f).

(f) SCHOLARSHIPS.—

(1) SCHOLARSHIP REQUIREMENTS.—Scholarships under this subsection shall be available to a student enrolled at an institution of higher education that receives a grant under this section or is a member of a consortium that receives a grant under this section—

(A)(i) whose parents have an adjusted gross income for the most recent tax year available of—

(I) less than \$53,000 if single; or

(II) less than \$107,000 if married; or

(ii) in the case of a student who is independent (as defined in section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv), who meets the adjusted gross income requirements of clause (i); and

(B)(i) in the case of a student in the first or second year of a program of undergraduate education, who enrolls in prerequisite courses for a baccalaureate degree with a major in science, technology, engineering, mathematics, or a critical-need foreign language, as determined by the institution of higher education that the student attends;

(ii) in the case of a student who has completed 2 years of a program of undergraduate education, who is pursuing a baccalaureate degree with a major in science, technology, engineering, mathematics, or a critical-need foreign language; or

(iii) in the case of a graduate student, who is pursuing a graduate degree in science, technology, engineering, mathematics, or a critical-need foreign language.

(2) AMOUNT.—

(A) ANNUAL AMOUNT.—An institution of higher education or consortium that receives a grant under this section shall award a scholarship to a student described in paragraph (1) in an amount that does not exceed \$5,500 per academic year, except that no student shall receive for any academic year an amount that is more than the cost of attendance, as determined under section 472 of the Higher Education Act of 1965 (20 U.S.C. 10871l), at the institution where the student is enrolled for such academic year.

(B) REDUCTIONS IN AMOUNT FOR PART-TIME STUDENTS.—In any case where a student attends an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of the scholarship for which that student is eligible shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with a schedule of reductions established by the Secretary for the purpose of this section, computed in accordance with this subsection. Such schedule of reductions shall be established by regulation and published in the Federal Register in accordance with the schedule described in section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089).

(C) CUMULATIVE AMOUNT.—An institution of higher education or consortium receiving a grant under this section may award an individual a scholarship under this subsection for more than 1 year, or for both undergraduate and graduate study, except that—

(i) no individual shall receive a total amount of scholarship support under this subsection for undergraduate study that is more than \$22,000; and

(ii) no individual shall receive a total amount of scholarship support under this section for graduate study that is more than \$22,000.

(g) **CONDITIONS OF SUPPORT.**—As a condition of acceptance of a scholarship under this section, a recipient shall enter into an agreement with the institution of higher education or consortium—

(1) accepting the terms of the scholarship; and

(2) agreeing to provide the awarding institution of higher education or consortium with up-to-date contact information and to participate in surveys provided by the Secretary of Education, institution of higher education, or consortium as part of an assessment program.

(h) **FAILURE TO COMPLETE OBLIGATION.**—

(1) **GENERAL RULE.**—An individual who has received a scholarship under this section shall be liable to the institution of higher education or consortium that awarded the scholarship, as well as to the United States, for the amount of the scholarship, if such individual—

(A) fails to maintain an acceptable level of academic standing in the institution of higher education in which the individual is enrolled, as determined by the institution of higher education;

(B) is dismissed from such institution for disciplinary reasons; or

(C) withdraws from the baccalaureate or graduate degree program for which the scholarship was made before the completion of such program, and does not transfer into another program that meets the requirements of subsection (f)(1)(B).

(2) **EXCLUSION FROM FUTURE SCHOLARSHIPS.**—If a circumstance described in paragraph (1) occurs, all of the following shall apply:

(A) **NONRENEWAL OF SCHOLARSHIP.**—The institution of higher education or consortium shall not renew the scholarship to the individual. However, at the discretion of the institution of higher education or consortium awarding the scholarship, an individual may regain eligibility for a scholarship under this section after completing not less than 1 academic term at the institution, if the individual—

(i) maintains an acceptable level of academic standing in the institution of higher education, as determined by the institution; and

(ii) reenrolls in the baccalaureate or graduate degree program for which the scholarship was made.

(B) **INELIGIBILITY FOR FEDERAL SCHOLARSHIPS.**—The individual shall become automatically ineligible to participate in any Federal scholarship programs for future years.

(3) **USE OF RECOVERED SCHOLARSHIP FUNDS.**—An institution of higher education or consortium that recovers funds under paragraph (1) shall use such funds to provide additional scholarships under subsection (f).

(i) **DATA COLLECTION.**—An institution of higher education or consortium receiving a grant under this section shall supply to the Secretary any relevant statistical and demographic data on scholarship recipients the Secretary may request.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$750,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**SEC. 214. EXPANSION OF NATIONAL SCIENCE FOUNDATION EDUCATION AND HUMAN RESOURCES DIRECTORATE.**

(a) **PURPOSE.**—The purpose of this section is to ensure the continued involvement of experts at the National Science Foundation in improving science, technology, engineering,

and mathematics at the elementary, secondary, and postsecondary levels by doubling funding for the education and human resources programs of the National Science Foundation, in addition to the increases made under section 125 for the mathematics and science partnerships described in section 9 of the National Science Foundation Authorization Act of 2002 and in addition to any other amounts authorized or appropriated to the National Science Foundation.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR NSF EDUCATION AND HUMAN RESOURCES.**—There is authorized to be appropriated to the National Science Foundation for education and human resources, in addition to the amounts authorized under section 125(a)(2), amounts as follows:

(1) For fiscal year 2007, \$886,810,000.

(2) For fiscal year 2008, \$1,040,110,000.

(3) For fiscal year 2009, \$1,193,410,000.

(4) For fiscal year 2010, \$1,346,710,000.

(5) For fiscal year 2011, \$1,500,000,000.

(c) **SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY TALENT EXPANSION PROGRAM.**—Section 8(7)(C) of the National Science Foundation Authorization Act of 2002 (Public Law 107-368) is amended—

(1) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively, and indenting appropriately;

(2) by striking “include those that promote high quality—” and inserting “include programs that—

“(i) promote high-quality—”; and

(3) in clause (i)—

(A) in subclause (III) (as redesignated by paragraph (1)), by striking “for students;” and inserting “for students, especially underrepresented minority and female mathematics, science, engineering, and technology students;”; and

(B) in subclause (VI) (as redesignated by paragraph (1)), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

“(ii) finance summer internships for mathematics, science, engineering, and technology undergraduate students;

“(iii) facilitate smaller mathematics, science, engineering, and technology class sizes;

“(iv) facilitate the hiring of additional mathematics, science, engineering, and technology faculty;

“(v) serve as bridges to enable underrepresented minority and female secondary school students to obtain extra mathematics, science, engineering, and technology training prior to entering an institution of higher education; and

“(vi) finance mathematics, science, engineering, and technology student research activities.”.

**Subtitle B—Improving Global Knowledge and Skills**

**SEC. 221. DEFINITIONS.**

In this subtitle:

(1) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(2) **LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.**—The terms “local educational agency” and “State educational agency” have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

**SEC. 222. CRITICAL-NEED LANGUAGES.**

The Secretary shall, prior to requesting applications for grants under this subtitle during each grant cycle, consult with, and receive recommendations regarding, critical need for expertise in foreign languages and

world regions from the head official, or a designee of such head official, of the National Security Council, the Department of Homeland Security, the Department of Defense, the Department of State, the Federal Bureau of Investigation, the Department of Labor, and the Department of Commerce, and the Director of National Intelligence. The Secretary shall take into account such recommendations when developing a list of critical-need languages and when requesting applications for grants under this subtitle. The Secretary shall also make available to applicants the list of the critical-need languages for the grant cycle.

**SEC. 223. CRITICAL-NEED LANGUAGE PROGRAM GRANTS.**

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a State educational agency; or

(B) a partnership between a local educational agency and an institution of higher education.

(2) **HIGH-NEED SCHOOL.**—The term “high-need school” means a public elementary or secondary school that is eligible for assistance under section 1114(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314(a)).

(b) **PROGRAM AUTHORIZED.**—The Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop programs that allow students to be exposed to and immersed in other languages and cultures from the early grades throughout the students’ education.

(c) **APPLICATION.**—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) **AWARD BASIS.**—In awarding grants under this section, the Secretary shall give priority to eligible entities that will use grant funds for programs that target a high-need school.

(e) **USE OF FUNDS.**—An eligible entity receiving a grant under this section shall use grant funds to carry out 1 or more of the following:

(1) Establish and maintain programs in a critical-need language (as determined by the Secretary under section 222) in the elementary schools served by the eligible entity.

(2) Offer additional or more advanced critical-need language classes in middle schools and secondary schools.

(3) Create and implement effective models of instruction in critical-need languages and world cultures.

(4) Create and maintain internationally themed schools that—

(A) offer dual language immersion programs;

(B) focus on international content; and

(C) use technology to bring the world into the classroom virtually.

(f) **TECHNICAL ASSISTANCE CENTERS.**—

(1) **IN GENERAL.**—The Secretary shall enter into contracts with entities to establish a system of regional critical-need foreign language technical assistance centers focused on developing critical-need language programs in kindergarten through grade 12 education.

(2) **APPLICATION.**—An entity desiring a contract under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(3) **ACTIVITIES.**—Each center established under this subsection shall—

(A) assist States and local educational agencies in developing critical-need language curricula; and

(B) disseminate best practices in the field.

(g) **REPORT.**—Not later than 90 days after the last day of the grant or contract period,

an eligible entity receiving a grant under subsection (a) or an entity receiving a contract under subsection (f) shall prepare and submit a report to the Secretary describing the supported activities.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$100,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**SEC. 224. INTERNATIONAL SUMMER INSTITUTE GRANTS.**

(a) **PROGRAM AUTHORIZED.**—The Secretary shall award grants, on a competitive basis, to institutions of higher education or nonprofit organizations (or consortia of such institutions or organizations) to carry out summer institute programs that help teachers integrate international content into the curricula and improve the teachers' knowledge and teaching of foreign cultures.

(b) **PARTNERSHIP.**—In order to receive a grant under this section, an institution of higher education or a nonprofit organization (or a consortium of such institutions or organizations) shall enter into a partnership with a local educational agency to carry out the grant activities.

(c) **APPLICATION.**—An institution of higher education, nonprofit organization, or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) **USE OF FUNDS.**—An institution of higher education, nonprofit organization, or consortium receiving a grant under this section shall use grant funds to carry out 1 or more of the following:

(1) Integrate international content into existing summer institute programs.

(2) Assist States in creating new summer institutes to prepare teachers—

(A) to teach international subjects, such as world history, global economics, and geography; and

(B) to integrate international content into other subjects to improve global competence.

(e) **REPORT.**—Not later than 90 days after the last day of the grant period, an institution of higher education, nonprofit organization, or consortium receiving a grant under this section shall prepare and submit a report to the Secretary describing the grant activities.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$100,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**SEC. 225. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.**

(a) **PURPOSE.**—The purpose of this section is to increase study abroad and foreign language study opportunities in critical-need languages for secondary school, undergraduate, and graduate students.

(b) **DEFINITION OF ELIGIBLE ENTITY.**—In this section, the term "eligible entity" means—

(1) an institution of higher education;

(2) a consortium of institutions of higher education;

(3) an institution of higher education in partnership with an international university;

(4) an institution of higher education in partnership with a local educational agency;

(5) a State educational agency; or

(6) a local educational agency.

(c) **PROGRAM AUTHORIZED.**—From amounts appropriated under this section for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to establish or strengthen foreign language study programs

in critical-need languages, as determined by the Secretary under section 222.

(d) **AMOUNT AND DURATION OF GRANT.**—Each grant awarded under this section shall be—

(1) for an amount of not less than \$500,000 for each year of the grant; and

(2) for a period of not less than 4 years.

(e) **APPLICATION.**—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(f) **USE OF FUNDS.**—An eligible entity receiving a grant under this section shall use the grant funds to establish or strengthen foreign language study programs in critical-need languages, which may include the following activities:

(1) The recruitment and retention of faculty in critical-need languages.

(2) Curriculum development.

(3) The acquisition of materials to improve instructional programs.

(4) The expansion of study abroad programs for participating students.

(5) The development of foreign language immersion programs.

(6) Summer institutes for faculty development.

(7) Bridge programs that allow dual enrollment for secondary school students in institutions of higher education.

(8) Programs to expand the understanding and knowledge of cultural, geographic, and political factors within countries with populations who speak critical-need languages.

(9) Research on, and evaluation of, the teaching of critical-need foreign languages.

(10) Participation in national programs impacting critical-need foreign languages.

(11) Data collection and analysis regarding the outcomes of various student recruitment strategies and program design and curricula approaches, and their impact on increasing—

(A) the number of students studying critical-need languages; and

(B) the fluency of the students in the languages.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$100,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**Subtitle C—Investing in Workers Through Job Training**

**SEC. 231. PROJECTS TO PROVIDE LITERACY, TECHNOLOGY, AND TECHNICAL SKILLS TRAINING.**

(a) **DEFINITIONS.**—In this section:

(1) **SECRETARY.**—The term "Secretary" means the Secretary of Labor.

(2) **SMALL BUSINESS.**—The term "small business" means a business with not more than 100 employees.

(b) **PROJECTS.**—The Secretary shall carry out projects to provide literacy, technology, and technical skills training for workers, including both employed and unemployed workers.

(c) **GRANTS.**—In carrying out projects described in subsection (b), the Secretary shall make grants to eligible partnerships.

(d) **ELIGIBLE PARTNERSHIPS.**—

(1) **IN GENERAL.**—To be eligible to receive such a grant, a partnership shall be a local or regional public-private partnership consisting of at least—

(A) 1 State or local workforce investment board established under section 111 or 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2821 or 2832) (including a consortium of such boards in a region);

(B) 1 institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965, (including a consortium of such institutions);

(C) 1 business (including a consortium of such businesses) or nonprofit employer; and

(D) 1 community-based organization, labor union, trade association, or other intermediary.

(2) **DESIGNATION OF RESPONSIBLE FISCAL AGENTS.**—Each partnership described in paragraph (1) shall designate a responsible fiscal agent to receive and disburse grant funds under this section.

(e) **TRAINING.**—

(1) **PARTICIPANTS.**—A partnership that receives a grant under subsection (c) shall provide training through a project described in subsection (b) to persons who are employed and who wish to obtain and upgrade skills to qualify for existing jobs (as of the date such training begins) and to persons who are unemployed.

(2) **PREPARATION.**—Such training shall, to the extent practicable, include the preparation of workers for a broad range of positions along a career ladder.

(f) **START-UP ACTIVITIES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), not more than 5 percent, or \$75,000, whichever is less, of the funds made available through a single grant made under this section may be used toward the start-up costs of a partnership or training project.

(2) **EXCEPTION.**—In the case of partnerships consisting primarily of small businesses, not more than 10 percent, or \$150,000, whichever is less, of the funds made available through a single grant made under this section may be used toward the start-up costs of a partnership or training project.

(3) **DURATION OF START-UP PERIOD.**—For purposes of this subsection, a start-up period consists of a period of not more than 1 month, beginning on the first day of the grant period. At the end of the start-up period, training shall immediately begin and no further Federal funds may be used for start-up costs.

(g) **APPLICATIONS.**—

(1) **IN GENERAL.**—To be eligible to receive a grant under this section, a partnership shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) **CONTENTS.**—Each application for such a grant shall—

(A) provide evidence of the need for the training to be provided through the grant, by providing evidence of skill shortages in existing or emerging industries as demonstrated through reliable regional, State, or local data;

(B) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

(C) include an agreement that the project will be subject to evaluation by the Secretary to measure the effectiveness of the project.

(3) **MATCHING FUNDS.**—Each application for a grant to carry out a project described in subsection (b) shall state the manner by which the partnership will—

(A) make available, with respect to the costs to be incurred by the partnership in carrying out the project, non-Federal contributions (in cash or in kind) in an amount equal to not less than 50 percent of the Federal funds provided under the grant; and

(B) make the contributions available directly or through donations from public or private entities, and ensure that at least ½ of the contributions will be from businesses or nonprofit employers involved in the partnership.

(h) **CONSIDERATIONS.**—

(1) **PROJECTS WITH COMMITMENTS.**—In making grants under this section, the Secretary shall give consideration to an applicant that

provides a specific, measurable commitment—

(A) upon successful completion of a training course by a participant—

(i) who is unemployed, to hire or effectuate the hiring of the participant (where applicable);

(ii) who is an incumbent worker, to increase the wages or salary of the worker (where applicable); or

(iii) to provide skill certification to the participant;

(B) to provide training that is linked to industry-accepted occupational skill standards, certificates, or licensing requirements; or

(C) to provide a project that will lead to attainment of baccalaureate or associate degrees.

(2) EXPANDED AND COLLABORATIVE PROJECTS.—In making grants under this section, the Secretary shall give consideration to an applicant that proposes to use grant funds—

(A) to demonstrate a significant ability to expand a training project through such means as training more workers or offering more courses; and

(B) to carry out a training project resulting from a collaboration, especially with more than 1 small business or with an entity carrying out a labor-management training project.

(3) PARTNERSHIPS INVOLVING SMALL BUSINESSES.—In making grants under this section, the Secretary shall give consideration to an applicant that involves and directly benefits more than 1 small business.

(4) DONATIONS FROM PUBLIC OR PRIVATE ENTITIES.—In making grants under this section, the Secretary shall give consideration to an applicant that provides a specific commitment that a portion of the non-Federal contribution described in subsection (g)(3) will be made available through donations from other public or private entities, so as to demonstrate the long-term sustainability of the project after the expiration of the grant period involved.

(i) ADMINISTRATIVE COSTS.—A partnership that receives a grant to carry out a project described in subsection (b) may not use more than 10 percent of the funds made available through the grant to pay for administrative costs associated with the project.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$300,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.

By Mr. AKAKA:

S. 3506. A bill to prohibit the unauthorized removal or use of personal information contained in a database owned, operated, or maintained by the Federal government; to the Committee on the Judiciary.

Mr. AKAKA. Mr. President, I am introducing the Data Theft Prevention Act of 2006 in response to concerns that arose following the recent theft of computer equipment from the home of a Department of Veterans Affairs employee in early May. I would like to thank my friends Senator SCHUMER, Senator MURRAY, and Senator CLINTON for being original cosponsors of this legislation.

The stolen equipment contained personal information on as many as 26.5 million veterans, Active Duty, National Guard and Reserve personnel. These files had been downloaded from VA databases over a period of 3 years

by the employee without any authorization, then taken out of VA and placed on personal computer equipment at the employee's home.

I am sure my colleagues will be as alarmed as I was when I tell them that this unauthorized removal of the personal information from the Department of Veterans Affairs was not an illegal act. In fact, I was told by VA's inspector general that the employee's only misdeed was of a recently established VA Security Guideline, which only carries the weight of suggested employee behavior. Despite VA's efforts to provide cyber security for the myriad of databases the Department controls, at the time of the theft there was no policy or law in place to prevent or deter an unauthorized act.

The legislation I am introducing today would establish Federal penalties for anyone, whether a government employee or government contractor, who knowingly and without authorization views, uses, downloads, or removes any means of identification or individually identifiable health information that is in a Federal database. Although the incident which triggered my present concerns occurred in VA, this legislation would apply to all Federal departments and agencies. The legislation would also penalize those who would use any such personal information for criminal purposes.

This legislation is intended to complement existing Federal personal information security policies and to emphasize the need for all Federal departments and agencies to review existing policies and clearly lay out who is and isn't authorized to use, view, or download personal information.

This legislation would send the clear message that anyone who knowingly and without authorization removes personal or health information from a Federal database does so at their own risk.

VA Secretary Nicholson testified last week before the House Government Reform Committee that he thought that there should be consideration of "putting some kind of teeth in an enforcement mechanism for the compromising and careless and negligent handling of personal information." This measure would do just that.

If enacted, violation of the provisions of this law could result in a fine of up to \$100,000, imprisonment for 1 year, or both. These penalties are similar to those which currently apply to Internal Revenue Service employees who are responsible for breaches of tax information.

Given the potential impact to our veterans, Active Duty, National Guard, and Reserve personnel through identity theft and the incredible disruption and costs incurred by the government from the theft of the VA data, it is vital that we take steps to deter any future incidents and hold accountable those who are responsible.

I urge our colleagues to support this important legislation and to work with

me for its prompt enactment. We must do all we can to prevent any further compromise of personal data in the hands of the government.

Mr. President, I ask unanimous consent that the text of this legislation be published in the RECORD.

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

S. 3506

*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 "Data Theft Prevention Act of 2006".

#### SEC. 2. FEDERAL DATABASES.

(a) IN GENERAL.—Chapter 101 of title 18, United States Code, is amended by adding at the end the following:

#### "§ 2077. Means of identification and individually identifiable health information in Federal databases

"(a) DEFINITIONS.—In this section:

"(1) FEDERAL DATABASE.—The term 'Federal database' means any electronic database owned, operated, or maintained by or for the Federal Government.

"(2) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term 'individually identifiable health information' has the meaning given the term in the regulations issued under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

"(3) MEANS OF IDENTIFICATION.—The term 'means of identification' has the meaning given the term in section 1028 of this title.

"(b) UNAUTHORIZED USE.—It shall be unlawful for any person knowingly and without authorization—

"(1) to view, use, download, or remove any means of identification or individually identifiable health information that is in a Federal database; or

"(2) to transfer such means of identification or individually identifiable health information to, or store such means of identification or individually identifiable health information in, any computer, network, database, or other format used to store information that is not a Federal database.

"(c) USE FOR CRIMINAL PURPOSES.—It shall be unlawful for any person to use a means of identification or individually identifiable health information obtained directly or indirectly from a Federal database in furtherance of a violation of any Federal or State criminal law.

"(d) PENALTY.—Any person who violates subsection (b) or (c) shall be fined not more than \$100,000, imprisoned not more than 1 year, or both."

(b) CHAPTER ANALYSIS.—The table of sections for chapter 101 of title 18, United States Code, is amended by adding after the item relating to section 2076 the following:

"2077. Means of identification and individually identifiable health information in Federal databases."

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 507—DESIGNATING THE WEEK OF NOVEMBER 5 THROUGH NOVEMBER 11, 2006, AS “NATIONAL VETERANS AWARENESS WEEK” TO EMPHASIZE THE NEED TO DEVELOP EDUCATIONAL PROGRAMS REGARDING THE CONTRIBUTIONS OF VETERANS TO THE COUNTRY

Mr. BIDEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 507

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas, on November 2, 2005, President George W. Bush issued a proclamation urging all the people of the United States to observe November 6 through November 12, 2005, as “National Veterans Awareness Week”: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of November 5 through November 11, 2006, as “National Veterans Awareness Week”; and

(2) encourages the people of the United States to observe the week with appropriate educational activities.

Mr. BIDEN. Mr. President, today I am submitting a resolution expressing the sense of the Senate that the week that includes Veterans’ Day, corresponding this year to November 5–11, 2006, be designated as “National Veterans Awareness Week”. This marks the seventh year in a row that I have introduced such a resolution, which has been adopted unanimously by the Senate on all previous occasions.

The purpose of National Veterans Awareness Week is to serve as a focus for educational programs designed to make students in elementary and secondary schools aware of the contributions of veterans and their importance in preserving American peace and prosperity. This goal takes on particular importance and immediacy this year as we find ourselves again with uniformed men and women in harm’s way in foreign lands.

Why do we need such an educational effort? In a sense, this action has become necessary because we are victims of our own success with regard to the superior performance of our Armed Forces. The plain fact is that there are just fewer people around now who have had any connection with military service. For example, as a result of tremendous advances in military technology and the resultant productivity increases, our current armed forces now operate effectively with a personnel roster that is one-third less in size than just 15 years ago. In addition, the success of the all-volunteer career-oriented force has led to much lower turnover of personnel in today’s military than in previous eras when conscription was in place. Finally, the number of veterans who served during previous conflicts, such as World War II, when our military was many times larger than today, is inevitably declining.

The net result of these changes is that the percentage of the entire population that has served in the Armed Forces is dropping rapidly, a change that can be seen in all segments of society. Whereas during World War II it was extremely uncommon to find a family in America that did not have one of its members on active duty, now there are numerous families that include no military veterans at all. Even though the Iraqi war has been prominently discussed on television and in the newspapers, many of our children are much more preoccupied with the usual concerns of young people than with keeping up with the events of the day. As a consequence, many of our youth still have little or no connection with or knowledge about the important historical and ongoing role of men and women who have served in the military. This omission seems to have persisted despite ongoing educational efforts by the Department of Veterans Affairs and the veterans service organizations.

This lack of understanding about military veterans’ important role in our society can have potentially serious repercussions. In our country, civilian control of the armed forces is the key tenet of military governance. A citizenry that is oblivious to the capabilities and limitations of the armed forces, and to its critical role throughout our history, can make decisions regarding our military involvement that may have unexpected and unwanted consequences. Even more important, general recognition of the importance of those individual character traits that are essential for military success, such as patriotism, selflessness, sacrifice, and heroism, is vital to maintaining these key aspects of citizenship in the Armed Forces and even throughout the population at large.

The failure of our children to understand why a military is important, why our society continues to depend on it for ultimate survival, and why a successful military requires integrity and sacrifice, will have predictable con-

sequences as these youngsters become of voting age. Even though military service is a responsibility that is no longer shared by a large segment of the population, as it has been in the past, knowledge of the contributions of those who have served in the Armed Forces is as important as it has ever been. To the extent that many of us will not have the opportunity to serve our country in uniform, we must still remain cognizant of our responsibility as citizens to fulfill the obligations we owe, both tangible and intangible, to those who do serve and who do sacrifice on our behalf.

The importance of this issue was brought home to me several years ago by Samuel I. Cashdollar, who was then a 13-year-old seventh grader at Lewes Middle School in Lewes, Delaware. Samuel won the Delaware VFW’s Youth Essay Contest that year with a powerful presentation titled “How Should We Honor America’s Veterans”? Samuel’s essay pointed out that we have Nurses’ Week, Secretaries’ Week, and Teachers’ Week, to rightly emphasize the importance of these occupations, but the contributions of those in uniform tend to be overlooked. We don’t want our children growing up to think that Veterans Day has simply become a synonym for a department store sale, and we don’t want to become a nation where more high school seniors recognize the name Britney Spears than the name Dwight Eisenhower.

National Veterans Awareness Week complements Veterans Day by focusing on education as well as commemoration, on the contributions of the many in addition to the heroism and service of the individual. National Veterans Awareness Week also presents an opportunity to remind ourselves of the contributions and sacrifices of those who have served in peacetime as well as in conflict; both groups work unending hours and spend long periods away from their families under conditions of great discomfort so that we all can live in a land of freedom and plenty.

Last year, my resolution designating National Veterans Awareness Week was approved in the Senate by unanimous consent. Responding to that resolution, President Bush issued a proclamation urging our citizenry to observe National Veterans Awareness Week. I ask my colleagues to continue this trend of support for our veterans by endorsing this resolution again this year. Our children and our children’s children will need to be well informed about what veterans have accomplished in order to make appropriate decisions as they confront the numerous worldwide challenges that they are sure to face in the future.

SENATE RESOLUTION 508—DESIGNATING OCTOBER 20, 2006 AS “NATIONAL MAMMOGRAPHY DAY”

Mr. BIDEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 508

Whereas, according to the American Cancer Society, in 2006, 212,920 women will be diagnosed with breast cancer and 40,970 women will die from that disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that, in nearly 500,000 of those cases, the cancer resulted in death;

Whereas African-American women suffer a 30 percent greater mortality rate from breast cancer than White women and more than a 100 percent greater mortality rate from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 20, 2006, as “National Mammography Day”; and

(2) encourages the people of the United States to observe the day with appropriate programs and activities.

Mr. BIDEN. Mr. President, today I am submitting a resolution designating October 20, 2006, as “National Mammography Day.” I might note that I have submitted a similar resolution each year since 1993, and on each occasion the Senate has shown its support for the fight against breast cancer by approving the resolution.

Each year, as I prepare to introduce this resolution, I review the latest information from the American Cancer Society about breast cancer. For the year 2006, it is estimated that nearly 213,000 women will be diagnosed with breast cancer and nearly 41,000 women will die of this disease.

In past years, I have often commented on how gloomy these statistics were. But as I review how these numbers are changing over time, I have come to the realization that it is really more appropriate to be optimistic. The trend over time is that the number of deaths from breast cancer is actually stable or falling from year to year. Early detection of breast cancer continues to result in extremely favorable outcomes: 97 percent of women with localized breast cancer will survive 5 years or longer. New digital techniques

make the process of mammography much more rapid and precise than before. Government programs will provide free mammograms to those who can’t afford them, as well as Medicaid eligibility for treatment if breast cancer is diagnosed. Just last year, the headline on the front page of the Washington Post trumpeted a major improvement in survival of patients with early breast cancer following use of modern treatment regimens involving chemotherapy and hormone therapy. This year, we learned that newer anti-estrogen drugs are effective in preventing breast cancer in high-risk women. Information about treatment of breast cancer with surgery, chemotherapy, and radiation therapy has exploded, reflecting enormous research advances in this disease. So I am feeling quite positive about our battle against breast cancer. A diagnosis of breast cancer is not a death sentence, and I encounter long-term survivors of breast cancer nearly daily.

In recent times, the newspapers have been filled with discussion over whether the scientific evidence actually supports the conclusion that periodic screening mammography saves lives. It seems that much of this controversy relates to new interpretations of old studies, and the relatively few recent studies of this matter have not clarified this issue. Most sources seem to agree that all of the existing scientific studies have some weaknesses, but it is far from clear whether the very large and truly unambiguous study needed to settle this matter definitively can ever be done.

So what is a woman to do? I do not claim any expertise in this highly technical area, so I rely on the experts. The American Cancer Society, the National Cancer Institute, and the U.S. Preventive Services Task Force all continue to recommend periodic screening mammography, and I endorse the statements of these distinguished bodies.

On the other hand, I recognize that some women who examine these research studies are unconvinced of the need for periodic screening mammography. However, even those scientists who do not support periodic mammography for all women believe that it is appropriate for some groups of women with particular risk factors. In agreement with these experts, I encourage all women who have doubts about the usefulness of screening mammography in general to discuss with their individual physicians whether this test is appropriate in their specific situations.

So my message to women is: have a periodic mammogram, or at the very least discuss this option with your own physician.

I know that some women don’t have annual mammograms because of either fear or forgetfulness. It is only human nature for some women to avoid mammograms because they are afraid of what they will find. To those who are fearful, I would say that if you have periodic routine mammograms, and the

latest one comes out positive, even before you have any symptoms or have found a lump on self-examination, you have reason to be optimistic, not pessimistic. Such early-detected breast cancers are highly treatable.

Then there is forgetfulness. I certainly understand how difficult it is to remember to do something that only comes around once each year. I would suggest that this is where National Mammography Day comes in. On that day, let’s make sure that each woman we know picks a specific date on which to get a mammogram each year, a date that she won’t forget: a child’s birthday, an anniversary, perhaps even the day her taxes are due. On National Mammography Day, let’s ask our loved ones: pick one of these dates, fix it in your mind along with a picture of your child, your wedding, or another symbol of that date, and promise yourself to get a mammogram on that date every year. Do it for yourself and for the others that love you and want you to be part of their lives for as long as possible.

And to those women who are reluctant to have a mammogram, I say let National Mammography Day serve as a reminder to discuss this question each year with your physician. New scientific studies that are published and new mammography techniques that are developed may affect your decision on this matter from one year to the next. I encourage you to keep an open mind and not to feel that a decision at one point in time commits you irrevocably to a particular course of action for the indefinite future.

Mr. President, I urge my colleagues to join me in the ongoing fight against breast cancer by cosponsoring and voting for this resolution to designate October 20, 2006, as “National Mammography Day.”

SENATE RESOLUTION 509—DESIGNATING JUNE 21, 2006, AS “NATIONAL PROFESSIONAL MEDICAL CODER DAY”, IN HONOR OF THE DEDICATION AND CONTINUED SERVICE OF PROFESSIONAL MEDICAL CODERS TO THE NATION

Mr. HATCH (for himself, Mr. BENNETT, and Mr. BURR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 509

Whereas professional medical coders are the sentries of our national health;

Whereas medical coders regularly communicate with physicians and other health care professionals to clarify diagnoses or to obtain additional information in the assignment of alpha-numeric codes;

Whereas medical coders stand as the front line against potential Medicare fraud and abuse while assuring that the physician, hospital, and clinic receive the fairest compensation for the services provided;

Whereas medical coders are knowledgeable of medical terminology, anatomy, physiology, and the code sets necessary to serve

effectively in their professional role within the health care community;

Whereas medical coders are team players committed to ethical and sound medical documentation and reimbursement practices;

Whereas medical coders work in a variety of health care environments;

Whereas nearly 40 percent of all medical coders in the United States work in hospitals;

Whereas medical coders also work in the offices of physicians, nursing care facilities, outpatient care centers, and home health care providers;

Whereas insurance firms that offer health plans employ professional medical coders to tabulate and analyze health information;

Whereas medical coders in public health departments supervise data collection from health care institutions and assist in research;

Whereas Department of Defense policy requires accurate and prompt documentation and coding of medical encounters within the military health care system to assist military treatment facility operations;

Whereas employment of professional medical coders is expected to grow through 2012, due to the increasing number of medical tests, treatments and procedures, and the consequent responsibility to provide the best quality health care in a market-driven economy; and

Whereas on National Professional Medical Coder Day we honor these sentries of our medical community and may each be held to the highest standard in the interest of national health and prosperity: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 21, 2006, as “National Professional Medical Coder Day”;

(2) commends professional medical coders for their outstanding contributions to this great Nation;

(3) salutes professional medical coders for their unyielding dedication; and

(4) encourages all Americans to commemorate this occasion with appropriate programs and activities paying tribute to medical coders and honoring all those who protect the Nation’s health.

Mr. HATCH. Mr. President, I am pleased to submit today, along with my colleagues Senator BOB BENNETT and Senator RICHARD BURR, the National Professional Medical Coder Day resolution.

By passing this resolution, Congress will recognize June 21, 2006, as National Professional Medical Coder Day, which will help to raise awareness about the important work that medical coders perform and their dedication to their profession.

There are about 80,000 professional medical coders employed in the United States, and that number is expected to continue to grow due to the increasing number of medical tests, treatments and procedures, and the consequent scrutiny to provide the best quality health care in a market driven economy. Medical coders are a diverse group of women and men dedicated to “running the numbers” of health care. They translate the information that a physician documents during a patient visit into numerical codes that are used for both payment and statistical purposes.

Medical coders are sentries of our Nation’s health. They communicate regularly with physicians and other health

care professionals to clarify diagnoses or to obtain additional information in the assignment of alphanumeric codes. They are knowledgeable of medical terminology, anatomy, physiology, and the code sets necessary to serve effectively in their professional role within the health care community. They are team players committed to ethical and sound medical documentation and reimbursement practices.

Medical coders work in a variety of health care environments. Nearly 40 percent of all coding jobs are in hospitals. Others work in the offices of physicians, nursing care facilities, outpatient care centers, and home health care services. Insurance firms that offer health plans employ coders to tabulate and analyze health information. Medical coders in public health departments supervise data collection from health care institutions and assist in research. The Department of Defense policy requires accurate and prompt documentation of and coding of medical encounters within the Military Health System to assist Military Treatment Facility operations. The compliance plan for third-party payers of the Department of Health and Human Services, Office of the Inspector General acknowledges the specialized training of medical coders required due to the greater legal exposure related to coding medical services. Coders also stand as the front line against the potential fraud and abuse of the Medicare and Medicaid Programs while assuring that the physicians, hospitals, and clinics receive accurate compensation for the services provided.

The abilities coders possess to collect data about diagnoses and procedures figure prominently within my own interests for quality health care. Medical coders also provide us with the data we need for making tough choices in health care.

This resolution stems from positive citizen actions. The quest for a national day of recognition began as a grassroots campaign. Over the past 4 years, medical coders from around the country have gathered support through a national petition and State proclamations crediting the work of their coders. The Secretary of the Department of Health and Human Services Michael Leavitt made Utah the very first State to honor coders when, as Governor, he signed on April 15, 2003, a proclamation declaring a day of honor for coders in Utah. Since then, 28 other States have signed similar proclamations. The State of Florida was the most recent addition to their campaign, and medical coders continue their efforts in achieving recognition at the State level. Let us now recognize their efforts as a nation.

It is my hope that this resolution will help advance the recognition of professional medical coders; and, therefore, the attention given to their commendable work. It recognizes contributions to the national health care sys-

tem and it reminds us of medical coders’ dedication to the value of hard work in the interest of a national priority—quality health care for everyone. I applaud that contribution and am hopeful that the Senate will pass this resolution marking June 21, 2006, as National Medical Coder Day.

SENATE RESOLUTION 510—DESIGNATING THE PERIOD BEGINNING ON JUNE 28, 2006, AND ENDING ON JULY 5, 2006, AS “NATIONAL CLEAN BEACHES WEEK”, SUPPORTING THE GOALS AND IDEALS OF THAT WEEK, AND RECOGNIZING THE CONSIDERABLE VALUE AND ROLE OF BEACHES IN THE CULTURE OF THE UNITED STATES

Mr. MARTINEZ (for himself, Mr. LAUTENBERG, Ms. SNOWE, Ms. STABENOW, Mr. MENENDEZ, Mr. LOTT, and Mrs. DOLE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 510

Whereas, according to the document entitled “Turning to the Sea: America’s Ocean Future”, published by the National Oceanic and Atmospheric Administration, coastal areas produce 85 percent of all tourism revenue in the United States and beaches are the leading tourism destination in the country;

Whereas beaches provide recreational opportunities for numerous citizens and their families, as well as international tourists who, according to the document entitled “The Beach and Your Coastal Watershed” (EPA document number 842-F-98-010), published by the Environmental Protection Agency, together make almost 2,000,000,000 trips to the beach each year to fish, sunbathe, boat, swim, surf, and birdwatch;

Whereas, according to the Army Corps of Engineers, the beaches of the United States are a critical component of the national economy, including global competitiveness;

Whereas beaches represent a critical part of the natural heritage and a beautiful part of the landscape of the United States;

Whereas beaches are sensitive ecosystems that are susceptible to degradation and alteration from pollution, sewage, and improper use;

Whereas coastal tourism and healthy seafood foster robust economies that sustain communities and support jobs throughout the coastal regions of the United States;

Whereas members of the Federal Government, the private sector, nongovernmental organizations, and citizen volunteers have worked hard to clean and protect the beaches of the United States;

Whereas, according to the United States Geological Survey, great progress has been made in understanding the science of watersheds and the connections between inland areas and coastal waters; and

Whereas the Federal Government should develop science-based policies that are commensurate with that knowledge: Now therefore, be it

*Resolved*, That the Senate—

(1) designates the period beginning on June 28, 2006, and ending on July 5, 2006, as “National Clean Beaches Week”;

(2) recognizes—

(A) the value of beaches to the way of life of the citizens of the United States; and

(B) the important contributions of beaches to the economy, recreation, and natural environment of the United States; and

(3) encourages all citizens of the United States to work to keep beaches, a critical part of the natural heritage of the United States, safe and clean for the continued enjoyment of the public.

Mr. MARTINEZ. Mr. President, I rise today to submit a resolution that will honor June 28, 2006 through July 5, 2006 as National Clean Beaches Week.

I want to thank my colleague from New Jersey, Senator LAUTENBERG, for agreeing to cosponsor this resolution with me as well as Senators SNOWE, LOTT, MENENDEZ, and STABENOW so we as a nation can recognize the incredible importance beaches and coastal areas have not only for our economy but our Nation's recreational, aesthetic, and environmental wellbeing.

According to data provided by the National Oceanic and Atmospheric Administration, 85 percent of tourism revenue generated in the U.S. comes from coastal areas. The Environmental Protection Agency has also stated that a staggering 2 billion trips are made by Americans to beaches and coastal areas to fish, swim, surf, sunbathe, recreate, and enjoy our Nation's beautiful scenery.

Every year roughly 80 million people visit the Sunshine State to enjoy its beautiful beaches, exciting amusement parks, and wonderfully abundant wildlife and natural splendor. The tourism industry alone directly employs nearly 840,000 Floridians and provides an economic impact of \$57 billion to our State's economy. Of the 80 million visitors, a great deal came to Florida to enjoy its pristine coastline and wonderful climate. Families return, year after year, to their favorite vacation spots to relax under our brilliant blue skies, powdery white beaches, and crystal-clear emerald waters. The people of Florida share a love and appreciation of the Atlantic Ocean and the Gulf of Mexico, its coastal habitat, and our wetlands which make it a very complex ecosystem and a very special place to live.

Our beaches and coastline in Florida are very important to the people of Florida. The resolution I submit today will support a national effort to recognize the importance of keeping our beaches clean and vibrant, to continue to support our Nation's ecological treasures for future generations to enjoy, and to encourage Americans of all ages and backgrounds to marvel at their splendor. I urge my colleagues to become a cosponsor and support designating June 28th through July 5th 2006, as National Clean Beaches Week.

SENATE RESOLUTION 511—COMMENDING AND SUPPORTING RADIO AL MAHABA, THE 1ST AND ONLY RADIO STATION FOR THE WOMEN OF IRAQ

Mrs. CLINTON (for herself and Mr. HATCH) submitted the following resolu-

tion; which was referred to the Committee on Foreign Relations:

S. RES. 511

Whereas Radio Al Mahaba, the 1st and only radio station for the women of Iraq, went on the air for the 1st time on April 1, 2005;

Whereas Radio Al Mahaba is an educational tool that—

(1) is broadcast in 3 different languages; and

(2) provides the women of Iraq with an opportunity to voice their opinions and listen to the opinions of others;

Whereas Radio Al Mahaba airs shows that are dedicated to the rights and issues of women;

Whereas those shows are devoted to issues relating to personal relationships, parenting, and other social topics;

Whereas, despite terrible risks, the staff of Radio Al Mahaba continues to provide the women of Iraq with hope, knowledge, empowerment, support, and a vision of freedom;

Whereas, amid the struggles in Iraq, Radio Al Mahaba has followed the democratic principles of free speech and free press championed by the United States, thereby encouraging the people of Iraq to build an open and democratic civil society;

Whereas Radio Al Mahaba plays a positive and important role in educating the women of Iraq;

Whereas Radio Al Mahaba provides women with an opportunity to exercise their freedom of speech;

Whereas Radio Al Mahaba enables the women of Iraq to secure their role in the civil society of Iraq; and

Whereas Radio Al Mahaba meets a palpable need of the women of Iraq: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the efforts of Radio Al Mahaba to provide the women of Iraq with an opportunity to—

(A) exercise their freedom of speech; and

(B) be included in, and informed of, the reconstruction of Iraq;

(2) supports the mission of Radio Al Mahaba; and

(3) urges Radio Al Mahaba to continue its important efforts to help create an open, free, and democratic society in Iraq.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4209. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 4210. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4211. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4212. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4213. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4214. Mr. DEWINE (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4215. Mr. JEFFORDS (for himself, Mr. FEINGOLD, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4216. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4217. Mr. THUNE (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4218. Mr. SALAZAR (for himself, Mr. ALLARD, Mr. BUNNING, Mr. MCCONNELL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4219. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4220. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4209. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, insert the following:

**SEC. 1084. SENSE OF CONGRESS REGARDING THE MEN AND WOMEN OF THE ARMED FORCES OF THE UNITED STATES IN IRAQ.**

(a) FINDINGS.—Congress makes the following findings:

(1) In 2003, members of the Armed Forces of the United States successfully liberated the people of Iraq from the tyrannical regime of Saddam Hussein.

(2) Members of the Armed Forces of the United States have bravely risked their lives everyday over the last 3 years to protect the people of Iraq from terror attacks by Al Qaeda and other extremist organizations.

(3) Members of the Armed Forces of the United States have conducted dozens of operations with coalition forces to track, apprehend, and eliminate terrorists in Iraq.

(4) Members of the Armed Forces of the United States have helped sustain political progress in Iraq by assisting the people of Iraq as they exercised their right to choose their leaders and draft their own constitution.

(5) Members of the Armed Forces of the United States have taught over 150,000 soldiers of Iraq to respect civilian authority, conduct counter-insurgency operations, provide meaningful security, and protect the people of Iraq from terror attacks.

(6) Members of the Armed Forces of the United States have built new schools, hospitals, and public works throughout Iraq.

(7) Members of the Armed Forces of the United States have helped rebuild Iraq's dilapidated energy sector.

(8) Members of the Armed Forces of the United States have restored electrical power and sewage waste treatment for the people of Iraq.

(9) Members of the Armed Forces of the United States have established lasting and productive relationships with local leaders in Iraq and secured the support of a majority of the populace of Iraq.

(10) Members of the Armed Forces of the United States have courageously endured sophisticated terror tactics, including deadly car-bombs, sniper attacks, and improvised explosive devices.

(11) Members of the Armed Forces of the United States have paid a high cost in order to defeat the terrorists, defend innocent civilians, and protect democracy from those who desire the return of oppression and extremism to Iraq.

(12) Members of the Armed Forces of the United States have performed their duty in Iraq with an unflagging commitment to the highest ideals and traditions of the United States and the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the men and women in uniform of the Armed Forces of the United States in Iraq should be commended for their on-going service to the United States, their commitment to the ideals of the United States, and their determination to win the Global War on Terrorism;

(2) gratitude should be expressed to the families of the Armed Forces of the United States, especially those families who have lost loved ones in Operational Iraqi Freedom; and

(3) the people of the United States should honor those who have paid the ultimate sacrifice and assist those families who have loved ones in the Armed Forces of the United States deployed overseas.

**SA 4210.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 587. SENSE OF SENATE ON NOTICE TO CONGRESS OF RECOGNITION OF MEMBERS OF THE ARMED FORCES FOR EXTRAORDINARY ACTS OF BRAVERY, HEROISM, AND ACHIEVEMENT.**

It is the sense of the Senate that the Secretary of Defense or the Secretary of the military department concerned should, upon awarding a medal to a member of the Armed Forces or otherwise commending or recognizing a member of the Armed Forces for an act of extraordinary heroism, bravery, achievement, or other distinction, notify the Committee on Armed Services of the Senate and House of Representatives, the Senators from the State in which such member resides, and the Member of the House of Representatives from the district in which such member resides of such extraordinary award, commendation, or recognition.

**SA 4211.** Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title X, add the following:

**SEC. 1013. NAMING OF CVN-78 AIRCRAFT CARRIER AS THE U.S.S. GERALD FORD.**

(a) FINDINGS.—Congress makes the following findings:

(1) Gerald R. Ford has served his country with honor and distinction for the past 64 years, and continues to serve.

(2) Gerald R. Ford joined the United States Naval Reserve in 1942 and served valiantly at sea on the U.S.S. Monterey (CVL-26) during World War II, taking part in major operations in the Pacific, including at Makin Island, Kwajalein, Truk, Saipan, and the Philippine Sea.

(3) The U.S.S. Monterey earned 10 battle stars, awarded for participation in battle, while Gerald R. Ford served on the vessel.

(4) Gerald R. Ford was first elected to the House of Representatives in 1948.

(5) In the course of 25 years of service in the House of Representatives, Gerald R. Ford distinguished himself by his exemplary record for character, decency, and trustworthiness.

(6) Throughout his service in Congress, Gerald R. Ford was an ardent proponent of strong national defense and international leadership by the United States.

(7) From 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives, raising the standard for bipartisanship in his tireless fight for freedom, hope, and justice.

(8) In 1973, Gerald R. Ford was appointed by President Nixon to the office of Vice President of the United States with the overwhelming support of Congress.

(9) From 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office during one of the most challenging periods in the history of the United States and restoring the faith of the people of the United States in the office of the President through his steady leadership, courage, and ultimate integrity.

(10) President Gerald R. Ford helped restore the prestige of the United States in the world community by working to achieve peace in the Middle East, preserve détente with the Soviet Union, and set new limits on the spread of nuclear weapons.

(11) President Gerald R. Ford served as Commander in Chief of the Armed Forces of the United States with great dignity, supporting a strong Navy and a global military presence for the United State and honoring the men and women of the Armed Forces of the United States.

(12) Since leaving the office of President, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, a strong supporter of human rights, and a promoter of higher education.

(13) Gerald R. Ford was awarded the Medal of Freedom and the Congressional Gold Medal in 1999 in recognition of his contribution to the Nation.

(14) As President, Gerald R. Ford bore the weight of a constitutional crisis and guided the Nation on a path of healing and restored hope, earning forever the enduring respect and gratitude of the Nation.

(b) NAMING OF CVN-78 AIRCRAFT CARRIER.—CVN-78, a nuclear powered aircraft carrier of the Navy, shall be named the U.S.S. Gerald Ford.

**SA 4212.** Mrs. CLINTON submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 587. COLD WAR SERVICE MEDAL.**

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1135. Cold War service medal**

“(a) MEDAL AUTHORIZED.—The Secretary concerned shall issue a service medal, to be known as the ‘Cold War service medal’, to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

“(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War service medal:

“(1) A person who—

“(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

“(B) completed the person’s initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

“(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

“(2) A person who—

“(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

“(B) completed the person’s initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

“(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

“(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any person.

“(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person described in subsection (b) dies before being issued the Cold War service medal, the medal shall be issued to the person’s representative, as designated by the Secretary concerned.

“(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

“(f) APPLICATION FOR MEDAL.—The Cold War service medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

“(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

“(h) DEFINITION.—In this section, the term ‘Cold War’ means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1135. Cold War service medal.”.

**SA 4213.** Mrs. CLINTON submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 569. REVIEW OF LEGAL STATUS OF JUNIOR ROTC PROGRAM.**

(a) **REVIEW.**—The Secretary of Defense shall conduct a review of the 1976 legal opinion issued by the General Counsel of the Department of Defense regarding instruction of non-host unit students participating in Junior Reserve Officers’ Training Corps programs. The review shall consider whether changes to law after the issuance of that opinion allow in certain circumstances for the arrangement for assignment of instructors that provides for the travel of an instructor from one educational institution to another once during the regular school day for the purposes of the Junior Reserve Officers’ Training Corps program as an authorized arrangement that enhances administrative efficiency in the management of the program. If the Secretary, as a result of the review, determines that such authority is not available, the Secretary should also consider whether such authority should be available and whether there should be authority to waive the restrictions under certain circumstances.

(b) **REPORT.**—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review not later than 180 days after the date of the enactment of this Act.

(c) **INTERIM AUTHORITY.**—A current institution that has more than 70 students and is providing support to another educational institutional with more than 70 students and has been providing for the assignment of instructors from one school to the other may continue to provide such support until 180 days following receipt of the report under subsection (b).

**SA 4214.** Mr. DEWINE (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

RICKENBACKER AIRPORT, COLUMBUS, OHIO

**SEC. \_\_\_\_\_.** The project numbered 4651 in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1434) is amended by striking “Grading, paving” and all that follows through “Airport” and inserting “Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, OH”.

**SA 4215.** Mr. JEFFORDS (for himself, Mr. FEINGOLD, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_ PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.**

(a) **FEDERAL EMPLOYEES PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **CAREGIVER.**—The term “caregiver” means an individual who—

- (i) is an employee;
- (ii) is at least 21 years of age; and
- (iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) **COVERED PERIOD OF SERVICE.**—The term “covered period of service” means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) **EMPLOYEE.**—The term “employee” has the meaning given under section 6331 of title 5, United States Code.

(D) **FAMILY MEMBER.**—The term “family member” includes—

- (i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and
- (ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) **QUALIFIED MEMBER OF THE ARMED FORCES.**—The term “qualified member of the Armed Forces” means—

- (i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or
- (ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) **ESTABLISHMENT OF PROGRAM.**—The Office of Personnel Management shall establish a program to authorize a caregiver to—

(A) use any sick leave of that caregiver during a covered period of service in the same manner and to the same extent as annual leave is used; and

(B) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.

(3) **DESIGNATION OF CAREGIVER.**—

(A) **IN GENERAL.**—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) **DESIGNATION OF SPOUSE.**—Notwithstanding paragraph (1)(A)(ii), an individual

less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) **USE OF CAREGIVER LEAVE.**—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) **REGULATIONS.**—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(6) **TERMINATION.**—The program under this subsection shall terminate on December 31, 2007.

(b) **VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.**—

(1) **DEFINITIONS.**—

(A) **CAREGIVER.**—The term “caregiver” means an individual who—

- (i) is an employee;
- (ii) is at least 21 years of age; and
- (iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) **COVERED PERIOD OF SERVICE.**—The term “covered period of service” means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) **EMPLOYEE.**—The term “employee” means an employee of a business entity participating in the program under this subsection.

(D) **FAMILY MEMBER.**—The term “family member” includes—

- (i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and
- (ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) **QUALIFIED MEMBER OF THE ARMED FORCES.**—The term “qualified member of the Armed Forces” means—

- (i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or
- (ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) **ESTABLISHMENT OF PROGRAM.**—

(A) **IN GENERAL.**—The Secretary of Labor shall establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service in the same manner and to the same extent as annual leave (or its equivalent) is used.

(B) **EXCEPTION.**—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) **VOLUNTARY BUSINESS PARTICIPATION.**—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) **DESIGNATION OF CAREGIVER.**—

(A) **IN GENERAL.**—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member

of the Armed Forces during a covered period of service to the employing business entity.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2007.

(c) GAO REPORT.—Not later than June 30, 2007, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

**SA 4216.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 437, between lines 2 and 3, insert the following:

**SEC. 1084. POSSESSION OF MACHINEGUNS BY LICENSED MANUFACTURERS AND LICENSED IMPORTERS.**

Section 922(o)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) a transfer to, or possession by, a licensed manufacturer or a licensed importer for purposes of conducting research, development, or testing of firearms or ammunition for law enforcement or military use; or”.

**SA 4217.** Mr. THUNE (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 352. REPORT ON AERIAL TRAINING AIRSPACE REQUIREMENTS OF THE DEPARTMENT OF DEFENSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Access to and use of available and unfettered aerial training airspace is critical for preserving aircrew warfighting pro-

iciency and the ability to test, evaluate, and improve capabilities of both personnel and equipment within the most realistic training environments possible.

(2) The growth of civilian and commercial aviation traffic and the rapid expansion of commercial and general air traffic lanes across the continental United States has left few remaining areas of the country available for realistic air combat training or expansion of existing training areas.

(3) Many Military Operating Areas (MOAs) originally established in what was once open and uncongested airspace are now encroached upon by a heavy volume of commercial and general air traffic, making training more difficult and increasingly hazardous.

(4) Some aerial training areas in the upper great plains, western States, and Gulf coast remain largely free from encroachment and available for increased use, expansion, and preservation for the future.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) establish a policy to identify military aerial training areas that are projected to remain viable and free from encroachment well into the 21st century;

(2) determine aerial training airspace requirements to meet future training and airspace requirements of legacy and next generation military aircraft; and

(3) undertake all necessary actions in a timely manner, including coordination with the Federal Aviation Administration, to expand and preserve those areas of airspace to meet present and future training requirements.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a proposed plan to preserve and expand available aerial training airspace to meet the projected needs of the Department of Defense for such airspace through 2025.

**SA 4218.** Mr. SALAZAR (for himself, Mr. ALLARD, Mr. BUNNING, Mr. MCCONNELL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 437, between lines 2 and 3, insert the following:

**SEC. 1084. SENSE OF THE SENATE ON DESTRUCTION OF CHEMICAL WEAPONS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the “Chemical Weapons Convention”), requires all United States chemical weapons stockpiles be destroyed by no later than the extended deadline of April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms

control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention;

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent further delays in the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees separately or as part of another required report; and

(3) the Secretary of Defense should make every effort to ensure adequate funding to complete the elimination of the United States chemical weapons stockpile in the shortest time possible, consistent with the requirement to protect public health, safety, and the environment.

**SA 4219.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 648. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.**

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking “have a death gratuity paid” and inserting “have fallen hero compensation paid”.

(2) In section 1476(a)—

(A) in paragraph (1), by striking “a death gratuity” and inserting “fallen hero compensation”; and

(B) in paragraph (2), by striking “A death gratuity” and inserting “Fallen hero compensation”.

(3) In section 1477(a), by striking “A death gratuity” and inserting “Fallen hero compensation”.

(4) In section 1478(a), by striking “The death gratuity” and inserting “The amount of fallen hero compensation”.

(5) In section 1479(1), by striking “the death gratuity” and inserting “fallen hero compensation”.

(6) In section 1489—

(A) in subsection (a), by striking “a gratuity” in the matter preceding paragraph (1) and inserting “fallen hero compensation”; and

(B) in subsection (b)(2), by inserting “or other assistance” after “lesser death gratuity”.

(b) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENTS.—Such subchapter is further amended by striking “Death Gratuity:” each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting “Fallen Hero Compensation:”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of such subchapter is amended by striking “Death gratuity:” in the items relating to sections 1474 through 1480 and 1489 and inserting “Fallen hero compensation:”.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

**SA 4220.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 352. REPORT ON HIGH ALTITUDE AVIATION TRAINING SITE, EAGLE COUNTY, COLORADO.**

(a) REPORT REQUIRED.—Not later than December 15, 2006, the Secretary of the Army shall submit to the congressional defense committees a report on the High Altitude Aviation Training Site (HAATS) in Eagle County, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the type of high altitude aviation training being conducted at the High Altitude Aviation Training Site, including the number of pilots who receive such training on an annual basis and the types of aircraft used in such training.

(2) A description of the number and type of helicopters required at the High Altitude Aviation Training Site to provide the high altitude aviation training needed to sustain the war strategies contained in the 2006 Quadrennial Defense Review, assuming that priority is afforded in the provision of such training to commanders, instructor pilots, aviation safety officers, and deploying units.

(3) A thorough evaluation of accident rates for deployed helicopter pilots of the Army who receive high altitude aviation training at the High Altitude Aviation Training Site, and accident rates for deployed Army helicopter pilots who did not receive such training, including the following:

(A) An estimate (set forth as a range) of the number of accidents attributable to power management.

(B) The number of accidents occurring in a combat environment.

(C) The number of accidents occurring in a non-combat environment.

(4) An evaluation of the inventory and availability of Army aircraft for purposes of establishing an appropriate schedule for the assignment of a CH-47 aircraft to the High Altitude Aviation Training Site.

(5) A description of the status of efforts to ensure that all helicopter aircrews deployed to the area of responsibility of the Central Command (CENTCOM AOR) are qualified in mountain flight and power management through the High Altitude Aviation Training Site prior to deployment, with particular focus on the status of such efforts with respect to aircrews to be deployed in support of Operation Enduring Freedom.

(c) TRACKING SYSTEM.—The Secretary shall implement a system for tracking the train-

ing of helicopter pilots of the Army at the High Altitude Aviation Training Site. The system shall utilize an existing system that permits the query of pilot flight experience and training.

**NOTICE OF HEARING**

**COMMITTEE ON INDIAN AFFAIRS**

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 14, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 374, the Tribal Parity Act and S. 1535, the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2005.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

**COMMITTEE ON INDIAN AFFAIRS**

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 21, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 480, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2005, and S. 437, the Grand River Band of Ottawa Indians of Michigan Referral Act.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

**COMMITTEE ON INDIAN AFFAIRS**

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 22, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting voting out the report on the Indian Lobbying Misconduct Investigation, and other pending matters.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

**COMMITTEE ON INDIAN AFFAIRS**

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 28, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Native American Housing Programs.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

**SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS**

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, June 21st, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the Government Accountability Office report entitled “Wildland Fire Suppression—Lack of Clear Guidance Raises Concerns about Cost Sharing be-

tween Federal and Nonfederal Entities” (GAO-06-570).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Frank Gladics at 202-224-2878 or Sara Zecher 202-224-8276.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday, June 13, 2006, at 10 a.m. in 328A, Senate Russell Office Building. The purpose of this committee hearing will be to discuss United States Department of Agriculture Farm Loan Programs.

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 13, 2006, at 10 a.m. on the Committee Update of S. 2686 Consumer's Choice and Broadband Deployment Act of 2006.

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

**COMMITTEE ON FINANCE**

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 13, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on “A Tune-Up On Corporate Tax Issues: What's Going On Under The Hood?”

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 13, 2006, at 9:30 a.m., to hold a hearing on “Counterterrorism: The Changing Face of Terror.”

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

**COMMITTEE ON THE JUDICIARY**

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on “Examining the Continuing Need for Voting Rights Act Section 203's Provisions Regarding Bilingual Election Materials” on Tuesday, June 13, 2006, at

9:30 a.m., in Dirksen Senate Office Building Room 226.

#### Witness List

Panel I: John Transviña, President, Mexican American Legal Defense and Education Fund (MALDEF), Los Angeles, CA; Margaret Fung, Executive Director, Asian American Legal Defense and Education Fund, New York, NY; Mauro E. Mujica, Chairman of the Board and CEO, U.S. English, Washington, DC; Deborah Wright, Acting Assistant Registrar-Recorder, Department of Registrar-Recorder, Los Angeles, CA; Peter N. Kirsanow, Member, National Labor Relations Board, Commissioner, United States Commission on Civil Rights, Cleveland, OH.

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

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 13, 2006, at 2:30 p.m., to hold a closed briefing.

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

#### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, June 13, 2006, at 2:30 p.m., for a hearing regarding "Autopilot Budgeting: Will Congress Ever Respond to Government Performance Data?"

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

#### PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that a military fellow, Scott Fisher, be granted floor privileges during the duration of our consideration of the Defense authorization bill.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that Dr. Jonathan Epstein, a legislative fellow in Senator BINGAMAN's office, be given floor privileges during the pendency of S. 2766 and any votes thereon.

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

Mr. SMITH. Mr. President, I ask unanimous consent that Matt Goodman and Jonathan Price, interns in my office, be granted the privileges of the floor for the remainder of the day.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's executive calendar: No. 705, Charles Rosenberg. I further ask unanimous consent that the nomination be confirmed, the motion 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 nomination considered and confirmed is as follows:

#### DEPARTMENT OF JUSTICE

Charles P. Rosenberg, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

#### LEGISLATIVE SESSION

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

#### ORDERS FOR WEDNESDAY, JUNE 14, 2006

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 14. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes with the first 15 minutes under the control of the Democratic leader or his designee and the final 15 minutes under the control of the majority leader or his designee; further that following morning business, the Senate then resume consideration of the conference report to accompany

H.R. 4939, the emergency supplemental appropriations bill, as under the previous order.

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

#### PROGRAM

Mr. COCHRAN. Today the Senate continued to debate the Department of Defense authorization bill. There are two amendments pending, and the chairman will be working with the ranking member to dispose of those amendments. Senators who have amendments to this bill are encouraged to work with the bill managers in order to get their amendments lined up to be offered. We have briefly interrupted work on this bill to turn to the emergency supplemental appropriations conference report that was made available earlier today. The vote on the conference report will occur at 10 a.m. on Thursday morning. Additional votes will also occur on Wednesday relating to Defense authorization amendments.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 4939

Mr. COCHRAN. Mr. President, I ask unanimous consent that the 75 minutes controlled by the ranking member on the supplemental appropriations conference report be controlled as follows: Mr. REID, 10 minutes; Ms. LANDRIEU, 20 minutes; Mr. DURBIN, 15 minutes; Mr. DAYTON, 10 minutes; Mr. HARKIN, 15 minutes; Mr. AKAKA, 5 minutes.

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

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 7:15 p.m., adjourned until June 14, 2006, at 9:30 a.m.

#### CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, June 13, 2006:

#### DEPARTMENT OF JUSTICE

CHARLES P. ROSENBERG, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.