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Senate

(Legislative day of Thursday, July 27, 2006)

The Senate met at 10 a.m., on the expiration of the recess, 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.

Father, thank You for today. May we receive the gift of this day thoughtfully, graciously, and gratefully. Thank You for the love of family, for the joy of good health, for the thirst for goodness and truth.

Sustain our Senators in their work. May they be stewards of love, grace, compassion, and patience. Let them never lack the courage or the will to do Your work. Show them the things that must be changed that they may not hinder Your plan. Illumine their path so that they will know how to live for Your glory.

We pray in Your sacred 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 as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 28, 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.

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 with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. MCCONNELL. Mr. President, today, as you just announced, we have a period of morning business. Senators may wish to come to the floor to continue debate on the Gulf of Mexico Energy Security bill. I remind everyone we will have a vote on Monday on the motion to invoke cloture on the energy bill. That is Monday afternoon. Senators should anticipate the vote will occur around 5:30. Again, that is Monday afternoon. Therefore, all Senators should adjust their schedules to be here for this extremely important vote. This is one of the more significant measures we will be dealing with here in the Senate this year. This critically important vote will be at 5:30 Monday afternoon.

I will have more to say on Monday's schedule later when we wrap up the session.

I yield the floor.

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.

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

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

VIOLENCE IN THE MIDDLE EAST

Ms. STABENOW. Mr. President, I rise today with a heavy heart concerning the violence taking place in Israel and Lebanon. On July 12, Hezbollah committed a reckless act of aggression against Israel by killing eight soldiers and kidnapping two others.

Following this outrageous act, I joined with all of my colleagues in the Senate to support a resolution reaffirming Israel's rights to defend itself. I stand by that commitment, because Hezbollah and its large cache of arms is a threat to Israel and to America.

But I also watched the last 2 weeks, and those last 2 weeks have brought bloodshed on both sides of the Israel-Lebanon border—innocent people dying, families being torn apart, communities being destroyed. It has gone on too long, and it must stop.

I am proud to represent the great State of Michigan. When you come from Michigan, violence in the Middle East isn't just a news story. It isn't just "over there." It is here, and it affects thousands of people—friends of mine, people whom I know and respect. In the case of Lebanon and Israel, this

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



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violence affects mothers, fathers, sisters, brothers, children, and whole communities on both sides.

Some people call Bint Jubail a Hezbollah stronghold—and I understand that. But 15,000 of my constituents call it their hometown. In fact, Dearborn, MI is home to the Bint Jubail Cultural Center that provides sort of a home away from home for many families.

Tragically, many Michigan families, their relatives, and their loved ones are trapped in Bint Jubail at this moment. They are caught in heavy fighting between Hezbollah and Israel, and people are dying on both sides. Today I pray for them and grieve with their families.

The lucky ones were able to get out—such as Rania Horani from Dearborn who was vacationing with her family in Bint Jubail when the fighting broke out. Fortunately, Rania was evacuated, but she spoke to the Associated Press about this terrifying experience. She said:

You're waiting, you're scared, you don't know if you are going to die. But you have to get out because you're going to die either from starvation, fear, stress, or a bomb. Thank God we're [in Cyprus].

We share that sentiment.

But the tragedy continues for hundreds of others stuck in Bint Jubail right now. The State Department must not stop the evacuations until every American and their family is safely out of Lebanon.

Last evening I spoke with one of the assistant Secretaries of State about American citizens and their family members who are still there. And I appreciate the attention of the assistant Secretary and of the Embassy, but we can not stop the ships.

We can not stop the rescue missions until all Americans and their families can come home. Too many people are still stuck there.

On the Israeli side, there is also too much destruction and loss of life. I understand how they must feel. Thousands of Americans fear for their families. Thousands of people in Michigan, friends of mine, hundreds of Michigan teenagers were evacuated in the middle of a summer trip to Israel because they were close to Hezbollah rocket attacks. I know their families and the fear of their moms and dads about whether their children would come home safely from a summer trip.

Brandon Lebowitz, a student at West Bloomfield High School, was a few miles away from the bombings in Tiberius. He talked about his harrowing experience:

We saw the missiles hitting the city and the smoke and we heard them from across the sea. We were pretty close to the missiles exploding.

I know how I would feel if that were my son.

Innocent Americans from both sides of the Israeli-Lebanese border have fled to Michigan, have come back home to escape the violence, watch the news every day, waiting to see what will happen to their families.

Unfortunately, many civilians did not escape the violence. Over 400 Israelis and Lebanese have died in the fighting. This has got to stop. The U.S. Government must push hard to stop the hostilities and the violence against innocent citizens. Innocent citizens are being killed in Lebanon and in Israel. I believe it is our responsibility to stand up and do everything possible to bring that violence to an end. That is why I am pleased to be a cosponsor of a resolution with Senator DODD, my colleague, Senator LEVIN, and Senator SUNUNU that expresses support to attain a cessation in hostilities between Hezbollah and Israel. We know this is not easy, but we know innocent people—families, Americans—are counting on us to show leadership.

Regrettably, over the last 5 years our Government has not played the leadership role so critical in the Middle East, the leadership role played by every other administration, whether Democrat or Republican. It is time to assert our leadership and put a stop to the violence as soon as possible. The innocent people of Lebanon and Israel have had enough of the violence and bloodshed. It is time for them to be able to live their lives in peace.

I yield the floor and 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. LEAHY. 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. LEAHY. Mr. President, what is the parliamentary situation in the Senate?

The ACTING PRESIDENT pro tempore. The Senate is in morning business with 10 minutes for Senators to speak therein.

THE AUGUST RECESS

Mr. LEAHY. Mr. President, I thank the distinguished Presiding Officer. I commend him for his duty in the chair on a Friday morning where the smell of jet fumes have proven an allure to many of our colleagues in both parties who have headed off. I might say to my friend, the distinguished Presiding Officer, I do realize he cannot respond from the chair, but all of us look forward to that time. I am willing to spend the month of August in my own State of Vermont.

I said to somebody that we make sacrifices in these jobs, and they suggested the idea of being in Vermont for a month, which is one of the prettiest times of the year up there, was probably not the world's greatest sacrifice. I invite the Presiding Officer and anybody else to come up and visit. You don't have to wear a tie, and you can go to county fairs. Most of the people at the county fairs are Republicans,

but most of them vote for me, so I am delighted to go there. They would vote for the distinguished Presiding Officer, too.

PRESIDENTIAL SIGNING STATEMENTS

Mr. LEAHY. Mr. President, today, I sent a letter to President Bush. In it I urged him to cease and desist from what has become an abuse of Presidential signing statements. I first began drawing attention to these matters 4 years ago, in 2002. I hoped they would end at that time; instead, the abuses have mounted. Outstanding reporters, such as Charles Savage of the Boston Globe, have taken note of this important matter. They have reported on particular examples of egregious signing statements by which the President attempts to rewrite our laws. Editorial boards across the country have become increasingly critical, and I would say increasingly alarmed.

This week, a distinguished bipartisan task force of the American Bar Association, made up of Republicans and Democrats, all across the political spectrum, released a unanimous report that was highly critical of the President's practice as "contrary to the rule of law and our constitutional system of separation of powers."

With my letter today, I am trying to point the President to a better way. I urge him to raise any constitutional concerns he has with legislation with those of us in Congress while the legislation is pending and early in the process. If we agree with his analysis, we will work together to fix it. But, ultimately, under the Constitution, Congress writes the laws, not the President. Article I of the Constitution gives Congress the powers to write the laws. Article II of the Constitution requires the President to faithfully execute those laws. His oath of office very specifically says he will faithfully execute the laws, not make them.

I speak on this topic again today because of its immediate importance to the reauthorization and revitalization of the Voting Rights Act that we unanimously passed last week. The President signed it into law yesterday. It was 98 to 0 in the Senate. It was passed by an overwhelming bipartisan margin in the other body. I felt privileged to be there when the President signed that law. I talked with him prior to the signing and again after he signed. I complimented him for the words he used in the ceremony when he signed the law. He sounded like a man fully on board and supportive of the findings, purposes and provisions of the law. I said after the signing, while I was there at the White House, that what really struck me the most was the President's saying his administration would "vigorously enforce the provisions of this law and we will defend it in court." I praised President Bush for this statement. I did so again yesterday when the Judiciary Committee met.

I am told that next week the President will issue a Presidential signing statement on the Voting Rights Act reauthorization. I am urging that this not be one of those infamous signing statements where he says something else, seeks to undercut the law, reinterpret it or in any way reduce his responsibility for fully and vigorously enforcing the law and defending and upholding its provisions in legal challenges—the Voting Rights Act especially. This act is something we don't just do for our generation, we do it for our children and our grandchildren in all parts of this country.

What greater right do we have as Americans than the right to vote? We fought a revolution to have that right. We praise other nations when they toss off the shackles of dictatorship and can now vote. Yet in this country, for many decades, generations, large groups of people, because of the color of their skin, were not allowed to vote. Artificial obstructions were placed in the way so they could not vote. We came together, Republicans and Democrats, to say these people would be allowed to vote. The color of their skin will not make a difference. Their ethnic background will not make a difference. They will be able to vote. That is what was signed yesterday on the lawn of the White House.

The Constitution places the law-making power, "All Legislative Powers," in the Congress. That is an Article I power. I believe our Founders made article I to, first and foremost, put the Congress first; the President came next.

We are at a pivotal moment in our Nation's history, where Americans are faced with a President who makes sweeping claims for almost unchecked Executive power.

This administration is now routinely using signing statements to proclaim which parts of the law the President will follow, which parts he will ignore, and which he will reinterpret. This is what I have called "cherry picking." It is wrong.

This President also used signing statements to challenge laws banning torture, laws on affirmative action, and laws that prohibit the censorship of scientific data. In fact, time and time again, this President has stood before the American people and signed laws enacted by their representatives in Congress, while all along crossing his fingers behind his back. I don't want the Voting Rights Act to fall into this area.

Under our constitutional system of Government, when Congress passes a bill and the President signs it into law, that should be the end of the story. At that moment, the President's constitutional duty is to "take care that the Laws be faithfully executed." In fact, that is his duty, which he acknowledged yesterday with respect to the Voting Rights Act. I commend him for that because his article II power, Executive power, is to execute the laws. He doesn't have a legislative power.

I remind the President and this administration of this—and I have been here with six Presidents, Democrats, and Republicans, and I have never seen anything like this in my 32 years in the Senate. I have never seen such a case where an administration has a sense that it is a unitary executive. It is not a unitary executive. The legislative power is vested in the Congress. The judicial power is vested in the judiciary. The power to execute the laws is in the administration. But the Constitution and the President's oath of office say I "shall faithfully execute."

When the President uses signing statements to unilaterally rewrite the laws enacted by the people's Representatives in Congress, he undermines the rule of law and our constitutional checks and balances designed to protect the rights of the American people.

These signing statements are a diabolical device, but this President will continue to use and abuse them if the Republican-controlled Congress lets him. So far, the Congress has done exactly that.

I say this with all due respect to my friends on the other side of the aisle. The Republican-controlled Congress has become a rubberstamp. It does not show the checks and balances that it should. Actually, the President has not been helped because he is falling into the trap of assuming that whatever he does is going to be rubberstamped by the Republican-controlled Congress. I think America can do better. I think America should have a choice. I think America should have a voice. I don't think America should have a rubberstamp for a Congress because whether it is torture, warrantless eavesdropping on American citizens, or the unlawful treatment of military prisoners, the Republican-led Congress has been willing to turn a blind eye and rubberstamp the questionable actions of this administration, regardless of the consequences to our Constitution and civil liberties.

Mr. President, I mentioned that this issue of signing statements is something that has concerned me since 2002. That was also the year that the Bush-Cheney administration was writing secret legal memoranda seeking to justify another form of lawlessness by postulating an unfounded and unconstitutional Commander in Chief override to our laws, and they did this to justify the use of torture.

When that memorandum was exposed to the light of day, not by the rubberstamp Congress, but by the press, the administration had to withdraw it. But we read in a front-page story in the Washington Post today of another ominous development. Apparently, the Bush-Cheney administration lawyers are meeting with Republicans and the Republican-controlled Congress to write immunities and amnesties into the law and to renege on this country's commitment to human rights and the Geneva Convention.

Mr. President, I say, for shame. To think that you can use a rubberstamp

Congress to renege on this country's proud commitment to human rights is another aspect of the lawlessness of this administration. But it will succeed if the Republican-led Congress continues to act as a wholly owned subsidiary of the White House, instead of fulfilling its responsibility as a separate and independent branch of Government intended by the Founders and established by the Constitution to serve as a check on the Executive. I helped write the war crimes law that the Bush-Cheney administration is trying to undermine. In 1996 and 1997, we acted with the support of the Department of Defense to include expressly in our laws culpability for violating human rights in the Geneva Conventions. The United States did that so we could serve as a world leader and as a moral leader.

We have set standards for conduct that we demand others around the world follow. We cannot credibly ask others to meet standards we are unwilling to meet ourselves. Why diminish the moral leadership of the United States by trying to quietly carve out an exception for us, telling the rest of the world to do this but then saying we won't? We have insisted on human rights and the rights of Americans, civilian and military, throughout the world. Let's not tell the rest of the world: It is do as we say, not as we do. More recently, we have seen Abu Ghraib reported detainee abuses, investigations into the deaths of detainees and civilians in war zones, and indictments of American service personnel and contractors. These have all combined to stain America's reputation and role. We must not retreat from the fight for human rights. We must not "cut and run" from our responsibilities as the world leader and the world's only superpower.

The American military men and women are the finest in the world. They have been trained to respect human rights, and they do so. They need not fear laws against brutality and inhumanity. We, the United States, helped develop and then endorse the Geneva Conventions to set standards to protect our own troops. To walk away from these protections would be to "cut and run" and walk away from our men and women in uniform. Pulling a thread from this cloak of protection risks beginning a process of unraveling the entire fabric to the detriment of our troops and to the great shame of the United States.

It is disheartening to read that the highest law enforcement officer in the country is leading an effort to undercut the rule of law. Rather than enforce the law as he is sworn to do, he is reportedly seeking to undermine it. Instead of ignoring the laws we have long honored, our leaders should be obeying them, not obfuscating or creating loopholes in them. They should be saying nobody, not even the President of the United States, is above the law. The Attorney General of the United States

is not an in-house counsel to the President or consigliere to the Vice President and Secretary of Defense. His constitutional responsibility is to enforce the law. They seem to have forgotten this, and I am speaking today to remind them of their sworn duty.

Mr. President, before yielding the floor, I ask that a series of items be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 28, 2006.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: This week a distinguished Task Force on Presidential Signing Statements and the Separation of Powers Doctrine of the American Bar Association reported. The Task Force unanimously opposed a President's issuance of signing statements to claim the authority to state the intention to disregard or decline to enforce all or part of a law he has signed, or to interpret such a law in a manner inconsistent with the clear intent of Congress as "contrary to the rule of law and our constitutional system of separation of powers." The Senate Judiciary Committee held a hearing on the matter last month. I have spoken to the issue on a number of occasions, including this week on the floor of the Senate.

You have produced more signing statements containing challenges to bills you have signed into law than all prior Presidents in our history combined. I understand that you have produced more than 800 challenges to the bills you have signed into law, including many challenges related to your theory of the "unitary executive."

I write to urge you to cease and desist from this practice. I urge you to recognize that our Constitution vests "All legislative Powers" in the Congress and that the President's constitutional responsibility is to "take Care that the Laws be faithfully executed."

I offer the following constructive suggestion. Rather than wait until a bill is passed, why not provide those of us elected to Congress with any constitutional concerns you may have regarding pending legislation at the earliest opportunity. That would allow legislators to consider your concerns during the legislative process.

Respectfully,

PATRICK LEAHY,
Ranking Democratic Member.

[From the New York Times, May 5, 2006]

VETO? WHO NEEDS A VETO?

One of the abiding curiosities of the Bush administration is that after more than five years in office, the president has yet to issue a veto. No one since Thomas Jefferson has stayed in the White House this long without rejecting a single act of Congress. Some people attribute this to the Republicans' control of the House and the Senate, and others to Mr. Bush's reluctance to expend political capital on anything but tax cuts for the wealthy and the war in Iraq. Now, thanks to a recent article in *The Boston Globe*, we have a better answer.

President Bush doesn't bother with vetoes; he simply declares his intention not to enforce anything he dislikes. Charlie Savage at *The Globe* reported recently that Mr. Bush had issued more than 750 "presidential signing statements" declaring he wouldn't do what the laws required. Perhaps the most in-

famous was the one in which he stated that he did not really feel bound by the Congressional ban on the torture of prisoners.

In this area, as in so many others, Mr. Bush has decided not to take the open, forthright constitutional path. He signed some of the laws in question with great fanfare, then quietly registered his intention to ignore them. He placed his imperial vision of the presidency over the will of America's elected lawmakers. And as usual, the Republican majority in Congress simply looked the other way. Many of the signing statements reject efforts to curb Mr. Bush's out-of-control sense of his powers in combating terrorism. In March, after frequent pious declarations of his commitment to protecting civil liberties, Mr. Bush issued a signing statement that said he would not obey a new law requiring the Justice Department to report on how the F.B.I. is using the Patriot Act to search homes and secretly seize papers if he decided that such reporting could impair national security or executive branch operations.

In another case, the president said he would not instruct the military to follow a law barring it from storing illegally obtained intelligence about Americans. Now we know, of course, that Mr. Bush had already authorized the National Security Agency, which is run by the Pentagon, to violate the law by eavesdropping on Americans' conversations and reading Americans' e-mail without getting warrants.

We know from this sort of bitter experience that the president is not simply expressing philosophical reservations about how a particular law may affect the war on terror. The signing statements are not even all about national security. Mr. Bush is not willing to enforce a law protecting employees of nuclear-related agencies if they report misdeeds to Congress. In another case, he said he would not turn over scientific information "uncensored and without delay" when Congress needed it. (Remember the altered environmental reports?) Mr. Bush also demurred from following a law forbidding the Defense Department to censor the legal advice of military lawyers. (Remember the ones who objected to the torture-is-legal policy?) Instead, his signing statement said military lawyers are bound to agree with political appointees at the Justice Department and the Pentagon.

The founding fathers never conceived of anything like a signing statement. The idea was cooked up by Edwin Meese III, when he was the attorney general for Ronald Reagan, to expand presidential powers. He was helped by a young lawyer who was a true believer in the unitary presidency, a euphemism for an autocratic executive branch that ignores Congress and the courts. Unhappily, that lawyer, Samuel Alito Jr., is now on the Supreme Court.

Since the Reagan era, other presidents have issued signing statements to explain how they interpreted a law for the purpose of enforcing it, or to register narrow constitutional concerns. But none have done it as profligately as Mr. Bush. (His father issued about 232 in four years, and Bill Clinton 140 in eight years.) And none have used it so clearly to make the president the interpreter of a law's intent, instead of Congress, and the arbiter of constitutionality, instead of the courts.

Like many of Mr. Bush's other imperial excesses, this one serves no legitimate purpose. Congress is run by a solid and iron-fisted Republican majority. And there is actually a system for the president to object to a law: he vetoes it, and Congress then has a chance to override the veto with a two-thirds majority. That process was good enough for 42 other presidents. But it has the disadvantage

of leaving the chief executive bound by his oath of office to abide by the result. This president seems determined not to play by any rules other than the ones of his own making. And that includes the Constitution.

[From the Tennessean.com, July 3, 2006]
PRESIDENT CAN'T IGNORE LAWS HE DOESN'T
LIKE

When children lie or make promises they have no intention of keeping, they cross their fingers behind their back in a gesture that means "not really."

The signing statement is President Bush's equivalent of crossed fingers. He signs bills passed by Congress, then attaches his own language saying how and whether he intends to enforce them.

Last week, members of Congress from both sides of the aisle took after the president for his use of signing statements. The Bush administration defends the practice, saying presidents as far back as James Monroe have used signing statements. That is technically correct but woefully misleading.

Signing statements began as a way for presidents to signal their interpretation of legislation. But President Bush has issued signing statements affecting 750 statutes—more than all other presidents combined. And his statements can only be read as signaling his intention to ignore provisions in the laws. He attached signing statements to a bill banning torture, a measure requiring the administration to supply data on the use of the Patriot Act and a bill governing affirmative action.

Lawmakers were particularly irked that Mr. Bush, who hasn't vetoed a single bill in six years, seems to be using signing statements instead of vetoes. If he vetoed legislation he opposed, the bill would return to Congress for further debate and an attempted override vote. Congress would get a chance to fight the president's position. With a signing statement, there is no debate, no second vote and no fight.

There is just government by fiat.

The irony in the signing statement issue is that the Bush administration has gotten virtually everything it has sought from Congress. With few exceptions—the torture ban being one—President Bush could have persuaded Republican lawmakers to include or omit certain provisions, crafting legislation to his liking on the front end.

But such a public and candid approach would have required some degree of congressional debate and public discussion. That may not be this president's style, but it is the democratic way. Congress should not let him get away with this power grab.

[From the Boston Globe July 25, 2006]

ENDING BACK-DOOR VEToes

Over the last five years, congressional leaders have barely squawked as President Bush signed bills and then quietly but explicitly declared his intention to discount key provisions of them. He has attached such statements to more than 800 laws, at last count. Left unchallenged, the president's so-called "signing statements" would represent a unilateral change to the structure of the U.S. government, a change that no one outside the White House played any role in enacting.

Yesterday, a bipartisan task force of the American Bar Association concluded that these statements violate the constitutional separation of powers. And the panel called for federal legislation that would allow for judicial review of any statement in which the president claims the authority to disregard all or part of a law.

The bar association's House of Delegates has yet to vote on the recommendations, but

endorsing them should be virtually automatic for a group of lawyers. Whether the White House or congressional leaders will act on the proposal is another story. For decades, presidents asked the bar association, which represents the nation's lawyers, to evaluate the credentials of judicial nominees, but the current President Bush put an end to that practice. His administration treats the bar association as just another interest group, to be humored or ignored as he pleases.

But the task force has a point. Bush has employed signing statements more often and more aggressively than any of his predecessors, as the *Globe's* Charlie Savage documented in a series of articles this spring. The laws in question touch on fundamental values, such as whether U.S. military interrogators should be allowed to torture detainees.

The administration's defenders say the president is merely objecting to unconstitutional provisions specifically, ones that infringe on the rightful powers of the executive within otherwise desirable legislation. But even if the Bush administration were correct on that point, back-door vetoes only relieve Congress of its obligation to make laws that are constitutional. The task force notes that deciding constitutionality is up to the federal courts. "The Constitution is not what the President says it is," the panel's report declares.

Congress was right to prohibit the use of torture by American interrogators. If the president opposed that ban, he had the right to veto it. That, of course, would have looked bad, both at home and around the world. But while a veto-by-signing-statement might have been more convenient politically, no part of the Constitution gives the president the right to have it both ways to enforce parts of laws that magnify the power of the executive branch and then ignore the rest.

[From the Boston Globe, May 30, 2006]

EQUAL POWER FAILURE

No congressional dander was raised when the Bush Pentagon incarcerated hundreds of uncharged men at Guantanamo Bay, Cuba. Spaniel-like, the lawmakers hustled up legislation that attempted to legitimize some of the illegal jailings long after the fact.

Did electronic surveillance of American citizens, in direct violation of the law Congress passed in 1978 setting clear guidelines for such activity, provoke outrage on Capitol Hill? No problem, said the leaders. We will allow the attorney general to duck questions on it, and promote the general who implemented it.

How about the shameful torture and humiliation of prisoners in Iraq? Congress barely worked up enough gumption to express its disapproval. And then, when President Bush attached a "signing statement" to the anti-torture legislation, saying he really wasn't buying it, Congress yawned.

And when the *Globe's* Charlie Savage reported that Bush had added such statements to more than 750 bills, claiming the right to disobey their mandates, Congress tucked in its tail and went to sleep.

Or so it seemed.

Now it is clear that the lawmakers simply viewed these actions as trifling infringements of their prerogatives. They were just waiting for the right issue to come along so that they could assert boldly and forcefully the co-equality of the legislative branch. They were looking for something they considered big. And they found it.

One of their own, Representative William J. Jefferson, Democrat of Louisiana, was accused of taking a \$100,000 bribe, \$90,000 of which was found in his freezer. When the re-

sponse to FBI subpoenas was slow, agents got a warrant and raided his Capitol office. Republican and Democratic leaders howled in unison, but for what reason?

First, it is pretty clear that Congress has no immunity from criminal searches. The Constitution does say members are "privileged from arrest during their attendance at the session," but not in cases of "treason, felony, and breach of the peace." Floor debate is protected; bribery is not.

Second, the chorus of objections to the FBI raid was a bipartisan public relations blunder. The public has a low enough opinion of the skulduggery that goes on all over Washington without Congress officially declaring Capitol Hill a cop-free zone.

Most frustrating is Congress's choice of irritants. Many Americans will cheer if Congress stands up on two feet and defends its constitutionally sacrosanct right to legislate. This right is under serious attack, but the attack is coming from the president of the United States, not from a few FBI gumshoes.

[From the Washingtonpost.com, Friday July 28, 2006]

SIGNING OFF

Across a wide range of areas, President Bush has asserted a grandiose vision of presidential power, one to which Congress has largely acquiesced. From domestic surveillance to holding detainees in the war on terrorism, the administration has generally ignored the legislature, brushed aside inconvenient statutes and proceeded unilaterally. All of this, as we have argued many times, warrants grave concern and a strenuous response. But it is worth separating that issue from the ongoing controversy over the president's aggressive use of what are called "signing statements"—those formal documents that accompany the signing of a bill into law.

Ever since the Boston *Globe* reported this year that the president had used such statements to question the constitutionality of more than 750 provisions of law, critics across the political spectrum have been up in arms. The Senate Judiciary Committee held hearings, and this week a task force of the American Bar Association issued a report accusing the president of usurping legislative powers.

President Bush brought this skirmish on himself. He has used signing statements—which indicate that he will interpret new laws so as to avoid the constitutional problems he has flagged within them—far more frequently than other presidents. In some areas, he has used them to articulate deeply troubling views of presidential authority. Most infamously, in signing the amendment by Sen. JOHN MCCAIN (R-Ariz.) banning American personnel from using "cruel, inhuman or degrading" treatment on detainees, he stated that his administration would interpret the new law "in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power"—apparently reserving for himself the power to override the prohibition.

Still, it is important not to let Mr. Bush's ugly signing statements bring the presidential practice into disrepute. Signing statements are actually a useful device for transparent and open government.

Presidents have long used signing statements to identify particular provisions of law as potentially unconstitutional. They have just as long declined to enforce provisions of law they regarded as unconstitutional. Particularly since the Carter and

Reagan administrations, the use of signing statements has been on the upswing, and that's generally a good thing. These statements give the public and Congress fair warning about which laws the president intends to ignore or limit through interpretation. They thereby permit criticism and more vibrant debate. And they have no legal consequences over and above the president's powers to instruct the executive branch as to how to interpret a law—which he could do privately in any case.

While Mr. Bush has been particularly aggressive about issuing signing statements, a great many break no new ground but merely articulate constitutional views that the executive branch has held across many administrations. The problem is not that Mr. Bush reserves the right to state his views; it is the dangerous substance of the views he sometimes states.

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

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

The legislative clerk proceeded to call the roll.

Mr. DAYTON. 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. DAYTON. Mr. President, may I inquire, are we in a period of morning business?

The ACTING PRESIDENT pro tempore. The Senate is in morning business, with Senators allowed to speak for up to 10 minutes.

VIOLENCE IN THE MIDDLE EAST

Mr. DAYTON. Mr. President, I rise this morning first to commend the Secretary of State, Condoleezza Rice, for her efforts to negotiate a cease-fire between Israel and Hezbollah and to engage other countries in helping to make and keep peace there. I salute her for her expressed willingness to return to that region as soon as it is practical to achieve her goals.

I am appalled, as all civilized people are, by the terrorists' destruction and the maiming and loss of human life in Israel, in Lebanon, and in Gaza. That is why I found it so disturbing that the Lebanese Prime Minister, Fuad Siniora, and his Speaker rejected Secretary Rice's proposals before she had even left their country and was on her way to Israel.

The Lebanese Government and the Lebanese people cannot have it both ways. They cannot want an immediate cease-fire on the one hand, yet continue to support Hezbollah as it kidnaps Israeli soldiers inside Israel to start this war and then rain destruction on Israel's cities and civilians. As long as Hezbollah keeps those kidnapped Israeli soldiers and continues to fire its rockets into Israel, there can be no cease-fire and there can be no peace for Lebanon. As long as the Lebanese people and their Government house terrorists who have sworn the total destruction and the elimination of the

democratic State of Israel, support the terrorist acts in that country and against Israeli citizens, and allow their own country to be used as a staging area for those terrorist acts, there can be no peace for Lebanon.

Just as the Lebanese Government and people must stand up for their country and themselves and demand that those who want to continue the acts of violence and the repercussions for their fellow Lebanese citizens must cease and desist or leave their country, so must the Government and people of Iraq stand up for their own country and for their own future.

Earlier this week, just as Iraqi Prime Minister al-Maliki was engaged in a public relations tour of Washington, DC, President Bush announced the redeployment of American troops back into Baghdad because of the failure of the Iraqi Government to run even its own capital city, much less its own country, and the failure of the Iraqi security forces to protect that city, in addition to other significant areas of Iraq. There are further reports that the U.S. military command had to replace the supposedly top Iraqi units because of their failure to stand up effectively against the insurgents. I submit the only cutting and running in Iraq is by the Iraqis and that President Bush's plan of "stand up, stand down" is failing miserably. It has become: Iraqis stand down and U.S. stay.

I voted just a couple of weeks ago against this body establishing arbitrary timelines and deadlines for the redeployment of U.S. forces from Iraq because I respect that our military commanders and our soldiers there have terribly dangerous and difficult missions to perform. I believe it is imperative that we give them what they say they need in order to carry out those missions. But the fact that they need more troops, or at least no fewer American troops, is further evidence of the miserable failure of this administration's policies and plans for Iraq. After all, the U.S. forces there are carrying out the mission that has been assigned them by their Commander in Chief, the President of the United States. It is a mission that is defined by his policy, and that policy is failing.

It is past time that we admit that failure, that the administration, starting with the President, admits that failure and tells us how he proposes to correct it. It is time we send an emphatic message to the Prime Minister and the Government of Iraq: Quit your dickering, your squabbling, your posturing, and get down to the business of running your own country and running it successfully. Stop opining about others' actions elsewhere in the Middle East, condemning Israel and fanning the flames there, which is counterproductive to Secretary Rice's efforts to negotiate a cease-fire there. Take note of the fact that a country such as Israel, located in the same region of the world, with the same kind of barren terrain, without even the oil re-

sources Iraq enjoys, is able to run its own country, provide prosperity and, most of the time, peace for its own citizens, defend its borders, and provide for the internal security within its country. That is a model which the Government of Lebanon should be following and trying to respect and build upon rather than denigrate.

I don't know what the future holds for Iraq. But I do know that it has become one where their lack of effort—or at least the lack of success—seems to be condoned and enabled by this administration's policy. As long as the Iraqis know they have carte blanche, as long as they know our forces will be there to back up their efforts, to correct their mistakes, to stand up as they are standing down, I don't see how that country—its government and its security forces—are going to make the progress necessary for them to become an independent and viable nation.

I do know it is their responsibility. We have been there for almost 3½ years, since the overthrow of Saddam Hussein's evil regime. We have given them more than enough time. We have shed more than enough American blood—lives lost forever, lives maimed and altered forever.

All this administration is telling us is to stay the course, stay the course, stay the course. I submit that to stay the course only makes sense when there is an end to that course. It only makes sense when it is part of a successful stand up/stand down strategy. But it is so clearly demonstrated now that that strategy not only is not working but it is going in the wrong direction, that it is time for this administration to tell the American people what it intends to do and how it intends to reverse that failed course, and what "stay the course" is going to mean absent that turnaround, and what we must do to achieve it.

We need to enlist the rest of the world, as Secretary Rice, to her credit, is attempting to do in the situation involving Israel and Hezbollah. We need to admit that we need the active assistance of the United Nations, of other nations that have stood back because of the cavalier way in which the Bush administration went into this war, rejecting any common effort. It is understandable they don't want to put their troops, their own citizens—sons and daughters—into those perilous conditions that are the creation of this administration and that persist as a result of its failure to correct them. But we must enlist their help. We must enlist the help of everyone in the world necessary to bring about true peace in Iraq and the rest of the Middle East.

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

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

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. 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.

DESIGNATING SEPTEMBER 20, 2006, AS "NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY"

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 544, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 544) to designate September 20, 2006, as "National Attention Deficit Disorder Awareness Day."

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 544) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 544

Whereas Attention Deficit/Hyperactivity Disorder (also known as ADHD or ADD), is a chronic neurobiological disorder that affects both children and adults, and can significantly interfere with the ability of an individual to regulate activity level, inhibit behavior, and attend to tasks in developmentally appropriate ways;

Whereas ADHD can cause devastating consequences, including failure in school and the workplace, antisocial behavior, encounters with the criminal justice system, interpersonal difficulties, and substance abuse;

Whereas ADHD, the most extensively studied mental disorder in children, affects an estimated 3 to 7 percent (4,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socio-economic lines;

Whereas scientific studies indicate that between 10 and 35 percent of children with ADHD have a first-degree relative with past or present ADHD, and that approximately one-half of parents who had ADHD have a child with the disorder, suggesting that ADHD runs in families and inheritance is an important risk factor;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with ADHD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than half of children and adults with the disorder receive treatment and, furthermore, poor and minority communities are particularly underserved by ADHD resources;

Whereas the Surgeon General, the American Medical Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, the American Psychological Association, the American Academy of Pediatrics, the Centers for Disease Control and Prevention, and

the National Institutes of Mental Health, among others, recognize the need for proper diagnosis, education, and treatment of ADHD;

Whereas the lack of public knowledge and understanding of the disorder play a significant role in the overwhelming numbers of undiagnosed and untreated cases of ADHD, and the dissemination of inaccurate, misleading information contributes as an obstacle for diagnosis and treatment;

Whereas lack of knowledge combined with issues of stigma have a particularly detrimental effect on the diagnosis and treatment of the disorder;

Whereas there is a need for education of health care professionals, employers, and educators about the disorder and a need for well-trained mental health professionals capable of conducting proper diagnosis and treatment activities; and

Whereas studies by the National Institute of Mental Health and others consistently reveal that through proper comprehensive diagnosis and treatment, the symptoms of ADHD can be substantially decreased and quality of life can be improved: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 20, 2006 as “National Attention Deficit Disorder Awareness Day”;

(2) recognizes Attention Deficit/Hyperactivity Disorder (ADHD) as a major public health concern;

(3) encourages all Americans to find out more about ADHD, support ADHD mental health services, and seek the appropriate treatment and support, if necessary;

(4) expresses the sense of the Senate that the Federal Government has a responsibility to—

(A) endeavor to raise awareness about ADHD; and

(B) continue to consider ways to improve access and quality of mental health services dedicated to improving the quality of life of children and adults with ADHD; and

(5) calls on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs and activities.

DESIGNATING AUGUST 16, 2006, AS “NATIONAL AIRBORNE DAY”

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to consider S. Res. 405.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 405) designating August 16, 2006, as “National Airborne Day.”

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to; the resolution, as amended, be agreed to; the preamble be agreed to; and the motion to reconsider be laid upon the table.

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

The amendment (No. 4739) was agreed to, as follows:

On page 5, strike lines 1-5 and insert:

“(2) calls on the people of the United States to observe “National Airborne Day” with appropriate programs, ceremonies, and activities.”

The resolution (S. Res. 405), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 405

Whereas the airborne forces of the United States Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16, 2006, marks the anniversary of the first official validation of the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the United States Department of War, and was launched when 48 volunteers began training in July of 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that, since then, have served with distinction and repeated success in armed hostilities;

Whereas among those units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II provided a basis of evolution into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf Region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment which, together with other units, comprise the quick reaction force of the Army's XVIII Airborne Corps when not operating separately under a regional combatant commander;

Whereas that modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault) and the 173rd Airborne Brigade, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affair missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne's “Silver Wings of Courage”, thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and (in former days) glider troops; and

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people as the airborne community celebrates August 16, 2006, as the 66th anniversary of the first official jump by the Army Parachute Test Platoon: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2006, as “National Airborne Day”; and

(2) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe “National Airborne Day” with appropriate programs, ceremonies, and activities.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 12:34 p.m., recessed subject to the call of the Chair and reassembled at 4:26 p.m., when called to order by the Presiding Officer (Mr. SESSIONS).

ALTERNATIVE FUEL INFRASTRUCTURE

Mr. THUNE. Mr. President, I rise today along with my colleague from Colorado, Senator SALAZAR, to inform

our colleagues of our efforts to expand the availability of alternative fuel infrastructure to assist American consumers who are increasingly looking to buy automobiles that can run on alternative fuels such as biodiesel, E-85 ethanol, natural gas, and other such fuels.

American automakers—Ford, GM, Daimler Chrysler—alternative energy groups, and environmental organizations have all expressed to Congress that the leading hurdle to allowing consumers greater access to vehicles that run on alternative fuels is the fact that there just aren't enough refueling stations across the country.

For instance, while there are over 6 million flex-fuel vehicles nationwide that can run on either gasoline or E-85 ethanol, less than 1 percent of all gas stations provide consumers with the option of fueling up with an alternative fuel that is American made, cleaner for the environment, and reduces our Nation's overreliance on foreign sources of oil.

On Monday of this week, the House of Representatives, by a vote of 355 to 9, overwhelmingly passed a bill by Congressman MIKE ROGERS from Michigan—H.R. 5534—that authorizes grants up to \$30,000 for gas stations, and other eligible entities under the Clean Cities Program at the Department of Energy—including Government entities—that place in service alternative fuel infrastructure.

Subject to annual appropriations, Congressman ROGERS' bill authorizes the use of penalties that are collected annually from foreign automakers who violate the CAFE standard for fuel efficiency.

This House-passed bill is currently being held at the Senate desk and Senator SALAZAR and I, along with Senators TALENT and HAGEL, have a substitute amendment that has the support of the majority leader and has been cleared by the chairman of the Commerce Committee. Again, I reiterate that this is simply an authorization and has no mandatory spending.

Our goal is to pass this substitute proposal by unanimous consent and send it back to the House of Representatives—which has indicated that they are prepared to pass the modified proposal so it can be enacted into law.

Mr. President, for the information of my colleagues, while the Senate is currently debating a bill to expand the availability of oil and natural gas that is located off the coast of the U.S., we shouldn't miss the opportunity to pass a modified version of the alternative fuel grant legislation that the House overwhelmingly passed earlier this week.

RAILROAD RETIREMENT BENEFITS

Mr. SANTORUM. Mr. President, I am pleased to have introduced the Railroad Retirement Technical Improvement Act that would ensure that the Department of the Treasury continues to distribute retirement benefits rather

than a nongovernmental disbursing agent. This legislation is similar to a bill that was introduced in the House of Representatives by Transportation and Infrastructure Committee chairman DON YOUNG of Alaska. I urge my colleagues to support this legislation, which will continue to allow our Nation's retired railroad employees to securely receive the benefits for which they have worked so hard.

The Railroad Retirement and Survivors' Improvement Act of 2001 calls for a nongovernmental financial institution to replace the Treasury Department as the disbursing agent of retirement benefits. While I have consistently supported greater efficiency in government by allowing the private sector a greater role in providing some services, I believe that further analysis of this issue has shown that the Treasury Department is the most efficient and secure conduit to distribute these important benefits.

While the Treasury Department has a long track record of disbursing checks on a massive scale, very few private disbursing agents would have the ability to handle this load at the same costs incurred by the Treasury. It has been estimated that the average cost of using a nongovernmental benefit disbursing agent would total \$2.9 million each year. In contrast, having the Treasury maintain its role as disbursing agent would only cost \$800,000 annually, a \$2.1 million annual savings.

In addition to the fiscal concerns that have arisen regarding transferring disbursing responsibilities for benefits, identity theft is a looming threat because of the need to transfer personal information of private individuals from the Treasury Department to the private sector. The specter of this threat is growing, and I do not believe our Nation's retirees should be concerned with who may have access to their personal information.

A benefit in addition to cost savings and security is that unlike a private vendor, the Treasury Department has the ability to use debt collection tools such as withholding tax refunds that are not available to the private sector. The Treasury Department's ability to make collections on overpaid benefits is easier, cheaper, and more efficient than having a private sector agent make the same collections.

The advantages of securing benefits for our retired railroad workers and saving taxpayer dollars are obvious. The maintenance of these benefits under the realm of the Treasury Department is a cost-efficient and secure means of distributing benefits, and I urge my colleagues to support this legislation.

ADDITIONAL STATEMENTS

IN HONOR OF THE RETIREMENT OF COLONEL BRUCE W. SUDDUTH

• Mr. NELSON of Nebraska. Mr. President, I rise today to honor the retire-

ment of Col. Bruce W. Sudduth from the U.S. Air Force.

A father, a husband, a teacher, and a decorated Air Force colonel—on July 28, 2006, Colonel Sudduth will retire from the Air Force after honorably serving for 25 years. During that time, he has earned the Defense Superior Service Medal, the Defense Meritorious Service Medal, the Meritorious Service Medal with three oak leaf clusters, the Air Force Commendation Medal with one oak leaf cluster, and the Combat Readiness Medal.

Colonel Sudduth began his illustrious military career in 1981 when he entered the Air Force through Officer Training School. His first assignment was as an intercontinental ballistic missile launch officer at Whiteman Air Force Base in Missouri, where he earned wing responsibilities as a weapon system instructor, standardization evaluation, and flight commander. In 1985, he was selected for project TOP HAND at Vandenberg Air Force Base in California. In 1988, he was selected for the last ASTRA class and was assigned to Air Force Studies and Analysis; later he was assigned to the Air Force Chief of Staff's staff group.

In 1990, Colonel Sudduth attended the last class of Armed Forces Staff College at Norfolk, VA. He was then assigned to the Joint Strategic Target Planning Staff, JSTPS, Future Concepts Branch at Offutt Air Force Base, NE. Upon the elimination of JSTPS and the creation of the United States Strategic Command, USSTRATCOM, he was assigned to the Strategy and Policy Division. In 1993, Colonel Sudduth was assigned as the 341st field missile maintenance supervisor at Malmstrom Air Force Base, MT. In 1994, he assumed command of the 490th Missile Squadron at Malmstrom AFB. Under his direction, the 490th participated in combat operations after 3 years of noncombat duty. He was selected in 1996 to attend the Naval War College at Newport, RI. In 1997, he was assigned to the USSTRATCOM Strategy and Policy Division as the chief of the Strategy Branch. Upon selection for colonel, he served as USSTRATCOM senior controller, standardization evaluation chief. That same year, in addition to his duties as colonel, he earned a master's degree in national security studies from the Naval War College.

In April 2001, Colonel Sudduth assumed command of the 91st Operations Group, Minot Air Force Base, ND. In April 2003, he was assigned as the senior special assistant to the commander, USSTRATCOM. Colonel Sudduth became the executive director of the Strategic Advisory Group in June 2004.

Colonel Sudduth graduated from Southeastern Oklahoma State University in 1973, earning a bachelor of science in education. He received a master of education in administration and supervision at Central Missouri State University in 1983. Prior to joining the Air Force, in another service to

our Nation, he taught high school math and science for 7 years in Oklahoma.

I would like to congratulate Col. Bruce W. Sudduth; his wife, Rita; and his two sons, Todd and Paul, on this day of his retirement. Colonel Sudduth's noble, dedicated service to the United States of America has greatly contributed to the safety and well-being of all Americans, and is to be respected and appreciated by all. I wish him and his family the best as they embark on their new adventures in life, and I thank him again for his service.●

TRIBUTE TO LEONARD H. ROBINSON, JR.

● Mr. LUGAR. Mr. President, I take this opportunity today to honor the memory of a good friend, Leonard H. Robinson, Jr., president and CEO of the Africa Society of the National Summit on Africa, who died suddenly on Tuesday here in Washington.

Leonard's remarkable achievements have been recognized across America and the world. Throughout his nearly 40-year career, Leonard distinguished himself in many roles. He brought knowledge, commitment, and experience to his work at the State Department, the African Development Foundation, and the U.S. Agency for International Development. For many years, he devoted his abundant energy to promoting understanding and opportunities in Africa. It all started, however, as a Peace Corps volunteer in India from 1964-1967. He surprised one of my staff members recently by conversing in fluent Hindi, one of many languages Leonard had taken the time to master.

Leonard Robinson was also a visiting professor and lecturer at several universities including Boston University and the University of Virginia, where he was the university's first diplomat-in-residence. Through his membership on a variety of commissions and councils, including the Council on Foreign Relations, he gave clear voice to important issues, and others responded in kind. He had the ability to bring together broad coalitions of partners, including businesses, NGOs, academics, and civil society groups, who otherwise might not have recognized their mutual interests. He influenced numerous individuals in America and around the world to see the potential of Africa.

Leonard Robinson's work on African affairs was always based on the conviction that it was important to correct the frequently negative perceptions about Africa that inhibited genuine interaction with that continent. His tireless efforts to educate all Americans on the rich history and diversity of Africa and its people culminated in the establishment of the Africa Society, of which he was a founder, president, and CEO.

There will be a memorial service in honor of Leonard Robinson at 10:30 a.m. on Tuesday August 15, 2006, at the

Washington National Cathedral where his friends and colleagues will recognize his accomplishments and celebrate his legacy. I will continue to support his most recent effort in dialog on Capitol Hill, where Congressman DONALD PAYNE and I have cochaired the Conversation and Dinner with African Ambassadors Series.

My sympathy is with Leonard's family and many friends, especially his two daughters Rani and Kemberley, his mother Winnie, and his brother Michael. This exemplary statesman was a great representative of his country and a standard bearer for the advancement of Africa, and he added something very noble to Washington discourse. We will miss his wisdom and grace.●

MESSAGE FROM THE HOUSE

At 12:24 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 bill, in which it requests the concurrence of the Senate:

H.R. 4157. An act to promote a better health information system.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 28, 2006, she had presented to the President of the United States the following enrolled bill:

S. 1496. An act to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 107-21: Convention on Supplementary Compensation on Nuclear Damage with a declaration and a condition (Ex. Rept. 109-15)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Declaration and Condition.

The Senate advises and consents to the ratification of the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997 (Treaty Doc. 107-21), subject to the declaration in section 2, and the condition in section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the United States instrument of ratification:

As provided for in paragraph 3 of Article XVI, the United States of America declares that it does not consider itself bound by either of the dispute settlement procedures provided for in paragraph 2 of that Article, but reserves the right in a particular case to agree to follow the dispute settlement proce-

dures of the Convention or any other procedures.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

Not later than 180 days after entry into force of the Convention for the United States, and annually thereafter for four additional years, the Secretary of State shall submit a report to the Committees on Energy and Natural Resources and Foreign Relations of the Senate, and the Committees on Energy and Commerce and International Relations of the House of Representatives that includes the following:

(a) RATIFICATION.—A list of countries that have become a Contracting Party to the Convention and the dates of entry into force for each country.

(b) DOMESTIC LEGISLATION.—A description of the domestic laws enacted by each Contracting Party to the Convention that implement the obligations under Article III of the Convention.

(c) U.S. DIPLOMACY.—A description of United States diplomatic efforts to encourage other nations to become Contracting Parties to the Convention, particularly those nations that have signed it.

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 Ms. STABENOW (for herself, Mr. DOMENICI, Mr. JOHNSON, and Mr. DURBIN):

S. 3761. A bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 3762. A bill to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. CANTWELL (for herself and Mr. DURBIN):

S. Res. 544. A resolution designating September 20, 2006, as "National Attention Deficit Disorder Awareness Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 666

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 1840

At the request of Mr. THUNE, the name of the Senator from Illinois (Mr.

DURBIN) was added as a cosponsor of S. 1840, a bill to amend section 340B of the Public Health Service Act to increase the affordability of inpatient drugs for Medicaid and safety net hospitals.

S. 2440

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2440, a bill to provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes.

S. 2475

At the request of Mr. SALAZAR, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2475, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. INHOFE) 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. 2590

At the request of Mr. COBURN, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2663

At the request of Mr. DODD, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2663, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 3128

At the request of Mr. BURR, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3128, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 3703

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3703, a bill to provide for a temporary process for individuals entering the Medicare coverage gap to switch to a plan that provides coverage in the gap.

S. 3705

At the request of Mr. KENNEDY, the names of the Senator from Michigan

(Mr. LEVIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 3705, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 3737

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3737, a bill to amend the National Trails System Act to designate the Washington-Rochambeau Route National Historic Trail.

S. RES. 531

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 531, a resolution to urge the President to appoint a Presidential Special Envoy for Sudan.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW (for herself, Mr. DOMENICI, Mr. JOHNSON, and Mr. DURBIN):

S. 3761. A bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. STABENOW. Mr. President, I rise today to introduce the Senior Nutrition Act, which will make needed improvements to the Commodity Supplemental Food Program to prevent our seniors from having to make the difficult choice between food and medicine as they try to balance their budgets.

I am pleased to have the support of my friend, Senator DOMENICI of New Mexico, who has been one of the Senate's strongest supporters of CSFP. Also I am pleased to have the support of Senators JOHNSON and DURBIN.

Nationally, 32 States and the District of Columbia participate in CSFP, which works to improve the health of both women with children and seniors by supplementing their diets with nutritious USDA commodity foods. According to USDA, more than half a million people each month participated in CSFP during fiscal year 2005, with the overwhelming majority being seniors.

My State of Michigan has one of the largest and oldest CSFP networks in the Nation. Last year, over 80,000 people in Michigan benefited from this important program.

The bill I am introducing today will make the following important changes to CSFP.

First, categorical eligibility is granted for seniors for CSFP if the individual participates or is eligible to participate in the Food Stamp Program. No further verification of income would be necessary in such cases. The Food Stamp Program provides a medical expense deduction, which seniors may use to account for their high prescription drug costs.

Second, this bill says that the same income standard that is currently used to determine eligibility for women, infants, and children in CSFP—185 percent of the poverty income guidelines—would be applied to seniors as well. The current income eligibility standard for seniors has been capped at just 130 percent. Under the current Federal poverty guidelines, a single senior cannot earn more than \$12,740 per year to qualify. By raising the standard to 185 percent of poverty, the same senior can earn as much as \$18,130 to qualify for food. This will make a major difference in the lives of so many seniors who are struggling with the high cost of prescription drugs.

This bill has been endorsed by the National CSFP Association as well as several national and Michigan senior advocacy and faith-based groups. I ask unanimous consent that a copy of these support letters be printed in the RECORD following my remarks.

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

NATIONAL CSFP ASSOCIATION,
Farmington, NM, August 17, 2005.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: Thank you for your continuing support of the Commodity Supplemental Food Program (CSFP) which provides an important buffer for our vulnerable children and seniors each month. Your support has made a difference and we appreciate your tireless efforts.

The National CSFP Association strongly supports your efforts to re-introduce and pass the Senior Nutrition Act and will work diligently to see that it happens this year. As you know nearly 90% of our recipients are now seniors living below 130% of Federal Poverty Level. For a household of one, this is a maximum of \$1,037 per month. While some changes have been made in Medicare to help seniors buy prescriptions, the rising fuel costs are still of great concern to those on fixed incomes and many of those seniors qualifying for food stamps due to medical cost deductions will lose the deductions to income and subsequently the food stamps. By amending the eligibility criteria for seniors served by CSFP through the Senior Nutrition Act, the neediest of seniors will continue to receive nutrition assistance, which is crucial if they are to remain in good health.

Again, thank you for championing our nation's children and seniors.

Sincerely,

VICKI METHENY,
ECHO, Inc., Food Programs Supervisor,
President, National CSFP Association.

MICHIGAN ASSOCIATION
OF UNITED WAYS,
Lansing, MI, September 28, 2005.

Re commodity foods for seniors legislation.

Hon. DEBBIE STABENOW,
U.S. Senator,
Washington, DC.

DEAR SENATOR STABENOW: The Michigan Association of United Ways enthusiastically supports your efforts to introduce legislation to make it easier for seniors to receive commodity foods. Your legislation will enable seniors to receive assistance from the Commodity Supplemental Food Program if seniors receive Food Stamps or have income up to 185 percent of poverty.

On August 30, 2005 the U.S. Census released its annual report on income, poverty, and health insurance coverage in the United States. The statistics are alarming. 1.1 million more people fell into poverty, bringing the ranks of poor Americans to 37 million. This is 12.7 percent of the population in 2004, compared to 35.9 million (12.5 percent) in 2003.

The 63 United Ways in Michigan help to meet the basics needs of vulnerable people of all ages. United Ways must partner with government to protect the social safety net for seniors. United Ways are well aware that many low-income seniors run out of money before the end of the month and need help. Your legislation will help insure that low-income seniors receive the support that they deserve.

Thank you for your continuing concerns for all low-income families in Michigan.

Sincerely,

ROBERT E. PARKS,
Director of Membership Services.

ELDER LAW OF MICHIGAN, INC.,
Lansing, MI, September 28, 2005.

Senator DEBBIE STABENOW,
133 Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: On behalf of Elder Law of Michigan, Inc. I want to voice our strong support for the re-introduction of Senate bill 486 to increase the eligibility for free commodity food for seniors from 130% of the poverty level to 185% of the poverty level. In our public law practice, we see thousands of Michigan seniors each year who are going without food to pay for their other living and health care expenses. We anticipate that rising automobile/gas and home heating costs will dramatically erode older citizens' ability to pay for their basic needs of food, shelter, and medicine.

Increasingly we see seniors face the pressure to financially support children and grandchildren in our state. The pressure on these families due to the economic conditions in our state and limited job opportunities set the stage for financial exploitation and elder abuse. Providing additional access to commodity food can alleviate some of the pressure these low-income, multigenerational families experience.

Food is a basic human right. Thank you for your leadership on this issue. Please contact me if I can provide any additional support on this or other issues to improve the well being of seniors in Michigan and the United States.

Sincerely,

KATE BIRNBRYER WHITE,
Executive Director.

CENTER FOR CIVIL JUSTICE,
Saginaw, MI, September 21, 2005.

Re legislation to help seniors access commodities.

Hon. DEBBIE STABENOW,
U.S. Senator,
Washington, DC.

DEAR SENATOR STABENOW: The Center for Civil Justice was pleased to hear that you

will be co-sponsoring a new version of S. 468 (from the 108th Congress). The proposed legislation will enable seniors to receive help from the Commodity Supplemental Food Program (CFSP) if the seniors receive Food Stamps or have income up to 185% of poverty.

I am writing to express our support for this initiative. The Center for Civil Justice assists thousands of people each year who call our Food and Nutrition Program Helpline for information about federal food programs. We also work with community organizations throughout Michigan who provide emergency food and services to those in need. Through this work, we are well aware that there are many seniors who need help with food and who could benefit from the commodities program.

In Michigan, seniors comprise approximately 17% of the Food Stamp households. We know from talking to the seniors who call our Food and Nutrition Helpline that many of these households are struggling to pay for medical care and higher gas bills. These expenses reduce the money they have available to buy food. These seniors will benefit from increased access to supplemental food commodities as a result of the legislation.

Thank you for your continuing concern with assuring adequate food for Michigan's most vulnerable households.

Sincerely yours,

TERRI L. STANGL,
Executive Director.

NETWORK,
Washington, DC, September 20, 2005.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: NETWORK, a National Catholic Social Justice Lobby, is pleased to learn that you are introducing a senior nutrition bill. We strongly support the bill we have seen in draft. We understand that the bill will increase to 185% of the poverty threshold, the level at which a senior will be eligible for commodity supplemental food program. There are many seniors in this nation who struggle with decisions concerning purchase of food and medication, or payment of household utilities. A program supporting a greater number to benefit from supplemental nutritious foods seems critical.

The U.S. Census Bureau report: Income, Poverty, and Health Insurance Coverage in the United States: 2004, states that nearly 3.5 million seniors lived at or below the poverty threshold of \$8,825 (individual) or \$11,122 (couple) in 2004. The current level of 130% of the poverty threshold (\$11,472 or \$14,458) severely limits what a person/couple is able to purchase. The proposed level of 185% (\$16,326 or \$20,575) seems far more acceptable for ensuring that more seniors receive food supplements which supply a more nutritious diet.

NETWORK is anxious to assist you in gaining passage of this bill. Those who have gone before us, cared for us and raised the present younger generations deserve to live in dignity, without question of meeting basic needs. We hearken back to the words of Leviticus, "You shall rise up before the gray haired and defer to one who is elder" (19:32), and of Matthew, "Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me." (25:40). Catholic Social Teaching further specifies that, "the poor have the single most urgent economic claim on the conscience of the nation" (Economic Justice for All).

When the bill is dropped, we will elicit the support of our membership toward its passage. Please, let us know anything else we

can do to further assist in the passage of this bill.

Sincerely,

SIMONE CAMPBELL,
National Coordinator.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 3762. A bill to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my colleague, Senator KYL, in introducing a bill to designate Fossil Creek as a "wild and scenic river." A companion measure is being introduced today by Congressman RENZI and other members of the Arizona congressional delegation.

Fossil Creek it is a thing of beauty. With its picturesque scenery, lush riparian ecosystem, unique geological features, and deep iridescent blue pools and waterfalls, this tributary to the Wild and Scenic Verde River and Lower Colorado River Watershed stretches 14 miles through east central Arizona. It is home to a wide variety of wildlife, some of which are threatened or endangered species. Over 100 bird species inhabit the Fossil Creek area and use it to migrate between the range lowlands and the Mogollon-Colorado Plateau highlands. Fossil Creek also supports a variety of aquatic species and is one of the few perennial streams in Arizona with multiple native fish.

Fossil Creek was named in the 1800s when early explorers described the fossil-like appearance of creek-side rocks and vegetation coated with calcium carbonate deposits from the creek's water. In the early 1900s, pioneers recognized the potential for hydroelectric power generation in the creek's constant and abundant spring-fed baseflow. They claimed the channel's water rights and built a dam system and generating facilities known as the Childs-Irving hydro-project. Over time, the project was acquired by Arizona Public Service, APS, one of the State's largest eclectic utility providers serving more than a million Arizonans. Because Childs-Irving produced less than half of 1 percent of the total power generated by APS, the decision was made ultimately to decommission the aging dam and restore Fossil Creek to its presettlement conditions.

APS has partnered with various environmental groups, Federal land managers, and State, tribal, and local governments to safely remove the Childs-Irving power generating facilities and restore the riparian ecosystem. In 2005, APS removed the dam system and returned full flows to Fossil Creek. Researchers predict Fossil Creek will soon become a fully regenerated Southwest native fishery providing a most valuable opportunity to reintroduce at least six threatened and endangered native fish species as well as rebuild the native populations presently living in the creek.

There is a growing need to provide additional protection and adequate staffing and management at Fossil Creek. Recreational visitation to the riverbed is expected to increase dramatically, and by the Forest Service's own admission, they aren't able to manage current levels of visitation or the pressures of increased use. While responsible recreation and other activities at Fossil Creek are to be encouraged, we must also ensure the long-term success of the ongoing restoration efforts. Designation under the Wild and Scenic Rivers Act would help to ensure the appropriate level of protection and resources are devoted to Fossil Creek. Already, Fossil Creek has been found eligible for "wild and scenic" designation by the Forest Service and the proposal has widespread support from surrounding communities. All of the lands potentially affected by a designation are owned and managed by the Forest Service and will not affect private property owners.

Mr. President, Fossil Creek is a unique Arizona treasure and would benefit greatly from the protection and recognition offered through "wild and scenic" designation. I urge my colleagues to support this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 544—DESIGNATING SEPTEMBER 20, 2006, AS "NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY"

Ms. CANTWELL (for herself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 544

Whereas Attention Deficit/Hyperactivity Disorder (also known as ADHD or ADD), is a chronic neurobiological disorder that affects both children and adults, and can significantly interfere with the ability of an individual to regulate activity level, inhibit behavior, and attend to tasks in developmentally appropriate ways;

Whereas ADHD can cause devastating consequences, including failure in school and the workplace, antisocial behavior, encounters with the criminal justice system, interpersonal difficulties, and substance abuse;

Whereas ADHD, the most extensively studied mental disorder in children, affects an estimated 3 to 7 percent (4,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socio-economic lines;

Whereas scientific studies indicate that between 10 and 35 percent of children with ADHD have a first-degree relative with past or present ADHD, and that approximately one-half of parents who had ADHD have a child with the disorder, suggesting that ADHD runs in families and inheritance is an important risk factor;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with ADHD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than half of children and adults with the disorder receive treatment and, furthermore, poor and minority communities are particularly underserved by ADHD resources;

Whereas the Surgeon General, the American Medical Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, the American Psychological Association, the American Academy of Pediatrics, the Centers for Disease Control and Prevention, and the National Institutes of Mental Health, among others, recognize the need for proper diagnosis, education, and treatment of ADHD;

Whereas the lack of public knowledge and understanding of the disorder play a significant role in the overwhelming numbers of undiagnosed and untreated cases of ADHD, and the dissemination of inaccurate, misleading information contributes as an obstacle for diagnosis and treatment;

Whereas lack of knowledge combined with issues of stigma have a particularly detrimental effect on the diagnosis and treatment of the disorder;

Whereas there is a need for education of health care professionals, employers, and educators about the disorder and a need for well-trained mental health professionals capable of conducting proper diagnosis and treatment activities; and

Whereas studies by the National Institute of Mental Health and others consistently reveal that through proper comprehensive diagnosis and treatment, the symptoms of ADHD can be substantially decreased and quality of life can be improved: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 20, 2006 as "National Attention Deficit Disorder Awareness Day";

(2) recognizes Attention Deficit/Hyperactivity Disorder (ADHD) as a major public health concern;

(3) encourages all Americans to find out more about ADHD, support ADHD mental health services, and seek the appropriate treatment and support, if necessary;

(4) expresses the sense of the Senate that the Federal Government has a responsibility to—

(A) endeavor to raise awareness about ADHD; and

(B) continue to consider ways to improve access and quality of mental health services dedicated to improving the quality of life of children and adults with ADHD; and

(5) calls on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4739. Mr. MCCONNELL (for Mr. HAGEL) proposed an amendment to the resolution S. Res. 405, designating August 16, 2006, as "National Airborne Day".

SA 4740. Mr. JOHNSON (for himself, Mrs. LINCOLN, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table.

SA 4741. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 3711, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4739. Mr. MCCONNELL (for Mr. HAGEL) proposed an amendment to the

resolution S. Res. 405, designating August 16, 2006, as "National Airborne Day", as follows:

On page 5, strike lines 1-5 and insert:

"(2) calls on the people of the United States to observe "National Airborne Day" with appropriate programs, ceremonies, and activities."

SA 4740. Mr. JOHNSON (for himself, Mrs. LINCOLN, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, after line 17, add the following:

(g) ALLOCATION TO WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—Notwithstanding subsection (a)(2), before making the disbursements under subparagraphs (A) and (B) of subsection (a)(2), the Secretary shall, for each of fiscal years 2016 through 2055, transfer to the Federal aid to wildlife restoration fund established under section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b), for deposit in the Wildlife Conservation and Restoration Account, 25 percent of all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for the 181 South Area.

SA 4741. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—OIL AND GAS

SEC. 201. SHORT TITLE.

This title may be cited as the "Oil and Gas Industry Antitrust Act of 2006".

SEC. 202. PROHIBITION ON UNILATERAL WITHHOLDING.

The Clayton Act (15 U.S.C. 12 et seq.) is amended—

(1) by redesignating section 28 as section 29; and

(2) by inserting after section 27 the following:

"SEC. 28. OIL AND NATURAL GAS.

"(a) IN GENERAL.—Except as provided in subsection (b), it shall be unlawful for any person to refuse to sell, or to export or divert, existing supplies of petroleum, gasoline, or other fuel derived from petroleum, or natural gas with the primary intention of increasing prices or creating a shortage in a geographic market.

"(b) CONSIDERATIONS.—In determining whether a person who has refused to sell, or exported or diverted, existing supplies of petroleum, gasoline, or other fuel derived from petroleum or natural gas has done so with the intent of increasing prices or creating a shortage in a geographic market under subsection (a), the court shall consider whether—

"(1) the cost of acquiring, producing, refining, processing, marketing, selling, or otherwise making such products available has increased; and

“(2) the price obtained from exporting or diverting existing supplies is greater than the price obtained where the existing supplies are located or are intended to be shipped.”.

SEC. 203. REVIEW OF CLAYTON ACT.

(a) IN GENERAL.—The Attorney General and the Chairman of the Federal Trade Commission shall conduct a study, including a review of the report submitted under section 204, regarding whether section 7 of the Clayton Act should be amended to modify how that section applies to persons engaged in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, gasoline or other fuel derived from petroleum, or natural gas.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Attorney General and the Chairman of the Federal Trade Commission shall submit a report to Congress regarding the findings of the study conducted under subsection (a), including recommendations and proposed legislation, if any.

SEC. 204. STUDY BY THE GOVERNMENT ACCOUNTABILITY OFFICE.

(a) DEFINITION.—In this section, the term “covered consent decree” means a consent decree—

(1) to which either the Federal Trade Commission or the Department of Justice is a party;

(2) that was entered by the district court not earlier than 10 years before the date of enactment of this Act;

(3) that required divestitures; and

(4) that involved a person engaged in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, gasoline or other fuel derived from petroleum, or natural gas.

(b) REQUIREMENT FOR A STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study evaluating the effectiveness of divestitures required under covered consent decrees.

(c) REQUIREMENT FOR A REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress, the Federal Trade Commission, and the Department of Justice regarding the findings of the study conducted under subsection (b).

(d) FEDERAL AGENCY CONSIDERATION.—Upon receipt of the report required by subsection (c), the Attorney General or the Chairman of the Federal Trade Commission, as appropriate, shall consider whether any additional action is required to restore competition or prevent a substantial lessening of competition occurring as a result of any transaction that was the subject of the study conducted under subsection (b).

SEC. 205. JOINT FEDERAL AND STATE TASK FORCE.

The Attorney General and the Chairman of the Federal Trade Commission shall establish a joint Federal-State task force, which shall include the attorney general of any State that chooses to participate, to investigate information sharing (including through the use of exchange agreements and commercial information services) among persons in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, gasoline or other fuel derived from petroleum, or natural gas (including any person about which the Energy Information Administration collects financial and operating data as part of its Financial Reporting System).

SEC. 206. NO OIL PRODUCING AND EXPORTING CARTELS.

(a) SHORT TITLE.—This section may be cited as the “No Oil Producing and Exporting Cartels Act of 2006” or “NOPEC”.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended—

(1) by redesignating section 8 as section 9; and

(2) by inserting after section 7 the following:

“SEC. 8. OIL PRODUCING CARTELS.

“(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, in the circumstances described in subsection (b), to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

“(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

“(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

“(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product.

“(b) CIRCUMSTANCES.—The circumstances described in this subsection are an instance when an action, combination, or collective action described in subsection (a) has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

“(c) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

“(d) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

“(e) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the anti-trust laws, as defined in section 1(a) of the Clayton Act (15 U.S.C. 12(a)).”.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking “or” at the end;

(2) in paragraph (7), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(8) in which the action is brought under section 8 of the Sherman Act.”.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Friday, July 28, 2006, at 9:30 a.m. for a hearing regarding “Cyber Security: Recovery and Reconstitution of Critical Networks”.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider Calendar Nos. 751 and 811. I further ask unanimous consent that the nominations be confirmed en bloc, 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 nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Earl Anthony Wayne, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

EXECUTIVE OFFICE OF THE PRESIDENT

Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget.

LEGISLATIVE SESSION

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

MEASURES CONSIDERED READ THE FIRST TIME

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, when it receives from the House a bill relating to pension reform and a bill relating to estate tax, the bills be considered as read the first time during today's session.

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

ORDERS FOR MONDAY, JULY 31, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, July 31. I further ask that following the prayer and the 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 for the transaction of morning business for up to 1 hour, with the time equally divided between the majority and minority; further, that at 3 p.m., the Senate resume consideration of S. 3711, the gulf coast energy security bill, with the time equally divided between the two managers or their designees until 5:30 p.m.; further, that at 5:30 p.m., the Senate proceed to a vote on the motion to invoke cloture.

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

PROGRAM

Mr. McCONNELL. Mr. President, on Monday, we will resume debate on the gulf coast energy security bill. Senators are reminded that we will have a vote on the motion to invoke cloture on the bill at 5:30 Monday afternoon. This will be the first vote of the week, and Senators should make their plans accordingly. We expect to finish this bill next week. We have other important items to consider, as we all know, before we leave for the August recess, hopefully at the end of next week. Therefore, it is expected that we will have a full week all of next week with

lots of business before the Senate prior to the August recess.

ADJOURNMENT UNTIL 2 P.M.,
MONDAY, JULY 31, 2006

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

There being no objection, the Senate, at 4:29 p.m., adjourned until Monday, July 31, 2006, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, July 28, 2006:

DEPARTMENT OF STATE

EARL ANTHONY WAYNE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

EXECUTIVE OFFICE OF THE PRESIDENT

STEPHEN S. MCMILLIN, OF TEXAS, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

The above nominations were approved subject to the nominees' commitment to respond to request to appear and testify before any duly constituted committee of the Senate.