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Senate

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

PRAYER

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. H. Kenneth Dutille of Swans Island Atlantic Baptist Church in Swans Island, ME.

The guest Chaplain offered the following prayer:

Let us pray.

O God of grace and glory, we turn to Thee today for motivation, guidance, and inspiration. Before we turn to today's challenges and opportunities, we would thank You for these few moments of prayer and meditations of heart.

Grant us greatness of spirit, to see Your all-encompassing view of the many traditions and customs from which we come.

The task before us is daunting; we need always to look upon the Almighty for understanding, wisdom, knowledge, and strength. May we be granted this day and in the days that lie ahead clear insight into the many problems and troubles that our great Nation faces.

Bless, O God, our Senators. They serve our Nation with poise and pride. Empower each to fulfill today's manifold responsibilities with courage and grace.

For Thine is the kingdom and the power and the glory, forever and forever. Amen.

The PRESIDENT pro tempore. Thank you very much, Reverend Dutille.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Maine is recognized.

SCHEDULE

Ms. COLLINS. Mr. President, this morning, at 10 a.m., the Senate will vote on the supplemental appropriations conference report. Following the vote, the Senate will resume consideration of the Defense authorization bill. The two managers have made substantial progress, but we will need to work through a number of amendments today in order to complete the bill in a timely fashion.

Those Senators who have amendments should be working with Chairman WARNER and Senator LEVIN to get in the queue. The Santorum amendment on Iran is the pending business and we will need to schedule a vote on that today. The majority leader has announced that Members should stay close to the floor so that we can make significant progress during today's session.

WELCOMING THE GUEST CHAPLAIN

Ms. COLLINS. Mr. President, I am delighted that our opening prayer this morning was so eloquently delivered by the Reverend Ken Dutille of Swans Island Atlantic Baptist Church in my home State of Maine. It is a great pleasure to welcome him to the Senate today. In fact, as he offered the invocation in this Chamber 11 years ago, on October 18, 1995, it is a pleasure to welcome him back to the Senate today.

Pastor Dutille's words give direction and purpose to our work. His actions also inspire us; they are a vivid reminder of the commitment and compassion that exists among people of faith throughout our Nation.

His ministry is truly unique. His church is joined with churches on three other islands to form the Maine Sea Coast Mission. This nondenominational organization was founded more than a century ago to provide spiritual guidance and educational opportunities to the remote seafaring communities of Downeast Maine. In its early years, the mission's boat, which was called *Hope*, would deliver a minister to isolated island communities where there were no churches and books where there were no libraries.

Today, the *Sunbeam V* not only continues that vital work, but it also serves as a mobile health clinic bringing medical services—including screenings, inoculations, and telemedicine—to four islands that otherwise would not have access to medical services.

Pastor Dutille is the founder of another outstanding mission project, the Bread of Life Food Pantry on Swans Island. The food pantry is often all that stands between the pangs of hunger and a healthy meal for some people in this disadvantaged area of my State. Although the demands upon the food pantry are always considerable, they increased exponentially this last July when the only grocery store on Swans Island was destroyed by fire. The pastor and the rest of the mission community immediately rose to the challenge with a major fundraising campaign. The power of God was evident in their strength of purpose as they responded to this crisis.

The pastor is a fisher of people and a person of many accomplishments. He is a graduate of the Baptist Bible College in Springfield, MO, as well as of the University of Maine. He holds a master's degree from the California Graduate School of Theology. He has served in churches throughout Maine and has

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

preached throughout New England. He is a published author, too, and a successful small business owner. He has also had experience that all of us can relate to. In a previous community, he served as a town selectman, so he has a keen understanding of the challenges of public service, as his opening prayer demonstrated today.

It is a great pleasure to have such a dedicated spiritual and civic leader with us today and giving the opening prayer. I am sure I speak for all of my colleagues in extending him a warm welcome and in giving thanks for his inspiring prayer.

Thank you, Mr. President.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 10 a.m., with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Nevada is recognized.

HONORING OUR ARMED FORCES

Mr. ENSIGN. Mr. President, I just got word that the 2,500th soldier was killed in Iraq. It is a milestone, obviously, that we all mourn deeply in this country. And that is what I rise to talk about, as a few of those who have died in the line of duty were from my State.

Mr. President, May was an especially difficult month for our home State of Nevada. We mourn the loss of four soldiers and marines who were killed in action in Iraq and Afghanistan. One soldier was killed during training. And just last week, another soldier from Winnemucca, NV, was killed. While there is incomparable grief following these deaths, there is also strength and pride that never ceases to amaze me.

I had the opportunity to attend two of the recent funerals: the funeral of 1SG Carlos Saenz at Arlington National Cemetery and the funeral of SGT John Griffith at the Southern Nevada Veterans Memorial Cemetery in Boulder City. Each funeral I have attended and each family who grieves finds a very special place in my heart, and they will always stay with me.

1SG Sergeant Carlos Saenz was born in Mexico. He became a naturalized citizen and considered himself extremely lucky and proud to have been an American, as we all should. And for more than 25 years, he dedicated himself to serving this country. His wife Nanette is a woman of great strength who understood her husband's determination and commitment to our country. They actually met during the first Persian Gulf war. She is proud of him, and we are all blessed that he came to the United States and was willing to make the ultimate sacrifice for his new Nation.

SGT John Griffith lived in Las Vegas most of his life. He told his wife Christa that he was fighting this war so their son would not have to. I will never forget the image of his two young daughters, just as the funeral had ended and they were taking the coffin out. As they were putting it into the hearse, I heard his two young daughters crying, and I heard one of them say: Don't let them take daddy.

That is the real pain of war coming home to a family, and we should all remember the sacrifices that not only the men and women in uniform who have died have made but also the sacrifices and the pain their families go through.

I also had the opportunity to speak with Victoria Legaspi, the mother of SSG Emmanuel Legaspi. Manny was born in the Philippines and signed up in the Army at the age of 32, after living in the United States for only 1 year. He wanted to give back to this country, and he wanted to show his appreciation. Manny should make all of us a little more proud to be Americans.

We live in the greatest country in the world—where brave Americans such as Carlos, John, and Manny, and so many others believe so deeply in our freedom that they are willing to sacrifice their lives so that we can all live safe and free. These men follow a distinguished line of courageous men and women who have paid that ultimate price for this Nation.

They are not the only ones who have made this sacrifice. As I mentioned before, the families, and one woman in particular, Helena Lukac, have touched my heart. Helena Lukac moved to the United States in 1983 from the former Communist Czechoslovakia. Her son John was killed by a roadside bomb attack in Iraq. He was just 19 years old. Helena knows what it means to be free better than most of us. On Memorial Day, just a few weeks ago, Helena said:

> I'm really grateful that we are here, even with this loss. I miss him so much, I feel it on my own skin. This freedom is not free.

Mr. President, freedom is not free. The brave men and women in our military and their families sacrifice greatly for us, and we can never thank them enough, but we can express our gratitude to them.

So today I again say thank you to the men and women who stand tall in defense of this Nation and in support of our freedom. You make us proud. And with a very heavy heart, I thank the families across America and across my State whose pain I cannot even begin to imagine. Your loss is our Nation's loss. God bless you all, and God bless this country.

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

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

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

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

SUPPLEMENTAL APPROPRIATIONS

Mrs. MURRAY. Mr. President, the Senate is going to be considering in just a few minutes the Emergency Supplemental Appropriations Act. I do want to be clear that like most of my colleagues, I will be voting for this bill because it does provide the funding for our troops that is critically needed to carry out their mission and because it supports recovery efforts along the coast. I do wish to express three concerns I have with the conference report.

First, this bill continues the charade that this war should be funded off budget. Instead of including the money our troops need in the regular budget as requested by the President and sent to us, we keep getting sent emergency supplemental requests. It is clear to me, having been here for 13½ years, that emergency spending bills used to be for emergencies, things we could not foresee such as natural disasters. The need for funding for the war in Iraq is not a surprise. It is not like responding to an earthquake or tornado. By funding the war off budget, I fear we continue to hide the true cost of the war. It is imperative that the Senate and the House get a budget from the President that gives us the true cost of what we need to be funding.

In addition, the administration should not have the sole authority to decide what is worthy of emergency funding and what is not. We have emergencies in our backyard as well as overseas. We should not hand over to the President the final authority on what deserves emergency funding.

The second concern I have is that this bill leaves out very critical funding for areas we considered and adopted in the Senate. They were removed once the bill went to conference. Funding for health care, for port security, emergency transportation assistance in the gulf coast—much of the progress we made in the Senate was thrown out. Why? To meet an arbitrary limit set by the President. That is going to hurt many of our communities in the coming months.

Part of what we did in the Senate in April was to overwhelmingly pass the Murray-Akaka amendment that ensured our veterans would get the help they need. That amendment had broad bipartisan support on the Senate floor. It was removed in conference in the middle of the night. That is a huge setback for the men and women who are coming home from the war today and entering a VA system that is overwhelmed and underfunded. In March, the VA told us they are seeing 38 percent more Iraqi war veterans than they budgeted for. Veterans now have to wait a year to get the specialty care they deserve. Some are waiting more than 18 months before they get the benefits they have been promised. On top of that, we have waiting lists that are thousands of names long at major VA hospitals. I am frustrated that the

funding we secured for America's veterans is no longer in the bill before us. Our veterans deserve better.

Funding was also removed for emergency transportation relief in the gulf. In the Senate, we passed $200 million in emergency assistance for transit authorities in the gulf region. FEMA, which is helping to fund transit service in New Orleans, is going to stop the funding for that at the end of this month. That is going to force New Orleans to cut back transit service even more. Cutting off transit routes is not going to help our gulf coast cities recover. Throwing busdrivers on unemployment lines is not going to help them recover.

Another item cut from the legislation was tenant-based rental assistance for the gulf. That funding was intended to serve about 44,000 families, including families that received HUD funding prior to Katrina and many homeless families. The bill we passed in the Senate expanded the purposes of that money to include the reconstruction and repair of HUD projects in the afflicted region, many of them damaged considerably. It provided vouchers for about 4,500 needy citizens in the region, particularly the disabled and homeless. That funding is now gone, and we are going to see some pretty vulnerable families in the gulf coast without any ability to stay in the homes in which they currently are trying to stay.

Finally, this bill improperly includes a budget ceiling that is going to affect every single spending bill we do this year. I believe the supplemental emergency spending bill is the wrong place to enact a budget that never passed the Senate floor. It is going to be hard enough to produce appropriations bills this year that will get broad bipartisan support at the levels the Senate approved back in March. It will be almost impossible to do so if we ignore amendments adopted on the Senate floor and impose the spending ceiling proposed by the President that is now included in the bill.

I am frustrated that the administration keeps funding this war off budget. I am frustrated that critical investments which we approved in the Senate were removed from the bill. I am very frustrated that this bill is now going to result in our hands being tied throughout the appropriations process. I hope in the future we can do much better.

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

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

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

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

The PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the Senate will proceed to vote on the conference report to accompany H.R. 4939, which the clerk will report.

The legislative clerk read as follows:

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

Ms. MIKULSKI. Mr. President, I intend to vote for this emergency supplemental appropriations conference agreement because of the critical funding it will provide to our troops. Our men and women in uniform, and their families, deserve our support, not just in words but with deeds. This bill also provides important support to our fellow Americans in the gulf coast region who continue to rebuild their communities after the devastation of the 2005 hurricane season.

But I am disappointed that important provisions included in the Senate bill were stripped out in conference. With nearly 150,000 U.S. troops serving in Iraq and Afghanistan, it is shameful that this conference report stripped out $430 million for veterans health care. And I am concerned that this bill short changes the U.S. Coast Guard and important port security measures. Through the regular appropriations process, I will continue to fight for our veterans, and to ensure the security of our coast and our ports.

In this bill, we have provided over $15 billion to fix or replace equipment that has been damaged during combat operations and to buy additional force protection equipment desperately needed by our brave men and women on the battlefield.

To help protect our troops from deadly improvised explosive devices, IEDs, this bill creates the Joint Improvised Explosive Device Defeat Fund and provides the fund with nearly $2 billion to develop and field the necessary tactics, equipment, and training to defeat these deadly weapons.

To ensure that we do all we can to care for soldiers when they are injured, this bill includes an additional $1 billion for the Defense Health program. This money ensures that we can continue to provide world-class services including rapid aero-medical evacuation to our most severely wounded soldiers.

The veterans health care system is stretched to the limit at a time when more and more veterans are turning to VA. That is why I cosponsored an amendment by Senator AKAKA to increase veterans funding by $430 million to meet the health care needs of soldiers returning from Iraq and Afghanistan and other war veterans. I am very disappointed that this funding was removed in conference but will continue to fight for our veterans to ensure they have the funding needed to receive the care they deserve.

The rank-and-file employees of the Federal Government are the unsung heroes of this country. Unfortunately, they are often required to work in substandard or often hazardous conditions. It was recently reported that employees within this very building are forced to enter tunnels full of asbestos and on the verge of collapse. That is why I cosponsored an amendment by Senator ALLARD that provides over $27 million for critical emergency structural repairs to the Capitol Complex utilities tunnels. I will continue to fight for our Federal workforce to ensure they have safe working environments and proper safety equipment.

We know that nearly 40 percent of the soldiers deployed today in Iraq and Afghanistan are citizen soldiers who come from the National Guard and Reserves. More than half of these will suffer a loss of income when they are mobilized because their military pay is less than the pay from their civilian job. Many patriotic employers and State governments eliminate this pay gap by continuing to pay them the difference between their civilian and military pay. The reservist pay security amendment, which I worked on with Senator DURBIN, was designed to ensure that the U.S. Government also makes up for this pay gap for Federal employees who are activated in the Guard and Reserves. Again, this important piece of legislation was removed from the bill during conference, but it is not dead with me. I will continue to push for equitable treatment for our Guard and Reserve troops who selflessly serve their Nation.

After 9/11, we realized that our borders were not secure. Since then, we have waged the war on terror and made great strides in protecting our homeland. We have made significant investments in law enforcement and security; however, the infrastructure that supports our border security has been allowed to crumble.

To counter this, I supported an amendment proposed by Senators GREGG and BYRD to add $1.9 billion for border security initiatives to include buying additional vehicles, airplanes, helicopters, and ships. This amendment also provided $600 million for the U.S. Coast Guard, the border protector of our waters. Of this amount, $12 million was for the Mission Effectiveness Program at the U.S. Coast Guard Yard at Curtis Bay, MD. This project is designed to extend the service life and increase the mission performance of the Coast Guard's aging fleet of medium endurance cutters. I regret that in conference the House and Senate agreed to

the President's border security proposal which solely focuses on beefing up the National Guard and border agents along the Nation's southwest border.

I am also disappointed that $648 million for additional port security initiatives was stripped from the final conference agreement. The Port of Baltimore, in my hometown, recently celebrated its 300th anniversary. It is my responsibility to see to it that the Baltimore community celebrates the port's 400th anniversary. We must continue to provide adequate funding for our ports in the manner we are for our borders.

We have all seen the devastating effects of natural disasters and terrorism and are working hard to prevent future occurrences from affecting our Nation and the world. We have recently learned of another potential threat: a worldwide flu epidemic that could cost millions of lives if we are unprepared. In response to this threat, this bill provides $2.3 billion to prepare for and respond to an influenza pandemic. Making this money available now will help expand the domestic production capacity of influenza vaccine and will help develop and stockpile the right vaccines, antivirals, and other medical supplies necessary to protect and preserve lives in the event of an outbreak.

Mr. President, this bill is a Federal investment in supporting our troops and their families and providing relief for those impacted by the devastating hurricanes.

We support our troops by getting them the best equipment and the best protection we can provide. We support them by making it easier for our citizen soldiers in the National Guard and Reserves to serve their country. And we support them by ensuring they are cared for with the best possible medical system when they are injured or ill.

With this bill, we are also helping our neighbors rebuild their homes, their communities, and their lives, and I am proud to give it my support.

Mr. MCCAIN. Mr. President, the conference report we have before us contains $94.5 billion in funding for the war on terror, hurricane recovery in the gulf coast, pandemic flu preparation, and border security.

We have to fund our troops. Therefore, I will support passage of this conference report. But I do so with reservations, mainly because resources for the training and equipping of the Iraqi army have been funded well below the level requested by the President. As all of my colleagues know, training and equipping the Iraqi army is imperative to the ultimate success of our mission there. The security of the Iraqi people, ensured by a properly trained and equipped Iraqi army, is our exit strategy.

Unfortunately, the must-pass nature of this bill has led to the inclusion of hundreds of millions of dollars in unrequested, nonemergency spending and typical run-of-the-mill earmarks. Examples of unrequested and nonemergency additions to this emergency spending bill include three Marine Corps V–22 tilt rotor aircraft, two KC–130J tanker aircraft, four C–130J cargo aircraft, the advance procurement of seven C–17 cargo aircraft, and one Predator Unmanned Aerial Vehicle, UAV. It also includes $975 million for SINCGARS tactical radios, $675 million in Army tank and Bradley Fighting Vehicle upgrades, $130 million for Army STRYKER vehicles above combat losses, and $567 million for Army trucks. None of these were requested by the administration, and they are not critically needed to aid in the war on terror.

Let's take a closer look at just one of these add-ons. The conference report includes $230 million to buy three Marine Corps V–22s. The President did not request any money for the V–22 Osprey, which is still in the development and testing stage. In fact, the V–22 has not even been deployed to an operational squadron yet. If continued development and testing goes well, the Marine Corps will send the V–22 to an operational squadron in the summer or fall of 2007. I have to question why funding for a nonoperational aircraft that is still in the development stages is considered to be an emergency in this bill. The answer is that there is no emergency need for this aircraft—if there was, I am more than confident that the President would have requested the appropriate funding in the emergency supplemental submitted last February.

Additionally, the conference report contains a provision which authorizes the Secretary of the Navy to reimburse shipbuilding contractors for ''business disruptions'' that were incurred during and after Hurricane Katrina. This provision may increase Navy shipbuilding costs by $140 million over what the administration had requested. The provision is expected to primarily benefit Northrop Grumman's shipyard in Pascagoula, MS. This language substitutes Government funding for what insurers would pay to shipbuilders. Northrop Grumman is suing its insurer, Factory Mutual, for those costs associated with Hurricane Katrina. However, in the near term, the appropriators have decided the best course is to arrange a giveaway to an insurance company and a shipbuilder.

Furthermore, the explanatory statement accompanying this conference report contains language stating that the conferees agree with House and Senate language delaying the Department of Transportation, DOT, rulemaking which proposes to give domestic air carriers with foreign investors more control over business matters. Yet this legislative language does not include any related provisions, and rightly so, in my view. This greater control would only be granted for business matters that do not relate to safety or security and only when the investors' home countries provide our airlines with investment and market access. I assure my colleagues this statement was not included by accident, and its intent seems to be to signal to DOT that Congress does not approve of its proposed rulemaking.

Here are some other notable projects funded as ''emergencies'' in this measure: $16 million for hurricane repair in the State of Pennsylvania; $40 million for sugar and sugarcane disaster assistance in Florida, which was not requested; $40 million for sugar and sugarcane disaster assistance in Louisiana, which was not requested by the President; $400,000 for disaster assistance to sugar cooperatives in Texas, which was not requested by the President. $400,000 to the Chicago Sanitary and Ship Canal Demonstration barrier, which was not requested by the President; $9 million in drought emergency assistance to communities in Nevada and New Mexico; $225,000 to the Missouri Soybean Association for the purchase of a building for use as an incubation center in the Kansas City metropolitan statistical area; $100,000 to the Boys and Girls Club of Greater Washington in Silver Spring, MD for renovation of Boys and Girls Clubs of Greater Washington Clubhouse No. 2, Clubhouse No. 4, Clubhouse No. 10, Clubhouse No. 11, and Clubhouse No. 14 in the District of Columbia; $100,000 to Wesleyan College in Macon, GA, for facility renovation, buildout, and construction; $125,000 to Craig County, VA, for purchase, renovation, buildout, and upgrade of a library.

I think we can fund this war—and indeed win this war—while also budgeting for this war. We know the war is going to cost more than the over $400 billion we will have appropriated to date upon enactment of this conference report, and we know that the war is not going to end as quickly as most of us would prefer. But we need to continue our military operations until the job is done. Withdrawing our military presence prematurely is not an option in my view, the view of many of my colleagues, nor the view of the President or his advisers. We are in it to win.

Instead of fixing the problem, and fixing it will not be easy, we have only succeeded in making it bigger, more unstable, more complicated, and much more expensive. And adding hundreds of billions of dollars that are more conveniently designated as emergency expenditures—so that they don't have to be budgeted for along with other national priorities—is only making the fiscal problem that much greater.

Again, Mr. President, it is unfortunate that, at a time of war and with such a huge deficit and burgeoning debt, we continue to fund unnecessary projects and load up emergency supplemental appropriations bills with nonemergency items. We need to concentrate on providing the resources necessary for our young men and women swerving in Iraq to successfully complete their mission, so that they

can return safely to their families, and a grateful Nation.

Mr. KENNEDY. Mr. President, the conference report provides needed funds to meet a number of our national security needs. It includes $65.8 billion of funding for ongoing military operations in Iraq and Afghanistan, to give our troops the armored vehicles, ammunition, medical supplies, and other materials essential for their operations.

The legislation also provides funds for the Commander's Emergency Response Program, which enables commanders on the ground to pay for urgently needed infrastructure, and also to make condolence payments to Iraqi civilians who are injured or killed. That program is intended to build good will with the Iraqis, and I commend the Appropriations Committee for taking such a strong interest in it.

During consideration of the bill, we had a strong debate about whether the nondefense items in the bill were truly emergencies and belonged in this legislation. Most of us believe they do because the budget process does not allow us to respond quickly to urgent needs, and the emergency supplemental process is the only way we can address them.

It is clear that border security, hurricane relief, and pandemic flu preparations all affect our national security. The need for these funds cannot easily be assessed in advance and made part of the regular budget. But no one can disagree that each has a profound impact on our Nation and has to be addressed.

I commend Senator HARKIN for his leadership on the needed funding to prepare for a pandemic flu. Those of us on the authorizing committee look forward to continuing to work with Senator BURR to see that these funds are used effectively to increase the Nation's readiness for this major disease threat.

I am disappointed that the conference report rejected our Senate amendment to compensate first responders injured by experimental flu vaccines. If pandemic flu reaches our shores, Americans will have to rely heavily on nurses, paramedics, emergency technicians, and other first responders. The question is whether these first responders will risk taking an experimental vaccine so that they can stay on the job and protect us all. The least these brave first responders deserve is fair compensation if they are harmed by the vaccine. We know from past experience that without such a compensation program, first responders will be reluctant to take experimental vaccines. The Senate did the right thing, to fund a compensation program, but Republican leaders inexplicably allowed the House conferees to reject the funds. The message we are sending to first responders is obvious—''You're on your own'' and a pandemic will be even more disastrous if it hits.

I am very pleased, however, that our colleagues on the Appropriations Committee included critical funding to provide relief to elementary and secondary schools in the gulf region and to schools across the country that generously opened their doors to young students whose lives were turned upside down by Hurricanes Katrina and Rita. This additional funding will help ensure that the schools that educated displaced students are reimbursed for the additional costs incurred during this school year so that they can continue to provide good education for all the children they serve.

The schools, colleges, and universities are a cornerstone of the gulf communities, and their recovery is essential to the successful rebuilding of the region. I am disappointed that the conferees rejected a Senate provision that would have leveraged hundreds of millions of dollars of low-cost loans for these colleges and universities. I am pleased, however, that the conferees increased the grant aid in the bill to help these colleges and universities rebuild. These funds are a step in the right direction to enable these institutions to remain a vital part of the gulf coast.

On the issue of education, we know that countless families across America are struggling to put their children through college. The last thing they need is an increase in interest rates on student loans. I commend the Appropriations Committee for expanding loan consolidation options and resisting efforts by lenders to increase the burden of college debt. Last February, Congress perpetrated the biggest raid on college aid in the history of the program, cutting $12 billion from student loan programs to help pay for tax giveaways to the wealthy. We need to do more to help struggling families afford college, and the committee's action on this bill is a step in the right direction.

This bill includes an important provision to support our objective of promoting democracy in Iraq. It includes $50 million for American nongovernmental organizations helping Iraqis to create the essential building blocks of democracy. The funds will go to seven nongovernmental organizations doing excellent work in Iraq on democracy and reconciliation under extremely difficult and dangerous conditions. We must be clear in our commitment to stand by these organizations that are serving on the front lines in the struggle for democracy in Iraq every day. We need to demonstrate to the Iraqi people that we are committed to Iraq's long-term democratic development. We must have a long-term strategy backed by appropriate resources, and this bill is a start toward achieving our goal.

While this bill contains much that is positive, I strongly oppose the decision of our Republican colleagues to include a deeming resolution in this conference report that will impose an unreasonably low limit on discretionary spending for next year. This cap means that critical domestic programs will be cut. It is a sorry substitute for a real budget.

The deeming resolution completely ignores the Senate-passed budget. It sets a spending cap $16 billion below the level approved by a bipartisan majority of Senators in the Senate budget resolution. It wipes out an amendment passed by the Senate to add $7 billion for urgent health and education needs. It cuts funding for vital medical research by the National Institutes of Health. It underfunds the No Child Left Behind education initiative by $55.7 billion over the next 5 years. It sets the wrong priorities for America.

This deeming resolution indicates a willingness on the part of Republicans in Congress to blindly follow the Bush administration's reckless strategy of cutting essential domestic programs American families depend upon while providing more and more tax breaks for the wealthiest taxpayers in the country. It is outrageous. It is one more failure for a Republican leadership that consistently takes the country in the wrong direction.

Mr. LIEBERMAN. Mr. President, I rise to acknowledge a tangible result of our Federal Government's investment in preparing for a possible flu pandemic. This week, the U.S. Agency for International Development, USAID, and Centers for Disease Control and Prevention, CDC, in partnership with the Wildlife Conservation Society launched the Global Avian Influenza Network for the Surveillance of wild birds, or the GAINS program.

GAINS systematically tests and monitors wild and dead birds to identify the viral strains they carry, to share the virus samples in order to continually update vaccine production options, and to disseminate lab results on a map-based publicly accessible database. Major flyways around the world will be monitored including those running north-south through the Americas.

I wish to recognize Chairman COCHRAN from Mississippi and Senator BYRD from West Virginia, along with my colleagues, Senator HARKIN from Iowa, Senator SPECTER from Pennsylvania, and Senator BROWNBACK from Kansas, for their commitment to avian flu preparedness and for putting in place an effective system for the surveillance of wild birds. GAINS is instrumental to our capacity to prepare communities in the wake of wild birds moving with the virus for a potential outbreak.

At the same time we work to develop a vaccine and procure antivirals, we can also track the movement of the virus in wild birds. GAINS can track wild birds in the same way the National Hurricane Center tracks hurricanes. By analyzing, storing, and reporting using a real-time computerized data mapping system and interface, we can see the viral strains wild birds carry, where they are carrying the virus along migratory routes, and how the virus is genetically evolving. This will make it possible for us to develop

vaccines more quickly using the most recent strain available and will help us warn vulnerable populations in wild bird flightpaths should the avian flu strain turn deadly.

I am happy to report that the GAINS program and Dr. William Karesh at the Wildlife Conservation Society have already contributed vital disease samples of the highly pathogenic H5N1 virus from Mongolian swans to the efforts currently under way to develop a human vaccine for avian influenza.

The Wildlife Conservation Society has partnered with USAID and the CDC to spearhead this effort. They are an international conservation organization headquartered at the Bronx Zoo in New York and have offices across the world, including my home State of Connecticut. With more than 3,000 full-time staff working in 60 countries around the world on more than 400 field conservation projects, the Wildlife Conservation Society is well positioned to lead the global efforts to monitor the disease in birds and provide key information to local communities to mitigate the effects of future outbreaks. Our Government's capacity to build partnerships such as this one and continue to fund them with nongovernmental organizations with tremendous expertise and others in the private sector is key to effectively fighting a potential pandemic.

Mr. NELSON of Florida. Mr. President, this supplemental appropriation provides funds that are urgently needed by our Armed Forces to sustain the global war on terror and our operations to stabilize Iraq and Afghanistan. The $70 billion provided in this appropriation for military operations brings America's investment in this fight to over $445 billion since September 11, 2001. Included in this appropriation are funds necessary to keep our Guard strong and ready and to ensure that our reservists have access to essential medical coverage for themselves and their families.

With respect to domestic assistance in this bill, while it is not perfect, because it removed funding for port security and veterans' health care, and greatly reduced the amount of agriculture assistance that was originally included in the Senate passed bill, it does provide immediate aid to the people of the gulf coast to help in their continuing effort to recover from last year's hurricanes.

I thank the chairman and ranking member of the Appropriations Committee, Senator COCHRAN of Mississippi and Senator BYRD of West Virginia, for their leadership and even handedness in crafting this supplemental measure. They have been very kind towards my constituents and I am most appreciative of their efforts. This supplemental addresses three areas critical to the continued recovery and vitality of Florida.

Florida was hit by eight hurricanes in 15 months and the recovery continues, even as Tropical Storm Alberto traversed the State yesterday. I know that my colleagues from the gulf coast are also well aware of the long-term challenges facing their States and are bracing themselves for another active hurricane season. We all learned valuable lessons from the disasters of the past 2 years and we will face the coming months together.

I am pleased that this supplemental includes some relief for the State of Florida's hard hit agriculture industry. In 2005 as in 2004, the Florida agriculture industry sustained more than $2 billion in losses. One of the hardest hit industries was the sugar industry, so the $40 million in assistance this bill provides to the sugar producers will be critical. Our specialty crops and nursery growers also will receive a much-needed share of the $95 million provided in the bill.

The measure also provides the National Oceanic and Atmospheric Administration, NOAA, with emergency funding. I cannot emphasize how important the work of this agency is to Florida. It includes the National Marine Fisheries Service, NMFS, that plays a key role in Florida because of our significant fishing industry—both recreational and commercial. And the National Weather Service whose hurricane forecasts many times mean the difference between life and death for Floridians. This emergency supplemental provides $150 million for mapping for debris removal, oyster bed and shrimp ground rehabilitation, the repair and reconstruction of the NOAA science facility on the Gulf of Mexico and a replacement emergency response mapping aircraft to provide information about hurricane damage—all desperately needed.

Additionally, the conference report maintains the Senate funding level of $5.2 billion for the Community Development Block Grant, CDBG, program. The President's original request was for $4.2 billion to address the utter devastation caused by Katrina in Louisiana. Yet unmet needs from the previous Gulf of Mexico hurricanes still remain in Florida, Alabama, Mississippi, and Texas. This level of CDBG funding will ensure that all States harmed by last year's hurricanes will receive an adequate level of continued support so that they may continue to invest in long-term recovery efforts, provide housing and business assistance, perform infrastructure reconstruction, and undertake mitigation efforts.

Specific to Florida, additional CDBG funds will greatly help Panhandle communities impacted by Hurricane Dennis, who were not eligible for the last round of disaster CDBG funds, and the heavily populated areas of South Florida where insured damages from Wilma were estimated at $7.4 billion. Hurricane Wilma was a major hurricane, the final major storm of last season, causing the highest amount of insured losses to southeast Florida since Hurricane Andrew over a decade ago.

Chairman BOND and Ranking Member MURRAY included a provision in the bill that will help address the backlog of emergency highway repairs. I thank them for their efforts, as this provision is vital to Florida's Panhandle which was pummeled by Hurricane Ivan in 2004 and then by Dennis in 2005. It includes language lifting the mandatory cap of $100 million in spending per state. Florida has about $118 million in damages left over from Dennis, most of it concentrated along US–98, which runs along the coast of Florida from Tallahassee to Pensacola, a distance of over 200 miles.

The assistance contained in the supplemental will go a long way towards the recovery of the gulf coast and I will support this measure.

Mr. COCHRAN. Mr. President, I am pleased that the Senate is approving today the conference report on this supplemental appropriations bill.

The bill provides funding to replenish the spending accounts of the Department of Defense, the Department of State, as well as other agencies and departments of the Government which are engaged in the war on terror. The conference report also makes available needed funding for efforts to repair and rebuild the homes, businesses, and public facilities that were damaged by hurricanes that struck the Gulf Coast region last year.

A bipartisan majority of the conferees have reconciled the differences between the two bills and reached agreement on the conference report. The House also approved the conference report by a vote of 351 to 67.

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

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

This conference agreement is the result of hard work and true compromise between the House and Senate, and I am pleased the Senate is prepared to approve it.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—98

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

NAYS—1

Specter

NOT VOTING—1

Rockefeller

The conference report was agreed to.

Mr. FEINGOLD. Madam President, today I voted in favor of the fiscal year 2006 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery conference report despite my serious reservations about using an emergency supplemental bill to fund ongoing U.S. operations in Iraq and Afghanistan and despite the fact that the bill fails to change the flawed and dangerous policy in Iraq that this administration is pursuing. That policy is taking a tremendous toll on our Nation's resources and our national security, and I will continue to look for every opportunity to force the Senate to debate and vote on changing that policy.

I supported the conference report because it included necessary funding for our troops, along with vital assistance to those communities devastated by Hurricanes Katrina and Rita and to those suffering in war-torn countries and those countries in need of immediate funding for their newly formed democracies. I am particularly pleased to see that $618 million is being provided for establishing peace in Darfur and $63 million for supporting the nascent Liberian Government that was recently elected.

Mr. COCHRAN. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Madam President, I thank all Senators for their patience and support during our deliberations on this conference report. I think the vote reflects strong sentiment that we have reached an agreement that is fair. It reflects respect for the administration's budget request and remaining within that budget request.

I appreciate the cooperation of all members of our Appropriations Committee and the full Senate as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, it is my understanding that the Department of Defense authorization bill is the pending business before the Senate.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2766, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

Santorum amendment No. 4234, to authorize, with an offset, assistance for pro-democracy programs and activities inside and outside Iran, to make clear that the United States supports the ability of the people of Iran to exercise self-determination over their own form of government, and to make enhancements to the Iran-Libya Sanctions Act of 1996.

McCain amendment No. 4241, to name the act after John Warner, a Senator from Virginia.

Mr. DURBIN. Mr. President, is there an amendment pending to the Defense authorization bill?

The PRESIDING OFFICER. The Senator is correct, there are two amendments pending.

Mr. DURBIN. I ask unanimous consent that those amendments be set aside.

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

AMENDMENT NO. 4253

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Ms. COLLINS, Mr. INOUYE, Ms. MIKULSKI, Mr. OBAMA, Mr. REED, Mr. MENENDEZ, and Mr. INHOFE, proposes an amendment numbered 4253.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require a pilot program on troops to nurse teachers)

At the end of subtitle E of title VI, add the following:

SEC. 662. PILOT PROGRAM ON TROOPS TO NURSE TEACHERS.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the Secretary of Health and Human Services and the Secretary of Education, conduct a pilot program to assess the feasibility and potential benefits of a program to—

(A) assist nurse corps officers described in subsection (c) in achieving necessary qualifications to become nurse educators and in securing employment as nurse educators at accredited schools of nursing;

(B) provide scholarships to nurse corps officers described in subsection (c) in return for continuing service in the Selected Reserve or other forms of public service; and

(C) help alleviate the national shortage of nurse educators and registered nurses.

(2) DURATION.—Except as provided in subsection (h), the pilot program shall be conducted during the period beginning on January 1, 2007, and ending on December 31, 2012. A nurse corps officer may not enter into an agreement to participate in the pilot program after December 31, 2012.

(3) REGULATIONS.—The pilot program shall be conducted under regulations prescribed by the Secretary of Defense in consultation with the Secretary of Health and Human Services and the Secretary of Education.

(b) DESIGNATION.—The pilot program required by subsection (a) shall be known as the ''Troops to Nurse Teachers Pilot Program'' (in this section referred to as the ''Program'').

(c) NURSE CORPS OFFICERS.—A nurse corps officer described in this subsection is any commissioned officer of the Armed Forces qualified and designated as an officer in a Nurse Corps of the Armed Forces who is—

(1) serving in a reserve component of the Armed Forces;

(2) honorably discharged from the Armed Forces; or

(3) a retired member of the Armed Forces.

(d) SELECTION OF PARTICIPANTS IN PROGRAM.—

(1) APPLICATION.—An eligible nurse corps officer seeking to participate in the Program shall submit to the Secretary of Defense an application therefor. The application shall be in such form, and contain such information, as the Secretary may require.

(2) SELECTION.—The Secretary shall select participants in the Program from among qualified nurse corps officers submitting applications therefor under paragraph (1).

(e) PARTICIPANT AGREEMENT.—

(1) IN GENERAL.—A nurse corps officer selected under subsection (d) to participate in the Program shall enter into an agreement with the Secretary of Defense relating to participation in the Program.

(2) ELEMENTS.—The agreement of a nurse corps officer under the program shall, at the election of the Secretary for purposes of the Program and as appropriate with respect to that status of such nurse corps officer—

(A) require such nurse corps officer, within such time as the Secretary may require, to accept an offer of full-time employment as a

nurse educator from an accredited school of nursing for a period of not less than one year; or

(B) require such nurse corps officer—

(i) within such time as the Secretary may require, to successfully complete a program leading to a master's degree or doctoral degree in a nursing field from an accredited school of nursing or to a doctoral degree in a related field from an accredited institution of higher education;

(ii) to serve in the Selected Reserve or some other form of public service under terms and conditions established by the Secretary; and

(iii) upon completion of such program and service, to accept an offer of full-time employment as a nurse educator from an accredited school of nursing for a period of not less than 3 years.

(f) ASSISTANCE.—

(1) TRANSITION ASSISTANCE.—The Secretary of Defense may provide a participant in the Program who enters into an agreement described in subsection (e)(2)(A) assistance as follows:

(A) Career placement assistance in securing full-time employment as a nurse educator at an accredited school of nursing.

(B) A stipend in an amount not to exceed $5,000 for transition to employment referred to in paragraph (1), and for educational training for such employment, for a period not to exceed two years after entry by such participant into an agreement under subsection (e).

(2) SCHOLARSHIP ASSISTANCE.—The Secretary of Defense may provide a participant in the Program who enters into an agreement described in subsection (e)(2)(B) scholarship assistance to pursue a degree described in subsection (e)(2)(B)(i) in an amount not to exceed $30,000 annually for a period of not more than four years.

(g) TREATMENT OF ASSISTANCE.—A stipend or scholarship provided under subsection (f) shall not be taken into account in determining the eligibility of a participant in the Program for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(h) ADMINISTRATION AFTER INITIAL PERIOD.—

(1) IN GENERAL.—The termination of the Program on December 31, 2012, under subsection (a)(2) shall not terminate the entitlement to assistance under the Program of any nurse corps officer entering into an agreement to participate in the Program under subsection (e) that continues in force after that date.

(2) ADMINISTRATION.—The Secretary of Education shall undertake any administration of the Program that is required after December 31, 2012, including responsibility for any funding necessary to provide assistance under the Program after that date.

(i) REPORT.—

(1) IN GENERAL.—Not later than three years after the commencement of the Program, the Secretary of Defense shall, in consultation with the Secretary of Health and Human Services and the Secretary of Education, submit to Congress a report on the Program.

(2) ELEMENTS.—The report shall—

(A) describe the activities undertaken under the Program; and

(B) include an assessment of the effectiveness of the Program in—

(i) facilitating the development of nurse educators;

(ii) encouraging service in the Selected Reserve and other forms of public service; and

(iii) helping alleviate the national shortage of nurse educators and registered nurses.

(j) DEFINITIONS.—In this section:

(1) NURSE EDUCATOR.—The term ''nurse educator'' means a registered nurse who—

(A) is a member of the nursing faculty at an accredited school of nursing;

(B) holds a graduate degree in nursing from an accredited school of nursing or a doctoral degree in a related field from an accredited institution of higher education;

(C) holds a valid, unrestricted license to practice nursing from a State; and

(D) has successfully completed additional course work in education and demonstrates competency in an advanced practice area of nursing.

(2) SCHOOL OF NURSING.—The term ''school of nursing'' means a school of nursing (as that term is defined in section 801 of the Public Health Service Act (42 U.S.C. 296)) that is accredited (as that term is defined in section 801(6) of the Public Health Service Act).

(k) FUNDING.—From amounts authorized to be appropriated for the Department of Defense, $5,000,000 may be available for the Program.

Mr. DURBIN. Mr. President, he is not on the floor, but Senator WARNER and I have been discussing this amendment. I would like to at least leave open the option that he will join me in cosponsoring it. It is a bipartisan amendment which I would like to describe at this point, if I can, and ask the Senator from Oklahoma if I may have a few minutes to describe the amendment.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Oklahoma.

Mr. INHOFE. Yes. Before the Senator from Illinois proceeds, I would like to comment. The Senator has worked very hard on this amendment. There is a problem that the Senator is seeking to correct, and I believe the amendment does correct it. I join him as a cosponsor of this amendment.

Mr. DURBIN. Thank you very much. I am honored that the Senator from Oklahoma would join me as a cosponsor.

In speaking to this amendment, this morning's Washington Post had a front-page story that should startle and trouble all of us. It is a story about the status of emergency rooms in hospitals across America. The organization that represents the emergency rooms and their physicians across America has issued a troubling report which suggests that many of those emergency rooms are not really adequately staffed or prepared to deal with emergencies. Too often, the men and women who are brought there in terrible medical situations can't find the help they need. As a result, they are shipped off to other hospitals or they wait sometimes up to 2 days before they are admitted to a bed in the regular hospital. It is a serious problem.

You might ask: What does that have to do with the Department of Defense authorization bill? Part of the problem facing the emergency rooms is also facing hospitals and clinics across America, and the problem is this: We don't have enough health care professionals; in particular, we don't have enough nurses in America. We know this is a fact.

Just last week, an administrator of a major hospital in Chicago came to see me. She is a wonderful woman. She is a Catholic nun who runs a hospital in one of the toughest parts of Chicago—Inglewood—and she has kept that hospital open. I don't know how she has done it. It has been nothing short of a miracle. The biggest single problem that she faces year in and year out is not just coming up with money but finding nurses.

I said to her: What do you pay a nurse?

And she said: About $50,000 a year. But, she said, if I can't hire that nurse for $50,000 a year, I have to buy what we call contract nurses. There are companies which, when hospitals don't have enough nurses, will send a nurse in to work for a day, a week, or a month. But the contract nurses cost three times as much, $150,000 annualized salary.

She said to me: Senator, I don't know if I can keep this hospital open if I can't find nurses.

This isn't just a problem at that hospital. It is a problem across my State and across our Nation. I am from downstate Illinois, a part of our State dominated by smaller towns, rural areas, struggling to keep hospitals open. We know better than most that when one of our neighbors goes into labor, she may not have the time to make it to the big city where there is a big hospital. She is counting on that rural hospital being open. When she gets there, she is counting on finding a nurse and a doctor to help her.

In many places in rural Illinois and across our country, the same challenge that faces the administrator of that hospital in the Inglewood section of Chicago is facing them: inadequate supplies of professionals, health care professionals.

The ongoing conflicts in Iraq and Afghanistan have increased the need for qualified nurses in military medical facilities. Unfortunately, the military faces the same difficulty in recruiting and in the retention of nurses as the civilian medical facilities which I just described. Neither the Army nor the Air Force has met their nurse recruitment goals since the 1990s. In 2004, the Navy nurse core recruitment fell 32 percent below its target, while the Air Force missed its nurse recruitment target by 30 percent.

Have you seen this special on HBO called ''Baghdad ER''? I have watched a little bit of it. As you watch it, you realize the heroic efforts that are being made by the men and women in the military who are providing emergency medical care to our soldiers who are shot in Iraq. It is incredible. It is heartbreaking to think about what they go through every day.

Now, put it in the context where the major sources of military nurses are telling us they can't recruit enough nurses fast enough. Last year, the Army experienced a 30-percent shortage of certified registered nurse anesthetists, as one example.

I have talked about civilian hospitals. According to the American College of Health Care Executives, 72 percent of hospitals have been experiencing a nursing shortage since 2004, and it is growing. This chart that I will show you is an indication of the projected shortfalls and shortages in registered nurses. The dark blue indicates the supply of nurses, which continues to decline, and, of course, the lighter blue, the shortage, which continues to increase. As you can see, our need for nurses is growing, and it is no surprise. We have an aging population that needs help: specialized medical care that requires specialized nurses. Time and again we find ourselves relying and counting on those nurses to be there, and we see from this chart as we project forward for the next 15 years that the problem is going to get much worse.

The U.S. Department of Health and Human Services looked at all licensed nurses, both civilian and military. They found that in the year 2000, our country was 110,000 nurses short of the number needed to adequately provide quality health care—110,000 across our Nation. Five years later, that shortage had doubled to 219,000 nurses that we needed and didn't have in America. By the year 2020, we will be more than 1 million nurses short of what is necessary for quality health care.

Now, the National Institutes of Health can engage in medical research to find new cures and treatments for diseases, and God bless them for all the work they do. The best and brightest minds can get together in laboratories and find new pharmaceuticals and new medical devices that give us a new lease on life. But we know that when the moment comes, when we need this help, we need a nurse. And if we find ourselves in a few short years with a million fewer nurses than we actually need, it will compromise the quality and availability of health care in America. It is not just a problem for the military, as I mentioned earlier, it is a nationwide problem.

To avoid the vast shortages the Department of Health and Human Services is projecting, we have to make a significant and substantial increase in the number of nurses graduating and entering the workforce each year. Just to replace the nurses who are retiring, we need to increase student enrollment at nursing schools by 40 percent. This chart is an indication of where we are, starting in the year 2000. This shows the baseline supply of nurses across America, which you can see is declining. This next line, the green line, shows the demand which is going up dramatically for nurses in our society, and this purple line shows what happens if 90 percent—the supply if 90 percent more grads take place. So even increasing graduate nurses by 90 percent over the next 15 years will still leave us short of our national goal.

Clearly, this is an emergency which has to be addressed. The baseline demand for nurses is rising; the supply is falling. If we increase the number of nurses graduating from nursing school by 90 percent by 2020, we are still not going to have enough.

I might add parenthetically, there is another element to this issue. I have been involved in this as long as I have been in public service. Small hospitals, small towns come to you desperate because they have lost their doctor. They need a doctor, and I do my best to find a doctor. But in 9 cases out of 10, the doctor you find comes from a foreign land. Many doctors have come to the United States from India, from Asia, from Africa, and we welcome them. We greet their families warmly as they have come to our country, and they are meeting our needs. And I thank them for making the decision to come and be a part of the solution to America's health care problem. But I have come to learn that there are two sides to this equation. The other side of the equation, of course, is that these doctors and nurses and health care professionals are leaving a land, too.

Last year, and over the last several years, we have taken 20,000 health care professionals out of Africa; doctors and nurses, people who really are essential in the frontline of defense when it comes to medical care. We have attracted them to the United States, to England, to Germany, and to France, and it is no surprise that they want to be here. Doctors in central Africa are paid $600 a month by the Government, if they are paid. They work in substandard conditions. Despite their education, they struggle to provide even the most basic care. In the area of eastern Congo in Goma, where I visited with Senator BROWNBACK just a few months ago, we learned that there was one doctor for every 160,000 people. Think about that: one doctor for every 160,000 people. What is the number in the United States? We have 549 doctors for every 100,000 people. Also, think about what it means when it comes to specialties like surgery.

I asked them in this hospital in Goma in Congo—where women were lined up in long lines praying that this would be the day or the week or the month when they would finally have the necessary surgery that they had been waiting so long for—I asked them: How many surgeons do you have in this part of Africa? This doctor said to me: We have one surgeon for every 1 million people—one surgeon for every 1 million. What does that mean? It would mean in the United States, three surgeons for the entire city of Chicago. Think about what those poor people face without those medical professionals.

So those who argue that the answer to our need in the United States will be bringing in nurses and doctors and professionals from around the world have to understand that this equation is not a zero sum. We end up bringing in these health care professionals at the expense of other countries and other people who face many more medical challenges than in the United States.

Some would say: Well, that is their problem. They ought to pay their doctors more or train more. But it is our problem, too. If an avian flu epidemic, God forbid, should ever start, if there would be a transmission from an animal to a human, it would likely occur in one of these developing nations. If they don't have the capacity to move immediately to contain that crisis to make sure there are public health officials and doctors and nurses present, and if they don't do it within 21 days, that epidemic can circle the world.

Diseases which used to die on immigrant ships coming across the ocean live quite well, unfortunately, on the airliners that crisscross this globe every single day. So if you take away the medical professionals in some of the poorest nations on Earth, you are opening the possibility that the dread diseases in that part of the world will make it to our part of the world. That is part of this shrinking globe on which we live.

The problem, when you look at the United States, is that there are not enough teachers at schools of nursing. Last year, nursing colleges across America denied admission to 35,000 qualified applicants for nursing school simply because they didn't have enough teachers at the nursing schools. Think about that: 35,000 more nurses that we could train and have serving us and others in the military and civilian life.

In my home State of Illinois, schools of nursing are denying qualified students admittance because they don't have enough teachers. Last year, 1,900 qualified student applicants were rejected from Illinois nursing schools because there weren't enough professors. Northern Illinois University in Dekalb, one of our best, was forced to turn down 233 qualified nursing applicants because they didn't have enough teachers and financial resources.

Illinois State University, another top university in our State, increased its enrollment by 50 percent in nursing over the past 5 years by working with health care systems and seeking grants, but last year, ISU was still forced to reject 100 qualified nursing applicants because they didn't have enough faculty and fiscal resources.

Take a look at this chart which is an indication of what we are being told by nursing schools. Sixty-six percent, or two out of three nursing schools across the United States, tell us that they need additional faculty. We find that in some schools there are no vacancies and no additional faculty needed. That is 18 percent. And in 15 percent, almost 16 percent, there are no vacancies, but they could use additional faculty. They could expand. The American Association of Colleges of Nursing surveyed more than 400 schools of nursing last year. As I said, two out of three reported vacancies in their faculty. Fifteen percent said they are fully staffed

but could use more faculty. These statistics paint a bleak picture for the availability of nursing faculties now and into the future.

Take a look at this final chart I will show you which is showing that there is, as in most things in America, a graying of the population that serves us. The median age of doctorally prepared nursing faculty members is 52. The average age of retirement for faculty at nursing institutions is 62. It is expected that 200 to 300 doctorally prepared faculty will be eligible for retirement each year from 2005 to 2012, reducing faculty, even though more than a million are needed. The military recruits nurses.

I want to thank all the men and women who are in nursing in the military and all in our medical professions. But they recruit from the same place that doctors and hospitals also recruit: civilian nursing schools.

Unless we address the lack of faculty, there is going to be a shortage of nurses everywhere. In 1994, the Department of Defense established a program which is a terrific idea. It is called Troops to Teachers. It serves the dual purpose of helping relieve the shortages of math, science, and special education teachers in high-poverty schools and assists military personnel in making transitions from the military to a second career in teaching. It is a terrific idea. As of January 2004—listen to this—more than 6,000 former soldiers have been hired as teachers through the Troops to Teachers Program, and an additional 6,700 are now qualified teachers looking for placements. We need teachers, and the men and women trained and educated in the military who want to serve bring a special quality to this mission.

The amendment which I have before the Senate will set up a pilot program—we call it Troops to Nurse Teachers—to encourage nurses in the Reserves, retiring nurses, or those leaving the military, to pursue a career teaching the future nurse workforce. More than 300 nurses left the Army last year. Historically, about 330 nurses leave the Air Force each year. Between 30 and 40 percent of the nurses in the Navy leave after they fulfill their initial obligation.

The Troops to Nurse Teachers Pilot Program will provide transitional assistance for servicemembers who already hold a master's or Ph.D. in nursing or related field and are qualified to teach. Eligible servicemembers can receive career placement assistance, transitional stipends, and educational training from accredited schools of nursing to expedite their transition. Troops to Nurse Teachers will also establish a pilot scholarship program that will provide financial assistance to officers of the armed services who have been involved in nursing during their military service and help them obtain the education necessary to become nursing educators. Tuition stipends and financing for educational expenses would be provided. Recipients of scholarships must commit to teaching at an accredited school of nursing for at least 3 years in exchange for the educational support they receive. The Secretary of Defense may also require them to continue their service in selected reserve areas or perform other public service in exchange for this program.

The supporters of this amendment include the American Nurses Association, the American Hospital Association, the American Association of Colleges of Nursing, the American Organization of Nurse Executives, the American Health Care Association, and the National League for Nursing.

Let me conclude. We must increase the number of teachers preparing tomorrow's nursing workforce. With the aging of the baby boom generation, long-term needs of growing numbers of wounded veterans and military and civilian health care systems will need qualified nurses more than ever in the years to come. Let's take quality men and women serving in the armed services, who gave so much to this country, and tell them that when they leave the armed services there is an option where they can continue to serve America as professors and teachers in our nursing schools. This will increase the capacity of these nursing schools, provide more nurses for America, which is what we need, and lessen the demand for nurses to come from overseas where they are also desperately needed. I think this is a winning opportunity all across the board, and I encourage my colleagues from both sides of the aisle to support this bipartisan amendment.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, first of all, let me acknowledge to my friend from Illinois he is attempting to, and I believe will successfully, resolve a problem. I happen to be more sensitive to this than most people. Two of my kids are doctors, and they assure me that this nurse shortage is nationwide. It is all out there.

One of the concerns I had when this came up was I would not want this to detract from any of the other programs. Right now I have been one to say our military budget, our Defense authorization bill, is really not quite adequate as it is. It is my understanding the Senator has been very cooperative to make sure this doesn't happen.

I have added my name as a cosponsor, and it is my understanding Senator WARNER is going to be here shortly and wants to add his name. So the amendment would give the discretion to the DOD, working with the Department of Education, to structure a program that would achieve the dual goals of creating more nurse educators and more Reserve officers. I think we have the support of the committee on both sides, and I commend the Senator for bringing up this solution.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I spoke with Senator WARNER about this amendment. I would really appreciate his cosponsorship, but I don't want to ask his name be added until we are certain. If there are any difficulties on this amendment, I stand ready to change it. We want to find a good bipartisan response. There are just a few elements we are still working on.

I don't know if the Senator from Oklahoma thinks this is the time for us to move for passage of the amendment or whether we should wait?

Mr. INHOFE. I respond I personally think it is time to pass it. We have limited time. This is one that enjoys support from both sides of the aisle. I am sure the Senator from Virginia can put his name on this and will make his own expression when he gets here.

Ms. MIKULSKI. Madam President, I rise in support of this amendment to create a pilot program on troops to nurse teachers. America is facing a nursing shortage and it is getting worse. America's nurses are overworked, underpaid, and undervalued yet nursing schools are still forced to turn away qualified students. More than 30,000 qualified applicants were turned away last year. In Maryland, nursing programs turned away more than 2,000 qualified students last year. Why are they turning away all of these qualified applicants? Because there aren't enough teachers to teach them. This is the biggest bottleneck in ending the nursing shortage.

The military is also facing a nursing shortage. Medicine is a 24-hour job. Military medicine is even harder. Our military medical professionals have accomplished something truly remarkable in this war: injured troops who make it to a field hospital have a 96 percent rate of survival. That is a testament to our military doctors and nurses on the front lines.

We need to make sure there are enough military nurses to continue to provide this outstanding care. Neither the Army nor the Air Force have met their nurse recruitment goals since the 1990s. In 2004, Navy Nurse Corps recruitment fell 32 percent below its target. The Air Force and Army are also 30 percent below their targets. All branches of the military are offering incentives for nurses to join the Armed Forces. But there simply aren't enough nurses to fill those jobs because there aren't enough teachers to train them. There is a pool of potential nurse educators in our retired nurse corps. We should take advantage of their experience and their dedication to teach the next generation of military nurses.

This amendment would help to train the next generation of military nurses and help to curb the nursing shortage by encouraging nurse corps officers to become nurse educators. It establishes a ''Troops to Nurse Teachers'' pilot program which will provide scholarships and other financial assistance to

nurse corps officers so that they can get advanced degrees to become nurse educators. In exchange for these scholarships, they must teach for at least 3 years in a school of nursing and continue service in either the reserves or another form of public service. This is modeled after the ''Troops to Teachers'' program which gives incentives to people leaving the military to become teachers. Since 1994, more than 8,000 former soldiers have been hired as teachers through this program.

We must make sure our troops have enough nurses to keep them safe. The nursing shortage affects every State, every city, every town. And it affects our troops in Afghanistan and Iraq. There are so many dedicated military nurses that still want to give back to their country. They can do this by teaching the next generation of military nurses. But we must empower them to choose nurse education—making it more affordable, providing opportunities for advancement—so nurses can move up instead of moving on and so our troops get the care that they need. I thank my colleagues for accepting this amendment.

Mr. DURBIN. Madam President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 4253) was agreed to.

Mr. INHOFE. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Madam President, I was outraged this morning when I read a Washington Post article that suggests that the Prime Minister of Iraq is willing to allow an amnesty for those who have taken American lives. In this article, the Prime Minister of Iraq is quoted as saying:

Reconciliation could include an amnesty for those ''who weren't involved in the shedding of Iraqi blood. . . .''

That is where his quote ends. Mr. Prime Minister, how about American blood? Are you willing to have reconciliation on the pool of American blood that has been spilled to give your people and your country a chance for freedom?

Then to read on in this article, where a top adviser to Prime Minister Maliki is asked about clemency for those who attack U.S. troops, he is quoted as saying:

''That's an area where we can see a green line. There's some sort of preliminary understanding between us and the MNF-I,'' the U.S.-led Multi-National Force-Iraq, ''that there is a patriotic feeling among the Iraqi youth and the belief that those attacks are legitimate acts of resistance and defending their homeland. These people will be pardoned definitely, I believe.''

Pardoned definitely? So those who were armed and killed Iraqis, they will not be pardoned. Those who were armed and killed Americans, they will be pardoned? That is outrageous. President Bush, you went to Iraq and you said you wanted to look into the eyes of Prime Minister Maliki to know that he is a man you can trust, a man who will move us forward. I don't know how deep you looked into his soul, but you have to pick up the phone today and tell Prime Minister Maliki that we will not have the ability to pardon anyone with the blood of American soldiers on their hands.

Today we have hit the mark of 2,500 Americans who have given their lives to give the Iraqi people a chance. We have thousands of our young men and women who have returned to America wounded, who have lost their legs, who have lost their limbs, lost their sight, have had half of their faces blown off. Their blood was shed in Iraq. Are we going to stand by and permit an amnesty to be given to those who killed our fellow countrymen?

I intend to, with Senator NELSON, offer a resolution that makes it very clear that the Senate believes the Iraqi Government should not grant amnesty to persons who have attacked, killed, or wounded members of the U.S. Armed Forces serving heroically in Iraq to provide all Iraqis a better future, and that President Bush should immediately notify the Government of Iraq that the U.S. Government opposes granting amnesty in the strongest possible terms. This has to end immediately.

I hope, when we offer that resolution, the Senate will speak with one clear and unequivocal voice that the blood of Americans and the lives of Americans is not subject to any pardoning, and is certainly not part of an offer that can be made that stains the honor and the sacrifices made by Americans.

I yield the floor.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

AMENDMENT NO. 4192

Mr. FEINGOLD. Mr. President, I call up my amendment numbered 4192.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 4192.

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

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

The amendment is as follows:

(Purpose: To provide for the redeployment of United States forces from Iraq by December 31, 2006)

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

SEC. 1084. REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

(a) REDEPLOYMENT.—The United States shall redeploy United States forces from Iraq by not later than December 31, 2006, while maintaining in Iraq only the minimal force necessary for direct participation in targeted counterterrorism activities, training Iraqi security forces, and protecting United States infrastructure and personnel.

(b) REPORT ON REDEPLOYMENT.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to Congress a report that sets forth the strategy for the redeployment of United States forces from Iraq by December 31, 2006.

(2) STRATEGY ELEMENTS.—The strategy required in the report under paragraph (1) shall include the following:

(A) A flexible schedule for redeploying United States forces from Iraq by December 31, 2006.

(B) The number, size, and character of United States military units needed in Iraq after December 31, 2006, for purposes of counterterrorism activities, training Iraqi security forces, and protecting United States infrastructure and personnel.

(C) A strategy for addressing the regional implications for diplomacy, politics, and development of redeploying United States forces from Iraq by December 31, 2006.

(D) A strategy for ensuring the safety and security of United States forces in Iraq during and after the December 31, 2006, redeployment, and a contingency plan for addressing dramatic changes in security conditions that may require a limited number of United States forces to remain in Iraq after that date.

(E) A strategy for redeploying United States forces to effectively engage and defeat global terrorist networks that threaten the United States.

Mr. FEINGOLD. Mr. President, I would like to withdraw that amendment. I had intended to call up another amendment which has to do with the special inspector general for Iraq. Will the Chair tell me what the number of that amendment is? I have to clarify the number of this amendment. In light of that, I yield the floor so Senator SCHUMER can speak.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I read, as many did, in the newspapers this morning that the Prime Minister of Iraq has proposed giving amnesty to those incarcerated by the Iraqi Government who have killed or maimed Americans. It was stated that if Iraqis killed Iraqis they would not be given amnesty, but if Iraqis killed Americans, they would.

That is an outrageous statement. For the Prime Minister of Iraq to offer a ''get out of jail free'' card to those who have killed American soldiers is an insult to the soldiers, their families, and every American.

Just 2 days ago, the Prime Minister stood with President Bush, and President Bush said he looked in his eyes

and saw that he was a good man. We are urging that President Bush call up the Prime Minister of Iraq immediately and get him to retract this pernicious, nasty statement which basically abdicates the great sacrifices that have been made by American soldiers for the people of Iraq.

It is just mind-boggling to believe that the Iraqi Prime Minister would decide that it would be OK to give amnesty to those who hurt Americans. What kind of ally is this? Will he turn on us in 2 months or 6 months? He seems to be the new hope of the new government, and within 24 hours after President Bush leaves Iraqi soil, he defames the sacrifices of American soldiers and their families.

President Bush, you should call your friend the Prime Minister and get him to retract this evil statement immediately. How can we ask America's young men and women to risk their lives in Iraq if those who seek to shoot at them are then absolved of any blame?

This is a statement which should really go down in infamy, and I hope and plead with the President to urge the Iraqi Prime Minister to withdraw the statement and figure out what consequences should follow if the Prime Minister refuses.

I yield the floor.

AMENDMENT NO. 4192, WITHDRAWN

The PRESIDING OFFICER. For clarification, the amendment No. 4192 offered by the Senator from Wisconsin was withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4256

Mr. FEINGOLD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] for himself, Mr. LEVIN, and Mr. LEAHY, proposes an amendment numbered 4256.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strengthen the Special Inspector General for Iraq Reconstruction)

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

SEC. 1054. STRENGTHENING THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

For purposes of discharging the duties of the Special Inspector General for Iraq Reconstruction under subsection (f) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (5 U.S.C. 8G note), and for purposes of determining the date of termination of the Office of the Special Inspector General under subsection (o) of such section, any funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, regardless of how such funds may be designated, shall be treated as amounts appropriated or otherwise made available for the Iraq Relief and Reconstruction Fund.

Mr. FEINGOLD. Mr. President, I thank my colleagues for their patience. I had identified the wrong amendment. I got that clarified.

What I wish to tell my colleagues is that this amendment strengthens the Special Inspector General for Iraq and ensures that U.S. taxpayer dollars will be spent wisely, efficiently, and within the law.

The Special Inspector General for Iraq, known as ''SIGIR,'' was established in 2003. I worked hard with a few of my colleagues in creating this office to monitor, audit, and report on the expenditure of billions of U.S. taxpayer dollars that this body appropriated to the Iraq Relief and Reconstruction Fund.

My amendment is relatively simple. It recognizes the fact that we need to continue to ensure oversight and monitoring of U.S. taxpayer dollars that continue to support reconstruction efforts in Iraq, which includes over $1.6 billion in the latest supplemental for Iraq reconstruction and in the fiscal year 2006 foreign operations bill. It increases the mandate of the Special Inspector General for Iraq, while also extending the period for which that office will be in existence.

This amendment will strengthen the capabilities of the Special IG to monitor, audit, and inspect funds made available for assistance for Iraq in both the Iraq Relief and Reconstruction Fund—IRRF—and in other important accounts.

I offer this amendment today because it is my firm belief that we should not be pouring tens of billions of dollars into Iraq reconstruction without ensuring there is appropriate oversight and auditing. American taxpayers deserve to know where their money is going in this costly war and that it is being used effectively and efficiently and ending up in the right place.

The SIGIR's work to date has been extremely valuable to the U.S. Government and to Congress. The SIGIR has now completed over 55 audit reports, issued over 165 recommendations for program improvement, and has seized $13 million in assets. Overall, the SIGIR estimates that its operations have resulted in saving the U.S. Government over $24 million, in addition to the considerable wasteful or fraudulent spending that office has uncovered.

Throughout 2005, the Iraq IG provided aggressive oversight to prevent waste, fraud and abuse in the at-times lethal operating environment in Iraq. Its emphasis on real-time auditing—where guidance is provided immediately to management authorities upon the discovery of a need for change—provides for independent assessments while effecting rapid improvements.

In its January report to Congress, the SIGIR concluded that massive unforeseen security costs, administrative overhead, and waste have crippled original reconstruction strategies and have prevented the completion of up to half of the work originally called for in critical sectors such as water, power, and electricity. The Iraq IG's work has resulted in the arrest of five individuals who were defrauding the U.S. Government, and it has shed light on millions of dollars of waste. It is this kind of investigation and reporting that helps shape the direction of reconstruction funding and ensures that the money is being used and allocated as transparently and effectively as possible.

I pushed to create the Special Inspector General for Iraq in order to ensure that there is critical oversight of the Iraq Relief and Reconstruction Fund allocated for Iraq reconstruction projects. Last year I fought to extend the life of this office, and my amendment today will ensure that the SIGIR has the capability and the life-span to finish up work associated with monitoring, evaluating, and reporting on how U.S. taxpayer dollars are being spent in Iraq for reconstruction purposes.

Let me talk briefly about what my amendment actually does. Because current legislation requires that the SIGIR continue its work until 80 percent of the IRRF had been expended, and unless we do something to change this, the SIGIR will cease to exist before U.S. taxpayer dollars going to Iraq reconstruction have been expended. This means that despite the fact that we continue to support Iraq reconstruction efforts, we are removing our ability to oversee billions of taxpayer dollars.

To help avoid this potentially costly and unnecessary challenge, this amendment considers any money going to Iraq reconstruction efforts—regardless of whether or not it is in the IRRF—be subject to the SIGIR's oversight mandate. It will also help determine when we can ask the SIGIR to stand down.

This amendment is common sense. The SIGIR's great work has more than paid for itself, and it has developed a capacity that is unparalleled by either DoD or State's inspector general offices. The SIGIR is doing great work, and I, along with my distinguished colleagues Senator LEVIN and others, believe that this small change in the law will allow us to tell our constituents that we are making every effort to ensure that their hard-earned taxpayer dollars are being used in the most effective way possible. Let's support the SIGIR, and lets give it the time and mandate to monitor Iraq reconstruction funds.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, we should consult with leadership. The yeas and nays having been ordered, I wonder if the Senator would be gracious enough to allow the Senator from Michigan and myself to consult with leadership as to the time for a vote.

Mr. FEINGOLD. Mr. President, if it is all right with the Senator from Virginia, it is my understanding that it will be taken by voice vote.

Mr. WARNER. Is that the intent?

Mr. FEINGOLD. I want to be make sure it has been cleared on the other side.

Mr. LEVIN. Mr. President, it was my understanding that this was either cleared or was going to be supported by the chairman. I did not confirm that with my friend. That is a little bit in limbo. I very much support the Senator's amendment. I hope it can be cleared. If so, apparently the Senator is willing to take a voice vote.

Mr. FEINGOLD. That is correct.

Mr. LEVIN. I wonder if I could proceed with my remarks in support of the amendment while they discuss it.

I support the Feingold amendment to ensure that the Special Inspector General for Iraq Reconstruction has jurisdiction over funds appropriated for the reconstruction of Iraq.

As the Senator from Wisconsin has mentioned, Congress established the Special Inspector General position in a fiscal year 2004 emergency supplemental appropriations bill to ensure effective oversight and audit of relief and reconstruction efforts in Iraq. The Special Inspector General reports jointly to the Secretaries of Defense and State and has responsibility for oversight of operations and programs funded by the Iraq Relief and Reconstruction Fund. The Senator from Wisconsin last year offered an amendment to extend the position. It was very welcome. It was a very useful and important contribution. I commend him for it. It is unfortunate that the most recent emergency supplemental which we just passed today would appropriate funds for Iraq reconstruction without including those funds in the Iraq Relief and Reconstruction Fund. It is important that this amendment be agreed to so as to ensure that this Special Inspector General for Iraq Reconstruction has jurisdiction over all funds appropriated for the reconstruction of Iraq.

Under current law, this funding approach would have the effect of excluding reconstruction projects using these new funds from the jurisdiction of the Special Inspector General.

The State Department says that its Inspector General would be responsible for auditing the use of these funds. However, the State Department IG, unlike the Special Inspector General, does not have a significant presence in Iraq and does not have experience in auditing contracts and ferreting out fraud in the unique environment of Iraq.

For the last 3 years, the Special Inspector General has been the only source of consistent, independent, on-the ground review of reconstruction activities in Iraq. As a result, the Special Inspector General has reported case after case of criminal fraud and egregious waste that would otherwise have gone unremedied. Report after report documents cases—at al Hillah General Hospital, Babylon Policy Academy, Karbala Library, Baghdad International Airport and elsewhere—in which we paid contractors millions of dollars for work without making site visits, issuing performance reports, preparing post-award assessments, or taking other steps to ensure that the work we paid for was actually performed. In case after case, the Special Inspector General determined that either the contractor's performance was deficient or the work was not performed at all.

One particularly egregious case reviewed by the Special Inspector involved a $75 million contract with Kellogg Brown and Root, KBR, to develop a Pipeline River Crossing at Al Fatah, Iraq. The Special Inspector General reported that the project ailed because subsurface geologic conditions made it impossible to carry out the project design. These conditions were identified by a consultant before work commenced, but neither the Army Corps of Engineers nor KBR acted on the consultant's recommendation to perform additional research that would have prevented the failure.

A subject matter expert for the Coalition Provision Authority recognized that KBR had limited experience in this type of project and advised that the project would probably fail because design restrictions provided no flexibility to accommodate site conditions. However, KBR refused to conduct design reviews requested by the subject matter expert.

The Army Corps of Engineers awarded KBR a firm fixed price contract with no performance requirements. As a result, KBR was assured that it would get paid the full contract amount, regardless whether it successfully completed the project.

A KBR subcontractor identified problems with the site conditions at the outset of the project and suggested alternative drilling sites, but was turned down by KBR. KBR prohibited the subcontractor from talking directly to the Army Corps of Engineers and told the Army Corps that detailed cost reports would not be provided, because they were not required by the contract.

As a result, we spent the entire $75 million allocated to the project, but achieved only 28 percent of the planned pipeline throughput. According to the Inspector General, the lack of pipeline capacity resulted in the loss of more than $1.5 billion in potential oil revenues to the Iraqi government.

The Special Inspector General is the only U.S. audit and investigative authority with a significant on-the-ground presence in Iraq. He is the only inspector general who has an experienced staff with hands-on knowledge of how things work in Iraq. He is the only inspector general who has shown the capacity and the desire to turn over rocks in Iraq to identify and address problems of fraud and criminal conduct.

If we are serious about protecting the taxpayer and preventing contractor abuses in Iraq, we will adopt this amendment. I urge my colleagues to support the Feingold amendment.

Mr. WARNER. Mr. President, I thank my distinguished colleague.

We are trying to work this out. There is a problem. The problem is not to the generic virtues of Senator FEINGOLD's amendment—which, incidentally, I support—but it is a question of the allocation of some funding in it and how that impacts on other areas of funding. As soon as I can work that out, I will advise the Senate. I am hopeful we can eventually go to a vote.

Mr. LEVIN. Mr. President, while that is being worked on—I hope we can resolve that because this is a very important amendment. We want that Special Inspector General, who is really doing the only significant oversight on the expenditure of these billions of dollars in Iraq, to perform the same oversight functions on the appropriations, for instance, which we just adopted.

I again commend the Senator from Wisconsin. It was at his instigation and his initiative that we extended this Special Inspector General's Office last year, and it was that initiative which has paid off so handsomely for us. This initiative is critically important or else we might, I think inadvertently, not have the same watchdog looking over the most recent appropriations we adopted.

I also believe the Special Inspector General actually testified before the Chair's subcommittee earlier this year, so the Presiding Officer has had the ability to hear firsthand from the Special Inspector General about his operations.

By the way, I commend our Presiding Officer for those hearings. They were very helpful.

Mr. WARNER. Mr. President, we are prepared to go ahead with a voice vote at this time, if it is agreeable. I add my endorsement of the basic thrust of the amendment. Like others, I have had the opportunity to be debriefed by the inspector general, and I am very impressed with his conscientious service on this matter. He periodically goes over to Iraq, that theatre, and Afghanistan, for periods of time. He has accepted the challenges of this post with enormous enthusiasm and skill.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank both the ranking member and chairman for their comments and support.

My understanding is the chairman wants to take this by voice vote. Therefore, I ask the yeas and nays be vitiated.

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

The question is on agreeing to the amendment.

The amendment (No. 4256) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, the leadership and the managers have reached a recommended unanimous consent request which I now propound.

I ask unanimous consent at 12 noon today the Senate proceed to a vote in relation to Santorum amendment No. 4234, to be followed by a vote in relation to a first-degree amendment to be offered by Senator BIDEN related to the same subject; further, I ask unanimous consent that the time until 12 be equally divided between myself, representing Senator SANTORUM and others, and Senator LEVIN, with no second degrees in order to either amendment prior to the votes; provided there be 2 minutes for debate equally divided between the votes.

The PRESIDING OFFICER. Is there objection?

The Senator from Michigan.

Mr. LEVIN. Mr. President, reserving the right to object, is it my understanding that following the disposition of these two amendments that then a Democratic amendment would be the next in order?

Mr. WARNER. Mr. President, I am not able to answer that question. I believe that would be correct. I would be perfectly willing to have it that way because I know we did Senator DURBIN's this morning.

Mr. LEVIN. With that understanding—and there will be a Senator NELSON of Florida amendment, so you are on notice relative to that—I have no objection.

Mr. WARNER. Fine.

Mr. DURBIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I first want to apologize to the chairman and ranking member that I came to the floor and realized they were in the process of doing this because I certainly would have spoken to them in advance before making this request. But I hope they will agree to this request.

We have just been informed at the Department of Defense that we have now lost our 2,500th soldier in Iraq. Last October, when we lost our 2,000th, the Senate observed a moment of silence in respect for all of the soldiers and those serving in uniform and their families. I would like to ask if the chairman would consider amending his request so that between the two rollcalls, when Members are on the floor, that they would come to their chairs and we would observe a moment of silence in respect for our troops and for this notification that we have reached this sad milestone.

Mr. WARNER. Mr. President, I so amend the unanimous consent request that there be a time not to exceed whatever is appropriate for this proper recognition by the Senate of the loss of life.

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

Mr. DURBIN. Thank you.

Mr. LEVIN. Mr. President, I thank the Senator from Illinois for this suggestion.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I think we are ready for the Senator from Delaware.

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

Mr. WARNER. Let it be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, I rise today for two purposes: one is to speak against the Santorum amendment relating to Iran—the Iran sanctions—and, two, to offer an amendment relating to the negotiations that are now underway by the President of the United States.

Let's cut right to it, if I may. Are we going to stand aside while the President of the United States of America is trying to stop the development of a nuclear bomb in Iran? The President of the United States of America has made a judgment—I would argue, finally, but he has made a judgment—that the best way to keep the worst thing from happening is to cooperate with our friends to put pressure on the bad guy.

What do I mean by that? The President of the United States, I assume at the urging of the Secretary of State—although it is not relevant, actually—the President of the United States took a more aggressive course about a month ago in attempting to stop the Iranians from developing a nuclear weapon, a weapon that, if developed in conjunction with a missile, could change, in a material way, the dynamics in the Middle East and particularly relating to our interests, notwithstanding the fact that it might not be able to strike the United States—a development that if it occurred would almost assuredly put great pressure on the Sunni Arabs in the region, who have lots of money, to join with possibly Egypt or another country to develop a Sunni bomb. This is not a good thing.

So the President, in conjunction with France, Germany, and the United Kingdom, our three largest European allies, along with China, and Russia, has agreed to and has been sitting down and making a specific proposal, which the President of the United States has pledged the United States to, in order to both entice as well as dissuade the Iranians from pursuing their course. There are two pieces to it. One, it says to the Iranians: If you cooperate and verifiably cease and desist, we, the United States, the three European countries, China, and Russia, will move forward with the following incentives to move you closer to the family of nations as a responsible nation. And there are a set of very specific incentives that the President of the United States of America has signed on to—quote, an ''offer,'' if you will, to the Iranian Government.

It also says, as was reported in the New York Times and the Washington Post today, that the Chinese, as well as the Americans and Russians, have communicated a second piece of information to the Iranians: If you do not cease and desist, these bad things are going to happen to you, and we are all jointly—jointly—going to impose them on you.

I think that was a stroke of significant diplomacy on the part of the President, which basically, as I understand it, the Europeans, Russians, and Chinese said: Will you join us in some of the carrots? And the President, as I understand it, said: Yes, if you join me in the strikes. It is carrots and sticks.

I know of no way to avoid one of two alternatives: one is the resignation to the acceptance of an Iranian weapon, and relying upon deterrence; or, two, the use of military force against Iran to prevent the development of that weapon.

My friend from Pennsylvania, as well as all of us on this floor, have received, I expect, the same extensive briefings I have on just how limited those alternatives are at this point militarily.

So I think the President has chosen a very reasonable course here. But even if you disagree with it, one of the things that—and I have been here during seven Presidents, and I have been very critical of this President's foreign policy—but the idea, in the midst of a negotiation, at the point at which the world is expecting and waiting and wondering what Iran's response will be, that the U.S. Senate would go on record as tying the President's hands in this negotiation—I find that amazing, absolutely amazing.

I spoke this morning with the Secretary of State who authorized me to say, unequivocally, the administration opposes this amendment. It limits their flexibility in doing what we all want: preventing the construction of a nuclear weapon in Iran. How much clearer can the administration be? And as my Grandfather Finnegan from my home State of Pennsylvania used to say: Who died and left you boss? Since when do we negotiate for a President? We are in the midst of a negotiation. The only thing we have going for us now, with China, Russia, and Europe all siding with us, we are about to mess up? Folks, I think this is such a tragic mistake—well-intended but tragic. The underlying amendment, Mr. SANTORUM's amendment, in my view, and in the view of the Secretary of State, actually advocates a policy that would jeopardize President Bush's initiative and, I believe, play directly into the hands of Iranian hard-liners.

I think if you read the language, it also has the potential to damage relations with some of the key countries whose cooperation we need to pressure Iran to abandon its nuclear ambitions. If this approach were adopted, we would be in the untenable position of sanctioning companies located in countries that we are asking to impose sanctions on Iran if they fail to accept the offer put forward by Russia, China, Europe, and the United States.

It does not, with all due respect to my friend, because I have joined him in Iran sanctions legislation in the past—I have joined him—but this is a different amendment and it is a fundamentally different time.

I remember going down to see the President when he was making his first trip to Europe. He asked whether I would come down and speak with him and his staff and I did. It was very gracious of him to ask my opinion, which was very nice of him. He said he was going to Germany. And he said—I am paraphrasing—I understand you have been asked to speak to the Bundestag, the German Parliament.

I said: Yes, I have, Mr. President.

He said: I understand you have turned it down.

I said: Yes, I have, Mr. President.

He said: Why?

I said: Mr. President, we only have one President. You are my President. My disagreements with you on foreign policy—at that time it related to the Balkans and some other things—I think it is totally inappropriate, while you are in Europe, while you are in discussions with the very people who invited me to speak, for me to go and publicly afront you in a foreign capital before their—their—Parliament, the very Parliament you are going to be speaking to. I am not President. You are our President. And he pressed: Well, why?

And I said, somewhat facetiously—and I have had this discussion with Newt—I am not Newt Gingrich. I don't go to the Middle East and speak to Middle Eastern Parliaments while the previous Secretary of State is there negotiating. I think it is inappropriate.

The President of the United States is in the midst of the most important negotiations, absent Korea—and not much is going on there—that we have had since he has been President. And even if everything in here makes sense, why would we now do this?

My plea to my friend from Pennsylvania is: Withhold this amendment. See what happens in the negotiations. If, in fact, they fail—as they have an overwhelming prospect that could happen—then come back to the Senate and the Congress to put on these restrictions.

Mr. President, may I ask how much time the Senator from Delaware has remaining?

The PRESIDING OFFICER. One minute 50 seconds.

Mr. BIDEN. I say to my friend from Pennsylvania—I have not had a chance to speak to him personally—I say to the Senator from Pennsylvania, I have an amendment.

Mr. President, have I sent my amendment to the desk? Is the Biden amendment at the desk?

The PRESIDING OFFICER. It is at the desk but not called up.

AMENDMENT NO. 4257

Mr. BIDEN. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. HAGEL, Mr. DODD, and Mr. LEVIN, proposes an amendment numbered 4257.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 1231. UNITED STATE'S POLICY ON THE NUCLEAR PROGRAMS OF IRAN.

(a) FINDINGS.—Congress finds that:

(1) The pursuit by the Iranian regime of a capability to produce nuclear weapons represents a threat to the United States, the Middle East region, and international peace and security.

(2) On May 31, 2006, Secretary of State Rice announced that the United States would join negotiations with Iran, along with the United Kingdom, France, and Germany, provided that Iran fully and verifiably suspends its enrichment and reprocessing activities.

(3) On June 1, 2006, President George W. Bush stated that ''Secretary Rice, at my instructions, said to the world that we want to solve the problem of the Iranian nuclear issue diplomatically. And we made it very clear publicly that we're willing to come to the table, so long as the Iranians verifiably suspend their program. In other words, we said to the Iranians [that] the United States of America wants to work with our partners to solve the problem''.

(4) On June 1, 2006, the United States, the United Kingdom, France, Germany, the People's Republic of China, and the Russian Federation agreed upon a package of incentives and disincentives, which was subsequently presented to Iran by the High Representative of the European Union, Javier Solana.

(b) SENSE OF CONGRESS.—Congress—

(1) endorses the policy of the United States, announced May 31, 2006, to achieve a successful diplomatic outcome, in coordination with leading members of the international community, with respect to the threat posed by the efforts of the Iranian regime to acquire a capability to produce nuclear weapons;

(2) calls on Iran to suspend fully and verifiably its enrichment and reprocessing activities, cooperate fully with the International Atomic Energy Agency, and enter into negotiations, including with the United States, pursuant to the package presented to Iran by the High Representative of the European Union; and

(3) urges the President and the Secretary of State to keep Congress fully and currently informed about the progress of this vital diplomatic initiative.

Mr. BIDEN. Mr. President, what my amendment does is speak to and support the President's present negotiation. It gives full support to the President of the United States, because if there was ever a time the President should have the world know the Nation stands behind him, it is now. It is now in this negotiation. I don't have time to read the amendment, but I promise you, it is a rendition of the administration's position on negotiations and compliments him for it and says we support him.

Although Senator HAGEL is in a hearing and on his way, there will probably not be much time for him to speak. But he is a cosponsor, along with Senators LEVIN and DODD. I am sure there are others, and I ask unanimous consent that they be able to be added later.

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

Mr. BIDEN. Mr. President, I also want to point out that the distinguished chairman of the Armed Services Committee, if I am not mistaken, yesterday raised significant concerns with the Santorum amendment as well. As I look at the RECORD, they all are pertinent and accurate.

I will conclude by saying, this is no time to be meddling in the midst of a negotiation on one of the most important issues facing the United States, when the President has newly initiated a specific proposal. I urge my friend from Pennsylvania to withhold his amendment until we see what turns out there. If he thinks it is necessary after the negotiations succeed or fail, then come back.

I thank my friend from Pennsylvania for allowing me to probably run over a minute or so.

I yield the floor.

AMENDMENT NO. 4234

Mr. WARNER. Mr. President, I yield such time as our colleague wishes. I ask unanimous consent that each manager have at least 3 minutes to address this at the conclusion of the remarks by the Senator from Pennsylvania.

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

Mr. SANTORUM. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SANTORUM. With respect to the Biden amendment, I was handed a copy of it a couple minutes ago. But having read it, it is a sense of the Senate. I don't see any reason not to support the Biden amendment. I have no problem with the language. It basically says that we hope for a resolution to the diplomatic efforts under way, a positive resolution with respect to Iran not pursuing nuclear weapons. That is no problem for me. But it doesn't do anything other than say we wish you well.

The amendment I have offered is an amendment that is in substance the bill that passed the House of Representatives in April with over 300 votes. At the time it passed, prior to the negotiations that were commenced at the end of May by the administration, as the Senator from Delaware suggested, when it passed in April, the administration opposed it. I suspect, although I will let the Senator from Delaware speak for himself, I know he is not a cosponsor of my bill that is in the Foreign Relations Committee, and, to my knowledge, Senator LUGAR has not supported this legislation. The State Department has not supported my legislation. It is not surprising to me that they don't support this amendment. They don't generally support amendments that have to do with sanctions and forcing them to do things they don't want to do.

We are a coequal branch of Government, and it is vitally important for us at a critical time—and I agree with the Senator from Delaware on this, this is a critical time. I disagree with him on several things. One of the things on which I disagree with him, I think these negotiations are more important than North Korea. I think the threat of Iran and Islamic fascism is more significant than the threat posed by North Korea.

I believe this is a vitally important negotiation. I think it is vitally important during the course of these negotiations to speak to them and to speak in support not only in words but in deeds of what the President is trying to accomplish. The deeds here are very clear. It is twofold. The Senator from Delaware suggested there are not very many good options on the table.

The two options on the table, other than military force, are in this amendment. Those two options are to support prodemocracy efforts within Iran, to try to see if we can get a peaceful transformation of that government. The second is to try to dissuade the Iranians from moving forward and dissuade others, companies and countries, from working with them in development of their nuclear weapons program. Those are the options.

The President is trying to do it through a diplomatic arrangement. I wish him the very best. But I remind everybody here who is going to vote, this is not going to the President today. It is not going to the President next week. It is not going to the President next month. This is an amendment to the Defense authorization bill. It will be months, I am sure. I would be amazed if we were able to get this done before September or October. This bill is not going to be decided upon, this amendment is not going to be concluded and passed on to the President before these negotiations come to a conclusion. What we do here is put ourselves in a position to have an amendment in conference ready to move if these negotiations do not work.

Putting off this amendment is not such an easy thing to do. Putting off this amendment and finding a vehicle to attach it to, particularly over the next few weeks, is not going to be easy to do, as we bring up appropriations bills. So this may be the last vehicle between now and the summer recess in August and potentially the rest of this Congress to debate this issue. It is important for us to speak to this issue now.

This is not a radical piece of legislation. This is a piece of legislation that has 61 cosponsors that passed with over 300 votes in the House of Representatives. It has broad bipartisan support. I understand it is opposed by the Department of State. Senator WARNER was kind enough to show the letter that came from the Department suggesting their opposition. I remind all Members, they opposed this bill and have consistently, not just because of these negotiations but have opposed this bill, period. They opposed it when the House passed it in April. So this is nothing new.

I suggest that the opportunity we have on the most important national security issue facing this country, the threat of Islamic fascism and the threat of Iran as the principal cog in orchestrating, supporting, financing, and encouraging this type of behavior, is to speak into the moment where we are confronting them right now with our administration in their development of nuclear weapons. For the Congress to remain silent, for the Congress to step back and say: We wish you well, Mr. President, but we are not going to go on record of really supporting you, in deed not just in word, will be interpreted one way, in my opinion, the way words are always interpreted. I think the Senator from Delaware said that this will play into the hardliners in Iran. Let me remind the Senator from Delaware, the hardliners run Iran. The hardliner is the President of Iran. The hardliners are the mullahs who run the country. There are not hardliners and then the governing powers of Iran. The hardliners are the governing powers of Iran. They are the ones making the decision. We are not playing into their hands. We are telling them we are serious, as serious as the President is about doing something about their development of nuclear weapons and their desire and explicit statements about their willingness to use those weapons on the State of Israel and others.

This is a very serious debate. This is a very serious vote. This is a very serious message that we either will or will not send. Are we going to send a message to the Iranian hardliners that we are going to stand by our President in word and action and that we are not going to let their talk of maybe possibly down the road potentially coming and talking to us, which is all they are talking about right now, dissuade us from acting while they are acting right now in developing nuclear capability, which they are. They are acting right now. They are developing. They are pursuing. They are saying they are going to use it. All we are going to say is: Well, your talk about maybe talking to us in the future will dissuade us from acting? No, it should not. We should act today. We have 61 cosponsors of this legislation. I hope that all 61 and then some stand by and say to the Iranian hardliners/government that we will stand with our President in word and deed and make sure that we do everything we can through peaceful means, and that is what this amendment is about, to stop them from getting nuclear weapons.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. I ask to speak for up to 4 minutes.

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

The Senator is recognized for 4 minutes.

Mr. HAGEL. Mr. President, I appreciate the time from the distinguished chairman of the Armed Services Committee.

I rise to strongly support the Biden amendment. It is the responsible and appropriate position for this body to take on a very serious issue. It is important that we recognize, just as the distinguished Senator from Pennsylvania has noted, that we support our President. I believe President Bush's actions and directions, as they are now playing out, are, in fact, the appropriate, responsible, and relevant actions to take.

I also rise to strongly oppose the Santorum amendment. Again, noting what the distinguished Senator from Pennsylvania said, that we should send a strong message to the world that we are supporting our President, I am not certain how that is accomplished by supporting the Santorum amendment. In fact, as has been noted on the floor this morning, the President's senior foreign policy agent, the Secretary of State, Dr. Rice, is opposed. The Secretary of State of the United States Government is opposed to the Santorum amendment. I am not certain how that connects with what my distinguished colleague from Pennsylvania has noted.

What we are dealing with in the Santorum amendment is a very irresponsible, dangerous direction to take.

Let me remind colleagues that we already are at war in two nations. We have 130,000 American troops engaged now in a war in Iraq. The Middle East is in turmoil. We have 20,000 troops in Afghanistan. NATO is in Afghanistan. Many of our allies are with us in Iraq.

We better be careful here. We better be careful in how we are dealing with this issue. It is a serious issue. It is dangerous. But it is complicated. Iran is not a monolithic government that we can ascribe motives to, agreements to. Our best course of action is exactly where the President is going. And that is, engaging Iran, engaging with our allies, strengthening our alliances. If we are not careful, we will find America isolated in the world at a very dangerous time. That is what the Santorum amendment is about.

This is not helping our President. Our President is opposed to it. He is taking a different direction.

Let's be careful. This is not just some amendment. This is the force of the U.S. Senate that could be put into a law in fact limiting the President's options. Is that what we want to do and is that how we describe supporting the President, limiting the President's options? I don't think so. This is dangerous business, very dangerous business. Before our colleagues vote, they better understand what is going to be required.

Again, I thank my distinguished colleague from Virginia for the time. I hope our colleagues, before they vote, will understand the consequences of a dangerous amendment like this. I shall oppose it.

I yield the floor.

Mr. WARNER. Mr. President, first, I ask the distinguished Senator from Pennsylvania, in fairness, I think he should wrap this debate up. How many minutes does he desire?

Mr. SANTORUM. I understand I have 4 minutes.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator has 4 minutes, and the managers have 3 minutes left.

Mr. WARNER. Mr. President, let us establish the hour of 12:15 for the vote, with 5 minutes at the conclusion for the distinguished Senator from Pennsylvania and 5 minutes under the control of the Senator from Virginia and 5 minutes under the control of Senator LEVIN. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I say to my distinguished colleagues here that in the course of this debate, I have studied this matter very carefully. I spoke out on it yesterday expressing my concerns. I do believe the actions proposed by the Senator from Pennsylvania are not irresponsible. They are a clear matter of conscience and what he thinks is in our best interest.

My concern, which I think is the Senator's concern, is that the timing is unwise. I support the Senator from Nebraska in that observation, as I do the Senator from Delaware, because we have a negotiation of great sensitivity underway at the direction of the President, who, under the Constitution of the United States, has the primary responsibility in the matter of conducting foreign affairs. His chief designee, the Secretary of State, has spoken through Senator BIDEN.

I ask unanimous consent to have printed in the RECORD a letter addressed to me, to which I will refer momentarily, from the Department of State.

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

DEPARTMENT OF STATE,
Washington, DC, June 15, 2006.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services, U.S. Senate.

DEAR MR. CHAIRMAN: It is our understanding that the Iran Freedom Support Act (S. 333) will soon be offered as an amendment to the National Defense Authorization Act for FY 2007 (S. 2766). The Administration has serious concerns about S. 333, and therefore opposes its inclusion in S. 2766.

As Secretary Rice recently announced, Iran is being offered a choice: either continue to pursue nuclear weapons and face isolation and progressively stronger sanctions, or verifiably abandon uranium enrichment and reprocessing activities and receive civil nuclear energy and economic cooperation from the international community. We are in agreement with our European partners on the elements of the benefits if Iran makes the right choice, and the costs if it does not. More broadly, we have found support from Russia and China for this approach.

The amendment runs counter to our efforts and those of the international community to present Iran with a clear choice regarding their nuclear ambitions. This amendment, if enacted, would shift unified international attention away from Iran's nuclear activities and create a rift between the U.S. and our closest international partners. Moreover, it would limit our diplomatic flexibility.

By contrast, we endorse the concept of providing support for democracy and human rights in Iran. The Administration has worked closely with the Congress to include funding in the Emergency Supplemental Appropriations Act of 2006 (H.R. 4939) to increase our support for democracy and improve radio broadcasting, expand satellite television broadcasting, and increase contacts through expanded fellowships and scholarships for Iranian students.

The Office of Management and Budget advises that there is no objection to the presentation of this letter from the standpoint of the Administration's Program.

Sincerely,

JEFFREY T. BERGNER,
Assistant Secretary, Legislative Affairs.

Mr. WARNER. I strongly believe the Senator from Pennsylvania is of clear conscience on this matter.

Regarding the fact that he had these cosponsors and the fact that the House spoke on this in April, since the April timeframe—and I believe his earlier amendment had 60 cosponsors—much has transpired. That has been addressed here today, the sensitivity of these negotiations between our Nation and other nations in line for the interests of the United States and the Government of Iran. Therefore, my concern about this amendment is the timing of it.

I now would like to refer to the letter forwarded to me as chairman, dated today, which was printed in the RECORD. One paragraph reads:

> The amendment runs counter to our efforts and those of the international community to present Iran with a clear choice regarding their nuclear ambitions. The amendment, if enacted, would shift unified international attention away from Iran's nuclear activities and create a rift between the U.S. and our closest international partners. Moreover, it would limit our diplomatic flexibility.

Mr. President, I have to accept the good faith of the Secretary of State on this matter and as communicated to this Chamber.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I am one who has cosponsored a version of the Iranian sanctions amendment which Senator SANTORUM offered now over a year ago. I believed then and I believe now that it may well be necessary for sanctions to be imposed on Iran.

However, I cannot support the amendment that has been offered by Senator SANTORUM for two reasons. One is the fact that it is significantly broader than the other amendment that was introduced by Senator SANTORUM, the Iran Freedom and Support Act of 2005. In many ways, it is broader and it interjects an unrelated issue with respect to Russian pricing for nuclear reactor fuel. It removes the requirement that a person have actual knowledge of the actions for which he is going to be sanctioned. There is a direction here to a United Nations representative, which was not present in the amendment I cosponsored. It changes the threshold which makes it more difficult for the President to waive sanctions. So there are a number of significant differences between this and an amendment I cosponsored.

The other difference is that, of course, there has been significant change which occurred since that time. Senator WARNER has outlined that point. That change is now the decision of the administration—which I support—to engage or participate in direct talks with Iran under specified circumstances. I think that is a policy which should be given a chance to work, and if the policy doesn't succeed and Iran does not work out a negotiation and agreement with all the countries with which there are discussions going on, at that point, it seems to me there is a greater chance we will get those other countries, including Russia, to support sanctions if, in fact, the negotiations and discussions with Iran do not succeed.

So those discussions the President has decided to engage upon are actually a prelude to a much stronger chance to succeed with sanctions down the road because countries that might support us on sanctions, and whose

support would be extremely helpful, would then realize we had gone through the negotiation and discussion route with Iran. I believe that policy is wise. It will strengthen our position in getting sanctions, should that be necessary. Also, it is the best chance of having the solution here, which will avoid greater and greater conflict down the road. While it is with some reluctance that I cannot support a sanction amendment relating to Iran, nonetheless, because this is broader than the one that previously I cosponsored, and mainly because of the ongoing negotiations which will strengthen our position if they do not lead to a good resolution, I cannot support the Santorum amendment. I will support the Biden amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I will address the comments made by my colleagues. I appreciate their thoughtful comments.

First, this is not just a sanctions amendment. This is a sanctions amendment which imposes additional sanctions, but it also has a large prodemocracy component to support prodemocracy efforts and public diplomacy within Iran.

Second, with respect to the sanctions, I agree with some of the criticisms leveled by Senator LEVIN that it adds things which were not in the previous versions. One thing it adds is a nuclear components provision, which says that if you are going to be a company that is doing business with Iran in the development of their nuclear weapons capability, you cannot do business with us in America. If that is objectionable to folks, I find it somewhat remarkable that we would want companies doing business in Iran doing business here. But that is a new sanction; he is correct.

What he is not correct about is that we make it more difficult to waive these sanctions. In fact, we have made it easier to waive sanctions. We have given the President more time to waive sanctions. In fact, the big difference between the House bill and ours is we are much more liberal with respect to the waiver authority of the President. In that respect, the House bill passed—I have the exact vote—by a vote of 397 to 21. That is the bill which passed in the House of Representatives just 2 months ago. It has, with the exception of what I have said, a more liberal waiver authority component that deals with nuclear technology because of, obviously, this concern about the major difference between the two. I suspect that both the increased flexibility and the nuclear component provision would have very strong support in the Senate.

The other thing I wish to talk about is what Senator WARNER referred to in the letter from the Secretary of State. I remind everybody that the Secretary and the State Department have opposed this legislation from the day I have introduced it.

No. 2, I have had discussions with the Secretary personally over at the State Department, and we have had ongoing discussions. They support aspects of this bill. They don't like some of the sanction provisions, specifically the codification of Executive orders. I understand that. That has been sort of an intractable problem we have had during these negotiations.

I also remind everybody here that I bet I could pull out a letter identical to the letter just read by the Senator from Virginia on the issue of the Syrian Accountability Act, which passed here after about 3½ years or 2½ years of work, to try to get the administration on board with that legislation. The State Department opposed it, opposed it, opposed it. The President opposed it. They thought it was the wrong time, something we shouldn't do.

I had three conversations with the President on the Syrian Accountability Act. The first two times, he about tore my head off, saying how inappropriate it was for Congress to act in this regard and try to impose sanctions and mess around with foreign policy. The third conversation I had with him was a conversation where he said he would sign it. Six months later, he gave the State of the Union Address and took credit for the Syrian Accountability Act as one of the great accomplishments of his administration in foreign policy.

I believe the impact of the Syrian Accountability Act is pretty discernible—what happened with the withdrawal of Syrian troops from Lebanon. The Congress, when we act and do so in a responsible fashion, can make a difference. I believe this is an appropriate time and appropriate subject for us to make a difference.

Iran is the great threat before us. If anyone believes that by being weak, by not acting, by not stepping forward, and by not getting involved and saying we are going to hold those who cooperate with the Iranians accountable for their cooperation, if we think that by backing off on that somehow or another we will create some good will with the hardliners who control Iran, you have not been watching how the Iranians behave. They respect one thing and one thing only—we are about to give it to them, I hope—and that is action, deeds, and a credible threat that we will impose sanctions and we will hurt their capability if they do not change their course. That is what we have an opportunity to do here in about 2 minutes. I hope we take that opportunity and do not simply say that we like what the President is doing and we are all for negotiation and we hope everything goes well. It will be interpreted as stepping back, as weakness. We cannot afford that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes.

Mr. LEVIN. Mr. President, I ask for the yeas and nays on the Biden amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Also, I ask unanimous consent, I believe with the agreement of the chairman, that Senator LAUTENBERG, who has been promised 3 minutes, be given those 3 minutes, and that if Senator SANTORUM needs a minute or two to respond to Senator LAUTENBERG, he be given it.

Mr. WARNER. Yes, 3 minutes to the Senator from New Jersey, with an additional 3 minutes to the Senator from Pennsylvania, and then the vote.

Mr. LEVIN. Yes.

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

Mr. LAUTENBERG. Mr. President, I will try to be quick. I listened with interest to the Senator from Pennsylvania and his presentation. I also looked at the amendment he has produced. In that amendment, we are going to administer sanctions against companies doing business with Iran.

Now, the surprise here is that three times before, when I had an amendment, the Senator from Pennsylvania voted against it, would not include it, didn't want to discriminate against firms that do business with Iran and that provide revenues that kill our kids in Iraq. And now we have a flimsy aspect. We say we are going to impose sanctions; however, it will be out of reach of American jurisdiction. It, therefore, will not apply to the company that owns it—in this case it happens to be a Halliburton—that has a sham corporation operating in Dubai based originally in the Cayman Islands. That should not be allowed, that the grasp of the U.S. Government cannot reach these perpetrators of the kind of indecency that places our soldiers at risk because they are doing business with an avowed enemy of the United States that is providing funds that are lethal to our troops over there.

I hope everybody will take a good close look at this amendment and vote ''no.''

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, this goes under the old rubric of no good deed goes unpunished. We have attempted in this amendment to meet the Senator from New Jersey halfway. The Senator's amendment has consistently been voted on. I have opposed it and so has most of the Senate, which suggests that those who are currently doing business and have invested should be penalized for their investment. What we say is that on any future investment, you will be penalized. We make the Lautenberg language prospective.

In attempting to meet the Senator from New Jersey halfway, we find out

that this is not sufficient and, therefore, we should oppose this amendment. I would think half a loaf is better than no loaf. This, by the way, was not in the Iran Freedom and Support Act. This is one of the provisions Senator LEVIN mentioned that was added, frankly, out of respect for the concerns the Senator from New Jersey raised and has raised on the floor repeatedly.

This is an attempt to make a good-faith attempt—and I do mean that—a good-faith attempt to meet the Senator from New Jersey halfway and to take his policy and put it in place in a prospective manner. If that is not sufficient for the Senator from New Jersey, that is fine. He is welcome to oppose the amendment.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. SANTORUM. I will be happy to yield.

Mr. LAUTENBERG. Mr. President, is the Senator aware that the exemption in his amendment would make it almost impossible to hold a U.S. company liable for doing business with Iran through a foreign subsidiary?

Mr. SANTORUM. My understanding is that we crafted this language pursuant to the language the Senator from New Jersey used in the past and put a threshold we thought was—I think it was a $20 million threshold we put in place which we thought was a reasonable threshold of investment to reach the level of sanction.

If the Senator from New Jersey would like to toughen that language or change the threshold, I would be happy to sit down and talk with him about it. I am open to discussion.

My only point, and I think the point we have had in this discussion in the past, is I don't believe it is proper to penalize companies that have investments there, in many cases longstanding investments. What we want to do is discourage future investment. That is what we attempt to do in this amendment. If the Senator does not believe it has been effectively written, I will be happy to sit down with him, in all sincerity, and work to make it effective that future investments are discouraged.

Mr. LAUTENBERG. Mr. President, I have another question, if I may, and that is, would the Senator be willing to move the vote back, if we can do it, so we can discuss the language?

Mr. WARNER. Mr. President, we are under a unanimous consent agreement. The time, I believe, has expired.

The PRESIDING OFFICER. There is 6 seconds remaining.

Mr. WARNER. Will the Senator yield back the 6 seconds so we can get to the vote? I regret we have to move forward.

Mr. SANTORUM. The Senator has heard his answer.

Mr. WARNER. There are Senators who have to go to the Pentagon for a memorial service. The yeas and nays have been ordered.

Mr. LEVIN. Mr. President, there are a number of differences between S. 333 and the Santorum amendment. These differences include a number of new provisions in the amendment that are not in the S. 333. Some of them are:

Remove the requirement that a parent or a subsidiary of a person against whom sanctions have been issued must have actual knowledge of the activities before sanctions can be issued against them.

Remove the requirement that an affiliate of the Company against which sanctions have been issued must have actual knowledge of the activities before sanctions can be issued against them.

Remove Libya from the scope and title of the Iran Libya Sanctions Act.

Would impose an additional condition on the exercise of the President's waiver authority by imposing an additional element in the report that must be submitted to Congress prior to the waiver going into effect. Current law requires, among other elements of the report, an assessment of the significance of the assistance provided to the development of Iran's petroleum production. The new requirement would also require an assessment of the significance of the assistance to the development of Iran's weapons of mass destruction or other military capabilities.

Reduces operations and maintenance funding for the Army for Iraq and Afghanistan by $100 million.

In other instances, there are modifications to provisions in the amendment that are included in S. 333. For instance, both S. 333 and the Santorum amendment would expand the universe of persons against whom sanctions could be imposed to include a private or government lender, insurer, underwriter, reinsurer, or guarantor of a person sanctioned. S. 333 would require that these persons would have to have actual knowledge of the activities of the person sanctioned; the Santorum amendment does not include the requirement of actual knowledge.

Both S. 333 and the Santorum amendment would expand the definition of a person to include a financial instution, insurer, underwriter, reinsurer, guarantor. The Santorum amendment would also include any other business organization, including any foreign subsidiaries of the foregoing.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 4234. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—46

Allard	DeMint	McConnell
Allen	DeWine	Murkowski
Bayh	Dole	Nelson (FL)
Bond	Domenici	Roberts
Brownback	Ensign	Santorum
Bunning	Frist	Sessions
Burns	Graham	Snowe
Burr	Grassley	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Conrad	Kyl	Voinovich
Cornyn	Lieberman	Wyden
Craig	Lott	
Crapo	Martinez	

NAYS—53

Akaka	Feingold	Menendez
Alexander	Feinstein	Mikulski
Baucus	Gregg	Murray
Bennett	Hagel	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Salazar
Carper	Kerry	Sarbanes
Chafee	Kohl	Schumer
Clinton	Landrieu	Shelby
Cochran	Lautenberg	Smith
Dayton	Leahy	Specter
Dodd	Levin	Stabenow
Dorgan	Lincoln	Thomas
Durbin	Lugar	Warner
Enzi	McCain	

NOT VOTING—1

Rockefeller

The amendment (No. 4234) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, at this moment we do want to honor the 2,500 Americans who have given their lives in Iraq, and their families. We ask all Senators to take their seats and offer that moment of silence.

The PRESIDING OFFICER. Under the previous order, the Senate will observe a moment of silence out of respect for our fallen troops.

(The Senate observed a moment of silence.)

AMENDMENT NO. 4257

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to the vote on the Biden amendment.

Who yields time?

Mr. BIDEN. Will the manager yield me time to speak to my amendment?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. BIDEN. Mr. President, our amendment merely states that we support the President's efforts, in a nutshell. I only have a minute. We support the President's efforts in negotiations with our European allies, the Russians, and Chinese to both offer incentives and sanctions to Iran regarding its proceeding with construction of a nuclear weapon.

I yield the floor.

Mr. WARNER. Mr. President, I yield a minute to the distinguished senior

Senator from Pennsylvania, Mr. SANTORUM.

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute in opposition.

Mr. SANTORUM. Mr. President, as I said during debate, this amendment simply says that we support the President's effort to negotiate a diplomatic resolution to Iran's garnering of nuclear weapons. I support the amendment. I wish the President and those efforts well. I suspect we will be back, talking about this again in the future.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—99

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

NOT VOTING—1

Rockefeller

The amendment (No. 4257) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote, and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business for up to 25 minutes, and that after I have spoken Senator NELSON of Florida be recognized.

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

(The remarks of Mr. GREGG and Mr. SESSIONS pertaining to the introduction of S. 3521 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SESSIONS. Mr. President, I see the Senator from Florida is here.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida is recognized.

AMENDMENT NO. 4265

Mr. NELSON of Florida. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself and Mr. MENENDEZ, proposes an amendment numbered 4265.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States)

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

SEC. 1209. SENSE OF CONGRESS ON THE GRANTING OF AMNESTY TO PERSONS KNOWN TO HAVE KILLED MEMBERS OF THE ARMED FORCES IN IRAQ.

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

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March of 2003.

(3) More than 2,500 members of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States; and

(2) the President should immediately notify the Government of Iraq that the Government of the United States strongly opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States.

Mr. NELSON of Florida. Mr. President, a significant hubbub has occurred as a result of stories that have appeared in this morning's Washington Post that directly affect the defense posture of this country. It is stated in the Washington Post that the Prime Minister of Iraq is expected to release within days a ''plan [that] is likely to include pardons for those who had attacked only U.S. troops'' in Iraq. That is according to a top adviser.

As a matter of fact, the Prime Minister of Iraq is quoted as saying—and I will get to the quote—reconciliation could include an amnesty for those ''who weren't involved in the shedding of Iraqi blood.'' Ergo, there would be amnesty for those who would have been involved in the shedding of American blood.

Now, it is possible—and this Senator hopes that something was lost in the translation because I cannot imagine the Prime Minister of Iraq turning on his heel away from American troops and suddenly—as he is trying to bring about reconciliation in his country—trying to then say as part of that reconciliation we are going to give amnesty for anybody who killed American men and women.

Well, naturally the Government of the United States should not stand for this. That is why Senator MENENDEZ and I are offering this amendment to the Defense authorization bill, so that we can clearly set forth the policy—in this case, the sense of the Senate—that we will not stand for this.

By the adoption of this sense of the Senate amendment, clearly our President should speak to the Iraqi Prime Minister, who he just spoke with a couple of days ago, and he should speak with him immediately to get him to retract this statement. There should be no amnesty for those who murder American troops. American troops continue to serve bravely, and they are fighting for the freedom of all Iraqis. So it brings us to a point that is pretty clear. The Senate should go on record as having said that we repudiate that statement.

I will very clearly state what the Senate sense of the Congress is, that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States and that the President should immediately notify the Government of Iraq that the Government of the United States strongly opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States.

It is fairly straightforward. I could go on and on with comments. I am awaiting the arrival of Senator MENENDEZ because I want him to make some comments as well.

If you do what a number of us in this body have done in visiting either with the families of those who have borne the brunt of the fighting and have given the ultimate sacrifice or if you have visited with those who return wounded and maimed, then there is no question there should be no obfuscation as to the policy of granting amnesty to those who have killed Americans.

I remember going back to the time that I served as a captain in the Army, which was years and years ago. One of the most dread duties I had was to be the officer who was given the task of notifying the loved ones in the family of a service person who was killed. That, of course, is an exceptionally emotional event. And although it was decades ago, those experiences are seared in my memory because of the

trauma and the emotion when you meet with the grieving family of a loved one.

By the same token, there are over 18,000 of our service people who have been wounded. And many of them, because the body armor is working and saving the vital organs, their lives are being saved, but they have been maimed. The extremities are often the part of the body that is the casualty since the body armor is saving the vital organs. As a result, what we see is a lot of soldiers and sailors and Marines who come back, and they are just as optimistic as they can be in their outlook and yet think of the life that they will live with the maiming that has occurred. Their life was spared, but their life is going to be clearly different for the future.

Anyone who would dare suggest that in the formulation of a new government of Iraq, which we, the United States Government, clearly support, anyone who would even contemplate that that government have a policy that, as they try to build reconciliation, they are going to grant amnesty to those who have killed Americans, as we say in the South, they have to have another thing coming, because we are not going to tolerate it.

I offer a simple resolution on behalf of the Senate. I hope it is not going to be controversial. I hope it will be accepted.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I had my fourth trip to Iraq recently and met with a number of leaders over there. I have been impressed with them and have enjoyed them. I know Senator NELSON has also. He and I are the chair and ranking member respectively of the Strategic Forces Subcommittee. We have worked together on many important issues.

I wanted to say a couple things. First, the amendment he has is of value and will be something that can be accepted. I believe it should be. You worry a little bit that maybe language difficulties come into play in how miscommunications can occur. Even among those of us who speak English together, we can have misunderstandings.

I was just handed a CNN interview today. It just came across the wire. It was by a reporter, Daryn Kagan, with the new national security adviser to Prime Minister Maliki in Iraq. He was asked about this very subject because the reporter obviously felt some of the same concerns the Senator from Florida raised. He said this to him.

The reporter:

Doctor, I know there's a big effort by your government in your country to try to prevent civil war. And as a part of that, the Washington Post reports today that your Prime Minister is considering offering amnesty to Sunnis or to others who perhaps attacked only U.S. troops. This, not surprisingly, is causing great consternation here in the U.S., even talking about it and being raised on the floor of the U.S. Senate today. Is this, indeed, the case? Is your government thinking about offering amnesty to those that attacked only U.S. military?

This is Dr. Rubaie's reply:

This is not the case. I'm sorry to say that the prime minister of Iraq has been misquoted and misunderstood. He did not mean to give amnesty to those who killed Americans.

As a matter of fact, if you go there in his meeting with the President Bush a couple of days ago, he looked the president in the eye and he said, thank you very, very much for liberating our country. Please thank the American wives and American women and American mothers for the treasure and blood they have invested in this country. It's well worth investing, of liberating 30 million people in this country. And we are ever so grateful.

And we will—the blood of the Iraqi soldier and the blood of Iraqi civilian soldier is as sacred to us as the American soldier. We are fighting the same war, we are fighting together, and this is a joined responsibility. And we will never give amnesty to those who have killed American soldiers or killed Iraqi soldier or civilian.

What the prime minister is going to give amnesty to are those who have not committed the crimes, rather they're against Iraqis or coalition. Those who have—still carry arms and they might have probably done some minor mistakes in storing some arms or allowing some terrorists to stay overnight or shelter, give shelter to some of these insurgents. That's it. Basically, it's a goodwill gesture he's extending to the Sunni community, to those who have committed some mistakes in the past.

I don't know exactly how it all came about or how the comments were made. Mr. Maliki is new to being Prime Minister. There are language difficulties. I hope this reflects the firm view of the people of Iraq. I find it consistent with the responses I have had when I talked to the Iraqi leadership.

I thank the Senator from Florida for raising the question. I am pleased to see this very strong response from the national security adviser, Prime Minister Maliki's top adviser on national security.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. SESSIONS. I will.

Mr. NELSON of Florida. This Senator hopes, too, as I said at the outset of this Senator's remarks, that there is something lost in the translation, a mistake. But if there is, it is time for Prime Minister Maliki to step forward and clarify it. He can easily clarify it. But that does not diminish the need for the sense of Congress that says that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States.

Mr. SESSIONS. I thank the Senator from Florida.

I yield the floor.

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

Mr. MENENDEZ. Mr. President, I rise in strong support of the amendment Senator NELSON and I have offered on this issue of amnesty for those who have killed American soldiers.

I know the latest statements that have come out. I hope that is ultimately where the intention is. But it became very clear to me. I hope my colleagues have had the opportunity to read today's Washington Post article. It says: ''Iraq Amnesty Plan May Cover Attacks On U.S. Military.'' When you read the statements there, I have to be honest, they were very unequivocal but unequivocal in a way that we could not accept as the U.S. Senate.

As I continued to reread this article, my anger grew. In the article it refers to the Prime Minister of Iraq acknowledging that reconciliation could include an amnesty for those ''who weren't involved in the shedding of Iraqi blood.'' That is where the quote ends. There is not one single mention of American blood. Is that a misinterpretation? Is that an oversight on the day on which we recognize the loss of 2,500 American soldiers and the thousands and thousands who have shed their blood and come back injured? Is that an oversight?

How about American blood and American lives, Mr. Prime Minister? Are you willing to have reconciliation on the pool of American blood that has been spilled to give your country and your people a chance for freedom? Is there so little value to the 2,500 American lives that have been lost and the over 18,000 wounded on behalf of your country that you wouldn't even think about including American lives when you were talking about Iraqi lives? No way. No way.

Then I look at the article and look at the quotes attributed to Adnan Kadhimi, a top adviser to Maliki. What does he say? He says:

The government has in mind somehow to do reconciliation, and one way to do it is to offer an amnesty . . .

Then he goes on to talk about amnesty. He says:

We can see if somehow those who are so-called resistance can be accepted if they have not been involved in any kind of criminal behavior, such as killing innocent people or damaging infrastructure, and even infrastructure, if it is minor, will be part of it.

So we have this elaborate plan that talks about even infrastructure, but doesn't talk about American lives. And then, when asked about clemency for those who attacked U.S. troops, he goes on to say—the adviser to the Prime Minister—that ''that's an area where we can see a green line.''

There is some sort of preliminary understanding between us and the U.S.-led multinational force in Iraq that there is ''a patriotic feeling among the Iraqi youth and the belief that those attacks are legitimate acts of resistance and defending their homeland. These people will be pardoned definitely, I believe.''

Well, who in the U.S.-led multinational force has an understanding

with the Iraqis that it is OK to offer amnesty for those who have killed Americans? I would like to know the answer to that question.

I do believe very strongly that Senator NELSON's and my amendment should be embraced by the entire Senate. We cannot allow to chance that those statements attributed on the record—one directly by the Prime Minister and one directly by his top adviser—can be equivocated on. We have to send a very strong message that we will not tolerate amnesty to those who have taken the lives of American soldiers and for those who have spilled American blood in defense of their country.

Just a little while ago, we had a moment of silence for the 2,500 American soldiers who have died in Iraq. Let's do much more than have a moment of silence in the face of these statements. Let's make sure the taking of American lives can never be rewarded with amnesty. The Senate has an opportunity to make a clear, unequivocal statement that it is unacceptable, and I believe that it should take this opportunity. It is not only with a moment of silence that we show our respect, it is with our deeds that we show our respect.

Let the Senate act unanimously and speak with one voice to make it very clear that this should not even be a thought on behalf of the Iraqi Government. Then we will have honored the lives of those people, our fellow Americans, who gave the ultimate sacrifice on behalf of their country.

With that, I yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. Mr. President, yesterday afternoon, I placed a call to a Nevada mother, Jennifer Laybourn. These calls are not easy; they are hard. Like many other Nevada mothers, she lost a boy, 19 years old, her son David, in Iraq. He was performing his duties as a soldier when he was killed by an improvised explosive device. Again, he was 19 years old.

Nevada has lost 39 soldiers in Iraq. Nevada is a small, sparsely populated State. Thirty-nine is a lot of funerals, a lot of sorrow for those of us from Nevada. There is no way we can ever repay those 39 Nevada heroes and their parents, siblings, family, and friends for their sacrifices. But we must always make sure their service is honored, which is why today I compliment and applaud Senators NELSON from Florida and MENENDEZ from New Jersey, and to express my complete shock and outrage that the Iraqi Prime Minister has even considered granting amnesty to the insurgents who have killed our troops.

Up to this day, today, we have lost 2,500 soldiers in Iraq. The mere idea that this proposal would go forward is an insult to the brave Nevadans who have died in the name of Iraqi freedom, and this doesn't take into consideration those Nevadans who have been grievously wounded in battle. It is my hope the President will denounce this proposal immediately—not wait for a retraction by the Iraqis but denounce it immediately. We should remember that the majority of Nevadans killed in Iraq were not killed in acts of warfare, as we historically have known warfare. They were killed in acts of terror.

All of us who are committed to freedom and democracy should recognize that their murders, 39 Nevadans, deserve justice. While I support reconciliation efforts to bring Iraqi political factions together, I don't support amnesty for those who commit acts of terror against Americans.

It sends the wrong signal to our troops, the wrong signal to the Iraqis, and it sends the wrong signal to all Americans. It certainly sends a wrong signal to the insurgents who have now been given the message that they can attack our forces without consequence.

President Bush continually makes a point of saying that a free Iraq means the United States will have a friend in the Middle East. This amnesty proposal is no sign of friendship; it is a sign of hostility which dishonors the sacrifice of our troops. Our troops deserve better. Again, I urge the President to tell the new Iraqi Government to stand down. America will not stand as our troops are dishonored in this way.

It seems so unfortunate that after the President's visit in Iraq, a day later this is floated through the Iraqi Government. It is too bad. We deserve better.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I have listened with interest to my good friend from Nevada. I hope Senators will be more supportive of our elected allies who are the Government of Iraq. The national security adviser for the Government of Iraq just said a few hours ago:

> And we will never give amnesty to those who have killed American soldiers or killed Iraqi soldiers or civilians.

So this notion of amnesty about a new, duly-elected Iraqi Government is a sideshow, an effort to divert our attention away from the core issue. Over in the House of Representatives today, they are having a much needed debate on the Iraq war. I had hoped that we would have that debate in the Senate. I read that several of our colleagues on the other side of the aisle were interested in offering an amendment that would codify what they have said publicly, which is that the troops ought to be out by the end of this year. I hope they will come down and offer that amendment. I hope we will have that debate. I think it is a good time to have that debate.

It is a good time to remind the American people that it is no accident that we have not been attacked again since 9/11. Nobody would have predicted that in the fall of 2001. If we asked for a show of hands in the Senate of how many Senators thought we would be attacked again that year, I think every hand would have gone up. Certainly, the American people expected another attack. By going on the offense, which the President suggested we do shortly after 9/11, we have succeeded dramatically in the principal reason for advancing the war on terrorism, and that was to protect us at home. Almost 5 years later, we have not been attacked again. While nobody will predict that we will never be attacked again, it is noteworthy that we have not been attacked again. Believe me, it is not an accident. Why have we not been attacked again? Because we went into Afghanistan and into Iraq. We liberated 50 million people. A lot of the terrorists are dead. Several are at Guantanamo. Many are hiding in their caves. Yes, some are still around doing mischief in Baghdad rather than in Washington or New York.

This is the time we ought to be having the debate about Iraq strategy. We are on the Defense authorization bill. Colleagues on the other side have said they were going to offer an amendment to advocate withdrawal by the end of the year. Let's have that debate. I cannot think of a better time.

Right now in Iraq, according to the latest AP story, since we were able to get Zarqawi last week, we have carried out 452 raids; 104 insurgents were killed during those actions; we have discovered 28 significant arms caches; 255 of the raids were joint operations, with 143 of them carried out by Iraqi forces alone; and the raids resulted in casualties of 759 anti-Iraqi elements. That is just in the last week. So we have them on the run in Iraq.

Why would anybody want to suggest that we ought to run when we have them on the run? But I think that is a legitimate debate. I hoped that we would have it. It is 2:10. I have been waiting anxiously all day, assuming that we would have that amendment laid down by those on the other side of the aisle and get on about the debate. Maybe we should have it in any event because it is time to step up and be counted.

Do we want to stay and finish the job and continue to protect America or do we want to send a message to the terrorists, when we have them on the run, that we are about to cut and run and leave them there to their own devices? I don't know any responsible countries in the world at this point, regardless of how they may have initially felt about the decision to go into Iraq, that think it is a good idea to leave now—particularly as we are making dramatic progress with their new constitution; a new, fully staffed government; the death of the most notorious terrorist in the country; these successful raids that have been carried out in the last week; and the effort underway to clean Baghdad out.

Why in the world would we want to say to those elements in Iraq, which want the country to be a haven for terrorism forever, that you can count on

us to be out of here by the end of the year; that we are giving you adequate notice that we are leaving by the end of the year?

I see my colleague from Texas on the Senate floor. I wondered if he had a question.

Mr. CORNYN. Yes. Will the Senator yield for a question at this point?

Mr. MCCONNELL. I will.

Mr. CORNYN. Mr. President, I ask the distinguished majority whip, isn't the real difference between those of us who believe war is bad and must never be fought and those of us who believe that war is bad but must sometimes be fought for the right reasons? What is the alternative to fighting the good fight that our troops are fighting in Iraq now? I just ask whether the Senator has heard any alternatives offered by our friends on the other side of the aisle?

Mr. MCCONNELL. Mr. President, I say to my friend from Texas, the only alternative I heard suggested, I have read about it in the press—I have not heard it offered on the floor yet—is that we essentially give the terrorists advance notice that we are going to be out of the country by the end of the year.

Look, we all hate, as the Senator from Texas indicated, to read reports of the death of any of our troops. We value human life in this country greatly. We do not, however, honor those who have given their lives in this great cause by giving up when we are making dramatic progress. And it is also important to remember that while we value every single life, we have lost fewer of our soldiers liberating Afghanistan and Iraq—50 million people liberated—than we lost on 9/11 in one morning or in Normandy during the invasion in World War II.

So while we value every life and we regret the loss of each soldier, it is extremely difficult to fight a war and lose absolutely no one.

Mr. CORNYN. Mr. President, if the Senator will yield for an additional question, I ask the distinguished majority whip, what does he believe the consequences in Iraq to be—and not just to Iraq, but to America itself in terms of our own security—if we were to precipitously draw down our forces and leave a void there that might then be filled by enemies of our country and, indeed, terrorists akin to those who attacked our country on 9/11?

Mr. MCCONNELL. Mr. President, I say to my friend from Texas, I think one thing that is pretty obvious is the terrorists would have a haven from which to operate, once again, such as they had in Afghanistan for a number of years prior to our clearing that out and giving those folks an opportunity to set up a democratic government. They would have a base of operations right in the Middle East from which to attack our neighbors, to attack the Europeans, and probably attack us again. That would be the consequence of cutting and running just on the heels of making dramatic forward progress in Iraq.

Mr. CORNYN. If the Senator will yield for one final question, I just want to be sure I understood his earlier comments from the National Security Adviser for the Government of Iraq.

There had been some suggestion that the Iraqis were planning on granting amnesty to those who had killed American soldiers. But if I understood the distinguished majority whip, the National Security Adviser said:

> And we will never give amnesty to those who killed American soldiers or who killed Iraqi soldiers or civilians.

If that language is true, that they would never do that, would the Senator care to venture a guess as to what the reason for this supposed sense of the Senate is to condemn some amnesty that will never be given?

Mr. MCCONNELL. It sounds to me, I answer my good friend from Texas, as some kind of diversion from the core issue we ought to be debating in the Senate, which is these suggestions that have been made by a number of our colleagues that we ought to have all the troops out by the end of the year. It is time to have that debate in the Senate, not a sense-of-the-Senate resolution about a proposal, as the Senator from Texas points out, that has been shot down today by the National Security Adviser in Iraq who, as the Senator from Texas indicated, said today:

> And we will never give amnesty to those who have killed American soldiers or who killed Iraqi soldiers or civilians.

What part of ''never give amnesty'' do our colleagues not understand?

Mr. NELSON of Florida. Will the Senator yield?

Mr. REID addressed the floor.

Mr. MCCONNELL. I believe I have the floor. Would someone like to ask a question?

Mr. NELSON of Florida. Mr. President, will the Senator yield?

Mr. MCCONNELL. I yield to my friend from Florida for a question.

Mr. NELSON of Florida. This Senator clearly doesn't support pulling the troops out of Iraq by the end of the year. This Senator offered an amendment which is a sense-of-the-Senate amendment that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States based on this morning's story in this newspaper that indicates comments that were made by the Prime Minister.

Is the Senator suggesting that he does not agree with the sense-of-the-Senate resolution being expressed in this amendment as laid down by this Senator from Florida?

Mr. MCCONNELL. Mr. President, answering the question, let me just repeat what the National Security Adviser in Iraq has just said:

> And we will never give amnesty to those who killed American soldiers or who killed Iraqi soldiers or civilians.

Is it helpful to be passing resolutions condemning our allies in Iraq for positions that the National Security Adviser says the Government doesn't hold?

I am pleased to hear that my good friend from Florida opposes the amendment that I hope will be offered later today that calls for an American troop withdrawal by the end of the year. That is a debate I thought we were going to be having, rather than adopting resolutions condemning one part of the Iraqi Government or another—the Iraqi Government, of course, being a great ally of the United States in the war on terrorism.

Maybe that debate will occur later in the day, and I look forward to hearing from the Senator from Florida when we have that debate. I am sure he will be arguing the vote on that should be no, and the Senator from Florida, of course, will be entirely correct; that is exactly how that amendment should be dealt with. I hope it will be defeated overwhelmingly.

Mr. REID addressed the Chair.

Mr. MCCONNELL. Does the Senator have a question or is he seeking the floor?

Mr. REID. I thought the Senator was finished.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, my friend from Kentucky and my friend from Texas are involved in a debate that doesn't exist. The amendment before the Senate, which will require a vote, is based on a sense-of-the-Senate resolution offered by the Senator from Florida, Mr. NELSON, and the Senator from New Jersey, Mr. MENENDEZ. Here is what the matter pending before the Senate now says:

> Congress makes the following findings:
>
> (1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.
>
> (2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March of 2003.
>
> (3) More than 2,500 members of the Armed Forces of the United States and members of the coalition forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.
>
> (b) Sense of Congress.—It is the sense of Congress that
>
> (1) the Government of Iraq should not grant amnesty to persons known who have attacked, killed, or wounded members of the Armed forces of the United States; and
>
> (2) the President should immediately notify the Government of Iraq that the Government of the United States strongly opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States.

That is very clear. That is what we are going to be called to vote on.

Why do we have this before us? Because last night a man by the name of Adnan Ali al-Kadhimi, a top adviser to the Prime Minister of Iraq, said, among other things, the following:

> Asked about clemency for those who attacked U.S. troops, he said: ''That's an area

where we can see a green line. There's some sort of preliminary understanding between us and the MNF-I,'' the U.S.-led Multinational Force-Iraq, ''that there is a patriotic feeling among the Iraqi youth and the belief that those attacks are legitimate acts of resistance and defending their homeland. These people will be pardoned definitely.

That is the reason for this resolution. It is not about an amendment that will be offered and there will be some other debate. It is about whether the people of Iraq, who are running that government, should pardon those people, grant amnesty to the people who have attacked our forces either through snipers, armed combat, or explosive devices. It is a simple vote.

Further, the man went on to say they would consider taking a look at Iraqi forces who were attacked. They wouldn't necessarily be given amnesty like those who attacked Americans.

That is a pretty clear vote, Mr. President. And that is the issue before the Senate, not some make-believe thing that will come at some later time, maybe. The issue before the Senate today is whether this resolution will be approved, yes or no, based upon statements made by officials in Iraq.

Someone has since then said: We don't like that. Good. We should adopt this resolution anyway. This is no attack on the Iraqi Government other than to say: Be careful, don't tread on our soldiers' graves.

This is the debate before us. I talked about a woman I called yesterday in Nevada who lost her 19-year-old son in Iraq, and to think that anyone in the Iraqi Government—anyone in the Iraqi Government—should pardon an Iraqi who killed this young man is repulsive. That is what the debate is about today. It is not about these terms that my friends like to throw around—cut and run, tax and spend.

The American people know what is going on here. They know what is going on. We all want the Iraqi issue to proceed even though it is costing us $2.5 billion a week, 2,500 dead soldiers, 18,000 or 20,000 wounded, a third of them grievously wounded, 20 percent of them coming back from Iraq with posttraumatic stress syndrome with a Veterans' Administration that is underfunded.

That is what this is all about. It is not about some other issue. It is about whether the Government of Iraq, now or at any other time in the future, should pardon people who harm our soldiers.

Mr. SESSIONS. Mr. President, what is the agreement at this point?

The PRESIDING OFFICER. We are on the Nelson of Florida amendment.

Mr. SESSIONS. The Senator from Georgia is here. I think he would like to offer an amendment. I yield the floor.

Mr. CHAMBLISS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment offered by the Senator from Florida.

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. There is no unanimous consent request pending.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the amendment be set aside and that I be allowed to call up an amendment of mine.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard to the unanimous consent request.

Who seeks recognition?

Then Senator from Texas.

Mr. CORNYN. Mr. President, since we are going to be on the amendment of the Senator from Florida for a few minutes, I have a couple other thoughts I would like to offer to our colleagues in response to those offered by the Democratic leader.

First of all, I don't know why, after the Iraqi officials have disclaimed any intent whatsoever to offer amnesty to those who have killed an American soldier, we would gratuitously offer a sense-of-the-Senate amendment to condemn them for doing something they said they are not going to do, unless we are engaged more in gamesmanship than we are in working and passing serious legislation.

The comment was made earlier that perhaps this is just a diversion. I thought we were going to have a serious debate about whether we were going to bring our troops back home and on what kind of timetable we were going to do that, whether it is some arbitrary timetable or, instead, whether it is based on conditions on the ground. I thought that was the kind of debate we were going to have today, not some sort of manufactured debate offering a sense-of-the-Senate resolution to divert public attention from an issue that does not exist about this amnesty that has been suggested which has been expressly disclaimed by the Iraqi leadership.

My suggestion is that we move on to the serious work that the people of this country sent us here to do and not to engage in sideshows, which is clearly what this sense-of-the-Senate proposition is designed to do.

Mr. NELSON of Florida. Will the Senator yield?

Mr. CORNYN. I will be glad to yield for a question.

Mr. NELSON of Florida. Mr. President, since this Senator from Florida is the author of the amendment, I would recall, for the consideration of the distinguished Senator from Texas, that there is nothing in this resolution that says anything about condemnation of the Iraqi Government. It says: It is the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States.

I would further call to the attention of the distinguished Senator that the yeas and nays have been ordered on the amendment, and as soon as the leadership is ready to dispose of the amendment, we can vote.

Mr. CORNYN. Mr. President, I don't know what the question was, but let me just respond to the distinguished Senator from Florida. It makes no sense for the Senate to shake its finger at the new Government of Iraq and to criticize them, whether it is a condemnation or a criticism or an admonishment or whatever you want to call it, for something that they have expressed that they have no intention of doing. I don't dispute from a procedural standpoint the Senator's right at some point, perhaps, to have a vote on the sense-of-the-Senate amendment, but I just question the wisdom of proceeding in this way when we are a nation at war.

We have done everything that we could to help the Iraqi people help themselves, from training their security forces to encouraging them and helping them in the development of a new government, something that is really a miracle to behold, if you think about it. Three years ago, they had a blood-thirsty dictator with his boot heel on the back of the neck of the Iraqi people, responsible for killing hundreds of thousands of Iraqis, and a threat to the entire world because of the potential partnerships with terrorists who might export their terror to places such as the United States. Why we would gratuitously take an occasion like this, to distract us from the important business that we are about, to criticize in one way, form, or fashion the new Iraqi Government which is just beginning to show that they are able to take the first small steps toward self-determination and self-governance, why we would take this occasion to admonish them for something they have expressly indicated no intention of doing is beyond me.

Mr. MCCONNELL. Would the Senator yield for a question?

Mr. CORNYN. I would.

Mr. MCCONNELL. I know the Senator from Texas and I covered this a few moments ago, but I would ask the Senator from Texas again if it is not the case that the national security adviser to the Iraqi Government just this very day said the following: And we will never give amnesty to those who have killed American soldiers or killed Iraqi soldiers or civilians?

Mr. CORNYN. Mr. President, I would answer the distinguished majority whip by saying, that is exactly the quotation. The same individuals went on to say that who the Prime Minister is going to give amnesty to are those who have not committed the crimes, whether against Iraqis or coalition forces. He went on to say, they might probably have done some minor mistakes in storing some arms or allowing some terrorist to stay overnight or provided shelter. But he has expressly said: We will never give amnesty to those who have killed American soldiers or killed Iraqi soldiers or civilians.

Mr. MCCONNELL. Would the Senator from Texas yield for an additional question?

Mr. CORNYN. I would.

Mr. MCCONNELL. Might it not be just as useful an exercise to try to pass a resolution commending the Iraqi Government for the position they have taken today with regard to this discussion of amnesty?

Mr. CORNYN. I would answer the distinguished majority whip and say, I would feel much better about something that was constructive and encouraging in assisting the Iraqi Government in their determination not to give amnesty than I would in offering criticism where it appears to be gratuitous and where it is a distraction from the debate that I think the American people would want us to have; that is, under what conditions do we want to leave Iraq, and are some of the proposals that some of our colleagues on the Senate floor have made about setting timetables, are those in the best interests of the American people or do they endanger America by allowing perhaps those who are America's enemies, the enemies of all civilization, to plot and plan, and then use that failed state as a platform to export their terrorist activities to other parts of the world?

AMENDMENT NO. 4269 TO AMENDMENT NO. 4265

Mr. MCCONNELL. Mr. President, I send an amendment to the desk to the underlying amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4269 to amendment No. 4265.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the withdrawal of United States Armed Forces from Iraq and urge the convening of an Iraq summit)

At the end of the amendment add the following:

SEC. ___. UNITED STATES POLICY ON IRAQ.

(a) WITHDRAWAL OF TROOPS FROM IRAQ.—

(1) SCHEDULE FOR WITHDRAWAL.—The President shall reach an agreement as soon as possible with the Government of Iraq on a schedule for the withdrawal of United States combat troops from Iraq by December 31, 2006, leaving only forces that are critical to completing the mission of standing up Iraqi security forces.

(2) CONSULTATION WITH CONGRESS REQUIRED.—The President shall consult with Congress regarding such schedule and shall present such withdrawal agreement to Congress immediately upon the completion of the agreement.

(3) MAINTENANCE OF OVER-THE-HORIZON TROOP PRESENCE.—The President should maintain an over-the-horizon troop presence to prosecute the war on terror and protect regional security interests.

(b) IRAQ SUMMIT.—The President should convene a summit as soon as possible that includes the leaders of the Government of Iraq, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organization, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council, for the purpose of reaching a comprehensive political agreement for Iraq that addresses fundamental issues including federalism, oil revenues, the militias, security guarantees, reconstruction, economic assistance, and border security.

Mr. MCCONNELL. Mr. President, the amendment I have sent to the desk is the amendment that I believe the Senator from Massachusetts, Mr. KERRY, had indicated he was going to be offering today so that we can have an appropriate debate on this very important day about whether it is appropriate to withdraw American troops by the end of 2006. That is the second-degree amendment that I just sent to the desk.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I don't have a dog in this fight, you might say, but I have been listening to this debate, and I wonder about history. I wonder about the amendment of the Senator from Florida. I remember reading so clearly that after the War Between the States, the North lined up those from the South and took their guns and let some of them take them home. I remember so well that after World War II, we went through a process of trying to urge the governments involved in the access to obtain a pledge from the former members of the military that they would support the new democracy. That was amnesty.

In Japan, we certainly had a period under General MacArthur which was probably the greatest period of amnesty that has ever been known. We helped that country immediately to form a democracy and we never prosecuted the people who killed Americans.

I wonder seriously about what the Senator from Florida is doing by telling this new fledgling democracy that they cannot go through the process of cleansing, go through the process of trying to get people who were misguided, who were part of coalitions that they now are willing to recant, if they are, to come forward and support this new democracy. What are we doing anyway on the floor of the Senate trying to tell the new democracy what they can and can't do? I didn't like that story when I read it in the paper this morning, but I was happy to see the new statement from the security people that clarified what they intend to do.

But the time will come, if that democracy is going to succeed, when they are going to have to fold into their population those who are willing now to give up terrorism, those who are willing to put aside the activities of the past which led them to attack Americans as well as any other—there are 34 other nations over there. Are we saying just those who did kill Americans, they can't get amnesty, but the rest of them can?

What are we doing on the floor of the Senate trying to debate an issue as to how this country is going to come back together again? I am sort of appalled at it, really. I don't know if anyone else is. But it seems to me that we ought to do everything we can to encourage them to bring their people together, to forget the sins of the past, to forget the terrorists of the past, and to pledge themselves to a new future of democracy and have people come forward and say: I am willing to support this new democracy. And if they do, and demonstrate that they do after a period of time, shouldn't they be recognized as being loyal citizens of the new democracy?

This is a debate that disturbs me. It disturbs me to think we are willing to just seize the moment and make a political point—seize the moment and make a point—and not think. It is time we started thinking about how we can assure and take steps to help this country survive as a democracy. If it becomes a democracy in that part of the world, it will be a marvelous success, and I think it will lead to greater consideration by other countries of liberalization of their concepts and giving the people more power.

I believe we ought to try to find some way to encourage that country, to demonstrate to those people who have been opposed to what we are trying to do, that it is worthwhile for them and their children to come forward and support this democracy. And if that is amnesty, I am for it, I would be for it. And if those people who come forward and want to obtain a better life for their families in the future are willing to support that democracy—if they bear arms against our people, what is the difference between those people who bore arms against the Union in the War Between the States? What is the difference between the Germans and the Japanese and all the people we have forgiven?

When I left the war and came home, I had a deep hatred for the Japanese. Today, Mr. President, I have a granddaughter who is Japanese. I have a daughter-in-law who is Japanese. And her parents were involved in World War II. Now, are we to understand that time can heal, heal the pain of the past?

I really wish the Senator from Florida would have the courage to withdraw the amendment, just withdraw it and say it was a political effort. This is nothing but politics. I will vote to table it or vote against it in good conscience.

Mr. CHAMBLISS. Mr. President, will the Senator from Alaska yield for a question?

Mr. STEVENS. Yes.

Mr. CHAMBLISS. Is it not true, Mr. President, that today we have Iraqis who are fighting the war against the

insurgents who at one time fought against American troops and other coalition troops as they were marching to Baghdad, who have now come over to our side and are doing one heck of a job of fighting alongside the Americans and coalition forces, attacking and killing insurgents on a daily basis?

Mr. STEVENS. That is absolutely true. I would say to the Senator, I was there and participated in the conversation with some of our military people who were trying to find ways to help the Iraqis take into the regular armed services some of those people who served in the Red Guard under Saddam Hussein. But they are willing to come forward now and see that there is a country they would like to support. And if they asked my opinion about that, I would say I would encourage it. I would encourage it. I think if there is anything that can bring about stability in that country and have them support this new democracy, we should encourage it.

Mr. ALEXANDER. Mr. President, will the Senator from Alaska yield for a question?

Mr. STEVENS. I will, Mr. President.

Mr. ALEXANDER. Mr. President, I wonder if the Senator from Alaska would agree that as he goes through the history of countries that have been torn apart by war, including our country in the Civil War and Japan, after the Second World War, and the processes of reconciliation, whether South Africa might not be an example. And is it not true that Nelson Mandela's courage and his ability to create a process of reconciliation and forgiveness was a major factor in what has been a political miracle in Africa, where White and Black people now are able to live together in a democracy? Is not that process of reconciliation one of the most admired processes in the last century? Nelson Mandela, the winner of a Nobel Peace Prize just for this sort of gesture, would he not fit into the series of examples that the Senator from Alaska used a few moments ago?

Mr. STEVENS. Absolutely. Mr. President, I would say it falls under the concept of the Christian ethic. We are people who believe that you can be converted. You can be a nonbeliever and then become a believer. What is the difference between that and amnesty, between those people who may have been on the wrong side and then will come forward and belong to this new government? And if they pledge and demonstrate to do it, I think it is up to the Iraqis to determine when and how they become full-fledged citizens of the new democracy.

But this amendment would have us say if they indicate they are going to grant amnesty to them, that is wrong. Amnesty ought to be a reward for a pledge of cooperation and support. In this context, the military context, I think you can go through history and find time after time after time where it was successful. But this amendment is a political amendment, and I am tired of these political things coming on the floor. The minute something comes in the paper, before it can even be corrected by the country, we have an amendment saying, oh, here, let's force the majority to vote against this amendment. Baloney. I am proud to vote against it.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I just came to the Chamber a few moments ago. I understand the pending amendment is the Kerry amendment, and although I have not reviewed it in its entirety, I see that it reads that the President——

The PRESIDING OFFICER. The majority leader will be corrected; the pending amendment is the McConnell amendment.

Mr. FRIST. Mr. President, I understand. I will speak to the Kerry amendment. I will read that amendment just so my colleagues will be clear what I am talking to. The amendment says:

> The President shall reach an agreement as soon as possible with the Government of Iraq on a schedule for the withdrawal of United States combat troops from Iraq by December 31, 2006, leaving only forces that are critical to completing the mission of standing up Iraqi security forces.

As I look at this amendment, as we evaluate it, I think the first thing we must do is say: What if we did cut and run? I know we hear that discussion of a rapid withdrawal. In many ways, I am glad this amendment has come to the floor, that it has been put on the floor by Senator KERRY. I think we do have to grasp what is at stake, and if we withdraw from Iraq——

Mr. REID. Parliamentary inquiry, Mr. President?

The PRESIDING OFFICER. The Senator will suspend.

Does the majority leader yield for a parliamentary inquiry?

Mr. FRIST. I will shortly. Let me finish my statement because I think it is important to look at the issue that has been put on the floor. I will be very brief. Then we can do the parliamentary inquiries back and forth.

If we withdraw from Iraq before the Iraqi Government and the Iraqi people are capable of defending their new democracy, I am absolutely convinced that the terrorists would see this as a vindication, a vindication of their strategy of intimidation, of confrontation, and that they would take that vindication and continue to challenge us elsewhere in the world—in Afghanistan, in other countries in the region, overseas, and, indeed, right here at home. If we were to cut and run, the violence in Iraq would certainly increase.

We know there is violence there, and we know how tough it is on our troops who are there and the American people who watch this violence. But I am absolutely convinced that if we cut and run, violence will increase in Iraq, terrorists will increase their attacks on the Iraqi people and on that brandnew Iraqi Government. Clearly, it has only been 5 days. Clearly, the Government itself is not able, completely alone, to defend itself. Chaos would result. Bloody civil war would result. Terrorists and rival militia would tear the country apart. They would kill thousands of innocent Iraqis, and that terrorism would spread through that region, around the world, and, indeed, I believe right here at home.

The unity of Iraq that we celebrated on this floor, the unity of Iraq that has resulted from a democratically elected government through three elections, would be destroyed, would be torn apart; sectarian violence would ensue and would explode. It would split the country apart into segments that, yes, probably would be controlled, but they would be controlled by terrorists, ethnic militias, tribal militias. I am convinced parts of Iraq would become safe havens for terrorists who have spelled out—and we think of the letters and the words of Zarqawi—who have spelled out what their intentions are in terms of us here, right here in the United States.

I believe terrorist bases in Iraq would threaten Middle East security. Although it may be a secondary issue, we do know that energy supplies ultimately would be disrupted. We have seen supply go down, demand go up, and a disruption of energy sources all over the country. Indeed, I believe it would result in a skyrocketing of gas prices in this country.

The terrorists affiliated with bin Laden and Zarqawi have stated in crystal clear terms what their objectives are, their aim of overthrowing moderate governments.

Given the presence in Iraq of many of Saddam Hussein's former weapons scientists—remember Saddam Hussein? Forget about weapons of mass destruction right now, but we actually know that Saddam Hussein and his scientists have developed weapons of mass destruction, chemical and biological weapons, and he has used both of those on his own people. Those scientists are still around. If we cut and run, I believe those scientists once again will pursue and will have the freedom to pursue those weapons of mass destruction: saran gas, anthrax, biological weapons.

President Bush has repeatedly stated that the potential combination of terrorism and weapons of mass destruction does pose the greatest threats to the United States. I believe cutting and running would allow those weapons of mass destruction and that terrorism intent to come back together, to endanger the people of the region but also the people right here in the United States of America.

In some ways, I am glad this amendment has come to the floor, this modification of the amendment. It is clear that those calling for an early withdrawal of American troops from Iraq failed to fully play out, to fully understand the potential implications of

leaving prematurely. Cutting and running before Iraq can really defend itself threatens the American people.

The PRESIDING OFFICER. The minority reader.

Mr. REID. Mr. President, two things that do not exist in Iraq and have not are weapons of mass destruction and cutting and running.

This is the McConnell amendment. It is not the Kerry amendment. People have the right to file amendments. They can decide whether they want to offer them or modify them or change them.

I move to table the McConnell amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. I reoffer my motion to table. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—93

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

NAYS—6

Boxer	Feingold	Kennedy
Byrd	Harkin	Kerry

NOT VOTING—1

Rockefeller

The motion was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, my understanding is the Senate now turns to the measure by the Senator from Florida, is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts.

The Senator from Virginia is recognized.

Mr. KERRY. I understand that. I ask the indulgence of the Senator if, after he has finished his business, I could just have a moment.

Mr. WARNER. No objection.

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

Mr. MCCAIN. Reserving the right to object, what is ''a moment''?

If the Senator propounds a unanimous consent for an amount of time, I would be glad to not object. I wonder what a moment is?

Mr. KERRY. I ask unanimous consent I be permitted to have 5 minutes.

I thought the concept of ''a moment'' was not incomprehensible even in the Senate.

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

Mr. WARNER. Mr. President, following that, I ask unanimous consent the Senator from Arizona be recognized.

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

The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me just say if I may, earlier today, the distinguished chairman and manager of this legislation came to me and asked me if I was prepared to put my amendment in. I told him then, as he knows, that I said no, because a number of Members were talking, as is the right of the Senator with respect to any amendment filed. So the chairman, the manager, was on notice that we were, in fact, in the process of working on this.

I voted no on this because any Senator reserves that right, No. 1; and No. 2, this is a debate I look forward to. This is a debate I want to have on the floor of the Senate. This is a debate we will have on the floor of the Senate.

I resent the fact that some Senators think the business of the United States is somehow better done by calling up another Senator's amendment, that may or may not be the language presented to the Senate, and having a fictitious vote on it. It is not unlike the war itself where we are in the third war: The first being about Saddam Hussein and weapons of mass destruction; the second being about al-Qaida; and the third, now, the sectarian violence.

I look forward to having a debate on the floor of the Senate. But I look forward to having a debate on the language that I, as a U.S. Senator, present to the Senate in an amendment that bears my name and the name of other Senators that joined me. That has always been the prerogative of the Senator, and it is one that ought to be protected.

I respect and I understand completely what the distinguished minority leader did. He did it in consultation with me. I think it was the appropriate measure for him to take to protect my interests and the interests of those on our side.

The Senate ought to give a more appropriate kind of seriousness of purpose to debate of this kind of consequence. This will be the first time in some time that we will have debated this issue. I suggest some of my colleagues go back and reread the resolution which gave the President the authority to go into Iraq. There is nothing in that resolution that gives authority for what we are doing today.

So, in effect, this is a war of evolution, a war of transformation, and it deserves the kind of serious debate that it will get next week in the Senate.

I thank the Chair.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Arizona is recognized.

Mr. WARNER. Would the Senator from Arizona yield to me for a few minutes?

Mr. MCCAIN. For a moment.

Mr. WARNER. Mr. President, the Senator from Massachusetts and I did have a brief conversation just before the conclusion of the vote in the middle of the noon hour. I, in an effort to try and keep momentum on the bill, did inquire of the desire to move forward with his amendment. I only conveyed his response to me, which was not at this time—he was in consultation with colleagues—to my distinguished ranking member, advising him we best look at other amendments to keep the momentum going forward. I then departed for the memorial services at the Department of Defense honoring those who lost their lives on 9/11. And, therefore, when I arrived back we were in the middle of the debate that has been described by the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank you for the recognition, and I thank the distinguished chairman for his explanation of what just transpired.

Mr. President, I rise to discuss the pending Nelson amendment. I think it is very important that, first of all, we try not to react on the floor of the Senate to the headlines that appear in the morning paper—whether they happen to be totally accurate or not.

The second thing I want to point out is that all of us—all of us—are pained

when a brave American is killed in this terrible, long, drawn-out conflict which has divided America and cost us so much in American blood and treasure. All of us—no matter where we stand on this conflict—feel the utmost sorrow and regret at the loss or wounding of a single brave, young American man or woman. So this debate is certainly not about the enormous sacrifice that has already been made and probably will be made in the course of this conflict.

But I think we have to be realistic about the way out of this conflict, the way out we have seen time after time throughout history of other conflicts, especially those that in many respects are civil wars.

Nelson Mandela probably had the greatest reason to seek revenge and full accounting not only for the years of imprisonment and mistreatment he personally received but also because of the hundreds if not thousands of his countrymen who were brutalized, mistreated, kept in inferior status, and, in some cases, even massacred by the minority government that ruled his country.

When Nelson Mandela was awarded the Nobel Peace Prize, it was not only because of his bravery and courage while he underwent unspeakable unpleasantries and indignities as a prisoner—I believe the number was 27 years—but primarily because Nelson Mandela realized he had to knit and heal the wounds that had so badly scarred his nation.

Nelson Mandela, in the spirit of forgiveness, for the good of his country, put his personal injuries aside because he realized the only way his nation could move forward is to put those terrible things that happened behind him.

We also saw terrible things happen in El Salvador's civil war. Jose Napoleon Duarte, a name that some of us have forgotten, was elected President of the country. And he did two things. He vigorously prosecuted the insurgency, and then he reached out his hand to the insurgents because he knew if they did not forgive and even try to forget, that nation would continue a bloodletting that had afflicted it for a long period of time.

In Colombia, the President of Colombia has just attested that 40,000 people—paramilitaries and guerrillas who, again, have carried out these same kinds of attacks and murder and mayhem in their country—have laid down their arms because of an amnesty program that he has extended to them.

I could go on about many of the conflicts in our history. But the fact is that wars end when enemies stop killing each other. After Pearl Harbor we talked with the Japanese. After years of war in Vietnam, we talked to the North Vietnamese in Paris. Time and again, there reaches a point where enemies must if not be forgiven at least be included, as hostilities come to an end and peace begins.

Our brave men and women are working with Iraqis to build a new country, and by co-opting the insurgents, perhaps we can save the lives and fortunes of our own and those who we support.

Things are very difficult in Iraq. And we are angered when we hear of an IED that blows up and kills and maims innocent Americans. We are sometimes driven to frustration and incredible—incredible—sorrow when we hear of the loss of these precious young men and women.

But we also know that the insurgency does not end until the insurgents stop fighting. And the sooner the new Prime Minister, freely elected—freely elected—Mr. Maliki, is able to bring his country back together, the sooner we will find peace, and the sooner Americans can be withdrawn, and the sooner American casualties will end.

I am confident the amendment by the Senator from Florida amendment is well-meaning, and I understand the intentions behind it. But I think it is important we look back and recognize that not only do times change, as in the case of Vietnam—our Secretary of Defense just in the last week visited Vietnam, as we have renewed our relationships, as we have healed the wounds of the Vietnam war, and moved forward in partnership with the Vietnamese.

Mr. President, from a personal standpoint, there are a few Vietnamese I would very much like to see again, people I may not have the most peaceful intentions toward. But the reality is—the reality is—we must heal the wounds of war if we are going to unite a nation and move forward. And that is the case with Iraq, as it has been with almost every other nation in history.

I finally add, as a footnote, I am not sure we here in the U.S. Senate should be dictating to the leaders of Iraq how they should conduct their affairs as they, the freely elected leaders of that nation, attempt to bring about peace and reconciliation in their nation.

But the larger issue here is, I believe, that our goal is to bring an end to the conflict as quickly as possible in Iraq. If that means, in return for laying down their arms, that some are allowed an amnesty or allowed to reenter the society of Iraq, in a peaceful manner, in a productive manner, as has happened in South Africa, El Salvador—and is happening in Colombia—and many other insurgencies throughout history, then I think we should welcome it. And as we place our confidence in the new Government of Iraq, perhaps we should give them some latitude.

I would also like to add, by the way, that that quote in the press may not have been exactly right as to who might be eligible for amnesty and who might not. At least that should be cleared up. But it doesn't obscure the fact that the freely elected government, that we support, of the country of Iraq is now reaching out to attempt to end the fighting and the conflict. I do not think we should be micro managing that from the floor of the U.S. Senate.

I am sure that the enemies we faced in World War II—who the distinguished chairman of the committee fought against in that great war—that there was a time where we had reconciliation with our enemies on both sides of the Atlantic.

Now, were people who were guilty of specific war crimes brought to trial? Absolutely, and punished, in some cases, to the point of execution. But those who fought against us are clearly now our friends.

So I hope that we would understand that this amendment would not be helpful to the process of peace, would not be an endorsement of the freely elected leaders of the country of Iraq, and might even serve, in an unintended fashion, as an impediment to a process of peaceful reconciliation in Iraq rather than helping it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I say to my very good and longtime friend, we have known each other since the closing months of the war in Vietnam when I was Secretary and he was serving in our naval service and returned. So I just think sometimes of the great fortune of this body to have men such as JOHN MCCAIN, DANIEL INOUYE, and TED STEVENS, and others, who have experience firsthand. I do not claim that same experience that these men had in the mortal combat of the wars.

Senator MCCAIN recounts the history of our Nation very accurately; that is, when the conflicts are over, it has always been the stature and the greatness of this Nation to bind the wounds of war and to move forward with peace.

I say to the Senator from Florida, I have just handed him the corrections that are now in the press, corrected by the national security adviser to the new Prime Minister of Iraq, in which it is very explicit that there was an error in translation. Some misfortune. But he sets it forth here with absolute clarity, and I think that I would want to state for my colleagues exactly what he said. He said the following—and he said it, I presume, with the full knowledge of the Prime Minister.

He said: We thank—and the quote is—''the American wives and American women and American mothers for the treasure and the blood they have invested in this country . . . of liberating 30 million people in this country. And we are ever so grateful.''

And further, he affirmed their position of the government that they ''will never give amnesty to those who have killed American soldiers or killed Iraqi soldiers or civilians.''

It seems to me that puts to rest, as my colleague from Arizona said, this issue. And I wonder if the Senator would consider the withdrawal of his amendment to obviate the necessity on our side to take other steps, and let us move forward with the bill.

Mr. NELSON of Florida. Will the Senator yield?

Mr. WARNER. Yes, of course.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Does the Senator from Florida have the floor or——

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. NELSON of Florida. The Senator from Florida has been seeking recognition for the past hour and has not been able to speak.

Will the Senator from Virginia, the distinguished chairman of our Armed Services Committee, agree to a unanimous consent request that the Senator from Florida would be allowed to speak on this issue immediately after the comments of the Senator from Virginia?

Mr. WARNER. Mr. President, I am delighted to accommodate my colleague. I would hope we could discourse this matter in the traditional way of a colloquy, but if you want the exclusive right to the floor—if that is your desire—then I yield the floor, Mr. President.

Is that your desire?

Mr. NELSON of Florida. It is.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, what I understand of the parliamentary procedure is that the majority will offer an additional amendment that will be a side-by-side and be voted upon, and the Senate can make its choice.

In the case of the amendment that is being proffered by the majority—indeed, in the copy that has been represented to me as being the accurate one—it will recite the comments of the gentleman to whom in Iraq the chairman has just referred.

Mr. WARNER. Mr. President, if the Senator will yield, that is the national security adviser.

Mr. NELSON of Florida. And that side-by-side amendment will state that the national security adviser of Iraq, on today, had ''thanked 'the American wives and American women and American mothers for the treasure and the blood they have invested in the country . . . of liberating 30 million people in this country . . . And we are ever so grateful.' '' And that affirms their position that they will never give amnesty to those who would kill American soldiers or those who have killed Iraqi soldiers or civilians. I think that is all well and good. This Senator would certainly intend to vote yes on that side-by-side amendment.

The reason the Senator from Florida has been seeking recognition for the last hour is this Senator's amendment has been characterized in ways that defy what the amendment says. The amendment clearly said that it is the sense of Congress that ''the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States; and the President should immediately notify the Government of Iraq that the Government of the United States strongly opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States.''

That is what the amendment says.

What this has been causing is a brouhaha because of something being read in to a simple little amendment that came as a result of a front-page story today in the Washington Post in which a top adviser to the Prime Minister, Mr. Adnan Ali al-Kadhimi, who happens to be the former chief of staff to the previous Prime Minister, a high-ranking official in the Dawa Party, he is the one who is quoted in the article as going on to say, when asked about clemency for those who attacked U.S. troops:

> That's an area where we can see a green line. There's some sort of preliminary understanding between us and the MNF–1 that there is a patriotic feeling among Iraqi youth and the belief that those attacks are legitimate acts of resistance and defending their homeland. These people will be pardoned definitely, I believe.

Now, it is very enlightening that the national security adviser has tried to clarify Prime Minister Maliki's comments. The Prime Minister can certainly clarify his own comments. But here we have a high-ranking Iraqi official who is quoted on the front page of the paper today as saying amnesty for those who would have killed American men and women.

This Senator's name has been invoked by several speakers, including the distinguished Senator from Alaska, who I have the greatest and utmost respect for, in talking about the reconciliation process as if this were contrary to the reconciliation process. The Senator from Alaska was even quoting the reconciliation that took place after the Civil War, on which we all agree. The Senator from Alaska was talking about the reconciliation that has taken place in South Africa, of which we all agree, even talk of the reconciliation that took place with regard to Germany and Japan. But that didn't stop those who were responsible for war crimes and the killings of Americans to be brought to justice; in other words, not to have amnesty granted for them. That was not the case in South Africa where they had a process that those who did those criminal acts were brought to justice. That was certainly not the case in Germany after World War II where those who had committed those atrocities were brought to justice.

It just simply, in the opinion of this Senator, ought to be that a policy of the very government that we have helped and have liberated a people should not be amnesty for those who have killed Americans. How much more simple could it be? Yet I suspect, as others have implied politics, I suspect politics has a way of taking over and starting to make something seem like it isn't. It certainly wasn't the intention of this Senator.

As I understand, my wonderful chairman of the committee is going to offer a second-degree or will offer another amendment that will be a side by side amendment to that which I have offered, and we can vote for both. It would be the intention of this Senator to vote for both.

I said at the outset of my remarks, the first thing out of my mouth when I offered the amendment was, I hope there was something lost in the translation of what was reported in this morning's Post.

I don't understand—or maybe I do—all the brouhaha that has occurred over the course of the last 2 hours on such a simple amendment as saying that it is the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first I would like to say to my colleague, we have had a very strong, fervent and heartfelt debate, not a brouhaha by any definition of the use of those terms. We have heard from two of the most respected combat veterans currently serving in this Chamber. It was not in the nature of a brouhaha. They were simply reciting the history of this great Republic since its inception as to how it has dealt with adversaries in the several conflicts that we have had.

I first say to the Senator, I hope that you will reconsider the use of that term.

Mr. NELSON of Florida. Will the Senator yield?

Mr. WARNER. Yes, of course.

Mr. NELSON of Florida. This Senator is referring to the rhubarb that has occurred for the last 2 hours on the floor, where statements were made about my amendment that mischaracterized the amendment and that further, then, allowed a totally different issue, an issue on which this Senator agrees with the chairman of the committee, not withdrawing all of the troops by the end of the year.

The Senator can characterize it as he would like. This Senator will characterize it as he would like.

Mr. WARNER. Mr. President, I so note his comments.

Again, addressing the Senator's amendment, it clearly, in my judgment, restricts in some respects the recognition that this is a sovereign government in Iraq today, in the hands of a duly elected Prime Minister and others, and that this amendment could well be construed as restricting what they can and cannot do. That was so eloquently stated by Senator MCCAIN. I wondered if the Senator would care to try and revise the amendment so it is consistent with the longstanding practices of our country with respect to our adversaries, in some way to recognize that it is not in conflict with that?

Mr. NELSON of Florida. If the Senator would like, we could have a quorum call and discuss exactly that matter.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Mr. President, as a coauthor of the amendment of my distinguished colleague from Florida, I hope he will continue to pursue his amendment. It is incredibly important to send a very clear message on behalf of the United States about what is and is not acceptable as it relates to the future of our young men and women in the armed services of the United States.

We are told on the Senate floor: Don't react to the morning's papers. But, in fact, it is our reaction to it that brings about a clarification from the National Security Adviser of the Iraqi Government that moves us in the direction which should have been the position of the Iraqi Government from the outset.

I am amazed how I have heard some of my colleagues in this Chamber stretch and twist and turn to justify a position which even now the Iraqi Government supposedly rejects. We had some history lessons about amnesty. Most of those were as it related to civil wars. But I remember how President Bush started this engagement. He said to the Nation: You are either with the terrorists or you are with us.

As I listened to my colleagues suggest that amnesty is something we should actually be in favor of for those who have committed acts against the Armed Forces of the United States, for those who have killed American soldiers, for those who have wounded American soldiers, it is beyond my imagination that there are Members of the Senate who believe that is the signal we want to send throughout the world. What happened to ''you are either with the terrorists or you are with us''? What happened to making it very clear that our men and women are not sitting ducks for those who think they could ultimately seek to kill them and then walk away and get amnesty? I don't understand—if a terrorist survives our arrest or attack, does that mean that if they suddenly see the light, we will say: Yes, it is up to the Iraqis to give them amnesty? Is that the message the Senate wants to send?

It is beyond my imagination—we hear about the challenges of democracy in Iraq. Democracy is about the rule of law, and then ultimately we would set aside the rule of law and say you can kill American soldiers and we will have no say. Imagine that as the Nation sends its sons and daughters abroad to shed their blood and to give their lives, that we should have no say? That is what we heard on the Senate floor, that we should have no say, that we should let the Iraqi Government pursue even a course which might include amnesty against those who kill American soldiers. That is the message we want to send? I think not.

The essence of the message we want to send is that we do not believe and do not accept and are outraged by the fact that there may have even been a consideration that there could be amnesty for those who killed American soldiers but not amnesty for those who killed Iraqis. That is the world's worst message we could send. We have to send a very clear message that we will not allow our sons and daughters to have their lives lost, and that their lives are not expendable and cannot be bartered for amnesty. That is what Senator NELSON is trying to do with this amendment. Why it is so difficult for the Senate to come together in a bipartisan effort to send that very clear message, not only in Iraq but throughout the world, that this is simply not a standard which is acceptable, is beyond belief.

This amendment is very clear, it is very simple, but it is also very powerful. It is a message that you can't kill our soldiers and walk away with impunity. Truly, you are either with the terrorists or you are with us, but you can't be a terrorist and then suddenly get caught, see the light, and then ultimately walk away with amnesty. That would be a horrible message for the Senate to send.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I ask unanimous consent that Senator MCCONNELL now be recognized, that the pending amendments be set aside, and that Senator MCCONNELL then offer an amendment which is relevant to the Nelson amendment; provided further that if and when the McConnell and Nelson amendments are scheduled for votes—that would be sometime next week—the McConnell amendment would be voted on first. Finally, I ask unanimous consent that following the offering of the amendment, Senator CHAMBLISS be recognized in order to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. I have no objection.

Mr. WARNER. Mr. President, if I might amend the UC to delete the last sentence which reads:

Finally, I ask unanimous consent that following the offering of the amendment, Senator CHAMBLISS be recognized in order to offer an amendment.

I ask that sentence be dropped.

Mr. LEVIN. I have no objection.

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

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 4272

Mr. MCCONNELL. Mr. President, pursuant to the agreement just entered into, I send an amendment to the desk.

The PRESIDING OFFICER. The pending amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4272.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To commend the Iraqi Government for affirming its positions of no amnesty for terrorists who have attacked U.S. forces)

Sec.___. Sense of the Congress Commending the Government of Iraq for affirming its Position of No Amnesty for Terrorists who Attack U.S. Armed Forces.

(a) Findings. Congress makes the following findings:

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March 2003.

(3) More than 2,500 of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(b) Sense of Congress.—It is the sense of Congress that the new Government of Iraq is commended for its statement by the National Security Adviser of Iraq on June 15, 2006 that—

(1) thanked ''the American wives and American women and American mothers for the treasure and the blood they have invested in this country . . . of liberating 30 million people in this country . . . And we are ever so grateful.'' and

(2) that affirmed their position that they ''will never give amnesty to those who have killed American soldiers or killed Iraqi soldiers or civilians''.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I now ask that the amendments be laid aside. The leadership is in agreement that there will be no more votes tonight. We will now turn to other matters relating to the bill. My understanding, then, is these two amendments are now the pending amendments; is that correct?

The PRESIDING OFFICER. The McConnell amendment is the pending amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 4278, 4279, 4280, 4200, 4201, 4198, 4281, 4282, 4283, 4284, 4252, AS MODIFIED; 4225, 4218, 4285, 4286, 4199, AS MODIFIED; AND 4287, EN BLOC

Mr. WARNER. Mr. President, on behalf of myself and members of the Armed Services Committee, I send a series of amendments to the desk which have been cleared by myself and the ranking member. Therefore, I ask unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to en bloc, and the motions to reconsider be laid upon the table. Finally, I ask unanimous consent that any statements related to any of these individual amendments be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. No objection.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4278

(Purpose: To provide for the incorporation of a classified annex)

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

SEC. 1008. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the Senate to accompany S. 2766 of the 109th Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for such program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

AMENDMENT NO. 4279

(Purpose: To modify the limitations applicable to payments under incentives clauses in chemical demilitarization contracts)

On page 93, strike lines 23 through 25 and insert the following:

(c) ADDITIONAL LIMITATION ON PAYMENTS.—

(1) PAYMENT CONDITIONAL ON PERFORMANCE.—No payment may be made under an incentives clause under this section unless the Secretary determines that the contractor concerned has satisfactorily performed its duties under such incentives clause.

(2) PAYMENT CONTINGENT ON APPROPRIATIONS.—An incentives clause under this section shall specify that the obligation of the Government to make payment under such incentives clause is subject to the availability of appropriations for that purpose. Amounts appropriated for Chemical Agents and Munitions Destruction, Defense, shall be available for payments under incentives clauses under this section.

AMENDMENT NO. 4280

(Purpose: To repeal requirements for certain reports applicable to other nations)

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

SEC. 1223. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—Section 1003 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note) is amended by striking subsections (c) and (d).

(b) COST-SHARING REPORT.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2894; 22 U.S.C. 1928 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

AMENDMENT NO. 4200

(Purpose: To modify the requirements for contingency program management to require only a Department of Defense plan for such management)

On page 358, strike lines 18 and 19 and insert the following:

SEC. 864. DEPARTMENT OF DEFENSE PLAN FOR CONTINGENCY PROGRAM MANAGEMENT.

On page 358, beginning on line 21, strike ''Secretary of Defense'' and all that follows through ''interagency plan'' and insert ''Secretary of Defense shall develop a plan for the Department of Defense''.

On page 359, beginning on line 1, strike ''interagency plan'' and insert ''plan of the Department of Defense''.

On page 359, line 17, strike ''United States Government'' and insert ''Department''.

On page 360, line 20, strike ''government procedures'' and insert ''procedures for the Department''.

On page 361, between lines 6 and 7, insert the following:

(c) UTILIZATION IN PLAN FOR INTERAGENCY PROCEDURES FOR STABILIZATION AND RECONSTRUCTION OPERATIONS.—To the extent practicable, the elements of the plan of the Department of Defense for contingency program management required by subsection (a) shall be taken into account in the development of the plan for the establishment of interagency operating procedures for stabilization and reconstruction operations required by section 1222.

AMENDMENT NO. 4201

(Purpose: To make a technical correction to section 871, relating to a clarification of authority to carry out certain prototype projects)

On page 362, line 1, strike ''by striking'' and insert ''by inserting''.

AMENDMENT NO. 4198

(Purpose: To improve the authorities relating to policies and practices on test and evaluation to address emerging acquisition approaches)

On page 51, between lines 16 and 17, insert the following:

(a) REPORTS ON CERTAIN DETERMINATIONS TO PROCEED BEYOND LOW-RATE INITIAL PRODUCTION.—Section 2399(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) If, before a final decision is made within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production, a decision is made within the Department to proceed to operational use of the program or allocate funds available for procurement for the program, the Director shall submit to the Secretary of Defense and the congressional defense committees the report with respect to the program under paragraph (2) as soon as practicable after the decision under this paragraph is made.''.

On page 51, line 17, strike ''(a)'' and insert ''(b)''.

On page 51, line 20, insert ''and the Director of Operational Test and Evaluation'' after ''Logistics''.

On page 51, beginning on line 22, strike ''in light'' and all that follows through line 23 and insert ''in order to—

(A) reaffirm the test and evaluation principles that guide traditional acquisition programs; and

(B) determine how best to apply such principles to emerging acquisition approaches.''

On page 52, line 4, strike ''shall issue'' and insert ''and the Director shall jointly issue''.

On page 52, strike lines 7 through 11.

On page 52, line 12, strike ''(b)'' and insert ''(c)''.

On page 52, line 13, strike ''subsection (a)'' and insert ''subsection (b)''.

On page 53, line 18, strike ''(c)'' and insert ''(d)''.

On page 53, line 25, strike ''subsection (a)'' and insert ''subsection (b)''.

On page 54, line 4, strike ''(d)'' and insert ''(e)''.

On page 54, line 8, strike ''subsection (a)'' and insert ''subsection (b)''.

On page 54, line 11, strike ''(e)'' and insert ''(f)''.

On page 54, line 15, insert before the period the following '', which length of time may be not more than 6 years from milestone B to initial operational capability''.

AMENDMENT NO. 4281

(Purpose: To improve the authorities relating to major automated information system programs)

On page 296, between lines 9 and 10, insert the following:

''(c) INCREMENTS.—In the event any increment of a major automated information system program separately meets the requirements for treatment as a major automated information system program, the provisions of this chapter shall apply to such increment as well as to the overall major automated information system program of which such increment is a part.

On page 297, between lines 11 and 12, insert the following:

''(c) BASELINE.—(1) For purposes of this chapter, the initial submittal to Congress of the documents required by subsection (a) with respect to a major automated information system program shall constitute the original estimate or information originally submitted on such program for purposes of the reports and determinations on program changes in section 2445c of this title.

''(2) An adjustment or revision of the original estimate or information originally submitted on a program may be treated as the original estimate or information originally submitted on the program if the adjustment or revision is the result of a critical change in the program covered by section 2445c(d) of this title.

''(3) In the event of an adjustment or revision to the original estimate or information originally submitted on a program under paragraph (2), the Secretary of Defense shall include in the next budget justification documents submitted under subsection (a) after

such adjustment or revision a notification to the congressional defense committees of such adjustment or revision, together with the reasons for such adjustment or revision.

On page 302, between lines 19 and 20, insert the following:

''(g) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If the determination of a critical change to a program is made by the senior Department official responsible for the program under subsection (d)(2) and a report is not submitted to Congress within the 60-day period provided by subsection (d)(1), appropriated funds may not be obligated for any major contract under the program.

''(2) The prohibition on the obligation of funds for a program under paragraph (1) shall cease to apply on the date on which Congress has received a report in compliance with the requirements of subsection (d)(2).

AMENDMENT NO. 4282

(Purpose: To require a report assessing the desirability and feasibility of incentives to encourage certain members and former members of the Armed Forces to serve in the Bureau of Customs and Border Protection)

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

SEC. 1065. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN THE BUREAU OF CUSTOMS AND BORDER PROTECTION.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection.

(b) COVERED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—For purposes of this section, covered members and former members of the Armed Forces are the following:

(1) Members of the reserve components of the Armed Forces.

(2) Former members of the Armed Forces within two years of separation from service in the Armed Forces.

(c) REQUIREMENTS AND LIMITATIONS.—

(1) NATURE OF INCENTIVES.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives, whether monetary or otherwise and whether or not authorized by current law or regulations, as the Secretaries jointly consider appropriate.

(2) TARGETING OF INCENTIVES.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former of the Armed Forces who have provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with the Bureau of Customs and Border Protection.

(3) PAYMENT.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department of Homeland Security.

(d) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

AMENDMENT NO. 4283

(Purpose: Relating to energy efficiency in the weapons platforms of the Armed Forces)

At the end of subtitle F of title III, add the following:

SEC. 375. ENERGY EFFICIENCY IN WEAPONS PLATFORMS.

(a) POLICY.—It shall be the policy of the Department of Defense to improve the fuel efficiency of weapons platforms, consistent with mission requirements, in order to—

(1) enhance platform performance;

(2) reduce the size of the fuel logistics systems;

(3) reduce the burden high fuel consumption places on agility;

(4) reduce operating costs; and

(5) dampen the financial impact of volatile oil prices.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Department of Defense in implementing the policy established by subsection (a).

(2) ELEMENTS.—The report shall include the following:

(A) An assessment of the feasibility of designating a senior Department of Defense official to be responsible for implementing the policy established by subsection (a).

(B) A summary of the recommendations made as of the time of the report by—

(i) the Energy Security Integrated Product Team established by the Secretary of Defense in April 2006;

(ii) the Defense Science Board Task Force on Department of Defense Energy Strategy established by the Under Secretary of Defense for Acquisition, Technology and Logistics on May 2, 2006; and

(iii) the January 2001 Defense Science Board Task Force report on Improving Fuel Efficiency of Weapons Platforms.

(C) For each recommendation summarized under subparagraph (B)—

(i) the steps that the Department has taken to implement such recommendation;

(ii) any additional steps the Department plans to take to implement such recommendation; and

(iii) for any recommendation that the Department does not plan to implement, the reasons for the decision not to implement such recommendation.

(D) An assessment of the extent to which the research, development, acquisition, and logistics guidance and directives of the Department for weapons platforms are appropriately designed to address the policy established by subsection (a).

(E) An assessment of the extent to which such guidance and directives are being carried out in the research, development, acquisition, and logistics programs of the Department.

(F) A description of any additional actions that, in the view of the Secretary, may be needed to implement the policy established by subsection (a).

AMENDMENT NO. 4284

(Purpose: To modify limitations on assistance under the American Servicemembers' Protection Act of 2002)

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

SEC. 1209. MODIFICATION OF LIMITATIONS ON ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.

Section 2013(13)(A) of the American Servicemembers' Protection Act of 2002 (title II of Public Law 107–206; 116 Stat. 909; 22 U.S.C. 7432(13)(A)) is amended by striking ''or 5''.

AMENDMENT NO. 4252

(Purpose: To amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes)

At the end of title X of division A, insert the following:

SEC. 1084. COURT SECURITY IMPROVEMENTS.

(a) JUDICIAL BRANCH SECURITY REQUIREMENTS.—

(1) ENSURING CONSULTATION AND COORDINATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The Director of the United States Marshals Service shall consult and coordinate with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government.''.

(2) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

''The Judicial Conference shall consult and coordinate with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government.''.

(b) PROTECTION OF FAMILY MEMBERS.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting ''or a family member of that individual'' after ''that individual''; and

(2) in subparagraph (B)(i), by inserting ''or a family member of that individual'' after ''the report''.

(c) EXTENSION OF SUNSET PROVISION.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking ''2005'' each place that term appears and inserting ''2009''.

(d) PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.—

(1) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

''(a) Whoever files or attempts to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of a Federal judge or a Federal law enforcement official, on account of the performance of official duties by that Federal judge or Federal law enforcement official, knowing or having reason to know that such lien or encumbrance is false

or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.

''(b) As used in this section—

''(1) the term 'Federal judge' means a justice or judge of the United States as defined in section 451 of title 28, United States Code, a judge of the United States Court of Federal Claims, a United States bankruptcy judge, a United States magistrate judge, and a judge of the United States Court of Appeals for the Armed Forces, United States Court of Appeals for Veterans Claims, United States Tax Court, District Court of Guam, District Court of the Northern Mariana Islands, or District Court of the Virgin Islands; and

''(2) the term 'Federal law enforcement officer' has the meaning given that term in section 115 of this title and includes an attorney who is an officer or employee of the United States in the executive branch of the Government.''.

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.''.

(e) PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.—

(1) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 118. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

''(a) Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available, with the intent that such restricted personal information be used to kill, kidnap, or inflict bodily harm upon, or to threaten to kill, kidnap, or inflict bodily harm upon, that covered official, or a member of the immediate family of that covered official, shall be fined under this title and imprisoned not more than 5 years, or both.

''(b) As used in this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

''(2) the term 'covered official' means—

''(A) an individual designated in section 1114;

''(B) a Federal judge or Federal law enforcement officer as those terms are defined in section 1521; or

''(C) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate; and

''(3) the term 'immediate family' has the same meaning given that term in section 115(c)(2).''.

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''Sec. 117. Domestic assault by an habitual offender.

''Sec. 118. Protection of individuals performing certain official duties.''.

(f) PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.—Section 930(e)(1) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

(g) CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.—Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.''.

(h) WITNESS PROTECTION GRANT PROGRAM.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new part:

''PART JJ—WITNESS PROTECTION GRANTS

''SEC. 3001. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

''(b) USES OF FUNDS.—Grants awarded under this part shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the creation and expansion of witness protection programs in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for witness and victim protection programs;

''(2) has a serious violent crime problem in the jurisdiction; and

''(3) has had, or is likely to have, instances of threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.''.

(i) GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.—

(1) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(5) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.''.

(j) ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.—

(1) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking ''and'' at the end;

(ii) in paragraph (3), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(4) grants to State courts to improve security for State and local court systems.''; and

(B) in subsection (b), by inserting after the period the following:

''Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.''.

(2) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(A) striking ''80'' and inserting ''70'';

(B) striking ''and 10'' and inserting ''10''; and

(C) inserting before the period the following: '', and 10 percent for section 515(a)(4)''.

(l) BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.—

(1) BANKRUPTCY JUDGES.—Section 153 of title 28, United States Code, is amended by adding at the end the following:

''(e) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a bankruptcy judge of the United States in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.''.

(2) UNITED STATES MAGISTRATE JUDGES.—Section 634(c) of title 28, United States Code, is amended—

(A) by inserting ''(1)'' after ''(c)''; and

(B) by adding at the end the following:

''(2) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a magistrate judge of the United States in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.''.

(3) TERRITORIAL JUDGES.—

(A) GUAM.—Section 24 of the Organic Act of Guam (48 U.S.C. 1424b) is amended by adding at the end the following:

''(c) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.''.

(B) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821) is amended by adding at the end the following:

''(5) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.''.

(C) VIRGIN ISLANDS.—Section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)) is amended—

(i) by inserting ''(1)'' after ''(a)''; and

(ii) by adding at the end the following:

''(2) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.''.

(m) HEALTH INSURANCE FOR SURVIVING FAMILY AND SPOUSES OF JUDGES.—Section 8901(3) of title 5, United States Code, is amended—

(1) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (D), by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''(E) a member of a family who is a survivor of—

''(i) a Justice or judge of the United States, as defined under section 451 of title 28, United States Code;

''(ii) a judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands;

''(iii) a judge of the United States Court of Federal Claims; or

''(iv) a United States bankruptcy judge or a full-time United States magistrate judge.''.

AMENDMENT NO. 4225

(Purpose: To require that, not later than March 31, 2007, the Secretary of the Army transport to an authorized disposal facility for appropriate disposal all of the Federal Government-furnished uranium in the chemical and physical form in which it is stored at the Sequoyah Fuels Corporation site in Gore, Oklahoma)

At the end of division C, add the following new title:

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. TRANSFER OF GOVERNMENT-FURNISHED URANIUM STORED AT SEQUOYAH FUELS CORPORATION, GORE, OKLAHOMA.

(a) TRANSPORT AND DISPOSAL.—Not later than March 31, 2007, the Secretary of the Army shall, subject to subsection (c), transport to an authorized disposal facility for appropriate disposal all of the Federal Government-furnished uranium in the chemical and physical form in which it is stored at the Sequoyah Fuels Corporation site in Gore, Oklahoma.

(b) SOURCE OF FUNDS.—Funds authorized to be appropriated by section 301(1) for the Army for operation and maintenance may be used for the transport and disposal required under subsection (a).

(c) LIABILITY.—The Secretary may only transport uranium under subsection (a) after receiving from Sequoyah Fuels Corporation a written agreement satisfactory to the Secretary that provides that—

(1) the United States assumes no liability, legal or otherwise, of Sequoyah Fuels Corporation by transporting such uranium; and

(2) the Sequoyah Fuels Corporation waives any and all claims it may have against the United States related to the transported uranium.

AMENDMENT NO. 4218

(Purpose: To express the sense of the Senate regarding the Chemical Weapons Convention)

On page 437, between lines 2 and 3, insert the following:

SEC. 1084. SENSE OF THE SENATE ON DESTRUCTION OF CHEMICAL WEAPONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the ''Chemical Weapons Convention''), requires all United States chemical weapons stockpiles be destroyed by no later than the extended deadline of April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention;

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent further delays in the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees separately or as part of another required report; and

(3) the Secretary of Defense should make every effort to ensure adequate funding to complete the elimination of the United States chemical weapons stockpile in the shortest time possible, consistent with the requirement to protect public health, safety, and the environment.

AMENDMENT NO. 4285

(Purpose: To improve authorities to address urgent nonproliferation crises and United States nonproliferation operations)

On page 480, between lines 4 and 5, insert the following:

SEC. 1304. REMOVAL OF CERTAIN RESTRICTIONS ON PROVISION OF COOPERATIVE THREAT REDUCTION ASSISTANCE.

(a) REPEAL OF RESTRICTIONS.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—

Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

AMENDMENT NO. 4286

(Purpose: To provide for the applicability of certain requirements to the acquisition of certain specialty metals)

Strike section 822 and insert the following:

SEC. 822. APPLICABILITY OF CERTAIN REQUIREMENTS REGARDING SPECIALTY METALS.

(a) EXEMPTION FOR CERTAIN COMMERCIAL ITEMS.—Subsection (i) of section 2533a of title 10, United States Code, is amended—

(1) by inserting '', DUAL-USE ITEMS, AND ELECTRONIC COMPONENTS'' after ''COMMERCIAL ITEMS'';

(2) by inserting ''(1)'' before ''this section'';

(3) in paragraph (1), as so designated, by inserting ''described in subsection (b)(1)'' after ''commercial items''; and

(4) by adding at the end the following new paragraphs:

''(2) This section is not applicable to—

''(A) a contract or subcontract for the procurement of a commercial item containing specialty metals described in subsections (b)(2) and (b)(3); or

''(B) specialty metals that are incorporated into an electronic component, where the value of the specialty metal used in the component is de minimis in relation to the value of the electronic component.

''(3) For purposes of paragraph (2)(A), a commercial item does not include—

''(A) any item that contains noncommercial modifications that cost or are expected to cost, in the aggregate, more than 5 percent of the total price of such item;

''(B) any item that would not be considered to be a commercial item, but for sales to government entities or inclusion in items that are sold to government entities;

''(C) forgings or castings for military unique end items;

''(D) fasteners other than commercial off-the-shelf items (as defined in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c)); or

''(E) specialty metals.''.

(b) EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO FACILITATE CIVIL-MILITARY INTEGRATION.—Such section is further amended by adding at the end the following new subsection:

''(k) EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO FACILITATE CIVIL-MILITARY INTEGRATION.—Subsection (a) does not apply to the procurement of an item from a contractor or a first-tier subcontractor if the Secretary of Defense or the Secretary of a military department determines that—

''(1) the item is or will be produced using the same production facilities, a common supply chain, and the same or similar production processes that are used for the production of similar items delivered to non-defense customers; and

''(2) the contractor or subcontractor has made a contractual commitment to purchase a quality, grade, and amount of domestically-melted specialty metals for use by the purchaser during the period of contract performance in the production of the item and other similar items delivered to non-defense customers that is not less that the greater of—

''(A) the amount of specialty metals that is purchased by the contractor for use in the item delivered to the Department of Defense; or

''(B) 40 percent of the amount of specialty metals purchased by the contractor or subcontractor for use during such period in the production of the item and similar items delivered to non-defense contractors.''.

(c) DE MINIMIS STANDARD FOR SPECIALTY METALS.—Such section is further amended by adding at the end the following new subsection:

''(l) MINIMUM THRESHOLD FOR SPECIALTY METALS.—Notwithstanding the requirements of subsection (a), the Secretary of Defense or the Secretary of a military department may accept delivery of an item containing specialty metals that were not grown, reprocessed, reused, or produced in the United States if the total amount of noncompliant specialty metals in the item does not exceed 2 percent of the total amount of specialty metals in the item.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (c) shall take effect on the date of the enactment of this Act, and shall apply with respect to items accepted for delivery on or after that date.

(2) CIVIL-MILITARY INTEGRATION.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply to contracts entered into on or after that date.

AMENDMENT NO. 4199

(Purpose: To authorize a pilot program on the expanded use of mentor-protege authority)

At the end of subtitle E of title VIII, add the following:

SEC. 874. PILOT PROGRAM ON EXPANDED USE OF MENTOR-PROTEGE AUTHORITY.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of treating small business concerns described in subsection (b) as disadvantaged small business concerns under the Mentor-Protege Program under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note).

(b) COVERED SMALL BUSINESS CONCERNS.—The small business concerns described in this subsection are small business concerns that—

(1) are participants in the Small Business Innovative Research Program of the Department of Defense established pursuant to section 9 of the Small Business Act (15 U.S.C. 638); and

(2) as determined by the Secretary, are developing technologies that will assist in detecting or defeating Improvised Explosive Devices (IEDs) or other critical force protection measures.

(c) TREATMENT AS DISADVANTAGED SMALL BUSINESS CONCERNS.—

(1) IN GENERAL.—For purposes of the pilot program, the Secretary may treat a small business concern described in subsection (b) as a disadvantaged small business concern under the Mentor-Protege Program.

(2) MENTOR-PROTEGE AGREEMENT.—Any eligible business concerned approved for participation in the Mentor-Protege Program as a mentor firm may enter into a mentor-protege agreement and provide assistance described in section 831 of the National Defense Authorization Act for Fiscal Year 1991 with respect to a small business concern treated under paragraph (1) as a disadvantaged small business concern under the Mentor-Protege Program.

(d) FUNDING.—

(1) IN GENERAL.—Notwithstanding the limitation in section 9(f)(2) of the Small Business Act (15 U.S.C. 638(f)(2)), funds for any reimbursement provided to a mentor firm under section 831(g) of the National Defense Authorization Act for Fiscal Year 1991 with respect to a small business concern described in subsection (b) under the pilot program shall be derived from funds available for the Small Business Innovative Research Program of the Department of Defense.

(2) LIMITATION.—The amount available under paragraph (1) for reimbursement described in that paragraph may not exceed the amount equal to one percent of the funds available for the Small Business Innovative Research Program.

(e) SUNSET.—

(1) AGREEMENTS.—No mentor-protege agreement may be entered into under the pilot program after September 30, 2010.

(2) OTHER MATTERS.—No reimbursement may be paid, and no credit toward the attainment of a subcontracting goal may be granted, under the pilot program after September 30, 2013.

(f) REPORT.—Not later than March 1, 2009, the Secretary shall submit to the appropriate committees of Congress a report on the pilot program. The report shall—

(1) describe the extent to which mentor-protege agreements have been entered under the pilot program; and

(2) describe and assess the technological benefits arising under such agreements.

(g) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services, Appropriations, and Small Business and Entrepreneurship of the Senate; and

(B) the Committees on Armed Services and Appropriations of the House of Representatives.

(2) The term ''small business concern'' has the meaning given that term in section 831(m)(1) of the National Defense Authorization Act for Fiscal Year 1991.

AMENDMENT NO. 4287

(Purpose: Expressing the sense of the Senate on the nomination of an individual to serve as Director of Operational Test and Evaluation of the Department of Defense on a permanent basis)

At the end of subtitle C of title IX, add the following:

SEC. 924. SENSE OF SENATE ON NOMINATION OF INDIVIDUAL TO SERVE AS DIRECTOR OF OPERATIONAL TEST AND EVALUATION ON A PERMANENT BASIS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Congress established the position of Director of Operational Test and Evaluation of the Department of Defense in 1983 to ensure the operational effectiveness and suitability of weapon systems in combat.

(2) The Director of Operational Test and Evaluation serves as the principal adviser to the Secretary of Defense on operational test and evaluation and is vital to ensuring the operational effectiveness of weapon systems in combat.

(3) The position of Director of Operational Test and Evaluation has been held on an acting basis since February 15, 2005.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should submit to the Senate the nomination of an individual for the position of Director of Operational Test and Evaluation as soon as practicable.

Mr. REID. Mr. President, I have an amendment to provide compensation for civilian veterans of the Cold War who contracted cancer as a result of their work at our nuclear weapons facilities.

My amendment will ensure that employees who worked at the Nevada Test Site during the years of above- and below-ground nuclear weapons testing and suffer from radiation-induced cancers as a result of that work finally receive the compensation they deserve. These Cold War veterans sacrificed their health and well-being for their country. We can wait no longer to acknowledge those sacrifices and to try, in some small way, to compensate for the cancers they have suffered as a result of their service to their country.

U.S. citizens have served their country working in facilities producing and testing nuclear weapons and engaging in other atomic energy defense activities that served as a deterrent during the Cold War. Many of these workers were exposed to cancer-causing levels of radiation and placed in harm's way by the Department of Energy and contractors, subcontractors, and vendors of the Department without the knowledge and consent of the workers, without adequate radiation monitoring, and without necessary protections from internal or external occupational radiation exposures.

Six years ago, I worked with President Clinton to pass The Energy Employees Occupational Illness Compensation Program Act of 2000, EEOICPA, to ensure fairness and equity for the men and women who performed duties uniquely related to the nuclear weapons production and testing programs by establishing a program that would provide timely, uniform, and adequate compensation for 22 specified radiation-related cancers.

Research by the Department of Energy, the National Institute for Occupational Safety and Health, NIOSH, NIOSH's contractors, the President's Advisory Board on Radiation and Worker Health, and congressional committees indicates that workers were not adequately monitored for internal or external exposures to ionizing radiation to which the workers were exposed and records were not maintained, are not reliable, are incomplete, or fail to indicate the radioactive isotopes to which workers were exposed.

Because of the inequities posed by the factors described above and the resulting harm to the workers, EEOICPA has an expedited process for groups of workers whose radiation dose cannot be estimated with sufficient accuracy or whose dose cannot be estimated in a timely manner. These workers are placed into a Special Exposure Cohort, SEC. Workers in an SEC do not have to go through the dose reconstruction process, which can take years and be extremely difficult as these workers are often unable to produce information because it was or is classified.

Congress has already legislatively designated classes of atomic energy veterans at the Paducah, Kentucky, Portsmouth, Ohio, Oak Ridge K–25, Tennessee, and the Amchitka Island, AK, sites as members of the special exposure cohort under EEOICPA. Amchitka Island was designated because three underground nuclear tests were conducted on the Island.

Nevada Test Site workers deserve the same designation.

I and many other Nevadans remember watching explosions at the Nevada Test Site. We were struck with awe and wonder at the power and strength of these explosions. Little did we know that there was another side to those atomic tests—the exposure of men and women working at the site to cancer-causing substances. Now, hundreds, perhaps thousands, of these Cold War veterans face deadly cancers. Many have already passed away.

The contribution of the State of Nevada to the security of the United States throughout the Cold War and since has been unparalleled. In 1950, President Harry S. Truman designated what would later be called the Nevada Test Site as the Nation's nuclear proving grounds and, a month later, the first atmospheric test at the Nevada Test Site was detonated. The United States conducted 100 aboveground and 828 underground nuclear tests at the Nevada Test Site from 1951 to 1992. Out of the 1054 nuclear tests conducted in the United States, 928, or 88 percent, were conducted at the Nevada Test Site.

Unfortunately, Nevada Test Site workers, despite having worked with significant amounts of radioactive materials and having known exposures leading to serious health effects, have been denied compensation under EEOICPA as a result of flawed calculations based on records that are incomplete or in error as well as the use of faulty assumptions and incorrect models.

It has become evident that it is not feasible to estimate with sufficient accuracy the radiation dose received by employees at the Department of Energy facility in Nevada known as Nevada Test Site at all in some cases and in others in a timely manner. In fact, the administration has admitted that it cannot construct internal radiation dose for workers employed on the site during the aboveground test and yet is still balking at full compensation for all of these workers. There are many reasons for this, including inadequate monitoring, incomplete radionuclide lists, and DOE's ignoring nearly a dozen tests conducted at the site that vented. Because of these problems, Nevada Test Site workers have been denied compensation under the act, some of which have waited for decades for their Government to acknowledge the sacrifices they made for their country and compensate them.

Unfortunately, 6 years since the passage of EEOICPA and in some cases decades after their service to their country, very few of those Nevada Test Site Cold War veterans who have cancer have received compensation. In fact, Nevada Test Site workers are receiving compensation at a rate lower than the national average, and many who have waited decades are being told that they have to wait longer. And many have already died while waiting for their compensation.

Last November, I sent a letter to President Bush asking him to initiate this process himself. He still has not responded. However, his administration is trying to rewrite the law via regulation and cut funding to this program in order to delay compensation further and halt it for some workers altogether.

This is unacceptable.

That is why I am committed to ensuring that Nevada Test Site workers through 1993 are designated as a ''special exposure cohort.'' This will streamline and speed up the recovery process for those workers.

My amendment would ensure employees and survivors of employees who worked at the Nevada Test Site through 1993 that they receive compensation. They helped this country win the Cold War, sacrificing their personal health in the process, and after decades of waiting and suffering, it is time the Government honored these sacrifices.

This bill would include within the special exposure cohort Nevada Test Site workers employed at the site from 1950 to 1993 who were present during an atmospheric or underground nuclear test or performed drillbacks, reentry, or cleanup work following such tests; present at an episodic event involving radiation release; or employed at Nevada Test Site for at least 250 workdays and in a job activity that was monitored for exposure to ionizing radiation or worked in a job activity that is or was comparable to a job that is, was, or should have been monitored for exposure to ionizing radiation.

The Nevada Test Site has served, and continues to serve, as the premier research, testing, and development site for our nuclear defense capabilities. The Nevada Test Site and its workers have been, and are, an essential and irreplaceable part of our Nation's defense capabilities. This bill would honor the service of our atomic energy veterans and provide them with the compensation they deserve.

I urge my colleagues to join me in supporting this amendment.

Mr. WARNER. Mr. President, I thank my distinguished ranking member for his always cooperative efforts to move this bill along. I think we have made progress on the bill.

Mr. LEVIN. Somehow or other, we did make progress.

Mr. WARNER. We did make progress. There will be a briefing in S–407 tomorrow with regard to operations in Iraq. Members of the Senate are invited. I expect we will convene in the morning under an order later this evening from the leadership, but we will be back on the bill for some period of time tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, you can imagine the surprise, the consternation of so many who woke up this morning and read on the front page of the Washington Post that the Prime Minister of Iraq suggested he would grant amnesty to those who killed, maimed, hurt Americans. This was just appalling.

I rise in support of the resolution offered by my colleagues from Florida and New Jersey to, first, condemn those despicable remarks, and, second, to importune our President, President Bush, to make sure the Prime Minister of Iraq retracts those remarks and registers the strong disapproval of this Senate and of our Nation about what happened.

To give those who shot at, sometimes killed, often maimed Americans a get-out-of-jail-free card is nothing short of despicable and a slap in the face to all Americans. We have been told we are in Iraq for the noblest of purposes—to bring peace and democracy. When the head of state of that country says it is okay if you shot at American troops, it defies belief, it defies credibility.

The bottom line is our President stood with Prime Minister Maliki just a day or two ago and said he looked him in the eye and saw he was a good man. President Bush must have missed something. Clearly, no one can be a good man and state that it would be okay to give amnesty to those who shot at our soldiers.

This is something which calls into question the whole endeavor in Iraq. If this is the man we are relying on to get us out of the morass, to lead a government, and he is able to say that those who shot at our soldiers should be given amnesty while those who shot at Iraqis should not, something is dramatically wrong.

I will never forget when our President said he met President Putin, looked in his eye, and found he was a good man. Yet we have had trouble with President Putin ever since.

Something is desperately the matter. We need to do a few things. We need to pass this resolution immediately and register our condemnation of the remarks.

President Bush, America is asking you to demand a retraction from the Prime Minister of Iraq of these despicable words or America can no longer support sending soldiers to defend Iraqi freedom, to defend Iraqi peace. How can we, our soldiers, and their families go over to Iraq if, when they are shot at by renegade Iraqis, those Iraqis may be given amnesty and a pat on the back? That is despicable. It is so wrong.

I have spent time with families who have lost loved ones in Iraq. I have spent hours seeing our soldiers off to victory, watching as their families, their wives, their husbands, and their children, with tears in their eyes, watched them board the planes and the transports. For these families, while their beloved men and women are over there, to read that the Prime Minister of Iraq would grant amnesty to someone who tried to kill that soldier who is bravely serving, how would they feel?

President Bush must get on the phone, if he has not already, with the Iraqi Prime Minister and demand a retraction. If not, the American people, and particularly the soldiers and their families, deserve an explanation about what is going on over there. Again, to give a get-out-of-jail-free card to those who shoot at American soldiers while those soldiers are trying to defend freedom and peace in Iraq boggles the mind.

Another question: How can we rely on this man, this new Prime Minister Maliki, as an ally if he says this? My faith in him is shaken to the core. What will happen 2 months from now or 6 months from now?

This is a serious issue. I hope my colleagues will pay attention. It is serious

because of the honor of our soldiers. It is serious because it casts doubt on the future of whatever plan there is in Iraq. It is serious mostly because it is an inhumane and nasty comment that negativizes all the sacrifices our people have made.

I hope our President will act. He has been silent today. There is no clarification. There is no discussion of a phone call. There is no expression of outrage from the White House. I hope that will change and change soon. If it doesn't, it has to call into doubt everything we are trying to do over there. This was not a happy day for what is going on in Iraq because of that awful newspaper story this morning and what it reported. I hope, I pray, things will change.

I certainly urge my colleagues to support unanimously the resolution offered by my colleague from Florida and my colleague from New Jersey, that I am proud to support, asking for that change.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SARBANES. Mr. President, I understand the Senate is in morning business?

The PRESIDING OFFICER. We are in morning business with 10-minute grants.

TRIBUTE TO SENATOR ROBERT C. BYRD

Mr. SARBANES. Mr. President, earlier in the week, on Monday to be exact, Senator ROBERT C. BYRD, our very distinguished colleague, became the longest serving Senator in the history of the U.S. Senate. It is obviously a moment to celebrate and recognize his accomplishments in the service of the Nation. Our celebration is tempered only by the fact that his beloved wife Erma, with whom he spent nearly 69 years of marriage, passed away recently.

I want to join my colleagues who, in the course of this week, have paid tribute to the senior Senator from West Virginia. Senator BYRD this year completes his eighth Senate term, having first been elected to the Senate in 1958. Prior to that, he served 6 years in the U.S. House of Representatives and, before that, 6 years in the West Virginia legislature.

In his now almost 48 years in the U.S. Senate, he has held an extraordinary range of committee and subcommittee assignments and has served in leadership positions as secretary of the majority conference, majority whip, minority leader, majority leader, and President pro tempore. His vote has been recorded on nearly 99 percent of all Senate rollcalls since 1958. Indeed, he has cast far more votes than any other Senator in our Nation's history.

It is not for his longevity, however, that we honor our colleague, the senior Senator from West Virginia. It is, rather, the manner in which he has faithfully carried out his responsibilities as a U.S. Senator and his abiding dedication to the Constitution of the United States and the system of government it created. No Member of the U.S. Congress understands better than Senator BYRD the Constitution's role in framing our lives as Americans. As he has written:

> Only the Constitution's genius affords our people the powers and prerogatives that truly keep us a free nation, most centrally through maintenance of the checks and balances and separation of powers.

Over many years, while vigorously and effectively representing the people of West Virginia, Senator BYRD has made the study, exposition, and defense of the Constitution his life's work. In so doing, he has spoken not only for West Virginians but for us all. If, as Senator BYRD has said, the Senate functions as the central pillar of our constitutional system, then I would say that Senator BYRD himself is the central pillar of the Senate. His commitment to the Senate and its history, its custom, and procedures is equaled only by his commitment to the State of West Virginia, our Nation, and our Constitution.

No one is more keenly attuned to the Senate's role in assuring the proper functioning of our constitutional system. He has studied the Senate's origins in Roman and British history. He has, as he puts it, ''ponder[ed] the lives of the framers and founders and set down a four-volume history of the Senate.'' And he has read the journals and other writings of the early Members of this body. He has mastered the Senate rules to a degree that few, if any, others have ever attained. Even in the most contentious debates, Senator ROBERT C. BYRD remains a steady voice for courtesy and civility. Indeed, his is the voice of courtesy and civility.

Senator BYRD begins his autobiography, ''Child of the Appalachian Coalfields,'' with an observation by William James:

> The best use of life is to invest it in something which will outlast life.

This certainly is what he has done.

It was not foreordained that he would some day be a U.S. Senator from West Virginia. Born in North Carolina, he lost his mother in the great influenza epidemic of 1918, when he was a year old, whereupon he was adopted by an aunt and her husband and moved with them to West Virginia. His adopted father was a coal miner, and he grew up in company towns. He was an excellent student, valedictorian of his high school class, ''a self-styled sort of somebody,'' one high school teacher later said, but his prospects were few. As another teacher observed:

> Knowing the background and how hard it would be to move out from that background, I picture him as being an office man or a scrip clerk at one of the mines.

In those years of the Great Depression, there was obviously no money for college. ROBERT BYRD took what jobs he could get: Shop clerk, butcher, a welder in a Baltimore shipyard during World War II. We were honored to have had him in our State.

In 1946, he was elected to the first of three terms in the State legislature. Of the decision to run for office he has said:

> I grew up in a state where we didn't have much hope. I wanted to help my people and give them hope . . .

He did not abandon his hopes of continuing his education. Upon his election to the U.S. House of Representatives in 1952, he enrolled in law school. When he learned that he would be denied a law degree because he had never received a college degree in the law school in which he had enrolled, he transferred to the Washington College of Law at American University where he went to night classes for 10 years and received his law degree cum laude in 1963—a remarkable achievement. By that time he had been a Senator from West Virginia for 5 years. ROBERT BYRD is the only person ever to have served in either House of Congress to begin and complete a law degree while serving.

Twenty years later, the College of Law at American University honored him as the First Distinguished Fellow of the honor society established by the late dean of the college, a most fitting tribute. Eleven years later, in 1994, he received his bachelor's degree in political science from Marshall University in recognition of the credits accumulated there and other places over a period of many years.

Of the many awards he has received in the course of his long and distinguished career, Senator BYRD has said that none means more to him than the tribute from the Governor and legislature of his State in naming him ''West Virginian of the 20th Century.''

As his colleague here in the Senate for the past 30 years and as one who has the deepest respect and admiration for him and cherishes his counsel and friendship, I submit that he will be remembered not only for his service to his State but for the courage and dedication and tenacity he has shown and continues to show every day in the service of our Nation. It is a privilege to be his colleague here in the U.S. Senate.

I yield the floor.

Mr. AKAKA. Mr. President, it is indeed a privilege and honor for me to join my colleagues in commemorating and honoring my friend and colleague, Senator ROBERT C. BYRD, on the occasion of his becoming the longest serving Senator in the history of our country, passing the old mark of 17,326 days on June 12, 2006. The fact that West Virginians have returned him to the

Senate in eight prior elections speaks volumes of the love and affection and respect they feel for him as their Senator who serves them most effectively.

When I first came to the Senate in 1990 from the other side of the Capitol, Senator BYRD was one of the first Senators I met with to get advice and counsel, which he generously shared with me. Of course, he gave me a copy of a pocket edition of the Constitution, the document upon which our country is based and one that is ever-present in his pocket. Over the years, he has been most generous with his friendships, and indeed I feel a sense of kinship and aloha with him. In Hawaii, this feeling of kinship is often referred to as being part of the ohana, or family, and used with love and endearment.

With stewards like Senator ROBERT C. BYRD, we can rest assured that our country is in good hands. I look forward to his continuing friendship and serving with him for many years to come.

Mrs. MURRAY. Mr. President, I do want to talk for a minute about Senator BYRD and recognize he has set a record in the Senate, as many of my colleagues have noted on the floor.

He marked his 17,327th day in office yesterday and became the longest serving Senator in history. That is truly a remarkable accomplishment, and I personally have many fond memories of working with Senator BYRD and look forward to many more.

I remember well when I came here as a freshman Senator 13½ years ago. Senator BYRD at the time brought in all of us freshmen Senators to sit across from him in his very important office and looked down at us and told us that we would be presiding, as is the Presiding Officer today, and told us about our responsibilities and made it very clear he would be watching from his office, and if we were reading any other material or talking to anyone, it would be noted.

I certainly did remember that during the many hours I spent in the Presiding Officer's chair because I knew he was watching. But I think it was a simple reminder to all of us as to the importance of the office we hold here and the respect we have to have for our colleagues.

I remember as well that he invited me to lunch several months later with the Senator from Oregon, Mr. Hatfield, a Republican, to sit down and talk with me about the responsibilities I had as a Senator. And I was so impressed sitting in the room with Senator BYRD and Senator Hatfield, never in my life expecting to have that kind of opportunity. At that meeting they impressed upon me the importance of working across the aisle and respect for the minority and how important everybody's voice is here. It was an important lesson and one I think we all should be reminded of more often.

But just that simple act of inviting me to lunch with two incredible leaders in the Senate is a memory I hold dear, and I thank my colleague for doing that.

But, frankly, I think what I most will remember Senator BYRD for—and is a good reminder to all of us, too—is several years ago when my husband came out here to Washington, DC—he lives in Washington State. I go home every weekend. But he came out here because it was our wedding anniversary, and instead of me having to fly home, he flew out here. He was coming up the steps of the Capitol, and I met him as Senator BYRD was walking out to his car.

Senator BYRD saw my husband, and he said: Welcome. Nice to have you here at this end of the country. What brings you here?

And my husband said: Well, it is our wedding anniversary.

And Senator BYRD, who, as we well know, lost his beloved wife just a few short weeks ago, was about to celebrate I think it was his 67th wedding anniversary. He looked at my husband and said: Which anniversary is this?

And my husband said: It is our 32nd.

Senator BYRD paused and said: Well, it is a good start.

I think the message of that is important for all of us in our everyday lives, in our responsibilities as spouses, and as Senators, to remember it is a good start every day, and you can't rest on your laurels and think back: Well, we have done this for 32 years. The next 32 will be easy. Every day you have to come out and work hard at whatever role you are in at the time.

I certainly say to my good friend, Senator BYRD, how much I respect him and admire him. And today, as he marks his 17,328th day in office, I say to him: It is a good start.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Alaska is recognized.

TRIBUTE TO CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. STEVENS. Mr. President, today the Chief Justice and associate Justices of the Supreme Court held a memorial observance honoring Chief Justice William H. Rehnquist. It was a really grand event. I am sorry I could not be there the whole time.

At 2 p.m., resolutions in tribute to the Chief Justice were presented for consideration by members of the Supreme Court bar. There were presentations made by the Solicitor General and by the Attorney General of the United States during a special sitting of the Court, which commenced at 3:15 p.m. this afternoon. Following that, the Supreme Court held a reception for friends of the former Chief Justice.

I think one of the great joys of my life was to be able to say that I was a long-time friend of our former Chief Justice. He and I met here as young lawyers the year we got out of law school. We were very friendly. As a matter of fact, we double-dated during those days. And as the years went on, as I went to Alaska and came back as U.S. Attorney and had various other functions, we kept in touch. We were divided by a continent, but we remained friends.

Years later, when I came to the Senate, he was with the Department of Justice. I can say it was one of the longest friendships I have had, and I was sad when he passed away. I am here really to ask that the Senate review some of the comments made about my friend and former Chief Justice of the United States.

I ask unanimous consent that the schedule of the Supreme Court for today, Thursday, June 15, 2006, and also the resolution of the bar of the Supreme Court of the United States in gratitude and appreciation for the life, work, and service of Chief Justice William H. Rehnquist presented to the Supreme Court today be printed in the RECORD.

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

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

SUPREME COURT OF THE UNITED STATES

CHIEF JUSTICE WILLIAM H. REHNQUIST MEMORIAL

THURSDAY, JUNE 15, 2006

Meeting of the Supreme Court Bar—Upper Great Hall, 2:00 p.m.

Call to Order—Paul D. Clement, Solicitor General of the United States.

Introduction of Speakers—Ronald J. Tenpas, Associate Deputy Attorney General, Clerk to Chief Justice Rehnquist (1991 Term), Chairman of the Meeting.

Remarks—Allen R. Snyder, Partner (retired) at Hogan & Hartson LLP, Clerk to Justice Rehnquist (1971 Term).

Remarks—James C. Rehnquist, Son of the Chief Justice.

Remarks—Maureen E. Mahoney, Partner at Latham & Watkins, Clerk to Justice Rehnquist (1979 Term).

Remarks—Courtney Simmons Elwood, Deputy Chief of Staff and Counselor to the Attorney General, Clerk to the Chief Justice (1995 Term).

Remarks—James C. Duff, Partner at Baker, Donelson, Bearman, Caldwell & Berkowitz PC, Administrative Assistant to the Chief Justice (1996–2000).

Motion to Adopt Committee Resolutions—Honorable Steven M. Colloton, Court of Appeals for the Eighth Circuit, Clerk to the Chief Justice (1989 Term), Chairman of the Committee on Resolutions.

Call for Second and Closing Remarks—Ronald J. Tenpas, Chairman of the Meeting.

Special Session of the Supreme Court—Courtroom, 3:15 p.m.

Presentation of Resolutions—Paul D. Clement, Solicitor General of the United States.

Request to Accept Resolutions—Paul McNulty, Deputy Attorney General of the United States.

Response—John G. Roberts, Jr., Chief Justice of the United States.

RESOLUTION OF THE BAR OF THE SUPREME COURT OF THE UNITED STATES IN GRATITUDE AND APPRECIATION FOR THE LIFE, WORK, AND SERVICE OF CHIEF JUSTICE WILLIAM H. REHNQUIST, JUNE 15, 2006

Today, the members of the Bar of the Supreme Court honor the life and legacy of a

gifted lawyer, a selfless public servant, and a treasured teacher, mentor, and friend. Those who knew William Rehnquist will remember him as one who, in the words of Justice Oliver Wendell Holmes, ''lived greatly in the law.'' To his credit, however, Bill Rehnquist cared less about being ''great'' than about doing and living well. As President George W. Bush remarked on the occasion of his funeral, ''to work beside William Rehnquist was to learn how a wise man looks at the law and how a good man looks at life.''

Rehnquist was born in Wisconsin, on October 1, 1924, the son of a paper salesman and a homemaker who also worked as a translator. Christened William Donald Rehnquist at birth, the future Chief Justice changed his middle name to Hubbs—a family name—in high school. His mother, Rehnquist later explained, had once met a numerologist on a train, and Mrs. Rehnquist was advised that her son would enjoy great success in life if his middle name were changed to begin with the letter ''H.''

Rehnquist was raised in Shorewood, a Milwaukee suburb on Lake Michigan. Early on, he displayed his love of the friendly wager, betting his sister on a Memorial Day weekend that he could dive into the lake more often than she. He won, and contracted pneumonia in the bargain. Rehnquist graduated from high school in 1942, and after a year at Kenyon College, he joined the United States Army Air Corps. Consistent with his lifelong interest in the weather—a fascination that would be the stuff of many jokes and memories among his friends and law clerks—he signed up for a premeteorology program. He was reassigned to work as a weather observer when, as he later put it, ''the brass realized that someone had mistakenly added a zero to the number of weather forecasters that would be needed.'' His war-time service took him not only to Oklahoma, New Mexico, Texas, New Jersey, and Illinois, but also to more exotic destinations such as Casablanca, Marrakesh, Tripoli, and Cairo.

Rehnquist's assignment in North Africa impressed upon him that ''if you lived in the right place, you didn't have to shovel snow for four months a year.'' Accordingly, after discharging from the service as a sergeant, he headed west, and matriculated as an undergraduate at Stanford University in 1946. There, he supplemented the financial assistance he received through the G.I. Bill with odd jobs, including working as a ''hasher'' in the dormitory of his future colleague, Sandra Day.

After graduation, Rehnquist thought he wanted to become a professor of political science, so he studied government for a year at Harvard and earned his master's degree. But he later decided against continuing his graduate work, and instead took a standardized occupational examination, the results of which suggested that he might thrive as a lawyer. He then returned to the west, and to Stanford's law school, where he flourished. As he recalled, some fifty years later, in his typically understated manner, ''the law curriculum came more easily to me than it did to some others.'' His friend and classmate, the future Justice O'Connor, was more definitive: ''[H]e quickly rose to the top of the class and, frankly, was head and shoulders above all the rest of us in terms of sheer legal talent and ability.''

One of Rehnquist's professors had been a law clerk for Justice Robert Jackson, and thought highly enough of Rehnquist to recommend him to Jackson as a prospective clerk. When Jackson hired the young lawyer, the position was Rehnquist's first ''honest-to-goodness job as a graduate lawyer'' and, more significantly, his first exposure to the institution to which he would dedicate thirty-three years of his professional life. Rehnquist later described his clerkship during the 1951 and 1952 Terms as ''one of the most rewarding experiences of my life.'' His time in Washington proved doubly rewarding, for during this period he began dating Natalie ''Nan'' Cornell, a San Diegan he had met at Stanford. They started with ''Thursday night'' dates, until Nan was convinced that she liked the young lawyer enough to move on to Saturdays.

After the clerkship, Rehnquist kept in his study a photograph of his boss, inscribed ''To William Rehnquist, with the friendship and esteem of Robert H. Jackson.'' Later, as a member of the Court, Rehnquis would make the same inscription for his law clerks, recounting Jackson's remark, ''You may not be impressed, but it might impress your clients.'' Perhaps most telling, the personal attributes that the young William Rehnquist admired most in Justice Jackson include many of the same qualities his own law clerks remember and appreciate about him: ''[H]is own ego or view of his own capacities was never unduly elevated by any of the successes which he achieved''; he ''never succumbed to the temptation,'' so common in Washington, to ''become . . . isolated in high public office''; and ''[h]e did not have to read the view of some particular columnist, commentator, or editorial writer in order to know what he thought about a particular factual situation.''

Characteristically unconventional, Rehnquist passed up opportunities at lucrative East Coast law firms. He thought California too big and too populated, and decided to look for a home in the southwestern United States, hoping to find the American equivalent of the North African climate he so enjoyed. Rehnquist married his beloved Nan in August 1953, and the couple ultimately settled on Phoenix. He later told his law clerks that the descent into Phoenix, without air conditioning, in his 1941 Studebaker, was like ''driving into Hell.''

He was the ninth lawyer at one of the ''large'' law firms in Phoenix, and he was paid $300 per month. Two years later, hoping for more courtroom experience, he opened a two-lawyer office, and for a time, Rehnquist took whatever clients came in the door. He volunteered to represent indigent criminal defendants in federal court, but suffered a series of defeats, leading a federal prosecutor to joke that a cell block at Leavenworth had been named after Rehnquist. He delighted in telling stories of his practice before eccentric jurists in Arizona's remote ''cow counties.'' A favorite involved the representation of state legislators in a lawsuit adverse to the state's attorney general, during which Rehnquist made pointed reference to an inconsistency between his adversary's litigating position and previous public statements. Summoned to the judge's chambers after oral argument, young Rehnquist remembered that his ''heart almost stopped'' as he prepared himself for a trip to the woodshed, only to hear the jurist from Cochise County remark: ''I was sure glad to see you tee off on the Attorney General in your argument on that last motion. He's a worthless son-of-a-bitch, and the sooner this state gets rid of him the better off we'll all be.''

During his 16 years of private practice, Rehnquist represented a broad array of clients and handled a wide range of litigation matters. He was also active in politics, providing legal advice and draft speeches for the 1964 Goldwater presidential campaign. He wrote op-ed pieces and bar journal articles, spoke before bar and civic groups, served as President of the Maricopa County Bar Association, and was a favorite at continuing legal education seminars. He spent four years as the town attorney for Paradise Valley, was special counsel to the Arizona Department of Welfare, served as Special Assistant Attorney General for the Arizona Highway Department, and represented the State Bar of Arizona in attorney disciplinary matters. In 1971, the Board of Governors of the State Bar of Arizona praised Rehnquist for having ''continually demonstrated the very highest degree of professional competence and integrity and devotion to the ends of justice.''

Through it all, Rehnquist maintained a balanced life. He would work typically from 8:30 a.m. to 5:00 p.m., then close the law books, and go home for a family dinner. He and Nan were blessed with three children, Jim, Janet, and Nancy. Even when Rehnquist was in trial, the family dinner was sacred, and he would either bring work home or make the ten-minute drive back to the office after dinner. Keeping a schedule that was unusual then, and virtually unheard of today, for the family of a top litigator, the Rehnquists managed to take a month's vacation every year. Rehnquist especially loved camping vacations across the West, visits to a small cabin in the Bradshaw Mountains of Arizona, and driving fast on country roads, telling his children that a double yellow line was ''just a recommendation.'' The Rehnquists also maintained an active family-oriented social life, including bridge, charades, cookouts, and hikes. Later in life, Rehnquist reminisced that he ''had the good fortune to realize long ago, instinctively, what I now see very clearly—and that is that time is a wasting asset.'' Rehnquist spent abundant time with his wife and young children, ''not out of any great sense of duty, but just because I enjoyed it so much.''

After the 1968 presidential election, Rehnquist's involvement in politics resulted in an opportunity to serve as Assistant Attorney General for the Office of Legal Counsel in the United States Department of Justice. Upon receiving word of this job offer, Rehnquist visited the Phoenix public library to see what he could learn about the office, and he was sufficiently intrigued by what he read to accept the position. The family moved to Washington, but Rehnquist never lost his deep affection for Arizona or his fond memories of these earlier years. He left Phoenix, as he put it, ''very much richer for the experience, but having accumulated very little of the world's goods.''

As Assistant Attorney General, Rehnquist was ''in effect, the President's lawyer's lawyer,'' as President Richard Nixon would later say. Rehnquist served in the Justice Department during challenging years in the midst of the Vietnam War. He helped to hone the position of the Executive Branch on delicate legal issues and carried the message of the Administration around the country in numerous public appearances. He discharged his responsibilities with such great distinction that President Nixon would declare that ''among the thousands of able lawyers who serve in the Federal Government, he rates at the very top as a constitutional lawyer and as a legal scholar.'' When Justice John Marshall Harlan II retired in 1971, Rehnquist was the President's choice to be the 100th Associate Justice of the Supreme Court.

Confirmed in 1972 at age 47, Rehnquist was one of the youngest Justices of the Supreme Court in modem history. Yet his views on important matters of constitutional law were remarkably well formed. Rehnquist once wrote that ''[p]roof that a Justice's mind at the time he joined the Court was a complete tabula rasa in the area of constitutional adjudication would be evidence of lack of qualification, not lack of bias,'' and Rehnquist's mind certainly was no blank slate.

In 1976, he summed up his judicial philosophy in an essay entitled, ''The Notion of a

Living Constitution.'' He rejected the notion that judges ''are a small group of fortunately situated people with a roving commission to second-guess Congress, state legislatures, and state and federal administrative officers concerning what is best for the country.'' That elected representatives had not solved a particular social problem, he wrote, did not necessarily authorize the federal judiciary to act: ''Surely the Constitution does not put either the legislative branch or the executive branch in the position of a television quiz show contestant so that when a given period of time has elapsed and a problem remains unsolved by them, the federal judiciary may press a buzzer and take its turn at fashioning a solution.'' Rehnquist was critical of a mode of constitutional interpretation that would allow ''appointed federal judges'' to impose on others a rule that ''the popularly elected branches of government would not have enacted and the voters have not and would not have embodied in the Constitution.'' This approach, he warned, was a ''formula for an end run around popular government,'' and ''genuinely corrosive of the fundamental values of our democratic society.''

As an Associate Justice, Rehnquist emerged as a powerful intellectual force. He authored a number of significant opinions for the Court, but also did not hesitate to express his position in solitary dissent, thus inspiring an early group of law clerks to bestow upon him a Lone Ranger doll as a mantlepiece. When Chief Justice Warren Burger resigned in 1986, it was precisely Rehnquist's powerful intellect, his stellar record on the Court, and his consistent judicial philosophy that made him President Ronald Reagan's pick to lead the Court. But no less important were Rehnquist's leadership qualities and the respect he garnered from all of his colleagues, owing to his pleasant and down-to-earth nature, quiet confidence, quick wit, and basic fairness.

On June 17, 1986, the President announced his nomination of Justice Rehnquist to become the sixteenth Chief Justice of the United States. During the ensuing confirmation hearings, numerous witnesses testified glowingly to Rehnquist's distinguished service on the Court and his high-powered legal mind. Former Solicitor General Rex Lee, for instance, stated: ''Of all the lawyers with whom I am acquainted, I know of literally no one who is better qualified to be Chief Justice of the United States.'' A representative of the American Bar Association reported the ''genuine enthusiasm'' felt by other Justices and Court employees about Rehnquist's nomination to be Chief Justice: ''There was almost a unanimous feeling of joy. . . . [H]e is regarded as a close personal friend of men who are diametrically opposed to him philosophically and politically.''

As Rehnquist took his new seat as the leader of the Court in 1986, President Reagan presciently remarked that he ''will be a Chief Justice of historic stature.'' Rehnquist served as Chief Justice for nearly 20 years, and together with his service as an Associate Justice for more than 14 years, this tenure made him one of the Supreme Court's seven longest-serving members. In that time, Rehnquist left an indelible mark on the Supreme Court, on the functioning of the federal Judiciary, and on the face of American law.

Rehnquist's jurisprudential legacy cuts a broad swath, but it is undoubtedly substantial in the areas of criminal procedure and the constitutional rights of criminal defendants. Rehnquist was appointed to the Court shortly after a series of decisions by the Warren Court had expanded the constitutional rights of the accused in criminal cases, and his early opinions made clear that he believed the pendulum had swung too far in that direction. Dissenting from the denial of a stay in California v. Minjares, he called for re-evaluation of the ''exclusionary rule'' applied to the States in Mapp v. Ohio in 1961. Complaining that evidence was suppressed ''solely because of a good-faith error in judgment'' on the part of arresting officers, Rehnquist disputed that the exclusionary rule was necessary to preserve the ''integrity'' of the courts: ''[W]hile it is quite true that courts are not to be participants in 'dirty business,' neither are they to be ethereal vestal virgins of another world, so determined to be like Caesar's wife, Calpurnia, that they cease to be effective forums in which both those charged with committing criminal acts and the society which makes the charge may have a fair trial in which relevant competent evidence is received in order to determine whether or not the charge is true.'' In another early opinion, explaining the controversial 1966 decision in Miranda v. Arizona, Rehnquist wrote for the Court in Michigan v. Tucker that the procedural safeguards recommended by Miranda ''were not themselves rights protected by the Constitution but were instead measures to insure that the right against compulsory self-incrimination was protected.''

Neither Mapp nor Miranda was overruled during Rehnquist's long tenure on the Court. Indeed, in Dickerson v. United States, the Chief Justice wrote for the Court in 2000 that ''[w]hether or not we would agree with Miranda's reasoning and its resulting rule, were we addressing the issue in the first instance, the principles of stare decisis weigh heavily against overruling it now.'' Yet the pendulum surely swung back, with the Court affording the States more latitude in developing procedures for the prosecution of criminal cases, recognizing the practical needs of the police in investigating crime, and fashioning clearer rules for law enforcement officials and citizens alike. The exclusionary rule remains in effect, but the suppression of evidence seized in ''good faith,'' decried by Rehnquist in his Minjares dissent, is far less common in light of the good-faith exception to the exclusionary rule adopted during Rehnquist's tenure. Miranda remains a ''constitutional decision,'' but exceptions and limitations adopted by the Court ensure that it gives way to competing concerns such as the protection of public safety and the strong interest in making available to the trier of fact all relevant and trustworthy evidence. Testifying in support of Rehnquist's appointment as Chief Justice, former Attorney General Griffin Bell aptly observed that Justice Rehnquist had joined in making the right to counsel, Miranda rights, and the exclusionary rule ''more workable,'' and cited the good-faith exception as ''a good example of saving the exclusionary rule from its own excesses.''

Another area where Rehnquist's work had a powerful effect on the shape and development of the law is religious freedom and church-state relations. In First Amendment cases, Rehnquist consistently endorsed the idea that governments may, consistent with the Constitution, do quite a bit to accommodate and acknowledge religion, but are not required by the Constitution to provide religious believers with special exemptions from generally applicable laws. It is not an ''establishment'' of religion, he maintained, for politically accountable actors to act in ways that benefit religious believers and institutions or to recognize religious traditions and teachings. That governments may not ''establish[]'' religion does not mean, he believed, that religion has no place in public life or civil society. At the same time, he insisted, it is rarely a violation of the free-exercise guarantee for those same actors to apply to religious people and religiously motivated conduct the same rules that apply generally.

As it turned out, Rehnquist's last opinion was for a plurality in Van Orden v. Perry, in which the Justices ruled that Texas had not ''establish[ed]'' religion by including a Ten Commandments monument among the nearly 40 monuments and historical markers on the grounds surrounding the State Capitol. He wrote: ''Our cases, Janus like, point in two directions in applying the Establishment Clause. One face looks toward the strong role played by religion and religious traditions throughout our Nation's history. . . . The other face looks toward the principle that governmental intervention in religious matters can itself endanger religious freedom. This case, like all Establishment Clause challenges, presents us with the difficulty of respecting both faces. Our institutions presuppose a Supreme Being, yet these institutions must not press religious observances upon their citizens. One face looks to the past in acknowledgment of our Nation's heritage, while the other looks to the present in demanding a separation between church and state. Reconciling these two faces requires that we neither abdicate our responsibility to maintain a division between church and state nor evince a hostility to religion by disabling the government from in some ways recognizing our religious heritage[.]'' In this last opinion, Rehnquist returned to themes that he had developed at length in one of his most famous opinions, a dissent in Wallace v. Jaffree.

A third area where Rehnquist's legacy is both striking and significant involves the structure and powers of the federal government created by our Constitution and the role and retained powers of the States. From his earliest to his final days on the Court, Rehnquist was committed to what he called ''first principles:'' Ours is a national government of limited, delegated, and divided powers, and the government's structure, no less than the Bill of Rights, is a safeguard for individual liberty. Rehnquist's dedication to these principles, and to enforcing the limits and boundaries that our Constitution imposes on federal power, reflected his understanding that our constitutional design leaves ample room for diverse policy experiments and different answers to pressing social questions.

Rehnquist's commitment to judicial enforcement of enumerated powers and the federal-state balance was perhaps most discernible in the Court's cases interpreting the Commerce Clause. As early as 1975, dissenting alone, Rehnquist argued that the federal government must treat the States like sovereign entities, rather than like individuals. Even when Congress has authority under the federal commerce power to regulate private conduct in a particular area, it could not apply that regulation to the States if doing so would interfere with what he called ''traditional state functions.''

As happened a number of times during his tenure, Rehnquist's position in dissent ultimately was embraced by a majority of his colleagues. In National League of Cities v. Usery, a majority of the Court adopted his ''traditional governmental functions'' test. Although the Court ultimately overruled National League of Cities nine years later, Rehnquist, in a pithy reply, thought it not ''incumbent on those of us in dissent to spell out further the fine points of a principle that will, I am confident, in time again command the support of a majority of this Court.'' And true to his prediction, Rehnquist's promotion of federalism forged ahead, serving as the basis for the Court's declaration of an anti-commandeering principle, its strengthening of the States' sovereign immunity, and

its reaffirmation of the existence of ''judicially enforceable outer limits'' on the commerce power itself, in United States v. Lopez in 1995.

Rehnquist's dedication to judicial restraint and popular government is perhaps most evident in his writings on the subject of ''substantive due process.'' At his death, Rehnquist was the last remaining member of the Court that had decided Roe v. Wade. He had dissented from the opinion of the Court, comparing the majority's reasoning to the discredited doctrine of Lochner v. New York, and commenting that the Court's opinion in Roe ''partakes more of judicial legislation than it does of a determination of the intent of the drafters of the Fourteenth Amendment.'' While Rehnquist garnered only four votes for his later view that Roe should be overruled, the Court ultimately did adopt his restrained approach to substantive due process. In Washington v. Glucksberg, Chief Justice Rehnquist wrote for the majority and recognized that ''[b]y extending constitutional protection to an asserted right or liberty interest, we, to a great extent, place the matter outside the arena of public debate and legislative action.'' The Court declared that it would ''exercise the utmost care'' whenever asked to ''break new ground in this field, lest the liberty protected by the Due Process Clause be subtly transformed into the policy preferences of the Members of this Court.'' Thus, Rehnquist's opinion was consistent with the view articulated more than 20 years earlier, in his essay on the ''living Constitution,'' that judicial review under the Fourteenth Amendment should not be employed as an ''end run around popular government,'' in a way that is ''genuinely corrosive of the fundamental values of our democratic society.'' Running through his opinions on any number of questions—from assisted suicide and abortion to Christmas displays, campaign finance, and the death penalty—is a deep commitment to the idea that our Constitution leaves important, difficult, and even divisive decisions to the people.

Rehnquist's legacy on the Supreme Court involves much more than doctrinal contributions and particularly noteworthy decisions. He encouraged and exemplified collegiality, fairness, and graciousness among the Justices, urging them towards greater consensus where possible, and thereby enhancing the respect enjoyed by the Court in American society. To some degree, Rehnquist's achievements as the leader of the Court were the result of a subtle transformation in Rehnquist himself—from Justice Rehnquist, ''The Lone Dissenter,'' to Chief Justice Rehnquist, the consensus-builder.

In his 1986 confirmation hearings, Rehnquist alluded to the role of a Chief Justice in gaining consensus, and allowed that deviation from his personal judicial philosophy may be proper ''where there are constraints that there ought to be a court opinion rather than a plurality opinion.'' Rehnquist later acknowledged, in a 2001 interview, that while his legal philosophy had never changed, since becoming the Chief Justice he had ''become a lot more convinced of the need for the Court to get a Court opinion in each case. . . . I'm more conscious of the need for that and also conscious of the . . . lack of need for a lot of concurring opinions.''

For those attorneys privileged to argue before the Supreme Court during Rehnquist's long tenure, his legacy is probably as much about his commanding presence on the Bench as his approach to the Constitution or the Conference. Rehnquist's view of oral argument was emblematic of his no-nonsense approach to judging and life. He wrote that oral argument ''forces the judges who are going to decide the case and the lawyers who represent the clients whose fates will be affected by the outcome of the decision to look at one another for an hour, and talk back and forth about how the case should be decided.''

Rehnquist preferred plain-spoken arguments to flowery rhetoric or pretense. Although he was a kind and easygoing man, he adopted a stem and no-nonsense demeanor on the Bench, running arguments with Nordic precision. The moment the red light came on, the Chief thanked counsel for the presentation, even if the lawyer was in midsentence, and then called the next lawyer or case. When one lawyer rose to present his rebuttal, the Chief ended the argument by stating, while breaking a wry smile, ''the Marshal says you have 5 seconds left, and under the principle of de minimis non curat lex, the case is submitted.''

Rehnquist's dry sense of humor often was on display during argument sessions. During one argument, a lawyer gave what he described as an ''honest and principled answer'' to another Justice's question, and the Chief quickly replied, ''we hope all your answers will be principled.'' When a lawyer responded to Rehnquist's recitation of a case by saying ''you are correct, Chief Justice,'' the Chief said, ''I'm glad to know that.'' During his last public session on the Bench, Rehnquist observed that seven different opinions had been written in a case, then remarked, ''I didn't know we had so many Justices.''

As the Chief Justice, Rehnquist presided over not only the Bench and the Conference, but over the entire Judicial Branch as well. He brought to this role the same collegiality, wisdom, effectiveness, and clarity of purpose that marked his leadership of the Supreme Court itself. As with so many things he did, he impressed all with his ability to perform so effortlessly the myriad tasks of running the Judiciary. His colleague Justice Byron White remarked in 1996 that ''of the three Chief Justices with whom I have served, the man who now sits in the center chair. . . seems to me to be the least stressed by his responsibilities and to be the most efficient manager of his complicated schedule.'' Rehnquist, he said, ''reminds me of a highly conditioned cross between a quarter horse and racing thoroughbred.''

Rehnquist brought his penchant for innovation and efficiency to management of the judicial branch. He adopted changes that dramatically improved the efficiency and operation of the Judicial Conference, including what he termed a ''notably strengthened Executive Committee,'' which became the senior executive arm of the Judicial Conference. He fostered inclusiveness by requiring, for the first time, that members of Judicial Conference committees rotate regularly, and he never asserted his authority as Chief Justice to govern with a heavy hand. A vigorous defender of the Third Branch, Rehnquist effectively used the pulpit provided by his position to support and defend the Judiciary and to improve inter-branch relations. He wisely understood that Congress had an important role to play in overseeing the Judiciary, and he communicated often with congressional leaders, in both formal and less formal settings, to advance the goals of the Judiciary. As he put it, ''Judges. . . have no monopoly of wisdom on matters affecting the Judiciary. . . . Legislators and executive officials, no less than judges, are committed to an effective Judiciary.''

But Rehnquist also understood full well the importance of an independent and vibrant Judiciary, and he staunchly defended the Judiciary from attacks, often resorting—as he did in other areas—to lessons from history. In 2004, he addressed congressional suggestions for impeachment of federal judges who issue unpopular decisions by explaining that ''our Constitution has struck a balance between judicial independence and accountability, giving individual judges secure tenure but making the federal Judiciary subject ultimately to the popular will because judges are appointed and confirmed by elected officials.'' His leadership engendered great loyalty from the members of the federal Judiciary, and in the end, one judge captured the sentiment of a great many, saying that Chief Justice Rehnquist ''was our wise leader, our strongest supporter and our true friend.''

Above and beyond his demanding official duties, Rehnquist pursued and cultivated a rich array of interests and passions. Family, friends, and law clerks remember well his dedication to afternoon swims and weekly tennis matches, his friendly wagering on football, horse races, or even the amount of snowfall, his love for trivia and charades, and his interest and voluminous knowledge of literature, geography, history, and art. Rehnquist also served as Historian-in-Chief, writing books on the history of the Supreme Court, the impeachment trials of Chase and Johnson, the controversial Hayes-Tilden presidential election of 1876, and civil liberties in wartime. Remarkably, Rehnquist himself became the second Chief Justice in history to preside over an impeachment trial, confronted a disputed presidential election in 2000, and led the Court as it decided pressing questions involving civil liberties and security in the context of the war on terror and the attacks of September 11, 2001.

For those who knew, worked with, learned from, and cared about William Rehnquist, his personal qualities—the unassuming manner, the care he took to put people at ease, and his evident desire to serve as a teacher and mentor—are as salient in memories of him as his re-invigoration of the ''first principles'' of our federalism, his re-focusing of the Fourth Amendment on reasonableness, or his conviction that the religion clauses of the First Amendment do not require a public square scrubbed clean of religious faith and expression. Rehnquist never forgot what it felt like to arrive at the Court as a slightly awestruck and appropriately apprehensive law clerk. He never lost his sense of gratitude for the opportunity to learn and serve the law in that great institution. And he never outgrew or got tired of teaching young lawyers how to read carefully, write clearly, think hard, and live well.

William Rehnquist served well his country, his profession, and the Constitution. All the while, he kept and nurtured a healthy focus on real things and places, and he embraced the value, interest, and importance of ordinary, everyday life. We are reminded of how the Chief had taken to heart Dr. Johnson's dictum that ''[t]o be happy at home is the end of all human endeavor.'' In a 2000 commencement address, he invoked the wonderful old Jimmy Stewart movie, You Can't Take it With You, to urge the assembled, ambitious young lawyers to ''[d]evelop a capacity to enjoy pastimes and occupations that many can enjoy simultaneously—love for another, being a good parent to a child, service to your community.'' He instilled in so many of his friends, colleagues, and law clerks a commitment to building and living an integrated life as a lawyer, a life that is not compartmentalized, atomized, or segregated but that pulls and holds together work, friends, family, faith, and community. Rehnquist understood that the need for such a commitment is particularly acute among lawyers, and he worried that the profession he so thoroughly enjoyed and in which he thrived had become marked, for many, by brutally long hours of well-paid stress and drudgery.

In the final years of his life, he recalled happily that the ''structure of the law practice'' in Phoenix when he practiced there ''was such that I was able to earn a decent living, while still finding time for my wife and children and some civic activities. Lawyers were not nearly as time conscious then as they are now; this meant that they probably earned less money than they might have, but had a more enjoyable life.'' He exhorted law school graduates to realize that because of their abilities and opportunities, they would have ''choices,'' and that ''how wisely you make these choices will determine how well spent you think your life is when you look back at it.'' Gathered here together, looking back at his life, the Members of the Bar of the Supreme Court are pleased and honored to announce the opinion that his was a great life, and well spent.

Wherefore, it is Resolved, That we, the Bar of the Supreme Court of the United States, express our great admiration and respect for Chief Justice William H. Rehnquist, our deep sense of loss upon his death, our appreciation for his contribution to the law, the Court, and the Nation, and our gratitude for his example of a life well spent; and it is further

Resolved, That the Solicitor General be asked to present these resolutions to the Court and that the Attorney General be asked to move that they be inscribed on the Court's permanent records.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REPORT FROM THE PRESIDENT OF THE UNITED STATES

Mr. STEVENS. Mr. President, as President pro tempore, I ask unanimous consent that the attached statement from the President of the United States be entered into the record today pursuant to the War Powers Resolution (P.L. 93–148) and P.L. 107–40.

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

THE WHITE HOUSE,
Washington, DC, June 15, 2006.

HON. TED STEVENS,
President pro tempore of the Senate.

DEAR MR. PRESIDENT: I am providing this supplemental consolidated report, prepared by my Administration and consistent with the War Powers Resolution (Public Law 93–148), as part of my efforts to keep the Congress informed about deployments of U.S. combat-equipped Armed Forces around the world. This supplemental report covers operations in support of the war on terror, Kosovo, and Bosnia and Herzegovina.

THE WAR ON TERROR

Since September 24, 2001, I have reported, consistent with Public Law 107–40 and the War Powers Resolution, on the combat operations in Afghanistan against al-Qaida terrorists and their Taliban supporters, which began on October 7, 2001, and the deployment of various combat-equipped and combat-support forces to a number of locations in the Central, Pacific, and Southern Command areas of operation in support of those operations and of other operations in our war on terror.

I will direct additional measures as necessary in the exercise of the U.S. right to self-defense and to protect U.S. citizens and interests. Such measures may include short-notice deployments of special operations and other forces for sensitive operations in various locations throughout the world. It is not possible to know at this time either the precise scope or duration of the deployment of U.S. Armed Forces necessary to counter the terrorist threat to the United States.

United States Armed Forces, with the assistance of numerous coalition partners, continue to conduct the U.S. campaign to pursue al-Qaida terrorists and to eliminate support to al-Qaida. These operations have been successful in seriously degrading al-Qaida's training capabilities. United States Armed Forces, with the assistance of numerous coalition partners in Combined Forces Command, Afghanistan, ended the Taliban regime and are actively pursuing and engaging remnant al-Qaida and Taliban fighters in Afghanistan. Approximately 200 U.S. personnel also are assigned to the International Security Assistance Force (ISAF) in Afghanistan. The U.N. Security Council authorized the ISAF in U.N. Security Council Resolution 1386 of December 20, 2001, and has reaffirmed its authorization since that time, most recently for a 12–month period beginning October 13, 2005, in U.N. Security Council Resolution 1623 of September 13, 2005. The mission of the ISAF under NATO command is to assist the Government of Afghanistan in creating a safe and secure environment that allows reconstruction and the reestablishment of Afghan authorities. Currently, all 26 NATO nations contribute to the ISAF. Ten non-NATO contributing countries also participate by providing military and other support personnel to the ISAF.

The United States continues to detain several hundred al-Qaida and Taliban fighters who are believed to pose a continuing threat to the United States and its interests. The combat-equipped and combat-support forces deployed to Naval Base, Guantanamo Bay, Cuba, in the U.S. Southern Command area of operations since January 2002 continue to conduct secure detention operations for the approximately 460 enemy combatants at Guantanamo Bay.

The U.N. Security Council authorized a Multinational Force (MNF) in Iraq under unified command in U.N. Security Council Resolution 1511 of October 16, 2003, and reaffirmed its authorization in U.N. Security Council Resolution 1546 of June 8, 2004. In U.N. Security Council Resolution 1637 of November 8, 2005, the Security Council, noting the Iraqi government's request to retain the presence of the MNF, extended the MNF mandate for a period ending on December 31, 2006. Under Resolutions 1546 and 1637, the mission of the MNF is to contribute to security and stability in Iraq, as reconstruction continues. These contributions have included assisting in building the capability of the Iraqi security forces and institutions as the Iraqi people drafted and approved a constitution and established a constitutionally elected government. The U.S. contribution to the MNF is approximately 131,000 military personnel.

In furtherance of our efforts against terrorists who pose a continuing and imminent threat to the United States, our friends and allies, and our forces abroad, the United States continues to work with friends and allies in areas around the globe. These efforts include the deployment of U.S. combat-equipped and combat-support forces to assist in enhancing the counterterrorism capabilities of our friends and allies. United States combat-equipped and combat-support forces continue to be located in the Horn of Africa region, and the U.S. forces headquarters element in Djibouti provides command and control support as necessary for military operations against al-Qaida and other international terrorists in the Horn of Africa region, including in Yemen. In addition, the United States continues to conduct maritime interception operations on the high seas in the areas of responsibility of all of the geographic combatant commanders. These maritime operations have the responsibility to stop the movement, arming, or financing of international terrorists.

NATO-LED KOSOVO FORCE (KFOR)

As noted in previous reports regarding U.S. contributions in support of peacekeeping efforts in Kosovo, the U.N. Security Council authorized Member States to establish KFOR in U.N. Security Council Resolution 1244 of June 10, 1999. The mission of KFOR is to provide an international security presence in order to deter renewed hostilities; verify and, if necessary, enforce the terms of the Military Technical Agreement between NATO and the Federal Republic of Yugoslavia (which is now Serbia); enforce the terms of the Undertaking on Demilitarization and Transformation of the former Kosovo Liberation Army; provide day-to-day operational direction to the Kosovo Protection Corps; and maintain a safe and secure environment to facilitate the work of the U.N. Interim Administration Mission in Kosovo (UNMIK).

Currently, there are 24 NATO nations contributing to KFOR. Eleven non-NATO contributing countries also participate by providing military personnel and other support personnel to KFOR. The U.S. contribution to KFOR in Kosovo is about 1,700 U.S. military personnel, or approximately 11 percent of KFOR's total strength of approximately 16,000 personnel.

The U.S. forces have been assigned to the eastern region of Kosovo. For U.S. KFOR forces, as for KFOR generally, maintaining a safe and secure environment remains the primary military task. The KFOR operates under NATO command and control and rules of engagement. The KFOR coordinates with and supports the UNMIK at most levels; provides a security presence in towns, villages, and the countryside; and organizes checkpoints and patrols in key areas to provide security, protect minorities, resolve disputes, and help instill in the community a feeling of confidence.

In accordance with U.N. Security Council Resolution 1244, UNMIK continues to transfer additional competencies to the Kosovar Provisional Institutions of Self-Government, which includes the President, Prime Minister, multiple ministries, and the Kosovo Assembly. The UNMIK retains ultimate authority in some sensitive areas such as police, justice, and ethnic minority affairs.

NATO continues formally to review KFOR's mission at 6-month intervals. These reviews provide a basis for assessing current force levels, future requirements, force structure, force reductions, and the eventual withdrawal of KFOR. NATO has adopted the Joint Operations Area plan to regionalize and rationalize its force structure in the Balkans. The UNMIK international police and the Kosovo Police Service (KPS) have full responsibility for public safety and policing throughout Kosovo. The UNMIK international police and KPS also have begun to assume responsibility for guarding patrimonial sites and established border-crossing checkpoints. The KFOR augments security in particularly sensitive areas or in response to particular threats as needed.

NATO HEADQUARTERS IN BOSNIA AND HERZEGOVINA

Pursuant to the June 2004 decision made by NATO Heads of State and Government, and in accordance with U.N. Security Council Resolution 1575 of November 22, 2004, NATO concluded its Stabilization Force operations in Bosnia-Herzegovina and established NATO Headquarters-Sarajevo to continue to assist in implementing the Peace Agreement in conjunction with a newly established European Force. The NATO Headquarters-Sarajevo, to which approximately 250 U.S. personnel are assigned, is, with the European Force, the legal successor to SFOR. The principal tasks of NATO Headquarters-Sarajevo are providing advice on defense reform and performing operational supporting tasks, such as counterterrorism and supporting the International Criminal Tribunal for the Former Yugoslavia.

I have directed the participation of U.S. Armed Forces in all of these operations pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive. Officials of my Administration and I communicate regularly with the leadership and other Members of Congress with regard to these deployments, and we will continue to do so.

Sincerely,

GEORGE W. BUSH.

THE WHITE HOUSE, *June 15, 2006*.

EDUCATING NEW MOTHERS

Mr. DURBIN. Mr. President, I rise today to recognize the importance of educating new mothers about postpartum depression. The bill I am introducing today with Senator MENENDEZ will provide screening and education for women who have given birth and will promote research into the causes, diagnoses and treatments for postpartum depression.

The Commonwealth Fund released a study last month that finds postpartum depression inhibits a mother's ability to safely and effectively care for her children after pregnancy. Mothers who are affected by postpartum depression are less likely to provide essential developmental support for the child through playing, talking, showing picture books, and following daily routines.

For many mothers, the depression worsens if it isn't diagnosed, which can lead to substance abuse, loss of employment, divorce, further social alienation, self-destructive behavior, and even suicide.

A few years ago in Chicago, within a 4-week period, several new mothers who were affected by postpartum depression took their own lives.

Melanie Stokes jumped from a 12-story Chicago hotel, taking her life only a few months after her daughter was born, The day before her daughter's first birthday, Amy Garvey's body was found floating in Lake Michigan. Jennifer Mudd Houghtaling, from Wisconsin, jumped in front a subway train in Chicago less than 5 months after giving birth to her son, Five days after giving birth to quadruplets, Ariceli Erivas Sandoval drowned herself in Lake Michigan.

These are tragic, heart-wrenching stories. I wish I could say that is the end of the story, but the problem is far more common than that. Each year, far more than half of women giving birth suffer from postpartum mood changes. The more mild ''baby blues'' affect up to 80 percent of new mothers. Postpartum mood and anxiety disorders impair 10 to 20 percent of new mothers, and postpartum psychosis strikes 1 in 1,000 women after birth.

The Menendez-Durbin bill authorizes postpartum depression screening and information for mothers before they leave the birthing center. Through a State grant program, health care providers are given the tools they need to recognize signs of depression and to educate women and their families about the disorder and how to access help.

We also call on the National Institutes of Health to convene a series of national meetings on postpartum depression and psychosis and then to expand and intensify research around that consensus.

Our bill has been endorsed by the Illinois Chapter of the American Academy of Pediatrics; the Illinois Psychiatric Association; Postpartum Support International; the Association of Women's Health; Obstetric and Neonatal Nurses, AWHONN; the Family Mental Health Institute, Inc.; the National Mental Health Association and the New Jersey chapter, and the New Jersey Chapter of the American College of Obstetrics and Gynecology, ACOG.

I urge my colleagues to join Senator MENENDEZ and me in supporting the MOTHERS Act, which will ensure that new mothers are educated about postpartum depression and that research will help us prevent and treat postpartum depression in new mothers.

HONORING OUR ARMED FORCES

PETTY OFFICER 2ND CLASS JAIME JAENKE

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to the first female Iowan to have lost her life in the Iraq conflict. Petty Officer 2nd Class Jaime Jaenke was a naval reservist who had been in Iraq for only 3 months. She was killed on Monday, June 5, when the humvee she was traveling in was hit by an improvised explosive device. She was 29 years old and was assigned to the Naval Mobile Construction Battalion 25 at Fort McCoy, WI.

Petty Officer Jaenke has given her life for our country, and I would ask that all Americans join me today in remembering and honoring Petty Officer Jaenke. Her loss will be felt deeply in the town of Iowa Falls. Although she had lived in Wisconsin for a number of years, she returned to Iowa 2 years ago and last fall opened an equestrian business outside Iowa Falls. My thoughts and prayers are with Petty Officer Jaenke's daughter, Kayla, her parents, Susan and Larry, as well as all those other family and friends who are grieving the loss of this young mother.

We owe a huge debt of gratitude to Petty Officer Jaenke for her sacrifice. I am greatly saddened by her passing but deeply proud and grateful for what she gave for America. Her loss remains tragic but she died a true patriot.

MARRIAGE PROTECTION AMENDMENT

Mr. GRASSLEY. Mr. President, I strongly support traditional marriage, the bedrock of our society, and I therefore support the Marriage Protection Amendment.

Like some of my colleagues, I believe that marriage is typically a State issue. Unelected, lifetime-appointed judges, however, have forced our hand on this issue. We can no longer sit idly by while a handful of activist judges lay the groundwork to overturn the Defense of Marriage Act and redefine marriage for the entire Nation.

I voted in favor of the Defense of Marriage Act a decade ago, which reinforced States rights on this issue. Since then, 26 States have passed statutes designed to protect traditional marriage by defining marriage only as the union of a man and a woman. Further, 19 States now have constitutional amendments that contain this same definition. Voters in seven additional States will vote on constitutional amendments this year. Another four State legislature—including that of my own State, Iowa—are considering sending constitutional amendments to voters within the next 2 years. Ballot initiatives are currently underway in three States. Only a handful of States have redefined marriage to include same-sex partnerships, created a version of civil unions, or lack actual or planned protection for traditional marriage.

The states have spoken. A great majority of them have decided that marriage, in their States, shall consist solely of the union of a man and a woman. But, it has become a common prediction that the Federal Defense of Marriage Act will be overturned by the judiciary. In that case, the full faith and credit clause of our Constitution would require every State to recognize so-called marriages performed in States that allow the union of same-sex couples, many only by judicial decree. We cannot allow unelected judges to force their will upon the people, who have acted through the democratic process to defend traditional marriage.

Under our Constitution, Congress has the responsibility to enact legislation. Congress also has the responsibility to initiate the constitutional amendment process. We must fulfill this duty to protect traditional marriage. We must provide the States the opportunity to defend marriage as they have defined it.

SCHOOL SAFETY ACQUIRING FACULTY EXCELLENCE ACT

Mr. ALLEN. Mr. President, I take this opportunity to express my support

for H.R. 4894, the School Safety Acquiring Faculty Excellence Act.

As the father of three children, I know that nothing is more important than protecting their safety. We do everything to ensure that our children are safe while they are in our care. But just as important, we must do everything we can to make sure they are safe when we cannot be right there beside them. One of the ways we can accomplish this is to provide for a safe school environment.

We trust teachers, principals, coaches, and other school employees to teach our children, to protect our children, and to nurture our children during the school day. Therefore, it is imperative that our school districts have the necessary tools to thoroughly review all school employees before they ever come into contact with our children.

The School Safety Acquiring Faculty Excellence Act will help school districts better examine job applicants by having the Attorney General and the Department of Justice provide localities with direct access to the FBI's national crime information databases and assistance with fingerprint background checks for potential employees. Currently there are a myriad of laws across the States pertaining to background checks for school employees. This legislation will ensure a more thorough process and encourage information sharing across State borders.

I urge my colleagues to support this important legislation, which is a step forward in promoting safe schools and protecting our children.

CONGRESSIONAL MEDAL OF HONOR RECOMMENDATION

Mr. DORGAN. Mr. President, I rise today to inform my colleagues of my request to Secretary Donald Rumsfeld to strongly recommend the nomination of MSG Woodrow W. Keeble for the Congressional Medal of Honor.

Last week, the Secretary of the Army made a recommendation to the Secretary of Defense that the late MSG Woodrow W. Keeble be awarded the Congressional Medal of Honor. I strongly encourage and request that the Secretary of Defense recommend Mr. Keeble for this award and that action be taken quickly, particularly for the sake of Mr. Keeble's widow, to recommend approval to President Bush.

Mr. Keeble was a full-blooded Sisseton-Wahpeton Sioux, who fought in both World War II and the Korean war. He was born in Waubay, SD, and attended Wahpeton Indian School in North Dakota. While attending Wahpeton Indian School, Mr. Keeble excelled as a baseball pitcher. His outstanding athletic ability, for which he is remembered in the Wahpeton community, would later serve him well during his acts of bravery and courage in the Korean war.

The brave actions that make Mr. Keeble deserving of the Congressional Medal of Honor occurred during Operation Nomad of the Korean war on October 20, 1951. During the Korean war, Mr. Keeble was assigned to Company G, 19th Infantry, 24th Division of the U.S. Army. He was charged with leading the 1st platoon of Company G as master sergeant.

Mr. Keeble's actions on October 20, 1951, were reminiscent of Hollywood movies, but this was real heroism. On that date, Mr. Keeble's company was charged with the mission of taking and securing Hill 765, a steep rocky and well-defended terrain near Kumsong, Korea. As they began to reach their final objective, the lead platoon of Company G was ambushed with heavy fire from three enemy machine gun nests. The platoon's situation became grave as Mr. Keeble, acting platoon leader of a support platoon, left his position of cover and bravely made his way forward and joined the trapped platoon.

It took Mr. Keeble little time to decide that immediate action had to be taken. He courageously crawled directly into the line of fire to take out the enemy machine guns. He successfully crawled up the rocky terrain and neutralized the first two machine gun nests by hurling grenades and rendering them useless. The remaining enemy machine gun nest brought terrific fire down upon him. Undaunted by the rain of concussion and fragmentation grenades, Mr. Keeble proceeded to disable the final enemy position. After missing the enemy with his last grenade, he launched a one-man assault with his M–1 rifle. By this time, he sustained multiple shrapnel wounds. Fearlessly, he took out the final machine gun position with his rifle. While awaiting the arrival of his fellow soldiers, he continued to singlehandedly take out two additional nearby trenches of enemy troops, and he effectively neutralized the enemy stronghold, involving a series of close combat struggles. Mr. Keeble's heroic actions led to the successful accomplishment of Company G's mission and, no doubt, saved the lives of many American troops.

Those who served with Mr. Keeble twice recommended him for the Congressional Medal of Honor, but the recommendations were lost. The first was due to the regiment's move from the Korean theater, and the second was an inability to meet mapping requirements. However, it should be noted that both instances of application only required two signatures, but in each case, all the men in Master Sergeant Keeble's company signed the Congressional Medal of Honor request. Eventually, the deadline for the Medal of Honor consideration passed, but Mr. Keeble's family was granted their request in 2002 that his file be reopened.

For his acts of heroism he was awarded the Purple Heart, the Bronze Star, the Silver Star, and the Distinguished Service Cross. The criteria for the Congressional Medal of Honor include deeds of personal bravery, self-sacrifice, or an action that conspicuously distinguishes the individual above his comrades. Should the President agree to this recommendation, Mr. Keeble would be the first Sioux Indian to be awarded the Nation's highest military honor if he is chosen to receive the Congressional Medal of Honor. Certainly the courageous and patriotic acts exhibited by Mr. Keeble during times of war make him a long overdue and deserving recipient of the Congressional Medal of Honor.

Mr. President, I urge the Secretary of Defense to strongly recommend the nomination of MSG Woodrow W. Keeble for the Congressional Medal of Honor to the President of the United States, and I hope my colleagues will join me in saluting a truly brave and courageous American.

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT

Mr. WYDEN. Mr. President, I thank Senators STEVENS and INOUYE, the chair and ranking member of the Senate Commerce Committee, for their efforts in incorporating my amendment into the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, S. 2012. My amendment makes Oregon's salmon fishermen eligible for disaster assistance. Their willingness to accommodate my concerns and help Oregon's salmon fishers means that I can withdraw the objection I issued 2 weeks ago to any unanimous consent request for the Senate to act on the Magnuson-Stevens Fishery Conservation Act. I also wish to thank Senator SMITH and Senator BOXER for their important contributions and assistance. I look forward to swift passage of the legislation, as amended.

The inclusion of the disaster declaration in the Magnuson-Stevens authorization is an important first step in getting relief for our salmon fishers and coastal communities that depend on salmon for their livelihoods. After waiting months for a disaster declaration from the administration, our salmon fishers now finally have some movement to help address their immediate financial needs.

Even with this important language, the fight to help Oregon's salmon fishermen is far from over, and I will continue to press for congressional appropriations to fund the disaster assistance fishing families and the coastal fishing communities need.

WORLD ELDER ABUSE AWARENESS DAY

Mr. KOHL. Mr. President, I rise today in recognition of World Elder Abuse Awareness Day. As ranking member on the Special Committee on Aging, I am pleased that the international community has designated this day. It is important to recognize the grim reality of elder abuse, neglect, and exploitation and focus on

what we can do to end these horrible crimes.

In the past 40 years, our Nation has struggled to address some of our society's worst ills: child abuse and domestic violence. Now we must confront elder abuse.

For the past 25 years, Congress has held hearings on the devastating effects of elder abuse, yet we have taken no comprehensive action. Abuse of the elderly is nothing new, but as our Nation has aged and the baby boom generation stands on the cusp of retirement, the prevalence of elder abuse will only get worse. The time to act is now. We can no longer ignore or tolerate the shame and scandal of abuse, neglect, and exploitation of our Nation's seniors.

I have long made ending elder abuse a top priority. I worked hard to develop a national criminal background check system for nursing home, home health, and other long-term care employees. While the vast majority of these employees are diligent, dedicated, and professional, it is too easy for people with abusive and criminal backgrounds to find work in long-term care. This is unacceptable. Today, seven States, including my home State of Wisconsin, are engaged in a pilot project based on my legislation which requires long-term care employers to run FBI criminal background checks on potential employees before they are hired and trusted to care for our loved ones. My hope is that upon completion of this pilot project, we will move to a national criminal background check system and protect seniors in all 50 States.

I am also a proud original cosponsor of the Elder Justice Act, which takes a number of steps to prevent and treat elder abuse. It will improve prevention and intervention by funding State and local projects that keep older Americans safe. It will ensure that health officials, social services, law enforcement, long-term care facilities, consumer advocates, and families are all working together to confront this problem; and, it will establish training programs so health professionals in both forensic pathology and geriatrics can better detect elder abuse, neglect, and exploitation.

Finally, the bill will establish victim assistance programs, create ''safe havens'' for seniors in dangerous living situations, and help train law enforcement officers to prioritize and investigate cases of elder abuse.

Researchers have warned us that the reported cases of elder abuse might only be the tip of the iceberg; that is why World Elder Abuse Awareness Day is so important. We must spread the word: elder abuse, neglect, and exploitation is occurring every day and, if left unchecked, will only grow more prevalent. As I continue my efforts here in the Senate, I encourage my colleagues and Americans everywhere to join me in putting an end to this terrible scourge of elder abuse.

ADDITIONAL STATEMENTS

HONORING 17 OUTSTANDING HOOSIER DADS

● Mr. BAYH. Mr. President, it is my privilege today to pay tribute to 17 Hoosier men whose outstanding commitment to fatherhood serves as example of how responsible, involved dads can promote stronger families and raise exceptional children.

This year, I invited Hoosier children to pay tribute to their dads by writing essays about what makes their father an Outstanding Hoosier Dad.

In a nation that leads the world in absentee fatherhood, it is particularly important this Father's Day to recognize outstanding dads who are doing their part to raise bright, healthy children. Children whose fathers are absent are five times more likely to live in poverty and twice as likely to commit a crime, drop out of school or become substance abusers. The essays provided a touching reminder to all men of the impact they have when they play an active role in their children's lives.

It is an honor today to recognize the 17 Hoosier children who submitted essays and their outstanding dads by reading their names into the CONGRESSIONAL RECORD of the United States.

R. Bradley Allen, father of John Allen, South Bend
Ronnie Asher, father of Jessica Asher, Martinsville
Brian Bolsen, father of Brennan Bolsen, Chesterton
Neil Day, father of Adam Day, Fort Wayne
Chris Dixon, father of William Dixon, Bloomington
Kevin Ford, father of Kimberly Ford, Schererville
Jeff Gratz, father of Clare Gratz, Batesville
Tom Gutzwiller, father of Lawson Gutzwiller, Batesville
Samuel Hale, father of Greg Hale, Granger
Dennis Mansfield, father of Alison Mansfield, Fort Wayne
Matt McKaig, father of Caleb McKaig, Urbana
Jonathan Plucker, father of Paige Plucker, Bloomington
Frederick Richards, father of Corey Richards, Churubusco
Andy Schultz, father of Mary Kate Schultz, DeMotte
Mike Stefanski, father of Matthew Stefanski, Valparaiso
Amitav Thamba, father of Aish Thamba, Fishers
Wiley Traylor, father of Stephanie Traylor, Mooresville●

IN HONOR OF GEORGE WINGATE HIGH SCHOOL

● Mrs. BOXER. Mr. President, I take this opportunity to honor George Wingate High School in Brooklyn, NY. Wingate High School, my alma mater, will graduate its last class on June 27, 2006.

In 1954, Wingate High School accepted its first class of students and had its first graduating class in 1957. It was the first high school built in New York after the end of World War II, and it embodied many of the ideals of the baby boomer generation. Wingate High School was so different from the standard design plan for schools that it became known as ''The Banjo School'' because of its open design.

Wingate High School was also innovative in its approach to teaching. Instead of focusing strictly on academic classes, Wingate was one of the first high schools in the Nation to offer a comprehensive range of classes in vocational, commercial and academic fields. Wingate High School has been known for its outstanding aviation, culinary arts, nursing and law programs, and many of its students have gone on to become successful pilots, chefs, nurses and attorneys.

Wingate has had a few famous graduates such as former New York State senator and current Brooklyn Borough president, Marty Markowitz, and Roger Brown, a New York City playground legend who went on to greatness in the American Basketball Association. However, thousands of other Wingate graduates have made priceless contributions to their communities, in part because of the valuable lessons they learned there.

I firmly believe that a quality education is the key to our youths' success and our nation's future. I commend Wingate's teachers, faculty, staff, and volunteers for their many years of hard work and dedication to Wingate High School's students. Their work has resulted in thousands of students who are better prepared to face the world and its challenges. I commend them for their commitment to quality education. Their enthusiasm and love of teaching means a brighter future for all of our children.

Wingate High School's motto is: ''Ad Astra per Ardua''—''To the stars through struggle.'' In its 52-year history, George Wingate High School has graduated thousands of students who have gone on to make the world a better place. Though the journey has not always been easy, I know that Wingate's 2006 graduates will go on to do great things.

I give my most sincere congratulations and best wishes for the future to Wingate High School's Class of 2006.●

NATIONAL HISTORY DAY

● Mr. COLEMAN. Mr. President, I rise in support of the National History Day program. A basic knowledge of history is essential for our Nation's children to become active participants in our democracy, and National History Day is promoting history education in Minnesota and throughout the Nation. National History Day empowers teachers to improve history education so that every student will have historical knowledge and skills to contribute to the public good of our Nation. The National History Day program also allows students to create exhibits, documentaries and performances, by using their critical thinking and research skills in the subject of history.

It brings me great pleasure to pay special tribute to Emily Brown, as she is recognized for her scholastic achievements in National History Day.

Emily is a student at Sunrise Park Middle School in White Bear Lake, MN, and was one of 12 students chosen from across America to display and present her history project at the White House Visitors Center on June 15. Emily's project is titled ''The Iron Jawed Angel: Alice Paul takes a stand for women's right to vote.''

I congratulate Emily as she is honored for her presentation and commend her for her dedication and commitment. I join with the citizens of Minnesota in wishing Emily well in all her future endeavors.●

125TH ANNIVERSARY OF STEELE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 125th anniversary. On June 30–July 2, the residents of Steele will gather to celebrate their community's history and founding.

Steele is a thriving community in North Dakota. The city was founded by Wilbur F. Steele in 1878. He purchased the land from the railroad and had hopes that the city would house the State capitol. Mr. Steele constructed a building in the city to serve as a place for the legislature to meet. Since Steele was not chosen as the State's capital, the building became the Kidder County Courthouse, which is still in use today.

Steele is best known for its 38½ foot high Sandhill Crane. This piece of art was inspired by the numerous birds and ducks that migrate through Steele each year. Steele has plenty to offer to its residents and visitors, from the golf course and parks to fishing, hunting, and crosscountry skiing.

The community has planned a wonderful weekend celebration to commemorate its 125th anniversary. The celebration includes an all school reunion, parade, fireworks, auction, outdoor concert, a street dance, and much more.

Mr. President, I ask the Senate to join me in congratulating Steele, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Steele and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Steele that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Steele has a proud past and a bright future.●

ASSOCIATION OF ENERGY SERVICE COMPANIES 50TH ANNIVERSARY

● Mr. INHOFE. Mr. President, today I wish to recognize the 50th anniversary of the Association of Energy Service Companies and the beneficial contributions it has made to the oil and gas industry since February 1956. This organization has helped unite the oil and gas industry and advocates the most efficient production models for all of the member companies, resulting in vastly superior oil and gas operations across the Nation.

The association formed when six service contractors met and formed the Association of Oil Well Servicing Companies to combat increasing governmental regulations, rising insurance costs, and the rising difficulty in employee recruitment. With Mr. Frank Poole appointed as the first president, the association began to gradually grow and gain prominence in the oil and gas industry. Soon after formation, the group grew to represent 35 wells and 15 trucks and eventually placed an association chapter in 17 oil-producing States.

Over the past 50 years, the organization has blossomed from 6 members to over 400. The association currently boasts representation of over 70 percent of the well-servicing rigs in domestic oil production. In 1996, due to a rapidly growing national membership and expansive chapter representation, the Association of Oil Well Servicing Companies changed their name to the Association of Energy Service Companies.

The AESC continues to lead the oil and gas industry by providing a host of services including safety training and seminars on current and new technology, environmental protection initiatives, monthly meetings of State and local chapters, as well as national meetings, conferences, and tradeshows.

Mr. President, as the members of the AESC prepare to celebrate 50 years of dedicated service, I extend my congratulations to all of those members who have remained committed to excellence in the oil and gas industry. In a world driven by oil and gas production and consumption, this organization has provided guidance and regulation to maintain equal standards in a competitive industry. For the next 50 years and beyond, I sincerely hope this organization's leadership and dedication to fairness remains as strong as it has been the past 50 years.●

TRIBUTE TO ROGER MEIER

● Mr. SMITH. Mr. President, today I pay tribute to a great man, Roger Meier.

The late Oregon Governor Tom McCall once said, ''Heroes are not giant statues framed against a red sky. They are people who say, 'This is my community and it is my responsibility to make it better.' ''

When Roger Meier passed away on June 5, I lost a trusted friend and Oregon lost a true hero. Through leadership, vision, and generosity, Roger made his community of Portland and his State of Oregon a better place in which to live, work, and raise a family.

Roger was a fourth-generation Oregonian and a descendant of the founders of the Meier and Frank Company, one of Oregon's most beloved institutions. Roger spent 13 years working in the family business before venturing out on his own and serving as president and CEO of a privately owned investment company for more than 30 years.

Roger earned a reputation as a savvy analyst of the business and financial scene. He put his intelligence and knowledge to work for all Oregonians, serving for 13 years as chairman of the Oregon Investment Council, which helps to manage pension funds for Oregon's public employees. Under his stewardship, Oregon's portfolio of investments grew from $400 million to $7 billion.

Roger was also a tireless advocate for and a generous philanthropist to countless worthy causes and charitable organizations, including the Oregon Health Sciences University, Good Samaritan Hospital, and the Oregon Historical Society. Roger and his wonderful and gracious wife of 54 years, Laura, also had a special love of art. Along with their good friends, Pete and Mary Mark, Roger and Laura's generosity has helped to make the Portland Art Museum into a world-class institution.

It was fitting that a memorial tribute to Roger was held at the Portland Art Museum on June 11. My predecessor, Senator Mark Hatfield, spoke at the service and said that there was one word he believed best summed up Roger: gentleman.

Senator Hatfield was right. A man of courtesy, kindness, honesty and integrity, Roger Meier was a true gentleman. He will be greatly missed by Laura, by his daughters Alix and Jill and their families, by his friends, and by the community and State he served so ably.●

125TH ANNIVERSARY OF SOUTH DAKOTA STATE UNIVERSITY

● Mr. THUNE. Mr. President, today I wish to recognize South Dakota State University, which is celebrating its 125th year anniversary.

Over the past 125 years, SDSU has proven to its students, faculty, and alumni that ''you can go anywhere from here.'' South Dakota State University, or SDSU, was founded in 1881 as the primary agriculture university in my home State of South Dakota, and 125 years later it now holds the distinction of being the State's largest university. SDSU not only provides students with an excellent academic environment, but beginning in 2004, the SDSU Jackrabbits started participating in NCAA Division I athletics.

It gives me great pleasure to rise with the students, faculty, and alumni of South Dakota State University in celebrating their 125th year anniversary and wish them continued success in the years to come.●

100TH ANNIVERSARY OF DRAPER, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Draper, SD. The town of Draper will celebrate the 100th anniversary of its founding this year.

Located in Jones County, Draper was founded as an agricultural town in 1906. Although 100 years have passed since its founding, the city remains a great example of what makes rural South Dakota a welcoming place to live and raise a family.

I would like to offer my congratulations to Draper on their centennial and I wish them continued prosperity in the years to come.•

MESSAGES FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5576. An act making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007, and for other purposes.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. STEVENS) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

S. 1445. An act to designate the facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, Colorado, as the ''William H. Emery Post Office''.

At 2:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4939. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

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

MEASURES REFERRED

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

H.R. 5576. An act making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7169. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of proposed legislation relative to the use of gambling devices as technologic aids in Class II gaming in Indian Country; to the Committee on Indian Affairs.

EC–7170. A communication from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting, (2) reports relative to vacancy announcements within the Department, received on June 7, 2006; to the Committee on Veterans' Affairs.

EC–7171. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Report on Small Arms Programs''; to the Committee on Foreign Relations.

EC–7172. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement involving the manufacture of significant military equipment abroad and the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–7173. A communication from the Assistant General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Communications'' (Notice 2006–10) received on June 5, 2006; to the Committee on Rules and Administration.

EC–7174. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7175. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–7176. A communication from the Chairman and President (Acting), Export Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–7177. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Director, Office of Federal Housing Enterprise Oversight, received on June 7, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7178. A communication from the Director, National Legislative Commission, The American Legion, transmitting, pursuant to law, a report relative to the financial condition of The American Legion as of December 31, 2005; to the Committee on the Judiciary.

EC–7179. A communication from the Chairman, Naval Sea Cadet Corps, transmitting, pursuant to law, the 2005 Audit of the Naval Sea Cadet Corps (NSCC) and the 2005 Annual Report of the U.S. Naval Sea Cadet Corps; to the Committee on the Judiciary.

EC–7180. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of proposed legislation entitled ''Restitution for Victims of Crime Act of 2006; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 3524. An original bill to amend titles XVIII, XIX, and XXI of the Social Security Act to improve health care provided to Indians under the Medicare, Medicaid, and State Children's Health Insurance Programs, and for other purposes.

S. 3525. A bill to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Kenneth L. Wainstein, of Virginia, to be an Assistant Attorney General.

Frank D. Whitney, of North Carolina, to be United States District Judge for the Western District of North Carolina.

Thomas D. Anderson, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. COCHRAN, Ms. CANTWELL, Mr. DOMENICI, Mrs. LINCOLN, Mr. JEFFORDS, Ms. COLLINS, Mrs. MURRAY, Mr. HARKIN, Ms. LANDRIEU, Mr. OBAMA, Mr. SALAZAR, and Mr. SESSIONS):

S. 3516. A bill to amend title XVIII of the Social Security Act to permanently extend the floor on the Medicare work geographic adjustment under the fee schedule for physicians' services; to the Committee on Finance.

By Mrs. CLINTON:

S. 3517. A bill to enhance the services available to members of the Armed Forces returning from deployment in Operation Iraqi Freedom and Operation Enduring Freedom to assist such members in transitioning to civilian life, and for other purposes; to the Committee on Armed Services.

By Mr. BENNETT:

S. 3518. A bill to amend the Credit Repair Organizations Act to establish a new disclosure statement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself, Mr. CONRAD, and Mr. KOHL):

S. 3519. A bill to reform the State inspection of meat and poultry in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. SNOWE (for herself and Mr. MENENDEZ):

S. 3520. A bill to amend the International Claims Settlement Act of 1949 to allow for certain claims of nationals of the United States against Turkey, and for other purposes; to the Committee on Foreign Relations.

By Mr. GREGG (for himself, Mr. FRIST, Mr. ALLARD, Mr. ENZI, Mr. SESSIONS, Mr. CRAPO, Mr. ENSIGN, Mr. CORNYN, Mr. ALEXANDER, Mr. GRAHAM, Mr. KYL, Mr. THOMAS, Mr. CRAIG, Mr. BROWNBACK, Mr. ISAKSON, Mr. DEMINT, Mr. MCCAIN, Mr. VITTER, Mr. THUNE, Mr. CHAMBLISS, Mr. MCCONNELL, Mr. BUNNING, and Mr. DOMENICI):

S. 3521. A bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process; to the Committee on the Budget.

By Mr. WYDEN (for himself, Mr. SMITH, Mr. CRAIG, and Mrs. MURRAY):

S. 3522. A bill to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2006 through 2012, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 3523. A bill to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending; to the Committee on Finance.

By Mr. GRASSLEY:

S. 3524. An original bill to amend titles XVIII, XIX, and XXI of the Social Security Act to improve health care provided to Indians under the Medicare, Medicaid, and State Children's Health Insurance Programs, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. GRASSLEY:

S. 3525. A bill to amend subpart 2 of part B of title IV of the Social Security Act to improve outcomes for children in families affected by methamphetamine abuse and addiction, to reauthorize the promoting safe and stable families program, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. MCCAIN:

S. 3526. A bill to amend the Indian Land Consolidation Act to modify certain requirements under that Act; to the Committee on Indian Affairs.

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

S. 3527. A bill to require the Under Secretary of Technology of the Department of Commerce to establish an Advanced Multidisciplinary Computing Software Institute; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself and Mr. DAYTON):

S. 3528. A bill to provide higher education assistance for nontraditional students, and for other purposes; to the Committee on Finance.

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

S. 3529. A bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 3530. A bill to revise the limitation on Impact Aid special payments; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. GRAHAM (for himself, Mr. BROWNBACK, Mr. KERRY, Ms. MIKULSKI, Mr. DEWINE, Mr. DEMINT, Mr. TALENT, Mr. ISAKSON, Mr. OBAMA, Mr. VOINOVICH, Ms. LANDRIEU, Mr. SANTORUM, Mr. DODD, Mr. LOTT, Mr. DURBIN, Mr. CHAMBLISS, Mr. BAYH, Mr. SPECTER, Mr. ALLEN, Mr. BURR, Mr. MCCAIN, Mr. COCHRAN, Mr. BIDEN, Mrs. HUTCHISON, and Mrs. DOLE):

S. Res. 513. A resolution expressing the sense of the Senate that the President should designate the week beginning September 10, 2006, as ''National Historically Black Colleges and Universities Week''; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM:

S. Con. Res. 102. A concurrent resolution condemning the decision by the city of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Danny Faulkner; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 337

At the request of Mr. GRAHAM, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 809

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 809, a bill to establish certain duties for pharmacies when pharmacists employed by the pharmacies refuse to fill valid prescriptions for drugs or devices on the basis of personal beliefs, and for other purposes.

S. 900

At the request of Mr. MCCAIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 900, a bill to reinstate the Federal Communications Commission's rules for the description of video programming.

S. 914

At the request of Mr. ALLARD, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1353

At the request of Mr. REID, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1496, a bill 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.

S. 1524

At the request of Mr. CRAPO, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1524, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gain rates.

S. 2140

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2246

At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2246, a bill to establish within the United States Marshals Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in homicide and major violent crime cases and to provide Federal grants for such protection.

S. 2253

At the request of Mr. DOMENICI, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2354

At the request of Mr. NELSON of Florida, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2465

At the request of Mrs. BOXER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2465, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention,

treatment, and control of tuberculosis, and for other purposes.

S. 2548

At the request of Mr. STEVENS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2663

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) 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. 2703

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

At the request of Mr. SPECTER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2703, supra.

S. 2814

At the request of Mr. BURNS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2814, a bill to amend title 10, United States Code, to provide for support of funeral ceremonies for veterans provided by details that consist solely of members of veterans organizations and other organizations, and for other purposes.

S. 2915

At the request of Mr. BIDEN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2915, a bill to amend title 10, United States Code, to improve screening for colorectal cancer for TRICARE beneficiaries over the age of 50.

S. 2970

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2970, a bill to require the Secretary of Veterans Affairs to provide free credit monitoring and credit reports for veterans and others affected by the theft of veterans' personal data, to ensure that such persons are appropriately notified of such thefts, and for other purposes.

S. 3275

At the request of Mr. ALLEN, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 3275, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 3475

At the request of Mr. OBAMA, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3475, a bill to provide housing assistance for very-low-income veterans.

S. 3506

At the request of Mr. AKAKA, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Colorado (Mr. SALAZAR), the Senator from Minnesota (Mr. DAYTON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 3506, a bill to prohibit the unauthorized removal or use of personal information contained in a database owned, operated, or maintained by the Federal government.

S. CON. RES. 20

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 20, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

S. CON. RES. 96

At the request of Mr. BYRD, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Con. Res. 96, a concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

S. RES. 482

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 482, a resolution supporting the goals of an annual National Time-Out Day to promote patient safety and optimal outcomes in the operating room.

S. RES. 507

At the request of Mr. BIDEN, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 508

At the request of Mr. BIDEN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as ''National Mammography Day''.

S. RES. 512

At the request of Mr. INHOFE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mr. HAGEL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. JOHNSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Colorado (Mr. ALLARD) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 512, a resolution celebrating the 231st birthday of the Army and commending the men and women of the Army as exceptional individuals who live by the values of loyalty, duty, and selfless service.

AMENDMENT NO. 4199

At the request of Mr. WARNER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4199 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4205

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 4205 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4224

At the request of Mr. OBAMA, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of amendment No. 4224 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4234

At the request of Mr. SANTORUM, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 4234 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4243

At the request of Mr. BIDEN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 4243 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4252

At the request of Mr. REID, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 4252 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. COCHRAN, Ms. CANTWELL, Mr. DOMENICI, Mrs. LINCOLN, Mr. JEFFORDS, Ms. COLLINS, Mrs. MURRAY, Mr. HARKIN, Ms. LANDRIEU, Mr. OBAMA, Mr. SALAZAR, and Mr. SESSIONS):

S. 3516. A bill to amend title XVIII of the Social Security Act to permanently extend the floor on the Medicare work geographic adjustment under the fee schedule for physicians' services; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I am introducing legislation today with Senators SNOWE, COCHRAN, CANTWELL, DOMENICI, LINCOLN, JEFFORDS, COLLINS, MURRAY, HARKIN, LANDRIEU, OBAMA, SALAZAR, and SESSIONS entitled the ''Rural Equity Payment Index Reform Extension Act of 2006.'' The legislation would extend a provision that was included as part of the Medicare Modernization Act of 2003 and came from my original legislation, S. 881 in the 108th Congress, with Congressman DOUG BEREUTER of Nebraska to ensure that the work component of the Medicare physician payment formula is set to ensure that no geographic region is paid less than the national average.

The Medicare physician payment formula, known as the Medicare Resource-Based Relative Value Scale, or RBRVS, is based on three components of each service: work, practice expense, and professional liability insurance. The relative value of each service is then multiplied by a geographic adjuster for each Medicare locality, which is known as the Geographic Practice Cost Indices, or GPCIs.

Prior to the enactment of this provision as part of the Medicare Modernization Act of 2003, the physicians in States that have the worst workforce shortages were being paid far less than their counterparts in States with adequate or even an oversupply of physicians due to the GPCI adjustment. For the ''work component'' in particular, which accounts for about 55 percent of the total Medicare physician payment, an adjustment based on geographic adjustments made little sense. An office visit to a rural physician is no different in time, effort, or workload compared to an office visit to an urban physician.

As National Rural Health Association president Dr. Wayne Myers said on January 7, 2003, prior to the legislation's passage, ''An office visit to a rural physician is no different than an office visit to an urban physician. The idea that physicians are reimbursed for their work and their skills at a lower rate simply on the basis that they choose to practice in a rural area and serve our rural communities is completely ludicrous.''

In addition, since Medicare beneficiaries pay the same premium for all Part B services, inequitable physician fee payments result in substantial cross-subsidization from people living in low payment States to people living in higher payment States.

Congress determined that such extensive geographic disparities were unfair and, as part of the Medicare Modernization Act of 2003, language from my bill was included that brought all geographic areas up to the national average for the calculation of this piece of the Medicare physician payment formula.

It is important to highlight that the importance of this formula extends well beyond Medicare. According to the American Academy of Pediatrics in its February 8, 2006, update on the Medicare payment formula, ''. . . over 74 percent of public and private payors, including state Medicaid programs, have adopted components of the Medicare RBRVS to reimburse physicians, while many other payors are exploring its implementation.''

Furthermore, Medicare Advantage plan payments are based in large part on fee-for-service payments made in various geographic locations. Disparities in Medicare Advantage payments are also caused, in part, by such geographic adjustments made to physician payments.

Unfortunately, these disparities will increase if the ''work component'' in the physician payment rate is allowed to once again fully adjust based on geography. The provision bringing payment levels up to the national average for every geographic area was in effect for 2004–2006 and is set to expire at the end of this calendar year. As a result, physicians, who already face a potential reduction in their overall Medicare payment rate, might also see their payment rates further reduced unless this legislative extension is passed.

According to the November 21, 2005, Federal Register notice, if payment rates were not brought up to the national average, there would be reductions in physician payments to the following States: Alabama, Arizona, Arkansas, Colorado, Florida, Georgia outside of Atlanta, Idaho, parts of Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland outside of Baltimore region, Michigan outside of Detroit, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, most of New York outside of New York City and suburbs, North Carolina, North Dakota, Ohio, Oklahoma, Oregon outside of Portland, Pennsylvania outside of Philadelphia, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas outside of Houston, Dallas, and Brazoria, Utah, Vermont, Virginia, Washington outside of Seattle, West Virginia, Wisconsin, and Wyoming.

Lack of equitable reimbursement is a critical factor leading to the shortage of physicians in many rural areas, including the State of New Mexico. The extension of the Rural Equity Payment Index Reform Extension Act of 2006 will ensure that the disparity in physician payments between states such as New Mexico and other geographic areas does not once again widen.

I urge prompt passage of this important legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rural Equity Payment Index Reform Extension Act of 2006''.

SEC. 2. PERMANENT EXTENSION OF FLOOR ON MEDICARE WORK GEOGRAPHIC ADJUSTMENT.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''and before January 1, 2007,''.

By Mrs. CLINTON:

S. 3517. A bill to enhance the services available to members of the Armed Forces returning from deployment in Operation Iraqi Freedom and Operation Enduring Freedom to assist such members in transitioning to civilian life, and for other purposes; to the Committee on Armed Services.

Mrs. CLINTON. Mr. President, I am pleased today to introduce the Heroes

at Home Act of 2006. This legislation would take several important steps toward assisting our brave men and women in uniform in transitioning back home to their families, workplaces, and communities after deployment in Iraq and Afghanistan.

Hundreds of thousands of troops have rotated through Iraq and Afghanistan as part of Operation Iraqi Freedom, OIF, and Operation Enduring Freedom, OEF, including thousands of courageous men and women from New York. More military service members than ever are surviving these conflicts because of better body armor and helmets and improved battlefield medicine.

But surviving these wars and transitioning home can be an uphill battle. Many OIF and OEF service members, including the unprecedented number of National Guard and Reserve members, face readjustment challenges after war, such as medical, mental health, relationship, and work problems. Family members also are affected by the transition as they struggle to reconnect with their war heroes, some who may be deployed two, three, if not more times.

As I meet with returning service members and their families around the State of New York and the country, I hear about the real hardships they battle after deployment—just how difficult it can be to adjust back to life at home.

Several articles and reports have highlighted these struggles. According to a March 2006 study, 19 percent of Iraq veterans and 11 percent of Afghanistan veterans reported mental health problems. Among the OIF and OEF veterans seeking care at Department of Veterans Affairs, VA, hospitals, nearly a third have been diagnosed with mental disorders, with over 40 percent of those posttraumatic stress disorder, PTSD. Another report found that 10 to 30 percent of National Guard members come home from Iraq searching for work. Others return to civilian jobs dissatisfied with old tasks that pale in comparison to wartime responsibilities.

In addition to these challenges, a large number of service members are coming home from Iraq and Afghanistan with life-threatening brain injuries from roadside blasts that can cause brain damage. It is estimated that traumatic brain injuries, TBI, affect more than 25 percent of bomb blast survivors—a percentage thought to be higher than in any other past U.S. conflict, making TBI the ''signature'' injury of Iraq. The diffuse but debilitating symptoms of TBI can leave service members with cognitive and emotional problems, including the inability to adapt to civilian life. However, TBI frequently goes undiagnosed because returning troops may show no visible wounds or may not realize they suffered a concussion.

Lessons from past wars have taught us that identifying and dealing with problems like PTSD and TBI right away is vital for overcoming them. Yet just last month, a GAO report found that only 22 percent of OIF and OEF service members who may have been at risk for developing PTSD based on post deployment screenings were referred on for further mental health evaluations. In another report from May 2005, the GAO identified that, despite DOD efforts, the needs of demobilizing Reserve and National Guard members for transition assistance were still unmet.

We must do more today to reach out and help our newest generation of war heroes as they transition home after serving bravely in Iraq and Afghanistan. And we must do more to shore up their families, who have courageously maintained family life on the home front during their deployment. That is why I am introducing this legislation today. The Heroes at Home Act would help address returning service members' readjustment to work, PTSD, TBI, and other problems, as well as provide support to their family members.

This bill would involve partnerships with employers and community organizations because—despite more services and resources offered at DOD facilities, VA hospitals, and Vet Centers—returning service members are often reluctant to go to traditional mental health clinics due to stigma and concerns about confidentiality and their military careers. Only 29 percent of the approximately 500,000 separated OIF and OEF veterans have sought VA health care services, including mental health services.

This legislation would identify ways to better assist National Guard and Reserve members in returning to civilian jobs, who are often hurled from civilian life into combat with less preparation and are then expected to reenter the civilian workforce. It would develop an assistance center for employers, employee assistance programs, and other organizations to provide them with best practices and education for ensuring the success of Guard and Reserve members in resuming civilian work after deployment, a win for our businesses, our employers, and our troops.

Under this legislation, demonstration grants would be awarded to organizations in community setting for providing mental health education and assistance to National Guard and Reserve members and their families. Since many of these troops return to local communities scattered across the country far away from military bases and VA hospitals, these pilot projects would help reach them and their loved ones in more convenient places like community colleges, public schools, community mental health clinics, and family support organizations.

With more and more troops injured by improvised explosive devices, IEDs, and bombs in Iraq, we must do more to understand the effects of these blasts on those impacted by them. That is why this legislation also calls for a study on the long-term physical and mental health consequences and rehabilitation needs of traumatic brain injured service members of OIF and OEF. This study would examine ways to help prevent future generations of service members from sustaining such injuries while assessing what types of programs and services are available to treat those who have already been injured in the years ahead.

To further assist the mushrooming number of traumatic brain injured service members and their families, this legislation would establish a TBI family caregiver training curricula. Health professionals at DOD and VA hospitals would use this training to teach family members how to care for traumatic brain injured service members after they leave the hospital. It is crucial that we give family members the tools they need to effectively assist their loved ones at home in their communities.

Those who have proudly served our Nation in OIF and OEF have made extraordinary sacrifices in the battlefield in defense of democracy and freedom. Back home, these heroes deserve our best resources and support to make sure they once again are vibrant and welcomed members in our neighborhoods, our towns, and our cities, at our work sites, and in our families. None of our returning service members should suffer alone in silence. Nor should their families. We all must do our part. I look forward to working with all of my colleagues to ensure passage of this bill that champions the successful transition of our newly returning heroes to their families, workplaces and communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Heroes at Home Act of 2006''.

SEC. 2. RESPONSIBILITIES OF TASK FORCE ON MENTAL HEALTH ON TRANSITION TO CIVILIAN LIFE OF MEMBERS OF THE NATIONAL GUARD AND RESERVE RETURNING FROM DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—Section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) ASSESSMENT AND RECOMMENDATIONS ON TRANSITION TO CIVILIAN LIFE OF MEMBERS OF NATIONAL GUARD AND RESERVE RETURNING FROM DEPLOYMENT IN OPERATION IRAQI FREEDOM AND ENDURING FREEDOM.—

''(1) IN GENERAL.—In addition to the activities required under subsection (c), the task force shall, not later than 12 months after the date of the enactment of the Heroes at Home Act of 2006, submit to the Secretary a report containing an assessment of, and recommendations for improving, assistance to members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom, and their families, in transitioning to civilian employment upon their return from such deployment, including—

''(A) members who were self-employed before deployment and seek to return to such employment after deployment;

''(B) members who were students before deployment and seek to return to school or commence employment after deployment;

''(C) members who have experienced multiple recent deployments; and

''(D) members who have been wounded or injured during deployment.

''(2) WORKING GROUP.—In conducting the assessment and making the recommendations required by paragraph (1), the task force shall utilize the assistance of a working group that consists of individuals selected by the task force from among individuals as follows:

''(A) With the concurrence of the Administrator of the Small Business Administration, personnel of the Small Business Administration.

''(B) Representatives of employers who employ members of the National Guard and Reserve described in paragraph (1) on their return to civilian life as described in that paragraph.

''(C) Representatives of employee assistance organizations.

''(D) Representatives of associations of employers.

''(E) Representatives of organizations that assist wounded or injured members of the National Guard and Reserves in finding or sustaining employment.

''(F) Representatives of such other public or private organizations and entities as the co-chairs of the task force, in consultation with the members of the task force, consider appropriate.

''(3) REPORT ELEMENTS.—The report required by paragraph (1) shall include recommendations on the following:

''(A) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the employment, readjustment, and mental health needs of members of the National Guard and Reserve described in paragraph (1) upon their return from deployment as described in that paragraph.

''(B) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the needs of family members of such members.

''(C) The improvement of collaboration between the pubic and private sectors in order to ensure the successful transition of such members into civilian employment upon their return from such deployment.

''(4) OTHER DUTIES.—In the period between the submittal of the report required by paragraph (1) and the termination of the task force under subsection (h), the task force (including the working group established under paragraph (2)) shall serve as an advisor to the Assistance Center for Employers and Employment Assistance Organizations established under section 3 of the Heroes at Home Act of 2006.

''(5) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.—In this subsection, the term 'employment assistance organization' means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.''.

(b) REPORT.—Subsection (f) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) in the subsection heading, by striking ''REPORT'' and inserting ''REPORTS'';

(2) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) IN GENERAL.—The report submitted to the Secretary under each of subsections (c) and (d) shall include—

''(A) a description of the activities of the task force under such subsection;

''(B) the assessment and recommendations required by such subsection; and

''(C) such other matters relating to the activities of the task force under such subsection as the task force considers appropriate.''; and

(3) in paragraph (2)—

(A) by striking ''the report under paragraph (1)'' and inserting ''a report under paragraph (1)''; and

(B) by striking ''the report as'' and inserting ''such report as''.

(c) PLAN MATTERS.—Subsection (g) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by striking ''the report from the task force under subsection (e)(1)'' and inserting ''a report from the task force under subsection (f)(1)''; and

(2) by inserting ''contained in such report'' after ''the task force'' the second place it appears.

(d) TERMINATION.—Subsection (h) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by inserting ''with respect to the assessment and recommendations required by subsection (d)'' after ''the task force''; and

(2) by striking ''subsection (e)(2)'' and inserting ''subsection (f)(2)''.

SEC. 3. ASSISTANCE CENTER FOR EMPLOYERS AND EMPLOYMENT ASSISTANCE ORGANIZATIONS.

(a) ESTABLISHMENT OF CENTER.—

(1) IN GENERAL.—The Secretary of Defense shall establish an office to assist employers, employment assistance organizations, and associations of employers in facilitating the successful transition to civilian employment of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) DESIGNATION.—The office established under this subsection shall be known as the ''Assistance Center for Employers and Employment Assistance Organizations'' (in this section referred to as the ''Center'').

(3) HEAD.—The Secretary shall designate an individual to act as the head of the Center.

(4) INTEGRATION.—In establishing the Center, the Secretary shall ensure close communication between the Center and the military departments, including the commands of the reserve components of the Armed Forces.

(b) FUNCTIONS.—The Center shall have the following functions:

(1) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful transition to civilian employment of members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection.

(2) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful adjustment of family members of the National Guard and Reserve to the deployment and return from deployment of members of the National Guard and Reserve as described in that subsection.

(c) RESOURCES TO BE PROVIDED.—

(1) IN GENERAL.—In carrying out the functions specified in subsection (b), the Center shall provide employers, employment assistance organizations, and associations of employers resources, services, and assistance that include the following:

(A) Guidelines on best practices and effective strategies.

(B) Education on the physical and mental health difficulties that can and may be experienced by members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection in transitioning to civilian employment, including difficulties arising from Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI), including education on—

(i) the detection of warning signs of such difficulties;

(ii) the medical, mental health, and employment services available to such members, including materials on services offered by the Department of Defense, the Department of Veterans Affairs (including through the vet center program under section 1712A of title 38, United States Code), the Department of Labor, military support programs, and community mental health clinics; and

(iii) the mechanisms for referring such members for services described in clause (ii) and for other medical and mental health screening and care when appropriate.

(C) Education on the range and types of potential physical and mental health effects of deployment and post-deployment adjustment on family members of members of the National Guard and Reserve described in subsection (a), including education on—

(i) the detection of warning signs on such effects on family members of members of the National Guard and Reserves;

(ii) the medical, mental health, and employment services available to such family members, including materials on such services as described in subparagraph (B)(ii); and

(iii) mechanisms for referring such family members for services described in clause (ii) and for medical and mental health screening and care when appropriate.

(D) Education on mechanisms, strategies, and resources for accommodating and employing wounded or injured members of the National Guard and Reserves in work settings.

(2) PROVISION OF RESOURCES.—The Center shall make resources, services, and assistance available under this subsection through such mechanisms as the head of the Center considers appropriate, including the Internet, video conferencing, telephone services, workshops, trainings, presentations, group forums, and other mechanisms.

(d) PERSONNEL AND OTHER RESOURCES.—The Secretary of Defense shall assign to the Center such personnel, funding, and other resources as are required to ensure the effective discharge by the Center of the functions under subsection (b).

(e) REPORTS ON ACTIVITIES.—

(1) ANNUAL REPORT BY CENTER.—Not later than one year after the establishment of the Center, and annually thereafter, the head of the Center, in consultation with the Department of Defense Task Force on Mental Health (while in effect), shall submit to the Secretary of Defense a written report on the progress and outcomes of the Center during the one-year period ending on the date of such report.

(2) TRANSMITTAL TO CONGRESS.—Not later than 60 days after receipt of a report under paragraph (1), the Secretary shall transmit

such report to the Committees on Armed Services of the Senate and the House of Representatives, together with—

(A) such comments on such report, and such assessment of the effectiveness of the Center, as the Secretary considers appropriate; and

(B) such recommendations on means of improving the effectiveness of the Center as the Secretary considers appropriate.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under paragraph (2) available to the public, including through the Internet website of the Center.

(f) DEFINITIONS.—In this section:

(1) EMPLOYMENT ASSISTANCE ORGANIZATION.—The term ''employment assistance organization'' means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

(2) DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH.—The term ''Department of Defense Task Force on Mental Health'' means the Department of Defense Task Force on Mental Health established under section 723 of the National Defense Authorization Act for Fiscal Year 2006, as amended by section 2 of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(1) For fiscal year 2007, $5,000,000.

(2) For each of fiscal years 2008 through 2011, such sums as may be necessary.

SEC. 4. GRANTS ON ASSISTANCE IN COMMUNITY-BASED SETTINGS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE AND THEIR FAMILIES AFTER DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—The Secretary of Defense may award grants to eligible entities to carry out demonstration projects to assess the feasibility and advisability of utilizing community-based settings for the provision of assistance to members of the National Guard and Reserve who serve in Operation Iraqi Freedom or Operation Enduring Freedom, and their families, after the return of such members from deployment in Operation Iraqi Freedom or Operation Enduring Freedom, as the case may be, including—

(1) services to improve the reuniting of such members of the National Guard and Reserve and their families;

(2) education to increase awareness of the physical and mental health difficulties that members of the National Guard and Reserve can and may experience on their return from such deployment, including education on—

(A) Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI); and

(B) mechanisms for the referral of such members of the National Guard and Reserve for medical and mental health screening and care when necessary; and

(3) education to increase awareness of the physical and mental health difficulties that family members of such members of the National Guard and Reserve can and may experience on the return of such members from such deployment, including education on—

(A) depression, anxiety, and relationship problems; and

(B) mechanisms for medical and mental health screening and care when appropriate.

(b) ELIGIBLE ENTITIES.—An entity eligible for the award of a grant under this section is any public or private non-profit organization, such as a community mental health clinic, family support organization, military support organization, law enforcement agency, community college, or public school.

(c) APPLICATION.—An eligible entity seeking a grant under this section shall submit to the Secretary of Defense an application therefor in such manner, and containing such information, as the Secretary may require for purposes of this section, including a description of how such entity will work with the Department of Defense, the Department of Veterans Affairs, State health agencies, other appropriate Federal, State, and local agencies, family support organizations, and other community organization in undertaking activities described in subsection (a).

(d) ANNUAL REPORTS BY GRANT RECIPIENTS.—An entity awarded a grant under this section shall submit to the Secretary of Defense on an annual basis a report on the activities undertaken by such entity during the preceding year utilizing amounts under the grant. Each report shall include such information as the Secretary shall specify for purposes of this subsection.

(e) ANNUAL REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to Congress a report on activities undertaken under the grants awarded under this section. The report shall include recommendations for legislative, programmatic, or administrative action to improve or enhance activities under the grants awarded under this section.

(2) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under this subsection available to the public.

SEC. 5. LONGITUDINAL STUDY ON TRAUMATIC BRAIN INJURY INCURRED BY MEMBERS OF THE ARMED FORCES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, provide for a longitudinal study on the effects of traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom. The duration of the longitudinal study shall be 15 years.

(b) SELECTION OF ENTITY FOR CONDUCT OF STUDY.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, select an entity to conduct the study required by subsection (a) from among private organizations or entities qualified to conduct the study.

(c) ELEMENTS.—The study required by subsection (a) shall address the following:

(1) The long-term effects of traumatic brain injury on the overall readiness of the Armed Forces.

(2) Mechanisms for improving body armor and helmets in order to protect members of the Armed Forces from sustaining traumatic brain injuries.

(3) The long-term physical and mental health consequences of traumatic brain injuries incurred by members of the Armed Forces during service in Operation Iraqi Freedom or Operation Enduring Freedom.

(4) The health care, mental health care, and rehabilitation needs of such members for such injuries after the completion of inpatient treatment through the Department of Defense, the Department of Veterans Affairs, or both.

(5) The type and availability of long-term care rehabilitation programs and services within and outside the Department of Defense and the Department of Veterans Affairs for such members for such injuries, including community-based programs and services and in-home programs and services.

(d) REPORTS.—

(1) PERIODIC AND FINAL REPORTS.—After the third, seventh, eleventh, and fifteenth years of the study required by subsection (a), the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to the appropriate elements of the Department of Defense and the Department of Veterans Affairs, and to Congress, a comprehensive report on the results of the study during the preceding years. Each report shall include the following:

(A) Current information on the cumulative outcomes of the study.

(B) In the case of a report to elements of the Department of Defense—

(i) such recommendations as the Secretary of Defense considers appropriate for programmatic and administrative action to improve body armor and helmets to protect members of the Armed Forces from sustaining traumatic brain injuries; and

(ii) such other recommendations as the Secretary considers appropriate based on the outcomes of the study.

(C) In the case of a report to elements of the Department of Veterans Affairs—

(i) such recommendations as the Secretary of Veterans Affairs considers appropriate for programmatic and administrative action to improve long-term care and rehabilitative programs and services for members of the Armed Forces with traumatic brain injury; and

(ii) such other recommendations as the Secretary considers appropriate based on the outcomes of the study.

(D) In the case of a report to Congress—

(i) such recommendations as the Secretary of Defense considers appropriate for legislative action to improve body armor and helmets to protect members of the Armed Forces from sustaining traumatic brain injuries;

(ii) such recommendations as the Secretary of Veterans Affairs considers appropriate for legislative action to improve long-term care and rehabilitative programs and services for members of the Armed Forces with traumatic brain injury; and

(iii) such other recommendations as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate based on the outcomes of the study.

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take appropriate actions to make each report under this subsection available to the public.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(1) For fiscal year 2007, $5,000,000.

(2) For each of fiscal years 2008 through 2013, such sums as may be necessary.

SEC. 6. TRAINING CURRICULA FOR FAMILY CAREGIVERS ON CARE AND ASSISTANCE FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY INCURRED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) TRAUMATIC BRAIN INJURY FAMILY CAREGIVER PANEL.—

(1) ESTABLISHMENT.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, establish within the Department of Defense a panel to develop coordinated, uniform, and consistent training curricula to be used in training family members in the provision of care and assistance to members and former members of the Armed Forces for traumatic brain injuries incurred during service in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) DESIGNATION OF PANEL.—The panel established under paragraph (1) shall be known as the ''Traumatic Brain Injury Family Caregiver Panel''.

(3) MEMBERS.—The Traumatic Brain Injury Family Caregiver Panel established under paragraph (1) shall consist of 15 members appointed by the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, equally represented from among—

(A) physicians, nurses, rehabilitation therapists, and other individuals with an expertise in caring for and assisting individuals with traumatic brain injury, including those who specialize in caring for and assisting individuals with traumatic brain injury incurred in war;

(B) representatives of family caregivers or family caregiver associations;

(C) Department of Defense and Department of Veterans Affairs health and medical personnel with expertise in traumatic brain injury, and Department of Defense personnel and readiness representatives with expertise in traumatic brain injury;

(D) representatives of military service organizations who specialize in matters relating to disabled veterans;

(E) representatives of veterans service organizations who specialize in matters relating to disabled veterans;

(F) psychologists or other individuals with expertise in the mental health treatment and care of individuals with traumatic brain injury;

(G) experts in the development of training curricula;

(H) researchers and academicians who study traumatic brain injury; and

(I) any other individuals the Secretary considers appropriate.

(4) MEETINGS.—The Traumatic Brain Injury Family Caregiver Panel shall meet not less than monthly.

(b) DEVELOPMENT OF CURRICULA.—

(1) IN GENERAL.—The Traumatic Brain Injury Family Caregiver Panel shall develop training curricula to be utilized during the provision of training to family members of members and former members of the Armed Forces described in subsection (a) on techniques, strategies, and skills for care and assistance for such members and former members with the traumatic brain injuries described in that subsection.

(2) SCOPE OF CURRICULA.—The curricula shall—

(A) be based on empirical research and validated techniques; and

(B) shall provide for training that permits recipients to tailor caregiving to the unique circumstances of the member or former member of the Armed Forces receiving care.

(3) PARTICULAR REQUIREMENTS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall—

(A) specify appropriate training commensurate with the severity of traumatic brain injury; and

(B) identify appropriate care and assistance to be provided for the degree of severity of traumatic brain injury for caregivers of various levels of skill and capability.

(4) USE OF EXISTING MATERIALS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall utilize and enhance any existing training curricular, materials, and resources applicable to such curricula as the Panel considers appropriate.

(5) CONSULTATION.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall consult with the Army Reserve Forces Policy Committee, as appropriate.

(6) DEADLINE FOR DEVELOPMENT.—The Traumatic Brain Injury Family Caregiver Panel shall develop the curricula not later than one year after the date of the enactment of this Act.

(c) DISSEMINATION OF CURRICULA.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Traumatic Brain Injury Family Caregiver Panel, develop mechanisms for the dissemination of the curricula developed under subsection (b) to health care professionals referred to in paragraph (2) who treat or otherwise work with members and former members of the Armed Forces with traumatic brain injury incurred in Operation Iraqi Freedom or Operation Enduring Freedom. In developing such mechanisms, the Secretary may utilize and enhance existing mechanisms, including the Military Severely Injured Center.

(2) HEALTH CARE PROFESSIONALS.—The health care professionals referred to in this paragraph are the following:

(A) Personnel at military medical treatment facilities.

(B) Personnel at the polytrauma centers of the Department of Veterans Affairs.

(C) Personnel and care managers at the Military Severely Injured Center.

(D) Such other health care professionals of the Department of Defense as the Secretary considers appropriate.

(E) Such other health care professionals of the Department of Veterans Affairs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(3) SCOPE.—The mechanisms developed under paragraph (1) shall include the provision of refresher training in the curricula developed under subsection (a) for the health care professional referred to in paragraph (2) not less often than once every six months.

(4) PROVISION OF TRAINING TO FAMILY CAREGIVERS.—

(A) IN GENERAL.—Health care professionals referred to in paragraph (2) who are trained in the curricula developed under subsection (b) shall provide training to family members of members and former members of the Armed Forces who incur traumatic brain injuries during service in the Operation Iraqi Freedom or Operation Enduring Freedom in the care and assistance to be provided for such injuries.

(B) TIMING OF TRAINING.—Training under this paragraph shall, to the extent practicable, be provided to family members while the member or former member concerned is undergoing treatment at a facility of the Department of Defense or Department of Veterans Affairs, as applicable, in order to ensure that such family members receive practice on the provision of such care and assistance under the guidance of qualified health professionals.

(C) PARTICULARIZED TRAINING.—Training provided under this paragraph to family members of a particular member or former member shall be tailored to the particular care needs of such member or former member and the particular caregiving needs of such family members.

(5) QUALITY ASSURANCE.—The Secretary shall develop mechanisms to ensure quality in the provision of training under this section to health care professionals referred to in paragraph (2) and in the provision of such training under paragraph (4) by such health care professionals.

(6) REPORT.—Not later than one year after the development of the curricula required by subsection (b), and annually thereafter, the Traumatic Brain Injury Family Caregiver Training Panel shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to Congress, a report on the following:

(A) The actions undertaken under this subsection.

(B) The results of the tracking of outcomes based on training developed and provided under this section.

(C) Recommendations for the improvement of training developed and provided under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(1) For fiscal year 2007, $5,000,000.

(2) For each of fiscal years 2008 through 2011, such sums as may be necessary.

By Mr. BENNETT:

S. 3518. A bill to amend the Credit Repair Organizations Act to establish a new disclosure statement; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BENNETT. Mr. President, I rise today to introduce legislation to amend the Credit Repair Organizations Act, CROA, to stop abusive class action lawsuits against companies offering legitimate credit file monitoring products. The following is a summary of why we need to pass this legislation.

Credit-monitoring products are offered by consumer reporting agencies, their affiliates, and resellers. These products help consumers access their consumer report information and credit scores on a regular basis. They include credit alert features when derogatory information appears in the consumer's file or someone obtains the consumer's report. The products give consumers a front-line defense against identity theft, and are routinely made available to victims of security breaches. Credit-monitoring products also educate consumers about their credit scores and credit histories. The market is highly competitive. Banks and other creditors also provide these products to their customers.

These products are threatened by abusive class action lawsuits, based on CROA's language. CROA was to combat the assault on the integrity of accurate credit file data by credit repair organizations and by consumers acting on their advice. Under CROA, a credit repair organization is subject to a number of appropriately harsh and specific requirements. The most significant of these is a prohibition on collecting fees before completion of performance of the promised services. CROA also mandates that consumers be given a written warning that the services cannot result in the change or deletion of negative but accurate data. This ''warning'' would be confusing and inappropriate if given to a consumer of credit monitoring products or services.

CROA was enacted before credit monitoring products were created. The CROA definition of ''credit repair organization'' is intentionally broad in order to prevent circumvention of its coverage. Among other things, the definition includes an entity that implies its activities or services can ''improve'' a consumer's credit record, credit history or credit rating. The breadth of the definition has been used by plaintiffs' lawyers an attempt to obtain statutory damages against consumer reporting agencies and their resellers solely for offering these monitoring

products. The class action lawsuits threaten the viability of the credit-monitoring industry.

This result can be prevented through the enactment of a technical amendment to CROA that clarifies the definition of ''credit repair organization'' as it includes ''improving'' a consumer's credit record, etc. The amendment can explain that ''improving'' a consumer's credit record does not include credit monitoring, notifications, analysis, evaluation, or explanations.

Because this is a clarifying amendment, it will not affect the CROA's essential operation or Federal agency enforcement. The Federal Trade Commission has stated that it does not think credit-monitoring products should be subject to CROA. If this amendment is enacted, consumers will continue to enjoy CROA's important rights and protections, including the right to bring private lawsuits against credit repair organizations for violations of the act. The amendment to CROA will also assure the continued availability of credit monitoring products and services for consumers.

I encourage my colleagues to join with me in passing this important legislation.

By Mr. HATCH (for himself, Mr. CONRAD, and Mr. KOHL):

S. 3519. A bill to reform the State inspection of meat and poultry in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HATCH. Mr. President, today I rise to introduce the Agriculture Small Business Opportunity and Enhancement Act of 2006. Currently, 28 States, including my home State of Utah, have State meat inspection programs. But, outdated Federal laws prohibit the interstate shipment of certain meats inspected under these programs. My legislation would remove that unfair ban.

Let me provide some background on why this legislation is necessary. A 1906 law, the Federal Meat Inspection Act, requires the U.S. Department of Agriculture, USDA, to inspect all cattle, sheep, swine, goats, and horses slaughtered for human consumption. An amendment in 1957, the Poultry Products Inspection Act, added poultry to that list. While the Federal Meat Inspection Act and the 1968 Poultry Products Inspection Act recognized State inspection programs separate from the Federal program, these laws also prohibit certain meats inspected under State programs from being sold in interstate commerce. That ban applies to beef, poultry, pork, lamb, and goat products, but not to specialty meats such as venison, pheasant, quail, rabbit, and numerous others that are typically inspected under State programs.

It is important to point out that this ban is unique. State-inspected beef, poultry, pork, lamb, and goat products are the only food commodities that are banned from interstate shipment. Many perishable products, including milk and other dairy items, fruit, vegetables, and fish, which are inspected under State programs, are shipped freely across State lines.

There is no legitimate reason for the ban on the interstate shipment of State-inspected meats to continue. The State programs are equal or superior to the Federal program. In fact, the 1967 and 1968 Meat and Poultry Inspection Acts require State inspection programs to be ''at least equal to'' the Federal program. Since 1967, USDA has conducted comprehensive reviews of each individual State inspection program to verify whether or not the program meets the statutory requirement to be ''at least equal to'' the Federal program. In the nearly 30 years that USDA has been conducting these reviews, the agency has never unilaterally found that a State inspection program should be discontinued due to an inability to meet Federal food safety standards.

Further, the 2002 farm bill required USDA to conduct an additional comprehensive review of State inspection programs. After a 2-year study, USDA issued an interim report which found that State inspection programs are indeed ''at least equal to'' the Federal inspection program. In addition, three USDA Advisory Committees have recommended that the ban on interstate shipment be lifted.

In short, there is no distinction between the Federal and State inspection programs. Without exception, State inspection programs meet or exceed Federal food-safety requirements, and USDA has verified the safety of these programs for decades.

In Utah, we have 32 establishments that inspect meat under a State's inspection program. These establishments, like the nearly 2,000 similar plants nationwide, are, for the most part, small businesses. And, generally speaking, these establishments cater to the needs of small, family-run farms and ranches. The outdated ban on interstate shipment of State-inspected meats clearly disrupts the free flow of trade, restricts market access for countless small businesses, and creates an unfair advantage for big businesses.

But it gets worse. Current regulations also favor foreign meat producers over small businesses in our Nation. In fact, meat inspected in 34 foreign countries can be shipped anywhere in the U.S. because the USDA has certified that the inspection programs in these foreign countries are equivalent to the Federal program. As I have pointed out, State inspection programs must meet the same Federal equivalency standard. In fact, USDA supervision of State inspection programs is far more frequent and thorough than its oversight of foreign inspection programs.

In my view, it is absurd that meat inspected in 34 foreign countries can be shipped anywhere in the United States without restriction, but small businesses in 28 States are prohibited from shipping their products across State lines, even though these small businesses meet the same Federal food safety requirements as their foreign competitors.

A ban on interstate shipment of State-inspected meat unfairly hinders our Nation's economy. My legislation would remove the outdated, unnecessary, unjust ban that puts our small businesses at such a disadvantage. Removing this prohibition will increase competition and innovation. It will provide farmers and ranchers with increased opportunities to sell their products at a better price. It will not do anything more than level the playing field and ensure that our small businesses have the opportunity to economically compete in the market.

I urge my colleagues to join me in defending America's small businesses by supporting this important legislation.

By Ms. SNOWE (for herself and Mr. MENENDEZ):

S. 3520. A bill to amend the International Claims Settlement Act of 1949 to allow for certain claims of nationals of the United States against Turkey, and for other purposes; to the Committee on Foreign Relations.

Ms. SNOWE. Mr. President, as you know, Turkey invaded the northern area of the Republic of Cyprus in the summer of 1974. At that time, less than 20 percent of the private real property in this area was owned by Turkish Cypriots, with the rest owned by Greek Cypriots and foreigners. Turkey's invasion and subsequent occupation of northern Cyprus displaced people who are to this day prevented by the Turkish armed forces from returning to and repossessing their homes and properties.

A large proportion of these properties were distributed to, and are currently being used by, the 120,000 Turkish settlers brought into the occupied area by Turkey. It is estimated that 7,000 to 10,000 U.S. nationals today claim an interest in such property.

Adding urgency to the plight of Greek-Cypriots and Americans who lost property in the wake of the invasion is a recent property development boom in the Turkish-occupied north of Cyprus. As an ever-increasing number of disputed properties are transferred or developed, the rightful owners' prospects for recovering their property or being compensated worsen.

In 1998, the European Court of Human Rights found that Turkey had unlawfully deprived Greek Cypriot refugees of the use of their properties in the north of the island. The Court ruled that the Government of Turkey was obliged to compensate the refugees for such deprivation, and to allow them to return home.

It is to provide similar redress to the American victims of Turkey's invasion and occupation of Cyprus that my colleague Senator MENENDEZ and I today introduce the American-Owned Property in Occupied Cyprus Claims Act. A substantively identical bill has been

proposed in the House of Representatives by Representative PALLONE and 32 of his Republican and Democratic colleagues.

This act would direct the U.S. Government's independent Foreign Claims Settlement Commission to receive, evaluate, and determine awards with respect to the claims of U.S. citizens and businesses that lost property as a result of Turkey's invasion and continued occupation of northern Cyprus. To provide funds from which these awards would be paid, the act would urge the President to authorize the Secretary of State to negotiate an agreement for settlement of such claims with the Government of Turkey.

The act would further grant U.S. Federal courts jurisdiction over suits by U.S. nationals against any private persons—other than Turkey—occupying or otherwise using the U.S. national's property in the Turkish-occupied portion of Cyprus. Lastly, the act would expressly waive Turkey's sovereign immunity against claims brought by U.S. nationals in U.S. courts relating to property occupied by the Government of Turkey and used by Turkey in connection with a commercial activity carried out in the United States.

This bill represents an important step toward righting the internationally recognized wrong of the expropriation of property, including American property, in northern Cyprus in the wake of the 1974 invasion by the Turkish Army. I strongly urge my colleagues to promptly consider and pass this critical piece of legislation.

By Mr. GREGG (for himself, Mr. FRIST, Mr. ALLARD, Mr. ENZI, Mr. SESSIONS, Mr. CRAPO, Mr. ENSIGN, Mr. CORNYN, Mr. ALEXANDER, Mr. GRAHAM, Mr. KYL, Mr. THOMAS, Mr. CRAIG, Mr. BROWNBACK, Mr. ISAKSON, Mr. DEMINT, Mr. MCCAIN, Mr. VITTER, Mr. THUNE, Mr. CHAMBLISS, Mr. MCCONNELL, Mr. BUNNING, and Mr. DOMENICI):

S. 3521. A bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process; to the Committee on the Budget.

Mr. GREGG. Mr. President, I rise to introduce a bill which is sponsored by myself and 20 other Members of the Senate.

The purpose of this bill is to put some control over spending—or at least put procedures in—to allow us as a Congress to begin to control spending.

I think we all recognize that in the short run we are headed toward a budget that looks like it may actually move toward balance. We have seen some very significant, positive gains. A deficit that was supposed to be about $425 billion this year is down to about $300 billion, and it may well go below that. That does not solve our problem even though we have gotten things moving the right way because in the outyears we face a fiscal crisis. That is reflected in this chart.

The fact is, there is facing this country a situation where we have a generation known as the baby boom generation which is such a large generation that it has basically overwhelmed the systems of America at each point in its evolution. It started out in the early 1950s and late 1940s. It overwhelmed the school systems it was so big. As it moved forward in the 1960s, it created the civil rights movement, and in the 1980s and 1990s it created the greatest prosperity in the history of our country as a result of its size and productivity.

But now that generation is beginning to retire. It will start to retire in the year 2008. It will be fully retired by the year 2020. It will be the largest retired generation in the history of our Nation by a factor of two. There will essentially be 70 million people retiring during that period.

What are the implications? The implications are rather severe for our Nation's fiscal policy, and especially for our children. All of our retirement systems in this Nation—Social Security, Medicare, Medicaid—all our major safety nets were built around the concept created by FDR, Franklin Delano Roosevelt, that there would always be many more people working than retiring.

In fact, in the early 1950s there were about 12 people working and paying into the Social Security system for every one person taking it out of Social Security. Today there are about three and a half people working for every one person who is retired. By the years 2020 to 2025, there will only be two people working for every one person taking out of the system. That means this pyramid concept goes to a rectangle, and our children and our grandchildren who will then be the working people in America will not be able to support the benefit structure which is in place for the retired.

This chart reflects the dramatic effect of this situation rather starkly. The blue line represents what percent of gross national product the Federal Government usually spends. Historically, since World War II, the Federal Government has spent about 20 percent of the gross national product. The red line represents three programs in the Federal process: Social Security, Medicare, and Medicaid. The red line grows dramatically beginning in about the year 2008 and proceeds at an exponential rate of growth, so that by the years 2025 to 2028 those three programs alone will actually cost more than 20 percent of the gross national product of America.

What does that mean? It means if we were to spend the historic amount we have spent on the Federal Government, those three programs would use up all that money and there would be no money available for education, for national defense, for laying out roads, for health care for everyone else, other than those who are retired, or for anything else the Federal Government is supposed to do. Everything would have to be spent on Social Security, Medicare, and Medicaid. It does not stop there. It continues up at a rather dramatic movement.

The point, of course, is that our children will have to pay the cost. They will find themselves confronted with a dramatic increase in tax burden unless we address the cost of those programs from the spending side.

The point, also, is we really cannot tax our way out of this problem. We cannot possibly raise taxes high enough to keep up with the cost of these programs and still have a viable country. If we did that, we would eliminate the ability of our children to buy a new home, to send their kids to college, to even buy cars. The lifestyle of an American, our children and our grandchildren, would be dramatically reduced—their quality of life—were we to raise taxes to try to keep up with this rate of growth of spending.

Again, it is not a revenue problem; it is a spending problem. That is important to stress. In fact, if you look at the revenues over the last few years, this reinforces this point. Revenues dropped precipitously at the beginning of this President's term for two reasons. One, we had the largest bubble in the history of the world, the Internet bubble, back in the late 1990s, where we were essentially producing false income, paper returns through the issuance of stock which wasn't backed up by productive companies. This bubble burst, and it was the biggest bubble in history, bigger than the tulip or south seas bubble. And the effect of it was to cause our economy to retrench.

Then we had the attack of September 11, which dramatically impacted our psyche as a nation. Obviously, it had a horrific effect in the area of loss of lives, but it had a dramatic effect on our economy. Those two back-to-back events basically forced a significant drop in revenues.

So President Bush came in and said: Let's try to get out of this recession—and it was a shallow recession but would have headed a lot deeper—by cutting taxes and giving people an incentive to be more productive. We have heard a lot from the other side about how it is terrible we cut taxes at the beginning of this administration. But what those tax cuts did was create an atmosphere where people who wanted to be entrepreneurial, who wanted to go out and take risks, who were willing to put their own personal efforts and their dollars behind an effort to be productive, and, thus, create jobs, did exactly that.

Then the economy started to recover. We had 39 straight months of recovery. We had one of the largest expansions of the post-World-War II period. The practical effect of that is that we have created more economic activity, created

more jobs, and created more revenue to the Federal Government. So in the last 2 years, the revenue to the Federal Government has actually jumped greater in a 2-year period than at any time in the post-World-War II period. Each of the last 2 years has had historic increases of revenues for the Federal Government.

We are at a point where revenues are essentially at the same place they would be over history as a percent of gross national product. We are essentially generating about the same amount of revenue we have always generated to the Federal Government.

The other side of the aisle says: Let's raise taxes some more. That is not going to help because we are already generating as much revenue as we usually generate. We are doing it the right way, with a fair tax system, telling entrepreneurs to make jobs and create risks. We have created jobs and given revenues to the Federal Government.

The real issue is, you have to be willing to address spending, which is what the chart shows. A group on our side of the aisle said: How do you do this? Probably the way to do it is to put in place a series of processes in the Senate and in the House, which basically forced the Congress to address the public policy issues of reducing the rate of growth and spending for the Federal Government. This is very difficult for an elected body. We know it is a natural tendency of an elected body to spend more money because people come to you and say: We need this for that. Usually the stories are compelling and the purposes are good.

The simple fact is, we cannot afford to spend all the money that people want to spend, and we need to have some mechanisms around here which energize an atmosphere of producing fiscal responsibility, delivering government that is efficient, delivering government that is effective, delivering government that people get what they expect, and, also, get their dollars used efficiently and effectively to produce a government that works.

So we are suggesting a program that basically renews, redesigns; it reforms, it rebuilds the Federal system relative to how we are going to spend money and makes sure we spend it effectively so we give people an affordable government, something that delivers the type of services they need but does it in a way that can be afforded. That is our goal. Our goal, essentially, is to contain spending so that we are able to deliver quality government and still pass on to our children a government that is affordable, a tax burden they can afford that won't overwhelm them and will give them the opportunity to have as good a life as we have had.

The proposal we have come up with has a variety of different elements to accomplish this. First, we follow the ideas put forward by the President, which has eight basic elements. It is a very extensive reform package, renewal package, redesign package, rebuilding package.

The first element is what I call fast-track rescission. I suppose that is too technical. The President calls it the line-item veto. But it says the President has the opportunity to look at bills we have passed in the Senate and say: Listen, we do not need to spend money on that item. That is really an item of earmark, or maybe you might call it pork, or it is just simply not what we need. It is not what the American people have to have their dollars spent on. He gets to put together a package of items, and he sends them to us. He says: These are the items I don't think we need. We think the American people don't need them. We don't think the Government can afford them, and you, the Congress, can take another look at them and vote them up or down. Fast-track rescission. We have to take the vote. It is an opportunity for the executive branch to have a say and for the legislative branch to take a second look. We have done it in a way so neither branch is prejudiced as to our constitutional role which is very important.

The second thing we have done is we have reinstated statutory caps. What is that? It means that we say every year how much the Federal Government is going to spend and we lock it down so that if we spend over that amount we have to go back and cut somewhere else to bring us down to that number.

What has happened around here, we have said we are going to spend X dollars. That is called a cap. But we have not had any enforcement mechanism behind the cap. Those lapsed in 2002. So when we exceed the cap, you get 60 votes and people say: Fine, we will spend the money anyway, even though we said we were not going to spend that much money, and it is ignored. This puts in place a system where we have to be responsible to the number we set out as to what the Federal Government should spend. It is basically truth in budgeting and forces budgeting to be effective and responsive.

The third item we put in, we reduce the deficit so it will move to zero by 2012. This is done by saying essentially this: The deficit today is X percent of gross national product. We are going to say that the deficit should be dropped as a percent of gross national product every year until we get to about 2012 where we expect it to be basically no deficit. If we exceed those numbers—in other words, if the deficit exceeds that percent of gross national product which we set out in the bill—and these numbers are historical numbers and they are obtainable numbers.

In fact, in the first 2 years, the numbers we have set out are basically above where the actual deficit looks like it will hit, and it is about the third and fourth year we may have some issues to keep the deficit moving down—but if the deficit is not moving down, we put in place a process called reconciliation, directed at entitlement spending.

The problem we have as a Federal Government isn't the discretionary side of the ledger. That is spending that occurs every year. Every year you have to spend X dollars on defense, X dollars on education, and you can make a choice regarding how much you will spend here, how much you spend there. Nondefense spending in those accounts has been flat for the last few years, essentially flat if you factor in inflation. The real growth of the Federal Government has been in these accounts that are entitlement accounts, mandatory accounts which I had on the first chart, three of the major ones. They represent, along with the Federal debt, about 60 percent of Federal spending.

What this bill says is that essentially you have to go back and take a look at those accounts if we are not meeting our deficit targets and bring them into line so we will meet those deficit targets.

Now, in order to help accomplish this, this proposal also includes an entitlement commission. There have been a lot of commissions around here and everyone is a little tired of commissions. This commission is different. This commission says take a look at the entitlement accounts of the Federal Government, report back to the Congress, and Congress must act on your proposal. We actually put in place a policy procedure to try to correct the entitlement issue. Then we put in place a budgeting procedure which allows us to legislate changes if the entitlement improvements are not accomplishing our goals.

The purpose is to make these entitlement programs affordable for our children while they still maintain a quality lifestyle for those who are retired. That can be and should be able to be accomplished. But it takes a Congress being willing to step up to the plate and doing it. So far, we have not been willing to do that. We have been burying our head in the sand on that issue.

Another element in this proposal is a BRAC commission, a proposal from Senator BROWNBACK, which essentially looks at the whole Government, independent of the Defense Department, which was looked at under its own BRAC commission. And if you recall, it looked at the entire Defense Department and decided what the Defense Department needed and didn't need and set up a package and we voted on it as a package.

This is a ''BRAC Commission'' for the Government with very strong, thoughtful people being appointed to the Commission, the same way the BRAC Commission was set up relative to the Defense Department. We will be able to take a look at functions of the Government which maybe should be eliminated or reduced or significantly changed.

It is a good proposal. It is also a proposal that includes biennial budgeting—an idea that is strongly supported by the Senator from Alabama, Mr. SESSIONS, who is managing the bill on the floor right now, and the Senator

from New Mexico—so we can have a budget process where we are not always looking at the budget every year and everybody spinning their wheels around the budget but, rather, having a year where we develop a budget and a year where we do a lot more oversight. That is the theory behind that, so we can become more efficient.

Finally, it has reforms to what is known as the reconciliation process. The reconciliation process is the teeth under which we accomplish savings in the budget process. But it can also, unfortunately, be used for expanding spending if it is not handled properly. So these reforms make it clear that reconciliation is primarily for the purposes of controlling spending, not of expanding spending.

So the goal is simple. The goal is to put in place a package which will allow us as a Congress to step up and address the issue of overspending. That is why we call it SOS, ''stop overspending.'' The purpose of that goal is to be able to pass on to our children a government that is affordable, that continues to deliver the services people expect, continues to give high-quality services but does it in an affordable way so our children's quality of life is not overwhelmed by the burden of a government that is trying to support a retired generation that is huge.

Again, I must stress, that you cannot do this on the tax side. You cannot solve the issues of the deficit, you cannot solve the issues of entitlement concerns on the tax side. There is simply too much programmatic commitment in the pipeline to accomplish that.

Let me give you a couple numbers to highlight that fact. The General Accounting Office—the comptroller of the Government—has told us there is presently pending relative to entitlement responsibility for retired people an obligation which we don't know how we are going to pay for—that is called an unfunded liability—of $46 trillion; and that is ''trillion'' with a ''T.'' So that is $46 trillion of responsibility that we have put on the books in costs that we don't really know how we are going to pay for.

I don't know what $1 trillion is. It is very hard to comprehend $1 trillion. But just to put it in some sort of context, since the beginning of this country, since our Revolution, we have paid something like $43 trillion in taxes. So all the taxes paid since this country started would not pay for the bills we have on the books for our upcoming retired generation. Or to put it in another context, if you took all the assets owned in America today—all the cars, all the homes, all the stock, all the small businesses, all the big businesses—and totaled them up, their total is about $47 trillion in net value. So we have on the books a liability that is essentially the same as the net worth of our Nation. That is a serious problem, and you cannot deal with that problem by simply raising taxes.

The other side of the aisle has not put forward any substantive ideas in this area relative to spending. They have suggested a proposal called pay-go, which is a stalking-horse for tax increases. Fine. That is their position: We should raise taxes to address all problems. But we know from the numbers that are now coming in at the Treasury that we are already taxing Americans at a level which is at our historic level, our traditional level, and that revenues to the Federal Government are jumping significantly because of the good tax policies we have in place, the fair tax policies we have in place.

So we know you cannot solve this problem by continuing to raise taxes on the American people. The total tax burden to the American people today, including State, local, and Federal, is almost at a historic high. How much higher can you put that tax burden on the American people? No, you cannot do it on that side of the ledger. In fact, what we have proven is you generate more revenues by giving people an incentive to be productive and to go out and create jobs by having a fair and reasonable tax rate rather than jumping tax rates to the point where people have a disincentive to be productive and thus start to reduce revenues to the Federal Government.

That was proven by John Kennedy, confirmed by Ronald Reagan, and now confirmed again by George W. Bush. It should be accepted policy around here, but it is rejected by the other side of the aisle, which still subscribes to this 1930s philosophy of governance, which is that you can always raise taxes to meet any problem. No. The problem is that we need to be willing to step up and address spending.

This package, if it were to pass in its entirety—I hope the other side will not obstruct it coming to the floor. We hope to mark it up in Budget next week and report it out, and hope the other side will let us take it up. Let's have a free-flowing debate out here on the floor about how you address this issue.

The outyear threat to our children—which is a function of the fact there is a baby boom generation floating around here that is huge—is not going to go away and is going to demand significant services which will cost a dramatic amount of money.

Our proposal is comprehensive and extensive. It is a rebuilding, retooling approach toward how we manage this Congress and especially our budgets. It is a constructive approach, one that is committed toward delivering an affordable and effective government and a government that does not overburden our children and our grandchildren with taxes. So it will lead to a balanced budget, and it will lead to a government that is affordable.

I thank all my colleagues who have joined me in this effort, and I do hope we can move it forward.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. GREGG. Mr. President, I yield to the Senator from Alabama.

Mr. SESSIONS. First, I wish to say to any Americans listening and all our colleagues, when Chairman GREGG speaks about long-term financial challenges facing this Nation, we ought to listen. ''E.F. Hutton'' speaks. So our ''E.F. Hutton'' is speaking, and I could not be more proud of the package he has proposed because all of those proposals, in my view, are not only workable but they will work.

What we tend to do around here a lot is we propose packages and ideas, and the ones that pass will not actually work.

I say to Chairman GREGG, you had a chart that showed a declining deficit. Would you put that up? I just want to raise one point about it because it, perhaps, raises a misconception. It shows a reduction of the deficit and, in effect, a zero deficit. But you do not mean by that that to achieve that huge reduction in our current deficit, we have to cut spending; is that correct?

Mr. GREGG. No.

Mr. SESSIONS. Is it necessary we actually cut the current rate of spending to achieve that?

Mr. GREGG. Absolutely not. In fact, under most scenarios, the current rate of spending on almost all of these major programs—such as Medicare, Social Security, and Medicaid—would rise significantly; they just would not rise as fast. Medicare, for example, would probably, over this 5-year period, rise by about 40 percent, instead of 43 percent—something like that. Those are numbers off the top of my head, but those are the types of numbers we are talking about. You are talking about increased spending but at a slower rate and affordable.

Mr. SESSIONS. And even with this long-term 20-, 30-, 60-year projection of larger deficits, if we just contain the growth in the entitlement programs by a realistic amount, we could have a great impact on reducing those projected deficits; isn't that correct?

Mr. GREGG. Mr. President, the Senator from Alabama is absolutely right. We do not have to cut anywhere. All we have to do is slow the rate of growth so it is an affordable rate of growth because the compounding effect of slowing these rates of growth is huge.

Mr. SESSIONS. That is such an important answer.

Let me ask the Senator this.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. With regard to the growth of revenue to our Government—and you had a chart which showed that—as I recall, last year we showed over 14 percent growth, and with this year almost half gone, we are looking at in excess of 11 percent growth. That is after taxes have been cut. Is that correct?

Mr. GREGG. Mr. President, the Senator from Alabama is correct. The rate

of growth of revenues to the Federal Government last year was about 14 percent. This year, through the first 6 months, it was about 11 percent and continues to grow dramatically. That is a function of the fact that we now have a tax policy which encourages people to go out and take risks and create jobs, which creates revenue.

Mr. SESSIONS. I thank the Senator because he has given us optimism and hope that we can reduce this deficit, and he has shown us we can do this without slashing our social programs or any other spending but just contain the growth.

BY Mr. WYDEN (for himself, Mr. SMITH, Mr. CRAIG, and Mrs. MURRAY):

S. 3522. A bill to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2006 through 2012, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, I am pleased to be joined today by Senator GORDON SMITH, Senator LARRY CRAIG and Senator PATTY MURRAY in introducing the Fisheries Restoration and Irrigation Mitigation Act of 2006—or FRIMA. Our legislation extends a homegrown, commonsense program that has a proven track record in helping restore Northwestern salmon runs. Dollar-for-dollar, the fish screening and fish passage facilities funded by our legislation are among the most cost-effective uses of public and private restoration dollars. These projects protect fish while producing significant benefits. That is why it is important that this program be reauthorized and funding be appropriated now.

Since 2001, when the original Fisheries Restoration and Irrigation Mitigation Act of 2000, FRIMA, was enacted, more than $9 million in Federal funds has leveraged nearly $20 million in private, local funding. This money has been used to protect, enhance, and restore more than 550 river miles of important fish habitat and species throughout Oregon, Washington, Idaho, and western Montana. For decades, State, tribal and Federal fishery agencies in the Pacific Northwest have identified the screening of irrigation and other water diversions, and improved fish passage, as critically important for the survival of salmon and other fish populations.

This program is very popular and has the support of a wide range of constituents, including community leaders, environmental organizations, and agricultural producers. Senator SMITH and I are proud of the successful collaborative projects that irrigators and members of the Oregon Water Resources Congress have completed while putting this program to work in our home State. Our program also has the support of Oregon Governor Ted Kulongoski, irrigators throughout the Northwestern States, Oregon Trout, American Rivers and the National Audubon Society.

FRIMA authorizes the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features. It also authorizes inventories to provide the information needed for planning and making decisions about the survival and propagation of all Northwestern fish species. The program is currently carried out by the U.S. Fish and Wildlife Service on behalf of the Interior Secretary.

FRIMA provides benefits by: keeping fish out of places where they should not be—such as in an irrigation system; easing upstream and downstream fish passage; improving the protection, survival, and restoration of native fish species; helping avoid new endangered species listings by protecting and enhancing the fish populations not yet listed; making progress toward the delisting of listed species; utilizing a positive, win/win, public-private partnership; and, assisting in achieving both sustainable agriculture and fisheries. Since FRIMA's enactment in 2001, 103 projects have been installed. This is a true partnership and fine example of how our fisheries and farmers can work together to protect fish species throughout the Northwest.

While he was Governor of Idaho, Interior Secretary Dirk Kempthorne said, ''. . . the FRIMA program serves as an excellent example of government and private land owners working together to promote conservation. The screening of irrigation diversions plays a key role in Idaho's efforts to restore salmon populations while protecting rural economies.'' [from ''Fisheries Restoration and Irrigation Mitigation Programs, FY 2002–2004'', U.S. Fish & Wildlife Service, Washington, D.C., July, 2005, p. 13]

The bill that we are introducing today specifically extends the authorization for this program through 2012; gives priority to projects costing less than $2.5 million—a reduction in a targeted project's cost from $5,000,000 to $2,500,000; clarifies that projects funded under the act are viewed as recipients of a ''pass through program'' and not a ''grant'' program; that any Bonneville Power Administration, BPA, funds provided either directly or through a grant to another entity shall be considered non-Federal matching funds—because BPA's funding comes from ratepayers; requires an inventory report describing funded projects and their benefits; and changes the administrative expenses formula used by the Fish & Wildlife Service and the States of Oregon, Washington, Montana and Idaho, so that administrative costs are scaled in proportion to the amount of funds appropriated for the program each year.

Ultimately, it will take the combined efforts of all interests in our region to recover our salmon. State, Tribal and local governments, local watershed councils, private landowners and the Federal Government need to continue working together. Initiatives such as the bill I am introducing today help to sustain the partnerships upon which successful salmon recovery will be based.

I look forward to working with my colleagues to see this legislation pass.

I ask unanimous consent that the text of the bill and a letter of support from Oregon Governor Kulongoski be printed in the RECORD.

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

S. 3522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fisheries Restoration and Irrigation Mitigation Act of 2006''.

SEC. 2. PRIORITY PROJECTS; PARTICIPATION IN PROGRAM.

The Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) in section 3—

(A) in subsection (a), by inserting ''as a pass-through program'' before ''within the Department''; and

(B) in subsection (c)(3), by striking ''$5,000,000'' and inserting ''$2,500,000''; and

(2) in section 4, by striking subsection (b) and inserting the following:

''(b) NONREIMBURSABLE FEDERAL AND TRIBAL EXPENDITURES.—Development and implementation of projects under the Program on land or facilities owned by the United States or an Indian tribe shall be nonreimbursable expenditures.''.

SEC. 3. COST SHARING.

Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by striking ''The value'' and inserting the following:

''(1) IN GENERAL.—The value''; and

(2) by adding at the end the following:

''(2) BONNEVILLE POWER ADMINISTRATION.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.''.

SEC. 4. REPORT.

Section 9 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by inserting ''any'' before ''amounts are made''; and

(2) by inserting after ''Secretary shall'' the following: '', after partnering with local governmental entities and the States in the Pacific Ocean drainage area,''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) in subsection (a), by striking ''2001 through 2005'' and inserting ''2006 through 2012''; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) ADMINISTRATIVE EXPENSES.—

''(A) DEFINITION OF ADMINISTRATIVE EXPENSE.—In this paragraph, the term 'administrative expense' means any expenditure relating to—

''(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

''(ii) the review, processing, and provision of applications for funding under the Program.

''(B) LIMITATION.—

''(i) IN GENERAL.—Except as provided in subparagraph (C), a percentage of amounts up to 6 percent made available for each fiscal year, as determined under clause (ii), may be used for Federal (including tribal) and State administrative expenses of carrying out this Act.

''(ii) FORMULA.—For purposes of determining the percentage of administrative expenses to be made available under clause (i) for a fiscal year—

''(I) 1 percent shall be provided if less than $1,000,000 is made available to carry out the Program for the fiscal year;

''(II) 2 percent shall be provided if $1,000,000 or more, but less than $6,000,000, is made available to carry out the Program for the fiscal year;

''(III) 3 percent shall be provided if $6,000,000 or more, but less than $11,000,000, is made available to carry out the Program for the fiscal year;

''(IV) 4 percent shall be provided if $11,000,000 or more, but less than $15,000,000, is made available to carry out the Program for the fiscal year;

''(V) 5 percent shall be provided if $15,000,000 or more, but less than $21,000,000, is made available to carry out the Program for the fiscal year; and

''(VI) 6 percent shall be provided if $21,000,000 or more is made available to carry out the Program for the fiscal year.

''(iii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

''(I) 50 percent shall be provided to the Federal agencies (including Indian tribes) carrying out the Program; and

''(II) 50 percent shall be provided to the State agencies provided assistance under the Program.

''(iv) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

''(I) shall be divided evenly among all States provided assistance under the Program; and

''(II) on request of a project sponsor, may be used to provide technical support to the project sponsor.

''(C) TECHNICAL ASSISTANCE.—

''(i) IN GENERAL.—Amounts expended by the Secretary for the provision of technical assistance relating to the Program shall not be subject to the 6 percent limitation on administrative expenses under subparagraph (B)(i).

''(ii) INCLUSIONS.—For purposes of clause (i), expenditures for the provision of technical assistance include any staffing expenditures (including staff travel expenses) associated with—

''(I) arranging meetings to promote the Program to potential applicants;

''(II) assisting applicants with the preparation of applications for funding under the Program; and

''(III) visiting construction sites to provide technical assistance, if requested by the applicant.''.

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

JUNE 12, 2006.

Hon. PETE V. DOMENICI,
Chairman, Senate Energy and Natural Resources Committee.
Hon. JEFF BINGAMAN,
Ranking Member, Senate Energy and Natural Resources Committee,
Washington, DC.

DEAR SENATORS DOMENICI AND BINGAMAN: I write in support of the re-authorization of the Fisheries Restoration and Irrigation Mitigation Act (FRIMA). In addition, I support the funding level originally authorized by Congress of $25 million per year.

The Fisheries Restoration and Irrigation Mitigation Act is one of the most successful cost share programs in the Pacific Northwest, funding the installation of fish screens and ladders at irrigation diversions in Idaho, Montana, Oregon and Washington. Conservationists support it because it saves wild, migrating Endangered Species Act (ESA) listed fish such as Steelhead, Coho and Chinook salmon, as well as those produced in state and federal hatcheries. Irrigated agriculture supports the program both for its conservation effects and because it helps protect operators from possible federal enforcement actions resulting from take of ESA fish.

It is widely accepted that correcting fish barrier, diversion and screen problems is a very cost-effective investment. Each federal FRIMA dollar has been matched by $1.37 in state or local dollars. Participants have contributed a total of 58 percent toward the cost share—exceeding the legal requirement of 35 percent—and also pay 100 percent of project operation and maintenance costs. The FRIMA projects are completed quickly because existing state fish screening and passage programs are used to implement projects.

The program, which I have summarized for you in the enclosed fact sheet, has resulted in fish-friendly irrigation projects as well as increased spawning and rearing habitat. Since FRIMA's introduction in 2000, 103 projects have been installed, providing fish access to 553 miles of habitat upstream and screening a total volume of water at 1,572,757 gallons per minute. Healthy fish populations produce commercial and recreational fishing opportunities, which are essential to our coastal economies and rural communities that have often lost other industries in recent years.

Due to its popularity and success, there is a backlog of hundreds of potential FRIMA projects. To date, appropriations have averaged only $3 million per year, or $750,000 per state, per year. This amount has jump-started the process, but is inadequate given the magnitude of the available projects and the fish benefits they are designed to provide.

I urge you to increase funding to $25 million per year—the level originally authorized by Congress—so we can continue increasing fish populations, assisting irrigators in installing fish protection devices and bolstering local economies.

Sincerely,

THEODORE R. KULONGOSKI,
Governor.

FRIMA

Re-authorization Fact Sheet

Fisheries Restoration and Irrigation Mitigation Act 2000 (P.L. 106–502).

FRIMA is a highly popular and cost-effective voluntary fish screening and passage partnership program that benefits Idaho, western Montana, Oregon and Washington.

Why do fish need protection at water diversions?

Water diversions redirect water from streams and rivers so it can be used for crop irrigation, power, drinking water, and other beneficial purposes. Water diversions also block the normal migration of fish and pull fish into pumps, irrigation canals, and fields greatly reducing their survival.

Benefits of fish protection 98% of young salmon survive an encounter with a properly designed fish screen that meets accepted state and federal criteria. Fish protection devices benefit by: Keeping fish out of places where they should not be (like an irrigation system); providing safe upstream and downstream fish passage; improving the protection, survival, and restoration of native fish species; achieving both sustainable agriculture and sustainable fisheries.

How the program works

FRIMA is a 65%/35% cost share program requiring that grant recipients contribute at least 35% in non-federal matching funds. Projects must: Be associated with an irrigation, or other water diversion; benefits fish species native to the project area; have a local, state, tribal or federal government sponsor or co-applicant.

Successful cost share 2000–2005: 83 fish screens installed, screening 1,572,757 gallons of water per minute; 20 fishways installed, opening 553 miles of habitat to fish; $1 in FRIMA funds leverage $1.37 in state/local funds; participants have contributed 58% in cost share, which is much more than the required 35%.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 3523. A bill to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation that enhances the innocent spouse equitable relief provision of the Internal Revenue Code. Through only minor legislative modifications, this bill clarifies the statute's original intent, affording innocent spouses the necessary recourse to ensure their cases and circumstances are given a fair hearing.

According to section 6015(f) of the Internal Revenue Code, the IRS may relieve an innocent spouse of liability for unpaid taxes generated through the filing of a joint tax return if ''taking into account all the facts and circumstances'' it would be inequitable to hold the spouse responsible.

Little recourse exists, however, to prevent the IRS from seizing assets or garnishing wages if a petition for innocent spouse equitable relief is not approved.

Recent decisions of the Eighth and Ninth Circuit Courts of Appeals have denied the Tax Court jurisdiction over petitions for equitable relief under the Innocent Spouse Statute. Consequently, there is no mechanism for review or appeal of these IRS decisions.

The story of one of my constituents provides a stunning example of the problem.

The IRS seized all of her husband's income to pay a tax liability incurred 20 years earlier, before they were married. Because the IRS seized the entirety of the income, the taxes on the income remained unpaid.

When her husband died, the IRS pursued the innocent spouse for the taxes

on her husband's income. She was forced to sell her family home and all property owned jointly with her husband. My constituent is employed, but due to financial hardship she must live with friends. Even so, the IRS may have her wages garnished along with funds set aside for her in trust by a probate court.

Because the Tax Court does not have jurisdiction to review claims for innocent spouse equitable relief, my constituent can do little to prevent the IRS from seizing what remains.

The aim of this legislation is to provide an avenue through which innocent spouse equitable relief decisions may be appealed, if originally denied by the IRS.

This bill: expressly provides that the Tax Court has jurisdiction to review the denial of equitable innocent spouse relief under Internal Revenue Code section 6015(f); and suspends IRS collection activity while a request for relief under Internal Revenue Code section 6015(f) is pending.

I believe that my proposal would provide a straightforward and uncontroversial solution to the unfair treatment of innocent spouses under current law. Moreover, without this bill, an increasing number of innocent spouse equitable relief appeals will remain in limbo—pending, with no method for consideration.

When this body enhanced innocent spouse protections—through passage of the 1998 Internal Revenue Service Restructuring and Reform Act—the goal was to modernize, simplify, and streamline the cumbersome process of seeking relief from liabilities of tax, interest, and related penalties.

Unfortunately, the conference report on the 1998 act included vague language, which ultimately has left innocent spouses with no avenue for appeal.

It is worth noting that the IRS grants fewer than three in 10 requests for innocent spouse relief. This bill in no way guarantees relief, but rather fixes the broken appeals process for these IRS decisions.

I urge my colleagues to support this small change that will have a profound effect on the lives of many innocent spouses—mostly women—who deserve their day in court.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX COURT REVIEW OF REQUESTS FOR EQUITABLE INNOCENT SPOUSE RELIEF.

(a) IN GENERAL.—Paragraph (1) of section 6015(e) of the Internal Revenue Code of 1986 (relating to petition for tax court review) is amended by inserting ''or in the case of an individual who requests equitable relief under subsection (f)'' after ''who elects to have subsection (b) or (c) apply''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6015(e)(1)(A)(i)(II) of the Internal Revenue Code of 1986 is amended by inserting ''or request is made'' after ''election is filed''.

(2) Section 6015(e)(1)(B)(i) of such Code is amended—

(A) by inserting ''or requesting equitable relief under subsection (f)'' after ''making an election under subsection (b) or (c)'', and

(B) by inserting ''or request'' after ''to which such election''.

(3) Section 6015(e)(1)(B)(ii) of such Code is amended by inserting ''or to which the request under subsection (f) relates'' after ''to which the election under subsection (b) or (c) relates''.

(4) Section 6015(e)(4) of such Code is amended by inserting ''or the request for equitable relief under subsection (f)'' after ''the election under subsection (b) or (c)''.

(5) Section 6015(e)(5) of such Code is amended by inserting ''or who requests equitable relief under subsection (f)'' after ''who elects the application of subsection (b) or (c)''.

(6) Section 6015(g)(2) of such Code is amended by inserting ''or of any request for equitable relief under subsection (f)'' after ''any election under subsection (b) or (c)''.

(7) Section 6015(h)(2) of such Code is amended by inserting ''or a request for equitable relief made under subsection (f)'' after ''with respect to an election made under subsection (b) or (c)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests for equitable relief under section 6015(f) of the Internal Revenue Code of 1986 with respect to liability for taxes which are unpaid after the date of the enactment of this Act.

Mr. KYL. Mr. President, I am pleased to join my colleague from California, Senator FEINSTEIN, in introducing legislation to clarify the jurisdiction of the U.S. Tax Court in cases involving ''equitable relief'' for innocent spouse claims.

In general, spouses who sign joint tax returns are held jointly and severally liable for taxes owed on such returns. An individual may be relieved from such liability if she meets the ''innocent spouse'' test set forth in section 6015 of the Internal Revenue Code. The current standards were put in place by the IRS Restructuring and Reform Act of 1998.

An article published in the New York Times in late 1999 notes that the number of innocent spouse applications increased sharply after the 1998 law and that as many as 90 percent of the people filing innocent spouse applications are women. Clearly, the 1998 law opened an important avenue for exspouses to challenge unexpected tax bills they received after their former spouses cheated on their taxes without the knowledge of the ''innocent'' spouse.

Unfortunately, the 1998 law also left uncertain the Tax Court's jurisdiction to hear appeals from denials of ''equitable relief.'' The Treasury Secretary is authorized to grant equitable relief if a taxpayer does not meet any of the statutorily specified qualifications for being an innocent spouse. But while the Tax Court was given jurisdiction to hear appeals under those specific avenues spelled out in the Code, the Code is silent on whether the Tax Court can hear appeals based on the Treasury Secretary's equitable relief authority. Recent decisions by the Eight and Ninth Circuit Courts of Appeals have held that the Tax Court lacks jurisdiction to hear petitions for innocent spouse equitable relief.

The legislation Senator FEINSTEIN and I have introduced makes clear that the Tax Court has jurisdiction to hear appeals of decisions denying equitable relief. The National Taxpayer Advocate has recommended that Congress pass this legislation, and I am hopeful that we can move this important bill through the Finance Committee in very short order.

By Mr. MCCAIN:

S. 3526. A bill to amend the Indian Land Consolidation Act to modify certain requirements under that Act; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I am introducing today a bill to amend various provisions of the Indian Land Consolidation Act, ILCA. Some of these amendments are of a technical or clarifying nature; others have the effect of delaying the effective date of certain provisions of the Indian Probate Code set forth in ILCA section 207.

Section 1 of the bill clarifies the meaning of certain defined terms used in ILCA—''trust or restricted interest land'' and ''land''—and also delays the application of the act's probate code to permanent improvements located on Indian trust lands until after July 20, 2007. This delay will provide additional time to analyze how the probate code should apply to permanent improvements and determine whether further amendments are needed. The definition of land is amended to clarify that a decedent's interest in such improvements is included in the term ''land'' only for purposes of intestate succession under ILCA section 207(a) and even then only when the improvements are located on a parcel of trust or restricted land that is itself included in the decedent's estate. Thus, ''land'' would not include a decedent's interest in permanent improvements located on tribal trust land or for that matter on individually owned trust land if the underlying parcel of land is not itself part of the decedent's estate.

Section 2 of the bill also amends the ''single heir rule'' of ILCA section 207(a)(2)(D)—which governs the inheritance of interests that are less than 5 percent of the total undivided interest in a parcel of land—by making it inapplicable to any interest in the estate of a decedent who dies during the period beginning on the enactment date of the clause and ending on July 20, 2007, and authorizing the Secretary of Interior to extend this period for up to 1 year.

The bill would also delay until July 21, 2007, the application of the presumption in ILCA section 207(c) that a devise of a trust interest to more than 1 person creates a joint tenancy absent clear language in the will to the contrary. It would amend ILCA section

207(o), which authorizes purchase of interests during probate, in various ways, but most significantly limiting nonconsensual purchases to the Secretary and the Indian tribe; clarifying that the 5 percent threshold applies to the decedent's interest rather than to the interest passing to an heir; and holding the rule allowing nonconsensual purchase at probate of small interests inapplicable to interests in the estate of any decedent who dies on or before July 20, 2007. This section would also authorize the Secretary to extend this period for up to 1 additional year.

The amendments delaying the application of these provisions will give Indian landowners more time to understand how these provisions work and plan their estates accordingly. The delays of the single heir rule and nonconsensual purchase option at probate will also allow the Department more time to have procedures and systems in place to determine whether a given interest is above or below the 5 percent threshold that triggers the application of the rules.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Land Consolidation Act Amendments of 2006''.

SEC. 2. DEFINITIONS.

Section 202 of the Indian Land Consolidation Act (25 U.S.C. 2201) is amended—

(1) in paragraph (4)—

(A) by inserting ''(i)'' after ''(4)'';

(B) by striking '' 'trust or restricted interest in land' or'' and inserting the following:

''(ii) 'trust or restricted interest in land' or''; and

(C) in clause (ii) (as designated by subparagraph (B)), by striking ''an interest in land, title to which'' and inserting ''an interest in land, the title to which interest''; and

(2) by striking paragraph (7) and inserting the following:

''(7) the term 'land'—

''(A) means any real property; and

''(B) for purposes of intestate succession only under section 207(a), includes, with respect to any decedent who dies after July 20, 2007, the interest of the decedent in any improvements permanently affixed to a parcel of trust or restricted lands (subject to any valid mortgage or other interest in such an improvement) that was owned in whole or in part by the decedent immediately prior to the death of the decedent;''.

SEC. 3. DESCENT AND DISTRIBUTION.

Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended—

(1) in subsection (a)(2)(D)—

(A) in clause (i), by striking ''clauses (ii) through (iv)'' and inserting ''clauses (ii) through (v)''; and

(B) by striking clause (v) and inserting the following:

''(v) EFFECT OF PARAGRAPH; NONAPPLICABILITY TO CERTAIN INTERESTS.—Nothing in this paragraph—

''(I) limits the right of any person to devise any trust or restricted interest pursuant to a valid will in accordance with subsection (b); or

''(II) applies to any interest in the estate of a decedent who died during the period beginning on the date of enactment of this subclause and ending on July 20, 2007 (or the last day of any applicable period of extension authorized by the Secretary under clause (vi)).

''(vi) AUTHORITY TO EXTEND PERIOD OF NONAPPLICABILITY.—The Secretary may extend the period of nonapplicability under clause (v)(II) for not longer than 1 year if, by not later than July 2, 2007, the Secretary publishes in the Federal Register a notice of the extension.'';

(2) in subsection (c)(2), by striking ''the date that is'' and all that follows through the period at the end and inserting the following: ''July 21, 2007.''; and

(3) in subsection (o)—

(A) in paragraph (3)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting the clauses appropriately;

(ii) by striking ''(3)'' and all that follows through ''No sale'' and inserting the following:

''(3) REQUEST TO PURCHASE; CONSENT REQUIREMENTS; MULTIPLE REQUESTS TO PURCHASE.—

''(A) IN GENERAL.—No sale''; and

(iii) by striking the last sentence and inserting the following:

''(B) MULTIPLE REQUESTS TO PURCHASE.—Except for interests purchased pursuant to paragraph (5), if the Secretary receives a request with respect to an interest from more than 1 eligible purchaser under paragraph (2), the Secretary shall sell the interest to the eligible purchaser that is selected by the applicable heir, devisee, or surviving spouse.'';

(B) in paragraph (4)—

(i) in subparagraph (A), by adding ''and'' at the end;

(ii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (C); and

(C) in paragraph (5)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''auction and'';

(II) in clause (i), by striking ''and'' at the end;

(III) in clause (ii)—

(aa) by striking ''auction'' and inserting ''sale'';

(bb) by striking ''the interest passing to such heir represents'' and inserting '', at the time of death of the applicable decedent, the interest of the decedent in the land represented''; and

(cc) by striking the period at the end and inserting ''; and''; and

(IV) by adding at the end the following:

''(iii)(I) the Secretary is purchasing the interest as part of the program authorized under section 213(a)(1); or

''(II) after receiving a notice under paragraph (4)(B), the Indian tribe with jurisdiction over the interest is proposing to purchase the interest from an heir that is not a member, and is not eligible to become a member, of that Indian tribe.'';

(ii) in subparagraph (B)—

(I) by striking ''(B)'' and all that follows through ''such heir'' and inserting the following:

''(B) EXCEPTION; NONAPPLICABILITY TO CERTAIN INTERESTS.—

''(i) EXCEPTION.—Notwithstanding subparagraph (A), the consent of the heir or surviving spouse'';

(II) in clause (i), by inserting ''or surviving spouse'' before ''was residing''; and

(III) by adding at the end the following:

''(ii) NONAPPLICABILITY TO CERTAIN INTERESTS.—Subparagraph (A) shall not apply to any interest in the estate of a decedent who dies on or before July 20, 2007 (or the last day of any applicable period of extension authorized by the Secretary under subparagraph (C)).''; and

(iii) by adding at the end the following:

''(C) AUTHORITY TO EXTEND PERIOD OF NONAPPLICABILITY.—The Secretary may extend the period of nonapplicability under subparagraph (B)(ii) for not longer than 1 year if, by not later than July 2, 2007, the Secretary publishes in the Federal Register a notice of the extension.''.

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

S. 3527. A bill to require the Under Secretary of Technology of the Department of Commerce to establish an Advanced Multidisciplinary Computing Software Institute; to the Committee on Commerce, Science, and Transportation.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Blue Collar Computing and Business Assistance Act of 2006''.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) Computational science, the use of advanced computing capabilities to understand and solve complex problems, including the development of new products and processes, is now critical to scientific leadership, economic competitiveness, and national security.

(2) Advances in computational science and high performance computing provide a competitive advantage because they allow businesses to run faster simulations of complex systems or to develop more precise computer models.

(3) The Federal Government is one of the investors in research aimed at the development of new computational science and high-performance computing capabilities.

(4) As determined by the Council on Competitiveness, the Nation's small businesses and manufacturers must ''Out Compute to Out Compete''. However, new computational science technologies are not being transferred effectively from the research organizations to small businesses and manufacturers.

(5) Small businesses and manufacturers are especially well-positioned to benefit from increased availability and utilization of high-performance computing technologies and software.

(6) Current cost and technology barriers associated with high-performance computing and software algorithms often inhibit small businesses and manufacturers from successfully making use of these technologies.

(7) The establishment of an advanced multidisciplinary computing software institute will help make existing high performance computing resources more accessible to small businesses and manufacturers. This will create new opportunities for economic growth, jobs, and product development.

(b) PURPOSE.—The purpose of this Act is to provide grants for the creation of an Advanced Multidisciplinary Computing Software Institute that will—

(1) develop and compile high-performance computing software and algorithms suitable for applications in small business and manufacturing;

(2) effectively carry out the transfer of new computational science and high-performance computing technologies to small businesses and manufacturers; and

(3) actively assist small businesses and manufacturers in utilizing such technologies.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVANCED MULTIDISCIPLINARY COMPUTING SOFTWARE CENTER; CENTER.—The term ''Advanced Multidisciplinary Computing Software Center'' or ''Center'' is a center created by an eligible entity with a grant awarded under section 4.

(2) ADVANCED MULTIDISCIPLINARY COMPUTING SOFTWARE INSTITUTE.—The term ''Advanced Multidisciplinary Computing Software Institute'' means a network of up to 5 Advanced Multidisciplinary Computing Software Centers located throughout the United States.

(3) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means any organization if such organization is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from tax under section 501(a) of such Code.

(4) SMALL BUSINESS OR MANUFACTURER.—The term ''small business or manufacturer'' means a small business concern as that term is defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a)), including a small manufacturing concern.

(5) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Technology of the Department of Commerce.

SEC. 4. GRANTS.

(a) IN GENERAL.—The Under Secretary of Technology of the Department of Commerce shall award grants to establish up to 5 Advanced Multidisciplinary Computing Software Centers at eligible entities throughout the United States. Each Center shall—

(1) conduct general outreach to small businesses and manufacturers in all industry sectors within a geographic region assigned by the Under Secretary; and

(2) conduct technology transfer, development, and utilization programs relating to a specific industry sector, for all firms in that sector nationwide, as assigned by the Under Secretary.

(b) ELIGIBLE ENTITIES.—For the purposes of this section, an eligible entity is any—

(1) nonprofit organization;

(2) consortia of nonprofit organizations; or

(3) partnership between a for-profit and a nonprofit organization.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible entity that desires to receive a grant under this Act shall submit an application to the Under Secretary, at such time, in such manner, and accompanied by such additional information as the Under Secretary may reasonably require.

(2) PUBLICATION IN FEDERAL REGISTER.—The Under Secretary shall publish the requirements described in paragraph (1) in the Federal Register no later than 6 months after the date of the enactment of this Act.

(3) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include the following:

(A) An application that conforms to the requirements set by the Under Secretary under paragraph (1).

(B) A proposal for the allocation of the legal rights associated with any invention that may result from the activities of the proposed Center.

(4) SELECTION CRITERIA.—Each application submitted under paragraph (1) shall be evaluated by the Under Secretary on the basis of merit review. In carrying out this merit review process, the Under Secretary shall consider—

(A) the extent to which the eligible entity—

(i) has a partnership with nonprofit organizations, businesses, software vendors, and academia recognized for relevant expertise in their selected industry sector;

(ii) makes use of State-funded academic supercomputing centers and universities or colleges with expertise in the computational needs of the industry assigned to the eligible entity under subsection (a)(1);

(iii) has a history of working with businesses;

(iv) has experience providing educational programs aimed at helping organizations adopt the use of high-performance computing and computational science;

(v) has partnerships with education or training organizations that can help educate future workers on the application of computational science to industry needs;

(vi) is accessible to businesses, academia, incubators, or other economic development organizations via high-speed networks; and

(vii) is capable of partnering with small businesses and manufacturers for the purpose of enhancing the ability of such entities to compete in the global marketplace;

(B) the ability of the eligible entity to enter successfully into collaborative agreements with small businesses and manufacturers in order to experiment with new high performance computing and computational science technologies; and

(C) such other factors as identified by the Under Secretary.

(d) AMOUNT.—A grant awarded under this section shall not exceed $5,000,000 for any year of the grant period.

(e) DURATION.—

(1) IN GENERAL.—Except for a renewal under paragraph (2), the duration of any grant awarded under subsection (a) may not exceed 5 years.

(2) RENEWAL.—Any grant awarded under subsection (a) may be renewed at the discretion of the Under Secretary.

(f) MATCHING REQUIREMENT.—

(1) IN GENERAL.—An eligible entity that receives a grant under subsection (a) shall provide at least 50 percent of the capital and annual operating and maintenance funds required to create and maintain a Center.

(2) FUNDING FROM OTHER FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCIES.—The funds provided by the eligible entity under paragraph (1) may consist of amounts received by the eligible entity from a Federal department or agency, other than the Department of Commerce, or a State or local government agency.

(g) LIMITATION ON ADMINISTRATIVE EXPENSES.—The Under Secretary may establish a reasonable limitation on the portion of each grant awarded under subsection (a) that may be used for administrative expenses or other overhead costs.

(h) FEES AND ALTERNATIVE FUNDING SOURCES AUTHORIZED.—

(1) IN GENERAL.—A Center established pursuant to this Act may, according to regulations established by the Under Secretary—

(A) collect a nominal fee from a small business or manufacturer for a service provided pursuant to this Act, if such fee is utilized for the budget and operation of the Center; and

(B) accept funds from any other Federal department or agency for the purpose of covering capital costs or operating budget expenses.

(2) CONDITION.—Any Center that is supported with funds that originally came from a Federal department or agency, other than the Department of Commerce, may be selected, and if selected shall be operated, according to the provisions of this section.

SEC. 5. USE OF FUNDS.

An eligible entity that receives a grant under section 4(a) shall use the funds for the benefit of businesses in the industry sector designated by the Under Secretary under such subsection, and the eligible entity shall use such funds to—

(1) create a repository of nonclassified, nonproprietary new and existing federally-funded software and algorithms;

(2) test and validate software in the repository;

(3) determine when and how the industry sector it serves could benefit from resources in the repository;

(4) work with software vendors to commercialize repository software and algorithms from the repository;

(5) make software available to small businesses and manufacturers where it has not been commercialized by a software vendor;

(6) help software vendors, small businesses, and manufacturers test or utilize the software on high-performance computing systems; and

(7) maintain a research and outreach team that will work with small businesses and manufacturers to aid in the identification of software or computational science techniques which can be used to solve challenging problems, or meet contemporary business needs of such organizations.

SEC. 6. REPORTS AND EVALUATIONS.

(a) REPORT.—Each eligible entity who receives a grant under section 4(a) shall submit to the Under Secretary on an annual basis, a report describing the goals of the Center established by the eligible entity and the progress the eligible entity has achieved towards meeting the purposes of this Act.

(b) EVALUATION.—The Under Secretary shall establish a peer review committee, consisting of representatives from industry and academia, to review the goals and progress made by each Center during the grant period.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $25,000,000 for each of the fiscal years 2007, 2008, 2009, 2010, and 2011 to carry out the provisions of this Act.

(b) AVAILABILITY.—Funds provided for the establishment and operation of Centers under this Act shall remain available until expended.

Mr. KOHL. Mr. President, the manufacturing sector is under siege from cheap imports, unfair trade agreements, and escalating heath care and energy costs. Instead of working to alleviate this burden, the Bush administration has turned its back on manufacturing; focusing instead on tax cuts for the rich and their heirs. Indeed, the administration has slashed funding for the Manufacturing Extension Partnership, MEP, and the Advanced Technology Program, ATP, in this year's budget. MEP helps manufacturers streamline operations, integrate new technologies, shorten production times, and lower costs. ATP provides grants to support research and development of high risk, cutting edge technologies. Both MEP and ATP help manufacturers survive and compete with countries like China.

I today offer, with Senator DEWINE, some more help for beleaguered manufacturers. The Blue Collar Computing and Business Assistance Act of 2006 was

drafted from recommendations made by the Council on Competitiveness regarding high performance computing. The legislation would provide grants for the creation of five Advanced Computing Software Centers throughout the United States that would transfer high performance computing technologies to small businesses and manufacturers.

High Performance Computing will allow manufacturers to visualize and simulate parts and products before they can be created which will cut the time and cost required to experiment with new materials. General Motors, for example, uses high performance computing to simulate collisions, saving millions of dollars in development costs and substantially shortening design cycle times.

Presently, only large companies like GM have the resources to reap the benefits of high performance computing. This bill would provide grants to small and medium manufacturers to implement this technology and create new opportunities for economic growth, job creation and product development and allow manufacturers and businesses to harness the full potential of high performance computing.

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

S. 3529. A bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today with my good friend Senator DURBIN to introduce the Mom's Opportunity to Access Help, Education, Research, and Support for Postpartum Depression, MOTHERS, Act. Senator DURBIN has been and continues to be a leader on this issue and I am grateful for the opportunity to work with him on this important legislation. I would also like to recognize Representative RUSH, who has been a champion for women battling postpartum depression, PPD, in the House for many years. I am proud to say that his bill, The Melanie Stokes Postpartum Depression Research and Care Act, shares the same goals as the legislation I am introducing today.

In the United States, 10 to 20 percent of women suffer from a disabling and often undiagnosed condition known as postpartum depression. Unfortunately, many women are unaware of this condition and often do not receive the treatment they need. That is why I am introducing the MOTHERS Act, so that women no longer have to suffer in silence and feel alone when faced with this difficult condition.

Recently, the great State of New Jersey passed a first-of-its-kind law requiring doctors and nurses to educate expectant mothers and their families about postpartum depression. This bill was introduced in the State legislature by State Senate President Richard Codey. The attention Senator Codey and his wife, Mary Jo Codey—who personally battled postpartum depression—have brought to the issue is remarkable. Brooke Shields, a graduate of Princeton University, has also shared her struggle with postpartum depression publicly and should be commended for her efforts to bring awareness to this condition. Postpartum depression affects women all across the country, not just in New Jersey, and that is why I believe the MOTHERS Act is so important.

In America, 80 percent of women experience some level of depression after childbirth. This is what people often refer to as the ''baby blues.'' However, each year, there are between 400,000 and 800,000 women across America who suffer from postpartum depression, a much more serious condition. These mothers often experience signs of depression and may lose interest in friends and family, feel overwhelming sadness or even have thoughts of harming their baby or harming themselves. People often assume that these feelings are simply the ''baby blues,'' but the reality is much worse. Postpartum depression is a serious and disabling condition and new mothers deserve to be given information and resources on this condition so, if needed, they can get the appropriate help.

The good news is that treatment is available. Many women have successfully recovered from postpartum depression with the help of therapy, medication, and support groups. However, mothers and their families must be educated so that they understand what might occur after the birth of their child and when to get help. The legislation I am introducing today will require doctors and nurses to educate every new mother and their families about postpartum depression before they leave the hospital and offer the opportunity for new mothers to be screened for postpartum depression symptoms during the first year of postnatal check-up visits. It also provides social services to new mothers and their families who are suffering and struggling with postpartum depression. By increasing education and early treatment of postpartum depression, mothers, husbands, and families will be able to recognize the symptoms of this condition and help new mothers get the treatment they need and deserve.

The MOTHERS Act has another important component. While we continue to educate and help the mothers of today, we must also be prepared to help future moms. By increasing funding for research on postpartum conditions at the National Institutes of Health, we can begin to unravel the mystery behind this difficult to understand illness. The more we know about the causes and etiology of postpartum depression, the more tools we have to treat and prevent this heartbreaking condition.

We must attack postpartum depression on all fronts with education, screening, support, and research so that new moms can feel supported and safe rather than scared and alone. Many new mothers sacrifice anything and everything to provide feelings of security and safety to their innocent, newborn child. It is our duty to provide the same level of security, safety and support to new mothers in need.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 513—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE THE WEEK BEGINNING SEPTEMBER 10, 2006, AS ''NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK''

Mr. GRAHAM (for himself, Mr. BROWNBACK, Mr. KERRY, Ms. MIKULSKI, Mr. DEWINE, Mr. DEMINT, Mr. TALENT, Mr. ISAKSON, Mr. OBAMA, Mr. VOINOVICH, Ms. LANDRIEU, Mr. SANTORUM, Mr. DODD, Mr. LOTT, Mr. DURBIN, Mr. CHAMBLISS, Mr. BAYH, Mr. SPECTER, Mr. ALLEN, Mr. BURR, Mr. MCCAIN, Mr. COCHRAN, Mr. BIDEN, Mrs. HUTCHISON, and Mrs. DOLE) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions.

S. RES. 513

Whereas there are 103 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week beginning September 10, 2006, as ''National Historically Black Colleges and Universities Week''.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning September 10, 2006, as ''National Historically Black Colleges and Universities Week''; and

(2) calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

SENATE CONCURRENT RESOLUTION 102—CONDEMNING THE DECISION BY THE CITY OF ST. DENIS, FRANCE, TO NAME A STREET IN HONOR OF MUMIA ABU-JAMAL, THE CONVICTED MURDERER OF PHILADELPHIA POLICE OFFICER DANNY FAULKNER

Mr. SANTORUM submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 102

Whereas on the night of December 9, 1981, Police Officer Danny Faulkner was shot and killed in cold blood during a traffic stop in Philadelphia, Pennsylvania;

Whereas in the process of arresting the driver of a car traveling the wrong way down a one-way street, the driver's brother appeared from across the street and proceeded to open fire on Officer Faulkner while his back was turned away;

Whereas the driver's brother was identified as Mumia Abu-Jamal;

Whereas Mumia Abu-Jamal shot Officer Faulkner 4 times in the back;

Whereas, although seriously injured, Officer Faulkner returned fire, striking his attacker;

Whereas Mumia Abu-Jamal was undeterred and stood over Officer Faulkner and shot him in the face, mortally wounding him;

Whereas Mumia Abu-Jamal attempted to flee, but collapsed several feet from the slain Officer Faulkner, murder weapon in hand;

Whereas Mumia Abu-Jamal was charged and convicted of first degree murder by a jury of his peers;

Whereas Mumia Abu-Jamal has had numerous legal appeals, including appeals to the Pennsylvania State Supreme Court and the United States Supreme Court, and his conviction has been upheld each time;

Whereas, on April 29, 2006, the municipal government of St. Denis, a suburb of Paris, dedicated a street in the honor of Mumia Abu-Jamal; and

Whereas the official recognition and celebration of a convicted murderer of a police officer of the United States is an affront to law enforcement officers across the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the murder of Philadelphia Police Officer Danny Faulkner;

(2) urges the municipal government of St. Denis to take immediate action to change the name of Rue Mumia Abu-Jamal and, if such action is not taken by the municipal government of St. Denis, urges the Government of France to take appropriate action against the city of St. Denis to change the name of Rue Mumia Abu-Jamal; and

(3) commends all police officers in the United States and throughout the world for their commitment to public service and public safety.

Mr. SANTORUM. Mr. President, I rise today to submit a resolution to condemn an action that I find terribly appalling. On April 29, 2006, the municipal government of St. Denis, France, named a street in honor of Mumia Abu-Jamal, the convicted killer of Philadelphia Police Officer Danny Faulkner. Representative FITZPATRICK has introduced a similar resolution in the House of Representatives.

On the morning of December 9, 1981, Officer Danny Faulkner, a 5 year veteran of the Philadelphia Police Department, made a traffic stop at Locust Street near Twelfth Street. The car stopped by Officer Faulkner was driven by William Cook who was driving the wrong way down a one way street. William Cook's brother, Mumia Abu-Jamal, was across the street. As Faulkner attempted to handcuff William Cook, Abu-Jamal ran from across the street and shot the officer in the back. Faulkner was able to fire one shot that struck Abu-Jamal in the chest; the wounded officer then fell to the pavement. Mumia Abu-Jamal stood over the officer and shot him four more times at close range, including one directly in the face. Abu-Jamal was found at the scene of the shooting by officers who arrived there within seconds.

Official ballistics tests on the fatal bullet confirmed that Officer Faulkner was killed by a bullet identical in type, brand, and caliber to the bullet found in Abu-Jamal's gun. Witnesses to the brutal slaying identified Abu-Jamal as the killer both at the scene and during his trial. In July 1982, Mumia Abu-Jamal was convicted of murdering Officer Danny Faulkner and was sentenced to death. Abu-Jamal has had numerous legal appeals, including to the PA State Supreme Court and the U.S. Supreme Court, and his conviction has been upheld each time.

I am outraged that the municipal government of St. Denis, France would make such a thoughtless and insensitive decision as to name a street after the murderer of a Philadelphia police officer. This is a monumental insult to the memory of Danny Faulkner, to his family, and to the courageous men and women who put on a police uniform every day to protect our communities. Officer Danny Faulkner gave his life to keep our nation's streets safe. St. Denis lawmakers have made the chilling decision of choosing to support a cold-blooded killer over a police officer who made the ultimate sacrifice.

I hope my Senate colleagues will join me in condemning the murder of Officer Faulkner, and urging the municipal government of St. Denis to take immediate action to change the name of ''Rue Mumia Abu-Jamal.'' If such action is not taken, this resolution urges the French Government to take appropriate action against the city of St. Denis to change the name of the street. Finally, this resolution appropriately commends all police officers for their commitment to public service and public safety. I urge my colleagues to support this important resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4253. Mr. DURBIN (for himself, Ms. COLLINS, Mr. INOUYE, Ms. MIKULSKI, Mr. OBAMA, Mr. REED, Mr. MENENDEZ, Mr. INHOFE, and Ms. MURKOWSKI) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SA 4254. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4255. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4256. Mr. FEINGOLD (for himself, Mr. LEVIN, and Mr . LEAHY) proposed an amendment to the bill S. 2766, supra.

SA 4257. Mr. BIDEN (for himself, Mr. HAGEL, Mr. DODD, Mr. LEVIN, Mr. KERRY, and Mrs. FEINSTEIN) proposed an amendment to the bill S. 2766, supra .

SA 4258. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4259. Ms. STABENOW (for herself and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4260. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4261. Mr. CHAMBLISS (for himself, Mr. HATCH, Mr. ISAKSON, Mr. INHOFE, Mr. LIEBERMAN, Mr. CORNYN, Mr. THUNE, Mr. BENNETT, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4262. Mr. FEINGOLD (for himself, Mr. OBAMA, Mrs. MURRAY, Mr. KENNEDY, and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4263. Mr. FEINGOLD (for himself, Mr. OBAMA, Mrs. MURRAY, Mr. KENNEDY, and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4264. Mrs. CLINTON (for herself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4265. Mr. NELSON, of Florida (for himself, Mr. MENENDEZ, and Ms. MIKULSKI) proposed an amendment to the bill S. 2766, supra.

SA 4266. Mr. HARKIN (for himself, Mr. JOHNSON, Mr. GRASSLEY, Mr. DURBIN, Mr. DORGAN, Mr. KERRY, Mr. KENNEDY, Mr. WYDEN, Mr. LAUTENBERG, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4267. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4268. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4269. Mr. MCCONNELL proposed an amendment to amendment SA 4265 proposed by Mr. NELSON of Florida (for himself, Mr. MENENDEZ , and Ms. MIKULSKI) to the bill S. 2766, supra.

SA 4270. Mr. BURNS (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4271. Mr. BOND (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4272. Mr. MCCONNELL proposed an amendment to the bill S. 2766, supra.

SA 4273. Mrs. CLINTON (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill S.

2766, supra; which was ordered to lie on the table.

SA 4274. Mr. CONRAD (for himself, Mr. BAUCUS, Mr. BENNETT, Mr. DORGAN, Mr. ENZI, Mr. HATCH, Mr. SALAZAR, and Mr. THOMAS) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4275. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4276. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4277. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4278. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4279. Mr. WARNER (for himself, Mr. LEVIN, Mr. ALLARD, and Mr. SALAZAR) proposed an amendment to the bill S. 2766, supra.

SA 4280. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4281. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4282. Mr. WARNER (for himself, Mr. CRAIG, and Mr. GRAHAM) proposed an amendment to the bill S. 2766, supra.

SA 4283. Mr. LEVIN (for Mrs. CLINTON (for herself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2766, supra.

SA 4284. Mr. WARNER (for Mr. INHOFE (for himself, Mr. WARNER, and Mr. CORNYN)) proposed an amendment to the bill S. 2766, supra.

SA 4285. Mr. WARNER (for Mr. LUGAR) proposed an amendment to the bill S. 2766, supra.

SA 4286. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4287. Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 2766, supra.

SA 4288. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4289. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4290. Mr. GRAHAM (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4291. Mr. FRIST (for Mr. BIDEN) proposed an amendment to the concurrent resolution H. Con. Res. 409, commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand.

TEXT OF AMENDMENTS

SA 4253. Mr. DURBIN (for himself, Ms. COLLINS, Mr. INOUYE, Ms. MIKULSKI, Mr. OBAMA, Mr. REED, Mr. MENENDEZ, Mr. INHOFE, and Ms. MURKOWSKI) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. PILOT PROGRAM ON TROOPS TO NURSE TEACHERS.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the Secretary of Health and Human Services and the Secretary of Education, conduct a pilot program to assess the feasibility and potential benefits of a program to—

(A) assist nurse corps officers described in subsection (c) in achieving necessary qualifications to become nurse educators and in securing employment as nurse educators at accredited schools of nursing;

(B) provide scholarships to nurse corps officers described in subsection (c) in return for continuing service in the Selected Reserve or other forms of public service; and

(C) help alleviate the national shortage of nurse educators and registered nurses.

(2) DURATION.—Except as provided in subsection (h), the pilot program shall be conducted during the period beginning on January 1, 2007, and ending on December 31, 2012. A nurse corps officer may not enter into an agreement to participate in the pilot program after December 31, 2012.

(3) REGULATIONS.—The pilot program shall be conducted under regulations prescribed by the Secretary of Defense in consultation with the Secretary of Health and Human Services and the Secretary of Education.

(b) DESIGNATION.—The pilot program required by subsection (a) shall be known as the ''Troops to Nurse Teachers Pilot Program'' (in this section referred to as the ''Program'').

(c) NURSE CORPS OFFICERS.—A nurse corps officer described in this subsection is any commissioned officer of the Armed Forces qualified and designated as an officer in a Nurse Corps of the Armed Forces who is—

(1) serving in a reserve component of the Armed Forces;

(2) honorably discharged from the Armed Forces; or

(3) a retired member of the Armed Forces.

(d) SELECTION OF PARTICIPANTS IN PROGRAM.—

(1) APPLICATION.—An eligible nurse corps officer seeking to participate in the Program shall submit to the Secretary of Defense an application therefor. The application shall be in such form, and contain such information, as the Secretary may require.

(2) SELECTION.—The Secretary shall select participants in the Program from among qualified nurse corps officers submitting applications therefor under paragraph (1).

(e) PARTICIPANT AGREEMENT.—

(1) IN GENERAL.—A nurse corps officer selected under subsection (d) to participate in the Program shall enter into an agreement with the Secretary of Defense relating to participation in the Program.

(2) ELEMENTS.—The agreement of a nurse corps officer under the program shall, at the election of the Secretary for purposes of the Program and as appropriate with respect to that status of such nurse corps officer—

(A) require such nurse corps officer, within such time as the Secretary may require, to accept an offer of full-time employment as a nurse educator from an accredited school of nursing for a period of not less than one year; or

(B) require such nurse corps officer—

(i) within such time as the Secretary may require, to successfully complete a program leading to a master's degree or doctoral degree in a nursing field from an accredited school of nursing or to a doctoral degree in a related field from an accredited institution of higher education;

(ii) to serve in the Selected Reserve or some other form of public service under terms and conditions established by the Secretary; and

(iii) upon completion of such program and service, to accept an offer of full-time employment as a nurse educator from an accredited school of nursing for a period of not less than 3 years.

(f) ASSISTANCE.—

(1) TRANSITION ASSISTANCE.—The Secretary of Defense may provide a participant in the Program who enters into an agreement described in subsection (e)(2)(A) assistance as follows:

(A) Career placement assistance in securing full-time employment as a nurse educator at an accredited school of nursing.

(B) A stipend in an amount not to exceed $5,000 for transition to employment referred to in paragraph (1), and for educational training for such employment, for a period not to exceed two years after entry by such participant into an agreement under subsection (e).

(2) SCHOLARSHIP ASSISTANCE.—The Secretary of Defense may provide a participant in the Program who enters into an agreement described in subsection (e)(2)(B) scholarship assistance to pursue a degree described in subsection (e)(2)(B)(i) in an amount not to exceed $30,000 annually for a period of not more than four years.

(g) TREATMENT OF ASSISTANCE.—A stipend or scholarship provided under subsection (f) shall not be taken into account in determining the eligibility of a participant in the Program for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(h) ADMINISTRATION AFTER INITIAL PERIOD.—

(1) IN GENERAL.—The termination of the Program on December 31, 2012, under subsection (a)(2) shall not terminate the entitlement to assistance under the Program of any nurse corps officer entering into an agreement to participate in the Program under subsection (e) that continues in force after that date.

(2) ADMINISTRATION.—The Secretary of Education shall undertake any administration of the Program that is required after December 31, 2012, including responsibility for any funding necessary to provide assistance under the Program after that date.

(i) REPORT.—

(1) IN GENERAL.—Not later than three years after the commencement of the Program, the Secretary of Defense shall, in consultation with the Secretary of Health and Human Services and the Secretary of Education, submit to Congress a report on the Program.

(2) ELEMENTS.—The report shall—

(A) describe the activities undertaken under the Program; and

(B) include an assessment of the effectiveness of the Program in—

(i) facilitating the development of nurse educators;

(ii) encouraging service in the Selected Reserve and other forms of public service; and

(iii) helping alleviate the national shortage of nurse educators and registered nurses.

(j) DEFINITIONS.—In this section:

(1) NURSE EDUCATOR.—The term ''nurse educator'' means a registered nurse who—

(A) is a member of the nursing faculty at an accredited school of nursing;

(B) holds a graduate degree in nursing from an accredited school of nursing or a doctoral degree in a related field from an accredited institution of higher education;

(C) holds a valid, unrestricted license to practice nursing from a State; and

(D) has successfully completed additional course work in education and demonstrates competency in an advanced practice area of nursing.

(2) SCHOOL OF NURSING.—The term ''school of nursing'' means a school of nursing (as that term is defined in section 801 of the Public Health Service Act (42 U.S.C. 296)) that is accredited (as that term is defined in section 801(6) of the Public Health Service Act).

(k) FUNDING.—From amounts authorized to be appropriated for the Department of Defense, $5,000,000 may be available for the Program.

SA 4254. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1084. IMPROVED ACCOUNTABILITY FOR COMPETITIVE CONTRACTING IN HURRICANE RECOVERY.

The exceptions to full and open competition otherwise available under paragraphs (2), (3), (4), and (5) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) and paragraphs (2), (3), (4), and (5) of section 2304(c) of title 10, United States Code, shall not apply to Federal contracts worth over $500,000 for the procurement of property or services in connection with relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season.

SA 4255. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. TERMINATION OF CONTRACTS FOR CELLULAR PHONE SERVICES.

(a) IN GENERAL.—

(1) INCLUSION OF CONTRACTS UNDER TERMINATION AUTHORITY.—Subsection (b) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended by adding at the end the following new paragraph:

''(3) CONTRACTS FOR CELLULAR PHONE SERVICE.—A contract for a cellular phone used, or intended to be used, by a servicemember or a servicemember's dependent for a personal or business purpose if—

''(A) the contract is executed by or on behalf of a person who thereafter and during the term of the contract enters into military service under call or order specifying a period of not less than 90 days (or who enters military service under a call or order specifying a period of 90 days or less and who, without a break in service, receives orders extending the period of military service to a period not less than 90 days);

''(B) the servicemember, while in military service, executes the contract and thereafter receives military orders for a permanent change of station outside of the continental United States or to deploy with a military unit for a period of not less than 90 days; or

''(C) the servicemember, while in military service, executes the contract and thereafter receives military orders for a permanent change of station to a location within the continental United States where the contract cannot be transferred at the same rate, terms, and quality of service.''.

(2) MANNER OF TERMINATION.—Subsection (c)(1) of such section is amended—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) in the case of a contract for a cellular phone, by delivery by the contractee of written notice of such termination, and a copy of the servicemember's military orders, to the contractor or to the contractor's agent.''.

(3) EFFECTIVE DATE OF TERMINATION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(3) CONTRACT FOR CELLULAR PHONE SERVICE.—In the case of a contract for a cellular phone described in subsection (b)(3), termination of the contract under subsection (a) is effective on the day on which the requirements of subsection (c) are met for such termination.''.

(4) ARREARAGES.—Subsection (e) of such section is amended—

(A) by striking ''(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—Rents or lease amounts'' and inserting the following:

''(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—

''(1) IN GENERAL.—Rents or lease amounts'';

(B) by designating the second sentence as paragraph (2), indenting such paragraph 4 ems from the left margin, and inserting before ''In the case of the lease'' the following:

''(2) LEASE CHARGES FOR MOTOR VEHICLES.—''; and

(C) by adding at the end the following new paragraphs:

''(3) TERMINATION CHARGES FOR CELLULAR PHONE CONTRACTS.—In the case of a contract for a cellular phone, the contractor may not impose an early termination charge, but may request the return of equipment provided to the contractee as part of the contract which would normally remain the property of the contractee at the end of the contract term if the contractee is given the option of paying a pro-rated amount to retain such equipment based on the original retail price of such equipment, the amount previously paid for such equipment by the contractee, and the time remaining on the contract.

''(4) REACTIVATION FEES.—In the event a contractor and contractee jointly agree to treat the termination of a contract for a cellular phone under this section as a suspension of such contract, the contractor may not impose any fee for reactivation of service under such contract at the completion of suspension of such contract.''.

(b) CONFORMING AMENDMENT.—Subsection (a)(1)(B) of such section is amended by striking ''or (2)(B)'' and inserting '', (2)(B), (3)(B), or (3)(C)''.

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''SEC. 305. TERMINATION OF RESIDENTIAL OR MOTOR VEHICLE LEASES OR CONTRACTS FOR CELLULAR PHONE SERVICE.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents for such Act is amended by striking the item relating to section 305 and inserting the following new item:

''Sec. 305. Termination of residential or motor vehicle leases or contracts for cellular phone service.''.

SA 4256. Mr. FEINGOLD (for himself, Mr. LEVIN and Mr. LEAHY) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1054. STRENGTHENING THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

For purposes of discharging the duties of the Special Inspector General for Iraq Reconstruction under subsection (f) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (5 U.S.C. 8G note), and for purposes of determining the date of termination of the Office of the Special Inspector General under subsection (o) of such section, any funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, regardless of how such funds may be designated, shall be treated as amounts appropriated or otherwise made available for the Iraq Relief and Reconstruction Fund.

SA 4257. Mr. BIDEN (for himself, Mr. HAGEL, Mr. DODD, Mr. LEVIN, Mr. KERRY, and Mrs. FEINSTEIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 1231. UNITED STATE'S POLICY ON THE NUCLEAR PROGRAMS OF IRAN.

(a) FINDINGS.—Congress finds that:

(1) The pursuit by the Iranian regime of a capability to produce nuclear weapons represents a threat to the United States, the Middle East region, and international peace and security.

(2) On May 31, 2006, Secretary of State Rice announced that the United States would join negotiations with Iran, along with the United Kingdom, France, and Germany, provided that Iran fully and verifiably suspends its enrichment and reprocessing activities.

(3) On June 1, 2006, President George W. Bush stated that ''Secretary Rice, at my instructions, said to the world that we want to solve the problem of the Iranian nuclear issue diplomatically. And we made it very clear publicly that we're willing to come to the table, so long as the Iranians verifiably suspend their program. In other words, we said to the Iranians [that] the United States of America wants to work with our partners to solve the problem''.

(4) On June 1, 2006, the United States, the United Kingdom, France, Germany, the People's Republic of China, and the Russian Federation agreed upon a package of incentives and disincentives, which was subsequently presented to Iran by the High Representative of the European Union, Javier Solana.

(b) SENSE OF CONGRESS.—Congress—

(1) endorses the policy of the United States, announced May 31, 2006, to achieve a successful diplomatic outcome, in coordination with leading members of the international community, with respect to the threat posed by the efforts of the Iranian regime to acquire a capability to produce nuclear weapons;

(2) calls on Iran to suspend fully and verifiably its enrichment and reprocessing activities, cooperate fully with the International Atomic Energy Agency, and enter into negotiations, including with the United States, pursuant to the package presented to Iran by the High Representative of the European Union; and

(3) urges the President and the Secretary of State to keep Congress fully and currently informed about the progress of this vital diplomatic initiative.

SA 4258. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 546, after line 22, add the following:

SEC. 2828. REPORTS ON ARMY TRAINING RANGES.

(a) LIMITATION.—The Secretary of the Army may not carry out any acquisition of real property to expand the Pinon Canyon Maneuver Site at Fort Carson, Colorado until 30 days after the Secretary submits the report required under subsection (b).

(b) REPORT ON PINON CANYON MANEUVER SITE.—

(1) IN GENERAL.—Not later than November 30, 2006, the Secretary of the Army shall submit to the congressional defense committees a report containing an analysis of any potential expansion of the military training range at the Pinon Canyon Maneuver Site at Fort Carson, Colorado.

(2) CONTENT.—The report required under paragraph (1) shall include the following information:

(A) A description of the Army's current and projected military requirements for training at the Pinon Canyon Maneuver Site.

(B) An analysis of the reasons for any changes in those requirements, including the extent to which they are a result of the increase of military personnel due to the 2005 round of defense base closure and realignment, the conversion of Army brigades to a modular format, or the Integrated Global Presence and Basing Strategy.

(C) A proposed plan for addressing those requirements, including a description of any proposed expansion of the existing training range by acquiring privately held land surrounding the site and an analysis of alternative approaches that do not require expansion of the training range.

(D) If an expansion of the training range is recommended pursuant to subparagraph (C), the following information:

(i) An assessment of the economic impact on local communities of such acquisition.

(ii) An assessment of the environmental impact of expanding the Pinon Canyon Maneuver Site.

(iii) An estimate of the costs associated with the potential expansion, including land acquisition, range improvements, installation of utilities, environmental restoration, and other environmental activities in connection with the acquisition.

(iv) An assessment of options for compensating local communities for the loss of property tax revenue as a result of the expansion of Pinon Canyon Maneuver Site.

(v) An assessment of whether the acquisition of additional land at the Pinon Canyon Maneuver Site can be carried out by the Secretary solely through transactions, including land exchanges and the lease or purchase of easements, with willing sellers of the privately held land.

(c) REPORT ON EXPANSION OF ARMY TRAINING RANGES.—

(1) IN GENERAL.—Not later than February 1, 2007, the Secretary of the Army shall submit to the congressional defense committees a report containing an assessment of the training ranges operated by the Army to support major Army units.

(2) CONTENT.—The report required under paragraph (1) shall include the following information:

(A) The size, description, and mission essential training tasks supported by each such Army training range during fiscal year 2003.

(B) A description of the projected changes in training range requirements, including the size, characteristics, and attributes for mission essential training of each range and the extent to which any changes in requirements are a result of the 2005 round of defense base closure and realignment, the conversion of Army brigades to a modular format, or the Integrated Global Presence and Basing Strategy.

(C) The projected deficit or surplus of training land at each such range, and a description of the Army's plan to address that projected deficit or surplus of land as well as the upgrade of range attributes at each existing training range.

(D) A description of the Army's prioritization process and investment strategy to address the potential expansion or upgrade of training ranges.

(E) An analysis of alternatives to the expansion of Army ranges to include an assessment of the joint use of ranges operated by other services.

SA 4259. Ms. STABENOW (for herself, and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1084. FUNDING FOR VETERANS HEALTH CARE TO ADDRESS CHANGES IN POPULATION AND INFLATION.

(a) FUNDING TO ADDRESS CHANGES IN POPULATIONS AND INFLATION.—(1) Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 320. Funding for veterans health care to address changes in population and inflation

''(a) By the enactment of this section, Congress and the President intend to ensure access to health care for all veterans. Upon the enactment of this section, funding for the programs, functions, and activities of the Veterans Health Administration specified in subsection (d) to accomplish this objective shall be provided through a combination of discretionary and mandatory funds. The discretionary amount should be equal to the fiscal year 2006 discretionary funding for such programs, functions, and activities, and should remain unchanged each fiscal year thereafter. The annual level of mandatory amount shall be adjusted according to the formula specified in subsection (c). While this section does not purport to control the outcome of the annual appropriations process, it anticipates cooperation from Congress and the President in sustaining discretionary funding for such programs, functions, and activities in future fiscal years at the level of discretionary funding for such programs, functions, and activities for fiscal year 2006. The success of that arrangement, as well as of the funding formula, are to be reviewed after 2 years.

''(b) On the first day of each fiscal year, the Secretary of the Treasury shall make available to the Secretary of Veterans Affairs the amount determined under subsection (c) with respect to that fiscal year. Each such amount is available, without fiscal year limitation, for the programs, functions, and activities of the Veterans Health Administration, as specified in subsection (d). There is hereby appropriated, out of any sums in the Treasury not otherwise appropriated, amounts necessary to implement this section.

''(c)(1) The amount applicable to fiscal year 2007 under this subsection is the amount equal to—

''(A) 130 percent of the amount obligated by the Department during fiscal year 2005 for the purposes specified in subsection (d), minus

''(B) the amount appropriated for those purposes for fiscal year 2006.

''(2) The amount applicable to any fiscal year after fiscal year 2007 under this subsection is the amount equal to the product of the following, minus the amount appropriated for the purposes specified for subsection (d) for fiscal year 2006:

''(A) The sum of—

''(i) the number of veterans enrolled in the Department health care system under section 1705 of this title as of July 1 preceding the beginning of such fiscal year; and

''(ii) the number of persons eligible for health care under chapter 17 of this title who are not covered by clause (i) and who were provided hospital care or medical services under such chapter at any time during the fiscal year preceding such fiscal year.

''(B) The per capita baseline amount, as increased from time to time pursuant to paragraph (3)(B).

''(3)(A) For purposes of paragraph (2)(B), the term 'per capita baseline amount' means the amount equal to—

''(i) the amount obligated by the Department during fiscal year 2006 for the purposes specified in subsection (d), divided by

''(ii) the number of veterans enrolled in the Department health care system under section 1705 of this title as of September 30, 2005.

''(B) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the per capita baseline amount equal to the percentage by which—

''(i) the Consumer Price Index (all Urban Consumers, United States City Average, Hospital and related services, Seasonally Adjusted), published by the Bureau of Labor Statistics of the Department of Labor for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(ii) such Consumer Price Index for the 12-month period preceding the 12-month period described in clause (i).

''(d)(1) Except as provided in paragraph (2), the purposes for which amounts made available pursuant to subsection (b) shall be all programs, functions, and activities of the Veterans Health Administration.

''(2) Amounts made available pursuant to subsection (b) are not available for—

''(A) construction, acquisition, or alteration of medical facilities as provided in subchapter I of chapter 81 of this title (other than for such repairs as were provided for before the date of the enactment of this section through the Medical Care appropriation for the Department); or

''(B) grants under subchapter III of chapter 81 of this title.

''(e) Nothing in this section shall be construed to prevent or limit the authority of Congress to reauthorize provisions relating to veterans health care.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''320. Funding for veterans health care to address changes in population and inflation.''.

(b) COMPTROLLER GENERAL REPORT.—(1) Not later than January 31, 2009, the Comptroller General of the United States shall submit to Congress a report on the extent to which section 320 of title 38, United States Code (as added by subsection (a)), has achieved the purpose set forth in subsection (a) of such section 320 during fiscal years 2007 and 2008.

(2) The report under paragraph (1) shall set forth the following:

(A) The amount appropriated for fiscal year 2006 for the programs, functions, and activities of the Veterans Health Administration specified in subsection (d) of section 320 of title 38, United States Code.

(B) The amount appropriated by annual appropriations Acts for each of fiscal years 2007 and 2008 for such programs, functions, and activities.

(C) The amount provided by section 320 of title 38, United States Code, for each of fiscal years 2007 and 2008 for such programs, functions, and activities.

(D) An assessment whether the amount described in subparagraph (C) for each of fiscal years 2007 and 2008 was appropriate to address the changes in costs to the Veterans Health Administration for such programs, functions, and activities that were attributable to changes in population and in inflation over the course of such fiscal years.

(E) An assessment whether the amount provided by section 320 of title 38, United States Code, in each of fiscal years 2007 and 2008, when combined with amounts appropriated by annual appropriations Acts for each of such fiscal years for such programs, functions, and activities, provided adequate funding of such programs, functions, and activities in each such fiscal year.

(F) Such recommendations as the Comptroller General considers appropriate regarding modifications of the formula under subsection (c) of section 320 of title 38, United States Code, or any other modifications of law, to better ensure adequate funding of such programs, functions, and activities.

(c) CONGRESSIONAL CONSIDERATION OF COMPTROLLER GENERAL RECOMMENDATIONS.—(1) JOINT RESOLUTION.—or purposes of this subsection, the term ''joint resolution'' means only a joint resolution which is introduced (in the House of Representatives by the Speaker of the House of Representatives (or the Speaker's designee) or the Minority Leader (or the Minority Leader's designee) and in the Senate by the Majority Leader (or the Majority Leader's designee) or the Minority Leader (or the Minority Leader's designee)) within the 10-day period beginning on the date on which Congress receives the report of the Comptroller General of the United States under subsection (b), and—

(A) which does not have a preamble;

(B) the matter after the resolving clause of which consists of amendments of title 38, United States Code, or other amendments or modifications of laws under the jurisdiction of the Secretary of Veterans Affairs to implement the recommendations of the Comptroller General in the report under subsection (b)(2)(F); and

(C) the title of which is as follows: ''Joint resolution to ensure adequate funding of health care for veterans.''.

(2) REFERRAL.—resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the Committee on Veterans' Affairs of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Veterans' Affairs of the Senate.

(3) DISCHARGE.—If the committee to which a resolution described in paragraph (1) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the Comptroller General submits to Congress the report under subsection (b), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(4) CONSIDERATION.—(A) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under paragraph (3)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution (but only on the day after the calendar day on which such Member announces to the House concerned the Member's intention to do so). The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (1) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(5) CONSIDERATION BY OTHER HOUSE.—(A) If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(i) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in clause (ii)(II).

(ii) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(I) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(II) the vote on final passage shall be on the resolution of the other House.

(B) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(6) RULES OF SENATE AND HOUSE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 4260. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE __—NEVADA TEST SITE VETERANS' COMPENSATION

SEC. __01. SHORT TITLE.

This title may be cited as the ''Nevada Test Site Veterans' Compensation Act of 2006''.

SEC. ___02. FINDINGS.

(a) Congress makes the following findings:

(1) Employees working on Cold War-era nuclear weapons programs were employed in facilities owned by the Federal Government and the private sector producing and testing nuclear weapons and engaging in related atomic energy defense activities for the national defense beginning in the 1940s.

(2) These Cold War atomic energy veterans helped to build and test the nuclear arsenal that served as a deterrent during the Cold War, sacrificing their personal health and well-being in service of their country.

(3) During the Cold War, many of these workers were exposed to radiation and placed in harm's way by the Department of Energy and contractors, subcontractors, and vendors of the Department without their knowledge and consent, without adequate radiation monitoring, and without necessary

protections from internal or external occupational radiation exposure.

(4) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (in this section referred to as ''EEOICPA'') was enacted to ensure fairness and equity for the men and women who, during the past 60 years, performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy, its predecessor agencies, and contractors by establishing a program that would provide timely, uniform, and adequate compensation for beryllium- and radiation-related health conditions.

(5) Research by the Department of Energy, the National Institute for Occupational Safety and Health (NIOSH), NIOSH contractors, the President's Advisory Board on Radiation and Worker Health, and congressional committees indicates that at certain nuclear weapons facilities—

(A) workers were not adequately monitored for internal or external exposure to ionizing radiation; and

(B) records were not maintained, are not reliable, are incomplete, or fail to indicate the radioactive isotopes to which workers were exposed.

(6) Due to the inequities posed by the factors described above and the resulting harm to the workers, Congress designated classes of atomic weapons employees at the Paducah, Kentucky, Portsmouth, Ohio, Oak Ridge K–25, Tennessee, and the Amchitka Island, Alaska, sites as members of the Special Exposure Cohort under EEOICPA.

(7) The contribution of the State of Nevada to the security of the United States throughout the Cold War and since has been unparalleled.

(8) In 1950, President Harry S Truman designated what would later be called the Nevada Test Site as the country's nuclear proving grounds and, a month later, the first atmospheric test at the Nevada Test Site was detonated.

(9) The United States conducted 100 aboveground and 828 underground nuclear tests at the Nevada Test Site from 1951 to 1992.

(10) Out of the 1,054 nuclear tests conducted in the United States, 928, or 88 percent, were conducted at the Nevada Test Site.

(11) The Nevada Test Site has served, and continues to serve, as the premier research, testing, and development site for our nuclear defense capabilities.

(12) The Nevada Test Site and its workers are an essential and irreplaceable part of our nation's defense capabilities.

(13) It has become evident that it is not feasible to estimate with sufficient accuracy in a timely manner the radiation dose received by employees at the Department of Energy facility at the Nevada Test Site for many reasons, including the following:

(A) The NIOSH Technical Basis Document, the threshold document for radiation dose reconstruction under EEOICPA, has incomplete radionuclide lists.

(B) NIOSH has not demonstrated that it can estimate dose from exposure to large, nonrespirable hot particles.

(C) There are significant gaps in environmental measurement and exposure data.

(D) Resuspension doses are seriously underestimated.

(E) NIOSH has not been able to estimate accurately exposures to bomb assembly workers and radon levels.

(F) NIOSH has not demonstrated that it can accurately sample tritiated water vapor.

(G) External dose records lack integrity.

(H) There are no beta dose data until 1966.

(I) There are no neutron dose data until 1966 and only partial data after such date.

(J) There are no internal dose data until late 1955 or 1956, and limited data until well into the 1960s.

(K) NIOSH has ignored exposure from more than a dozen underground tests that vented, including Bianca, Des Moines, Baneberry, Camphor, Diagonal Line, Riola, Agrini, Midas Myth, Misty Rain, and Mighty Oak.

(L) Instead of monitoring individuals, groups were monitored, resulting in unreliable personnel monitoring.

(14) Amchitka Island, where only 3 underground nuclear tests were conducted, has been designated a Special Exposure Cohort under EEOICPA.

(15) Some Nevada Test Site workers, despite having worked with significant amounts of radioactive materials and having known exposures leading to serious health effects, have been denied compensation under EEOICPA as a result of flawed calculations based on records that are incomplete, in error, or based on faulty assumptions and incorrect models.

SEC. __03. INCLUSION OF CERTAIN NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) The employee was so employed at the Nevada Test Site or other similar sites located in Nevada during the period beginning on January 1, 1950, and ending on December 31, 1993, and, during such employment—

''(i) was present during an atmospheric or underground nuclear test or performed drillbacks, re-entry, or clean-up work following such a test (without regard to the duration of employment);

''(ii) was present during an episodic event involving radiation releases (without regard to the duration of employment); or

''(iii) was employed at the Nevada Test Site for a number of work days aggregating at least 250 work days and was employed in a job activity that—

''(I) was monitored through the use of dosimetry badges or bioassays for exposure to ionizing radiation; or

''(II) worked in a job activity that is or was, comparable to a job that is, was, or should have been monitored for exposure to ionizing radiation through the use of dosimetry badges or bioassay.''.

(b) DEADLINE FOR CLAIMS ADJUDICATION.—Claims for compensation under section 3621(14)(C) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as added by subsection (a), shall be adjudicated and a final decision issued—

(1) in the case of claims pending as of the date of the enactment of this Act, not later than 30 days after such date; and

(2) in the case of claims filed after the date of the enactment of this Act, not later than 30 days after the date of such filing.

SA 4261. Mr. CHAMBLISS (for himself, Mr. HATCH, Mr. ISAKSON, Mr. INHOFE, Mr. LIEBERMAN, Mr. CORNYN, Mr. THUNE, Mr. BENNETT, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, strike lines 6 through 15 and insert the following:

SEC. 146. FUNDING FOR PROCUREMENT OF F–22A FIGHTER AIRCRAFT.

(a) PROHIBITION ON USE OF INCREMENTAL FUNDING.—The Secretary of the Air Force shall not use incremental funding for the procurement of F–22A fighter aircraft.

(b) MULTIYEAR PROCUREMENT.—The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of not more than 60 F–22A fighter aircraft.

SEC. 147. MULTIYEAR PROCUREMENT OF F–119 ENGINES FOR F–22A FIGHTER AIRCRAFT.

The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of the following:

(1) Not more than 120 F–119 engines for F–22A fighter aircraft.

(2) Not more than 13 spare F–119 engines for F–22A fighter aircraft.

SA 4262. Mr. FEINGOLD (for himself, Mr. OBAMA, Mrs. MURRAY, Mr. KENNEDY and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) PRESEPARATION COUNSELING.—Section 1142 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''provide for individual preseparation counseling'' and inserting ''shall provide individual preseparation counseling'';

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following:

''(4) For members of the reserve components who have been serving on active duty continuously for at least 180 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

''(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.''.

(2) in subsection (b)—

(A) in paragraph (4), by striking ''(4) Information concerning'' and inserting the following:

''(4) Provision of information on civilian occupations and related assistance programs, including information concerning—

''(A) certification and licensure requirements that are applicable to civilian occupations;

''(B) civilian occupations that correspond to military occupational specialties; and

''(C)''; and

(B) by adding at the end the following:

''(11) Information concerning the priority of service for veterans in the receipt of employment, training, and placement services provided under qualified job training programs of the Department of Labor.

''(12) Information concerning veterans small business ownership and entrepreneurship programs of the Small Business Administration and the National Veterans Business Development Corporation.

''(13) Information concerning employment and reemployment rights and obligations under chapter 43 of title 38.

''(14) Information concerning veterans preference in federal employment and federal procurement opportunities.

''(15) Information concerning homelessness, including risk factors, awareness assessment, and contact information for preventative assistance associated with homelessness.

''(16) Contact information for housing counseling assistance.

''(17) A description, developed in consultation with the Secretary of Veterans Affairs, of health care and other benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs.

''(18) If a member is eligible, based on a preseparation physical examination, for compensation benefits under the laws administered by the Secretary of Veterans Affairs, a referral for a medical examination by the Secretary of Veterans Affairs (commonly known as a 'compensation and pension examination').'';

(3) by adding at the end the following:

''(d) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

''(A) preseparation counseling under this section includes material that is specifically relevant to the needs of—

''(i) persons being separated from active duty by discharge from a regular component of the armed forces; and

''(ii) members of the reserve components being separated from active duty;

''(B) the locations at which preseparation counseling is presented to eligible personnel include—

''(i) each military installation under the jurisdiction of the Secretary;

''(ii) each armory and military family support center of the National Guard;

''(iii) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

''(iv) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member;

''(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

''(D) follow up counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

''(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials' other activities that provide direct training support to personnel who provide preseparation counseling under this section.

''(e) NATIONAL GUARD MEMBERS ON DUTY IN STATE STATUS.—(1) Members of the National Guard, who are separated from long-term duty to which ordered under section 502(f) of title 32, shall be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

''(2) The preseparation counseling provided personnel under paragraph (1) shall include material that is specifically relevant to the needs of such personnel as members of the National Guard.

''(3) The Secretary of Defense shall prescribe, by regulation, the standards for determining long-term duty under paragraph (1).''; and

(4) by amending the heading to read as follows:

''§ 1142. Members separating from active duty: preseparation counseling''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by striking the item relating to section 1142 and inserting the following:

''1142. Members separating from active duty: preseparation counseling.''.

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''paragraph (4)(A)'' in the second sentence and inserting ''paragraph (6)(A)'';

(2) by amending subsection (c) to read as follows:

''(c) PARTICIPATION.—(1) Subject to paragraph (2), the Secretary and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

''(2) The Secretary and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

''(A) Each member who has previously participated in the program.

''(B) Each member who, upon discharge or release from active duty, is returning to—

''(i) a position of employment; or

''(ii) pursuit of an academic degree or other educational or occupational training objective that the member was pursuing when called or ordered to such active duty.

''(3) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.''; and

(3) by adding at the end the following:

''(e) UPDATED MATERIALS.—The Secretary concerned shall, on a continuing basis, update the content of all materials used by the Department of Labor that provide direct training support to personnel who provide transitional services counseling under this section.''.

SEC. 588. SEPARATION COUNSELING BY VETERANS FOR MEMBERS OF THE ARMED FORCES NEARING SEPARATION AND VETERANS.

(a) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following:

''§ 1154. Veteran-to-veteran preseparation counseling

''(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to provide preseparation counseling and services to members of the armed forces who are scheduled, or are in the process of being scheduled, for discharge, release from active duty, or retirement.

''(b) REQUIRED PROGRAM ELEMENT.—The program under this section shall provide for representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to be invited to participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title and the benefits delivery at discharge programs.

''(c) LOCATIONS.—The program under this section shall provide for access to members—

''(1) at each installation of the armed forces;

''(2) at each armory and military family support center of the National Guard;

''(3) at each inpatient medical care facility of the uniformed services administered under chapter 55 of this title; and

''(4) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

''(d) CONSENT OF MEMBERS REQUIRED.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.

''(e) DEFINITIONS.—In this section:

''(1) The term 'benefits delivery at discharge program' means a program administered jointly by the Secretary and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the armed forces who are separating from the armed forces, including assistance to obtain any disability benefits for which such members may be eligible.

''(2) The term 'representative', with respect to a veterans' service organization, means a representative of an organization who is recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by adding at the end the following new item:

''1154. Veteran-to-veteran preseparation counseling.''.

(b) DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

''§ 1709. Veteran-to-veteran counseling

''(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on—

''(1) the care and services authorized by this chapter; and

''(2) other benefits and services available under the laws administered by the Secretary.

''(b) FACILITIES COVERED.—The program under this section shall provide for access to veterans described in subsection (a) at each facility of the Department and any non-Department facility at which the Secretary furnishes care and services under this chapter.

''(c) CONSENT OF VETERANS REQUIRED.—Access to a veteran under the program under this section is subject to the consent of the veteran.

''(d) DEFINITION.—In this section, the term 'veterans' service organization' means an organization who is recognized by the Secretary for the representation of veterans under section 5902 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1708 the following new item:

''1709. Veteran-to-veteran counseling.''.

SA 4263. Mr. FEINGOLD (for himself, Mr. OBAMA, Mrs. MURRAY, Mr. KENNEDY and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. DEPARTMENT OF LABOR TRANSITIONAL ASSISTANCE PROGRAM.

(a) REQUIRED PARTICIPATION FOR CERTAIN MEMBERS.—Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

''(c) PARTICIPATION.—(1) Except as provided in paragraph (2), the Secretary of Defense shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

''(2) The Secretary of Defense need not require, but shall encourage and otherwise promote, participation in the program by the following members described in paragraph (1):

''(A) A member who has previously participated in the program.

''(B) A member who, upon discharge or release from active duty, is returning to—

''(i) a position of employment; or

''(ii) pursuit of an academic degree or other educational or occupational training objective that the members was pursuing when called or ordered to such active duty.

''(3) Members of the armed forces eligible for assistance under this section include—

''(A) members of the reserve components being separated from service on active duty for a period of more than 30 days; and

''(B) members of the National Guard being separated from full-time National Guard duty.

''(4) The Secretary concerned shall ensure that commanders of members who are required to be provided assistance under this section authorize the members to be provided such assistance during duty time.''.

(b) REQUIRED UPDATING OF MATERIALS.—Such section is further amended by adding at the end the following new subsection:

''(e) UPDATING OF MATERIALS.—The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute of the Department of Labor and the Secretary's other materials that provide direct training support to personnel who carry out the program established in this section.''.

SA 4264. Mrs. CLINTON (for herself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle F—Transition Assistance for Members of the National Guard and Reserve Returning From Deployment in Operation Iraqi Freedom or Operation Enduring Freedom

SEC. 681. SHORT TITLE.

This subtitle may be cited as the ''Heroes at Home Act of 2006''.

SEC. 682. RESPONSIBILITIES OF TASK FORCE ON MENTAL HEALTH ON TRANSITION TO CIVILIAN LIFE OF MEMBERS OF THE NATIONAL GUARD AND RESERVE RETURNING FROM DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—Section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) ASSESSMENT AND RECOMMENDATIONS ON TRANSITION TO CIVILIAN LIFE OF MEMBERS OF NATIONAL GUARD AND RESERVE RETURNING FROM DEPLOYMENT IN OPERATION IRAQI FREEDOM AND ENDURING FREEDOM.—

''(1) IN GENERAL.—In addition to the activities required under subsection (c), the task force shall, not later than 12 months after the date of the enactment of the Heroes at Home Act of 2006, submit to the Secretary a report containing an assessment of, and recommendations for improving, assistance to members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom, and their families, in transitioning to civilian employment upon their return from such deployment, including—

''(A) members who were self-employed before deployment and seek to return to such employment after deployment;

''(B) members who were students before deployment and seek to return to school or commence employment after deployment;

''(C) members who have experienced multiple recent deployments; and

''(D) members who have been wounded or injured during deployment.

''(2) WORKING GROUP.—In conducting the assessment and making the recommendations required by paragraph (1), the task force shall utilize the assistance of a working group that consists of individuals selected by the task force from among individuals as follows:

''(A) With the concurrence of the Administrator of the Small Business Administration, personnel of the Small Business Administration.

''(B) Representatives of employers who employ members of the National Guard and Reserve described in paragraph (1) on their return to civilian life as described in that paragraph.

''(C) Representatives of employee assistance organizations.

''(D) Representatives of associations of employers.

''(E) Representatives of organizations that assist wounded or injured members of the National Guard and Reserves in finding or sustaining employment.

''(F) Representatives of such other public or private organizations and entities as the co-chairs of the task force, in consultation with the members of the task force, consider appropriate.

''(3) REPORT ELEMENTS.—The report required by paragraph (1) shall include recommendations on the following:

''(A) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the employment, readjustment, and mental health needs of members of the National Guard and Reserve described in paragraph (1) upon their return from deployment as described in that paragraph.

''(B) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the needs of family members of such members.

''(C) The improvement of collaboration between the pubic and private sectors in order to ensure the successful transition of such members into civilian employment upon their return from such deployment.

''(4) OTHER DUTIES.—In the period between the submittal of the report required by paragraph (1) and the termination of the task force under subsection (h), the task force (including the working group established under paragraph (2)) shall serve as an advisor to the Assistance Center for Employers and Employment Assistance Organizations established under section 683 of the Heroes at Home Act of 2006.

''(5) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.—In this subsection, the term 'employment assistance organization' means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.''.

(b) REPORT.—Subsection (f) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) in the subsection heading, by striking ''REPORT'' and inserting ''REPORTS'';

(2) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) IN GENERAL.—The report submitted to the Secretary under each of subsections (c) and (d) shall include—

''(A) a description of the activities of the task force under such subsection;

''(B) the assessment and recommendations required by such subsection; and

''(C) such other matters relating to the activities of the task force under such subsection as the task force considers appropriate.''; and

(3) in paragraph (2)—

(A) by striking ''the report under paragraph (1)'' and inserting ''a report under paragraph (1)''; and

(B) by striking ''the report as'' and inserting ''such report as''.

(c) PLAN MATTERS.—Subsection (g) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by striking ''the report from the task force under subsection (e)(1)'' and inserting ''a report from the task force under subsection (f)(1)''; and

(2) by inserting ''contained in such report'' after ''the task force'' the second place it appears.

(d) TERMINATION.—Subsection (h) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by inserting ''with respect to the assessment and recommendations required by subsection (d)'' after ''the task force''; and

(2) by striking ''subsection (e)(2)'' and inserting ''subsection (f)(2)''.

SEC. 683. ASSISTANCE CENTER FOR EMPLOYERS AND EMPLOYMENT ASSISTANCE ORGANIZATIONS.

(a) ESTABLISHMENT OF CENTER.—

(1) IN GENERAL.—The Secretary of Defense shall establish an office to assist employers, employment assistance organizations, and associations of employers in facilitating the successful transition to civilian employment of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) DESIGNATION.—The office established under this subsection shall be known as the ''Assistance Center for Employers and Employment Assistance Organizations'' (in this section referred to as the ''Center'').

(3) HEAD.—The Secretary shall designate an individual to act as the head of the Center.

(4) INTEGRATION.—In establishing the Center, the Secretary shall ensure close communication between the Center and the military departments, including the commands of the reserve components of the Armed Forces.

(b) FUNCTIONS.—The Center shall have the following functions:

(1) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful transition to civilian employment of members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection.

(2) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful adjustment of family members of the National Guard and Reserve to the deployment and return from deployment of members of the National Guard and Reserve as described in that subsection.

(c) RESOURCES TO BE PROVIDED.—

(1) IN GENERAL.—In carrying out the functions specified in subsection (b), the Center shall provide employers, employment assistance organizations, and associations of employers resources, services, and assistance that include the following:

(A) Guidelines on best practices and effective strategies.

(B) Education on the physical and mental health difficulties that can and may be experienced by members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection in transitioning to civilian employment, including difficulties arising from Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI), including education on—

(i) the detection of warning signs of such difficulties;

(ii) the medical, mental health, and employment services available to such members, including materials on services offered by the Department of Defense, the Department of Veterans Affairs (including through the vet center program under section 1712A of title 38, United States Code), the Department of Labor, military support programs, and community mental health clinics; and

(iii) the mechanisms for referring such members for services described in clause (ii) and for other medical and mental health screening and care when appropriate.

(C) Education on the range and types of potential physical and mental health effects of deployment and post-deployment adjustment on family members of members of the National Guard and Reserve described in subsection (a), including education on—

(i) the detection of warning signs on such effects on family members of members of the National Guard and Reserves;

(ii) the medical, mental health, and employment services available to such family members, including materials on such services as described in subparagraph (B)(ii); and

(iii) mechanisms for referring such family members for services described in clause (ii) and for medical and mental health screening and care when appropriate.

(D) Education on mechanisms, strategies, and resources for accommodating and employing wounded or injured members of the National Guard and Reserves in work settings.

(2) PROVISION OF RESOURCES.—The Center shall make resources, services, and assistance available under this subsection through such mechanisms as the head of the Center considers appropriate, including the Internet, video conferencing, telephone services, workshops, trainings, presentations, group forums, and other mechanisms.

(d) PERSONNEL AND OTHER RESOURCES.—The Secretary of Defense shall assign to the Center such personnel, funding, and other resources as are required to ensure the effective discharge by the Center of the functions under subsection (b).

(e) REPORTS ON ACTIVITIES.—

(1) ANNUAL REPORT BY CENTER.—Not later than one year after the establishment of the Center, and annually thereafter, the head of the Center, in consultation with the Department of Defense Task Force on Mental Health (while in effect), shall submit to the Secretary of Defense a written report on the progress and outcomes of the Center during the one-year period ending on the date of such report.

(2) TRANSMITTAL TO CONGRESS.—Not later than 60 days after receipt of a report under paragraph (1), the Secretary shall transmit such report to the Committees on Armed Services of the Senate and the House of Representatives, together with—

(A) such comments on such report, and such assessment of the effectiveness of the Center, as the Secretary considers appropriate; and

(B) such recommendations on means of improving the effectiveness of the Center as the Secretary considers appropriate.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under paragraph (2) available to the public, including through the Internet website of the Center.

(f) DEFINITIONS.—In this section:

(1) EMPLOYMENT ASSISTANCE ORGANIZATION.—The term ''employment assistance organization'' means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

(2) DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH.—The term ''Department of Defense Task Force on Mental Health'' means the Department of Defense Task Force on Mental Health established under section 723 of the National Defense Authorization Act for Fiscal Year 2006, as amended by section 682 of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(1) For fiscal year 2007, $5,000,000.

(2) For each of fiscal years 2008 through 2011, such sums as may be necessary.

SEC. 684. GRANTS ON ASSISTANCE IN COMMUNITY-BASED SETTINGS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE AND THEIR FAMILIES AFTER DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—The Secretary of Defense may award grants to eligible entities to carry out demonstration projects to assess the feasibility and advisability of utilizing community-based settings for the provision of assistance to members of the National Guard and Reserve who serve in Operation Iraqi Freedom or Operation Enduring Freedom, and their families, after the return of such members from deployment in Operation Iraqi Freedom or Operation Enduring Freedom, as the case may be, including—

(1) services to improve the reuniting of such members of the National Guard and Reserve and their families;

(2) education to increase awareness of the physical and mental health difficulties that members of the National Guard and Reserve can and may experience on their return from such deployment, including education on—

(A) Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI); and

(B) mechanisms for the referral of such members of the National Guard and Reserve for medical and mental health screening and care when necessary; and

(3) education to increase awareness of the physical and mental health difficulties that family members of such members of the National Guard and Reserve can and may experience on the return of such members from such deployment, including education on—

(A) depression, anxiety, and relationship problems; and

(B) mechanisms for medical and mental health screening and care when appropriate.

(b) ELIGIBLE ENTITIES.—An entity eligible for the award of a grant under this section is any public or private non-profit organization, such as a community mental health clinic, family support organization, military support organization, law enforcement agency, community college, or public school.

(c) APPLICATION.—An eligible entity seeking a grant under this section shall submit to the Secretary of Defense an application therefor in such manner, and containing such information, as the Secretary may require for purposes of this section, including a description of how such entity will work with the Department of Defense, the Department of Veterans Affairs, State health agencies, other appropriate Federal, State, and local agencies, family support organizations, and other community organization in undertaking activities described in subsection (a).

(d) ANNUAL REPORTS BY GRANT RECIPIENTS.—An entity awarded a grant under this section shall submit to the Secretary of Defense on an annual basis a report on the activities undertaken by such entity during the preceding year utilizing amounts under the grant. Each report shall include such information as the Secretary shall specify for purposes of this subsection.

(e) ANNUAL REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to Congress a report on activities undertaken under the grants awarded under this section. The report shall include recommendations for legislative, programmatic, or administrative action to improve or enhance activities under the grants awarded under this section.

(2) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under this subsection available to the public.

SEC. 685. LONGITUDINAL STUDY ON TRAUMATIC BRAIN INJURY INCURRED BY MEMBERS OF THE ARMED FORCES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, provide for a longitudinal study on the effects of traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom. The duration of the longitudinal study shall be 15 years.

(b) SELECTION OF ENTITY FOR CONDUCT OF STUDY.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, select an entity to conduct the study required by subsection (a) from among private organizations or entities qualified to conduct the study.

(c) ELEMENTS.—The study required by subsection (a) shall address the following:

(1) The long-term effects of traumatic brain injury on the overall readiness of the Armed Forces.

(2) Mechanisms for improving body armor and helmets in order to protect members of the Armed Forces from sustaining traumatic brain injuries.

(3) The long-term physical and mental health consequences of traumatic brain injuries incurred by members of the Armed Forces during service in Operation Iraqi Freedom or Operation Enduring Freedom.

(4) The health care, mental health care, and rehabilitation needs of such members for such injuries after the completion of inpatient treatment through the Department of Defense, the Department of Veterans Affairs, or both.

(5) The type and availability of long-term care rehabilitation programs and services within and outside the Department of Defense and the Department of Veterans Affairs for such members for such injuries, including community-based programs and services and in-home programs and services.

(d) REPORTS.—

(1) PERIODIC AND FINAL REPORTS.—After the third, seventh, eleventh, and fifteenth years of the study required by subsection (a), the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to the appropriate elements of the Department of Defense and the Department of Veterans Affairs, and to Congress, a comprehensive report on the results of the study during the preceding years. Each report shall include the following:

(A) Current information on the cumulative outcomes of the study.

(B) In the case of a report to elements of the Department of Defense—

(i) such recommendations as the Secretary of Defense considers appropriate for programmatic and administrative action to improve body armor and helmets to protect members of the Armed Forces from sustaining traumatic brain injuries; and

(ii) such other recommendations as the Secretary considers appropriate based on the outcomes of the study.

(C) In the case of a report to elements of the Department of Veterans Affairs—

(i) such recommendations as the Secretary of Veterans Affairs considers appropriate for programmatic and administrative action to improve long-term care and rehabilitative programs and services for members of the Armed Forces with traumatic brain injury; and

(ii) such other recommendations as the Secretary considers appropriate based on the outcomes of the study.

(D) In the case of a report to Congress—

(i) such recommendations as the Secretary of Defense considers appropriate for legislative action to improve body armor and helmets to protect members of the Armed Forces from sustaining traumatic brain injuries;

(ii) such recommendations as the Secretary of Veterans Affairs considers appropriate for legislative action to improve long-term care and rehabilitative programs and services for members of the Armed Forces with traumatic brain injury; and

(iii) such other recommendations as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate based on the outcomes of the study.

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take appropriate actions to make each report under this subsection available to the public.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(1) For fiscal year 2007, $5,000,000.

(2) For each of fiscal years 2008 through 2013, such sums as may be necessary.

SEC. 686. TRAINING CURRICULA FOR FAMILY CAREGIVERS ON CARE AND ASSISTANCE FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY INCURRED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) TRAUMATIC BRAIN INJURY FAMILY CAREGIVER PANEL.—

(1) ESTABLISHMENT.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, establish within the Department of Defense a panel to develop coordinated, uniform, and consistent training curricula to be used in training family members in the provision of care and assistance to members and former members of the Armed Forces for traumatic brain injuries incurred during service in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) DESIGNATION OF PANEL.—The panel established under paragraph (1) shall be known as the ''Traumatic Brain Injury Family Caregiver Panel''.

(3) MEMBERS.—The Traumatic Brain Injury Family Caregiver Panel established under paragraph (1) shall consist of 15 members appointed by the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, equally represented from among—

(A) physicians, nurses, rehabilitation therapists, and other individuals with an expertise in caring for and assisting individuals with traumatic brain injury, including those who specialize in caring for and assisting individuals with traumatic brain injury incurred in war;

(B) representatives of family caregivers or family caregiver associations;

(C) Department of Defense and Department of Veterans Affairs health and medical personnel with expertise in traumatic brain injury, and Department of Defense personnel and readiness representatives with expertise in traumatic brain injury;

(D) representatives of military service organizations who specialize in matters relating to disabled veterans;

(E) representatives of veterans service organizations who specialize in matters relating to disabled veterans;

(F) psychologists or other individuals with expertise in the mental health treatment and care of individuals with traumatic brain injury;

(G) experts in the development of training curricula;

(H) researchers and academicians who study traumatic brain injury; and

(I) any other individuals the Secretary considers appropriate.

(4) MEETINGS.—The Traumatic Brain Injury Family Caregiver Panel shall meet not less than monthly.

(b) DEVELOPMENT OF CURRICULA.—

(1) IN GENERAL.—The Traumatic Brain Injury Family Caregiver Panel shall develop training curricula to be utilized during the provision of training to family members of members and former members of the Armed Forces described in subsection (a) on techniques, strategies, and skills for care and assistance for such members and former members with the traumatic brain injuries described in that subsection.

(2) SCOPE OF CURRICULA.—The curricula shall—

(A) be based on empirical research and validated techniques; and

(B) shall provide for training that permits recipients to tailor caregiving to the unique circumstances of the member or former member of the Armed Forces receiving care.

(3) PARTICULAR REQUIREMENTS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall—

(A) specify appropriate training commensurate with the severity of traumatic brain injury; and

(B) identify appropriate care and assistance to be provided for the degree of severity of traumatic brain injury for caregivers of various levels of skill and capability.

(4) USE OF EXISTING MATERIALS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall utilize and enhance any existing training curricular, materials, and resources applicable to such curricula as the Panel considers appropriate.

(5) CONSULTATION.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall consult with the Army Reserve Forces Policy Committee, as appropriate.

(6) DEADLINE FOR DEVELOPMENT.—The Traumatic Brain Injury Family Caregiver Panel shall develop the curricula not later than one year after the date of the enactment of this Act.

(c) DISSEMINATION OF CURRICULA.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Traumatic Brain Injury Family Caregiver Panel, develop mechanisms for the dissemination of the curricula developed under subsection (b) to health care professionals referred to in paragraph (2) who treat or otherwise work with members and former members of the Armed Forces with traumatic brain injury incurred in Operation Iraqi Freedom or Operation Enduring Freedom. In developing such mechanisms, the Secretary may utilize and enhance existing mechanisms, including the Military Severely Injured Center.

(2) HEALTH CARE PROFESSIONALS.—The health care professionals referred to in this paragraph are the following:

(A) Personnel at military medical treatment facilities.

(B) Personnel at the polytrauma centers of the Department of Veterans Affairs.

(C) Personnel and care managers at the Military Severely Injured Center.

(D) Such other health care professionals of the Department of Defense as the Secretary considers appropriate.

(E) Such other health care professionals of the Department of Veterans Affairs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(3) SCOPE.—The mechanisms developed under paragraph (1) shall include the provision of refresher training in the curricula developed under subsection (a) for the health care professional referred to in paragraph (2) not less often than once every six months.

(4) PROVISION OF TRAINING TO FAMILY CAREGIVERS.—

(A) IN GENERAL.—Health care professionals referred to in paragraph (2) who are trained in the curricula developed under subsection (b) shall provide training to family members of members and former members of the Armed Forces who incur traumatic brain injuries during service in the Operation Iraqi Freedom or Operation Enduring Freedom in the care and assistance to be provided for such injuries.

(B) TIMING OF TRAINING.—Training under this paragraph shall, to the extent practicable, be provided to family members while the member or former member concerned is undergoing treatment at a facility of the Department of Defense or Department of Veterans Affairs, as applicable, in order to ensure that such family members receive practice on the provision of such care and assistance under the guidance of qualified health professionals.

(C) PARTICULARIZED TRAINING.—Training provided under this paragraph to family members of a particular member or former member shall be tailored to the particular care needs of such member or former member and the particular caregiving needs of such family members.

(5) QUALITY ASSURANCE.—The Secretary shall develop mechanisms to ensure quality in the provision of training under this section to health care professionals referred to in paragraph (2) and in the provision of such training under paragraph (4) by such health care professionals.

(6) REPORT.—Not later than one year after the development of the curricula required by subsection (b), and annually thereafter, the Traumatic Brain Injury Family Caregiver Training Panel shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to Congress, a report on the following:

(A) The actions undertaken under this subsection.

(B) The results of the tracking of outcomes based on training developed and provided under this section.

(C) Recommendations for the improvement of training developed and provided under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(1) For fiscal year 2007, $5,000,000.

(2) For each of fiscal years 2008 through 2011, such sums as may be necessary.

SA 4265. Mr. NELSON (for himself, Mr. MENENDEZ, and Ms. MIKULSKI) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1209. SENSE OF CONGRESS ON THE GRANTING OF AMNESTY TO PERSONS KNOWN TO HAVE KILLED MEMBERS OF THE ARMED FORCES IN IRAQ.

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

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March of 2003.

(3) More than 2,500 members of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States; and

(2) the President should immediately notify the Government of Iraq that the Government of the United States strongly opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States.

SA 4266. Mr. HARKIN (for himself, Mr. JOHNSON, Mr. GRASSLEY, Mr. DURBIN, Mr. DORGAN, Mr. KERRY, Mr. KENNEDY, Mr. WYDEN, Mr. LAUTENBERG, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 421, between lines 6 and 7, insert the following:

SEC. 1066. REPORTS ON DEPARTMENT OF JUSTICE EFFORTS TO INVESTIGATE AND PROSECUTE CASES OF CONTRACTING ABUSE IN IRAQ, AFGHANISTAN, AND THROUGHOUT THE WAR ON TERROR.

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

(1) Waste, fraud, and abuse in contracting are harmful to United States efforts to successfully win the conflicts in Iraq and Afghanistan and succeed in the war on terror. The act of stealing from our soldiers who are daily in harm's way is clearly criminal and must be actively prosecuted.

(2) There are reports that the Department of Defense has lost accountability of significant funding due to theft by corrupt contractors. These taxpayer funds should be recovered and spent on the services and equipment that our troops need to accomplish their mission abroad.

(3) It is a vital interest of United States taxpayers to be protected from theft of their tax dollars by corrupt contractors.

(4) Whistleblower lawsuits are an important tool for exposing waste, fraud, and abuse and can identify serious graft and corruption. Whistleblowers have brought many cases of contractor corruption to light, and must be commended as true patriots and champions of honesty and integrity.

(5) Based on published reports about whistleblower lawsuits initiated under sections 3729 and 3730(b) of title 31, United States Code (commonly known as the ''False Claims Act''), to address contractor corruption in Iraq, Afghanistan, and throughout the war on terror, it is unclear if the Department of Justice has brought a sufficient number of these cases to resolution. It is also unclear whether a chain of command and an accountable management structure exists for handling such whistleblower lawsuits, which aim to root out contractor corruption in Iraq, Afghanistan, and throughout the war on terror.

(6) This issue is of paramount importance to the United States taxpayer, and the Congress has not received enough information about the contractor waste, fraud, and abuse taking place in Iraq, Afghanistan, and throughout the war on terror and about the efforts of the Department of Justice to combat these crimes. Sharing of this information will show how seriously the Federal Government, as a whole, takes the issue of contractor theft of United States taxpayer dollars.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary and the Committee on Government Reform of the House of Representatives, and the congressional defense committees a report on efforts to investigate and prosecute cases of waste, fraud, and abuse under sections 3729 and 3730(b) of title 31, United States Code, or any other related law that are related to Federal contracting in Iraq, Afghanistan, and throughout the war on terror.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following:

(A) Information on all of the organized efforts of the Department of Justice that have been created to ensure that the Department of Justice is investigating, in a timely and appropriate manner, all claims of contractor waste, fraud, and abuse related to the activities of the United States Government in Iraq, Afghanistan, and throughout the war on terror.

(B) Specific information on the cases and investigations of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror that have been undertaken by United States Attorneys and the Director of the Federal Bureau of Investigation, including the names and locations of these offices, as well as the personnel and financial resources committed to the task and a description of the type, nature, and substance of the allegations made and the amount of funds in controversy for each case and investigation, to the greatest extent possible under the law. Information that would otherwise be prohibited from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure or by a seal order pursuant to section 3730(b) of title 31, United States Code, shall be submitted in a confidential memorandum to the committees specified in paragraph (1) and shall not be deemed to be a violation of either Rule 6(e) or such seal order. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(C) Information on the specific number of personnel, financial resources, and workdays devoted to addressing this waste, fraud, and abuse, including a complete listing of all of the offices across the United States and throughout the world that are working on these cases and an explanation of the types of additional resources, both in terms of personnel and finances, that the Department of Justice needs to ensure that all of these cases proceed on a timely basis.

(D) A detailed description of any internal Department of Justice task force that exists to work specifically on these cases of contractor fraud and abuse in Iraq, Afghanistan, and throughout the war on terror, including a description of its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for

success, the nature and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(E) A detailed description of any interagency task force that exists to work specifically on these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the type, nature, and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(F) The names of the senior officials directly responsible for oversight of the efforts to address these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(G) Specific information on the number of investigators and other personnel that have been provided to the Department of Justice by other Federal departments and agencies in support of the efforts of the Department of Justice to combat contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including data on the quantity of time that these investigators have spent working within the Department of Justice structures dedicated to this effort.

(H) Specific information on the full number of investigations, including grand jury investigations currently underway, that are addressing these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(I) Specific information on the number and status of the criminal cases that have been launched to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(J) Specific information on the number of civil cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including specific information on the quantity of cases initiated by private parties, as well as the quantity of cases that have been referred to the Department of Justice by the Department of Defense, the Department of State, and other relevant Federal departments and agencies.

(K) Specific information on the resolved civil and criminal cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including the specific results of these cases, the types of waste, fraud, and abuse that took place, the amount of funds that were returned to the United States Government as a result of resolution of these cases, and a full description of the type and substance of the waste, fraud, and abuse that took place, including its direct and indirect impacts on United States troops, officers, and other individuals working for the United States Government in Iraq, Afghanistan, and throughout the war on terror. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(L) The best estimate by the Department of Justice of the scale of the problem of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

SA 4267. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1223. REPORT ON THE STATUS OF UNITED STATES OBLIGATIONS UNDER THE COMPREHENSIVE NUCLEAR TEST-BAN TREATY.

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

(1) On October 13, 1999, the Senate voted not to give its advice and consent to the ratification of the Comprehensive Nuclear Test-Ban Treaty.

(2) Immediately following such vote, then-Secretary of State Madeleine K. Albright sent a letter to, among others, the governments of the countries in the North Atlantic Treaty Organization and of Russia, China, India, Japan, and Australia assuring them that ''the United States will continue to act in accordance with its obligations as a signatory under international law, and will seek reconsideration of the Treaty at a later date when conditions are better suited for ratification'' (in this section referred to as the ''assurances letter'').

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall, in consultation with the Secretary of Defense, the Secretary of State, and the Attorney General, submit to Congress a report on the status of United States obligations under the Comprehensive Nuclear Test-Ban Treaty.

(2) CONTENT.—The report required under paragraph (1) shall specifically address each of the following issues:

(A) Whether the assurances regarding United States obligations under the Comprehensive Nuclear Test-Ban Treaty that were provided in the assurances letter are consistent with the current policy of the United States.

(B) If the assurances are not consistent with United States policy, a description of the steps taken by the President to communicate to the foreign governments that received the assurances letter that such assurances are no longer operative.

(C) If the assurances are not consistent with United States policy, whether the President has provided to the foreign governments that received the assurances letter written notice that the letter is no longer operative.

(D) Whether the President agrees with the statement by then-Secretary of State Albright in the assurances letter that the Comprehensive Nuclear Test-Ban Treaty imposes on the United States continuing ''obligations as a signatory under international law,'' irrespective of the October 13, 1999, vote by the Senate not to give its advice and consent to the ratification of the Treaty.

(E) If the President believes that the Comprehensive Nuclear Test-Ban Treaty does not impose on the United States continuing obligations as a signatory under international law—

(i) whether the President believes that the assertion in the assurances letter that such obligations existed was erroneous; and

(ii) if not, a description of the steps taken by the President to terminate the obligations that existed at the time of the assurances letter.

(F) If the President believes that the Comprehensive Nuclear Test-Ban Treaty does impose on the United States continuing obligations as a signatory under international law, a description of the nature and extent of such obligations.

(G) Whether, as a matter of international law, the United States is, as of the time of the report, a signatory to the Comprehensive Nuclear Test-Ban Treaty.

(H) Whether the official list of signatories to the Comprehensive Nuclear Test-Ban Treaty maintained by the depositary of the Treaty accurately reflects whether the United States is still a signatory to the Treaty.

(I) Whether the President has a constitutional duty to ensure that United States international legal obligations conform with domestic legislation subsequently enacted that is inconsistent with such obligations, and whether any such duty extends to reconciling or changing internationally-maintained records that purport to reflect the official status of the United States as a signatory to a treaty the ratification of which has been rejected by the Senate and is no longer supported by the President.

SA 4268. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF FUNDING FOR THE UNITED NATIONS DISARMAMENT COMMISSION.

None of the funds authorized or otherwise made available by this Act or by any other Act may be obligated or expended in connection with United States participation in, or support for, the activities of the United Nations Disarmament Commission as long as Iran serves as a vice-chair of the Commission.

SA 4269. Mr. MCCONNELL proposed an amendment to amendment SA 4265 proposed by Mr. NELSON of Florida (for himself, Mr. MENENDEZ, and Ms. MIKULSKI) to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of the amendment add the following:

SEC. ___. UNITED STATES POLICY ON IRAQ.

(a) WITHDRAWAL OF TROOPS FROM IRAQ.—

(1) SCHEDULE FOR WITHDRAWAL.—The President shall reach an agreement as soon as possible with the Government of Iraq on a schedule for the withdrawal of United States combat troops from Iraq by December 31, 2006, leaving only forces that are critical to completing the mission of standing up Iraqi security forces.

(2) CONSULTATION WITH CONGRESS REQUIRED.—The President shall consult with Congress regarding such schedule and shall present such withdrawal agreement to Congress immediately upon the completion of the agreement.

(3) MAINTENANCE OF OVER-THE-HORIZON TROOP PRESENCE.—The President should maintain an over-the-horizon troop presence to prosecute the war on terror and protect regional security interests.

(b) IRAQ SUMMIT.—The President should convene a summit as soon as possible that includes the leaders of the Government of Iraq, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organization, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council, for the purpose of reaching a comprehensive political agreement for Iraq that addresses fundamental issues including federalism, oil revenues, the militias, security guarantees, reconstruction, economic assistance, and border security.

SA 4270. Mr. BURNS (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 187, between lines 20 and 21, insert the following:

(c) USE OF ELECTRONIC VOTING TECHNOLOGY.—

(1) CONTINUATION OF INTERIM VOTING ASSISTANCE SYSTEM.—The Secretary of Defense shall continue the Interim Voting Assistance System (IVAS) ballot request program with respect to all absent uniformed services voters (as defined under section 107(1) of the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1))), overseas employees of the Department of Defense, and the dependents of such voters and employees, for elections on or after November 1, 2006.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the regularly scheduled general election for Federal office for November 2006, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(i) an assessment of the success of the implementation of the Interim Voting Assistance System ballot request program carried out under paragraph (1); and

(ii) recommendations for improvements to the program.

(B) FUTURE ELECTIONS.—Not later than January 15, 2007, the Secretary of Defense shall submit to the congressional defense committees a report detailing plans for expanding the use of electronic voting technology for individuals covered under the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) for elections on or after for November 1, 2010.

SA 4271. Mr. BOND (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

Subtitle D—National Guard Bureau Matters

SEC. 931. SHORT TITLE.

This title may be cited as the ''National Defense Enhancement and National Guard Empowerment Act of 2006''.

SEC. 9322. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking ''joint bureau of the Department of the Army and the Department of the Air Force'' and inserting ''joint activity of the Department of Defense''.

(2) PURPOSE.—Subsection (b) of such section is amended by striking ''between'' and all that follows and inserting ''between—

''(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands for the United States, and (B) the Department of the Army and the Department of the Air Force; and

''(2) the several States.''.

(b) ENHANCEMENTS OF POSITION OF CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting ''to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff,'' after ''principal advisor''.

(2) GRADE.—Subsection (e) of such section, as redesignated by paragraph (2)(A)(i) of this subsection, is further amended by striking ''lieutenant general'' and inserting ''general''.

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.''.

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) DEVELOPMENT OF CHARTER.—Section 10503 of title 10, United States Code, is amended—

(A) in the matter preceding paragraph (1), by striking ''The Secretary of the Army and the Secretary of the Air Force shall jointly develop'' and inserting ''The Secretary of Defense, in consultation with the Secretary of the Army and the Secretary of the Air Force, shall develop''; and

(B) in paragraph (12), by striking ''the Secretaries'' and inserting ''the Secretary of Defense''.

(2) ADDITIONAL GENERAL FUNCTIONS.—Such section is further amended—

(A) by redesignating paragraph (12), as amended by paragraph (1)(B) of this subsection, as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

''(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.''.

(3) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

''§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

''(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

''(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

''(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

''(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the Adjutant Generals of the States, have responsibilities as follows:

''(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

''(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

''(3) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

''(4) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

''(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

''(d) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.''.

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of such title is amended to read as follows:

''§ 10503. Functions of National Guard Bureau: charter''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new items:

''10503. Functions of National Guard Bureau: charter.

''10503a. Functions of National Guard Bureau: military assistance to civil authorities.''.

SEC. 933. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—The position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

SA 4272. Mr. MCCONNELL proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year

2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

SEC. ___. SENSE OF THE CONGRESS COMMENDING THE GOVERNMENT OF IRAQ FOR AFFIRMING ITS POSITION OF NO AMNESTY FOR TERRORISTS WHO ATTACK U.S. ARMED FORCES.

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

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March 2003.

(3) More than 2,500 of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the new Government of Iraq is commended for its statement by the National Security Adviser of Iraq on June 15, 2006 that—

(1) thanked ''the American wives and American women and American mothers for the treasure and the blood they have invested in this country . . . of liberating 30 million people in this country. . . . And we are ever so grateful.'' and

(2) that affirmed their position that they ''will never give amnesty to those who have killed American soldiers or killed Iraqi soldiers or civilians.''

SA 4273. Mrs. CLINTON (for herself and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

SEC. 375. ENERGY EFFICIENCY IN WEAPONS PLATFORMS.

(a) POLICY.—It shall be the policy of the Department of Defense to improve the fuel efficiency of weapons platforms, consistent with mission requirements, in order to—

(1) enhance platform performance;

(2) reduce the size of the fuel logistics systems;

(3) reduce the burden high fuel consumption places on agility;

(4) reduce operating costs; and

(5) dampen the financial impact of volatile oil prices.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Department of Defense in implementing the policy established by subsection (a).

(2) ELEMENTS.—The report shall include the following:

(A) An assessment of the feasibility of designating a senior Department of Defense official to be responsible for implementing the policy established by subsection (a).

(B) A summary of the recommendations made as of the time of the report by—

(i) the Energy Security Integrated Product Team established by the Secretary of Defense in April 2006;

(ii) the Defense Science Board Task Force on Department of Defense Energy Strategy established by the Under Secretary of Defense for Acquisition, Technology and Logistics on May 2, 2006; and

(iii) the January 2001 Defense Science Board Task Force report on Improving Fuel Efficiency of Weapons Platforms.

(C) For each recommendation summarized under subparagraph (B)—

(i) the steps that the Department has taken to implement such recommendation;

(ii) any additional steps the Department plans to take to implement such recommendation; and

(iii) for any recommendation that the Department does not plan to implement, the reasons for the decision not to implement such recommendation.

(D) An assessment of the extent to which the research, development, acquisition, and logistics guidance and directives of the Department for weapons platforms are appropriately designed to address the policy established by subsection (a).

(E) An assessment of the extent to which such guidance and directives are being carried out in the research, development, acquisition, and logistics programs of the Department.

(F) A description of any additional actions that, in the view of the Secretary, may be needed to implement the policy established by subsection (a).

SA 4274. Mr. CONRAD (for himself, Mr. BAUCUS, Mr. BENNETT, Mr. DORGAN, Mr. ENZI, Mr. HATCH, Mr. SALAZAR, and Mr. THOMAS) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 147. MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.

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

(1) In the Joint Explanatory Statement of the Committee of Conference on H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006, the conferees state that the policy of the United States ''is to deploy a force of 500 ICBMs''. The conferees further note ''that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.''.

(2) The Quadrennial Defense Review (QDR) conducted under section 118 of title 10, United States Code, in 2005 finds that maintaining a robust nuclear deterrent ''remains a keystone of United States national power''. However, notwithstanding that finding and without providing any specific justification for the recommendation, the Quadrennial Defense Review recommends reducing the number of deployed Minuteman III Intercontinental Ballistic Missiles (ICBMs) from 500 to 450 beginning in fiscal year 2007. The Quadrennial Defense Review also fails to identify what unanticipated strategic developments compelled the United States to reduce the Intercontinental Ballistic Missile force structure.

(3) The commander of the Strategic Command, General James Cartwright, testified before the Committee on Armed Services of the Senate that the reduction in deployment of Minuteman III Intercontinental Ballistic Missiles is required so that the 50 missiles withdrawn from the deployed force could be used for test assets and spares to extend the life of the Minuteman III Intercontinental Ballistic Missile well into the future. If spares are not modernized, the Air Force may not have sufficient replacement missiles to sustain the force size.

(b) MODERNIZATION OF INTERCONTINENTAL BALLISTIC MISSILES REQUIRED.—The Air Force shall modernize Minuteman III Intercontinental Ballistic Missiles in the United States inventory such that a sufficient supply of launch test assets and spares is retained to sustain the deployed force of such missiles through 2030.

(c) LIMITATION ON TERMINATION OF MODERNIZATION PROGRAM PENDING REPORT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the termination of any Minuteman III ICBM modernization program, or for the withdrawal of any Minuteman III Intercontinental Ballistic Missile from the active force, until 30 days after the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(1) A detailed strategic justification for the proposal to reduce the Minuteman III Intercontinental Ballistic Missile force from 500 to 450 missiles, including an analysis of the effects of the reduction on the ability of the United States to assure allies and dissuade potential competitors.

(2) A detailed analysis of the strategic ramifications of continuing to equip a portion of the Minuteman III Intercontinental Ballistic Missile force with multiple independent warheads rather than single warheads as recommended by past reviews of the United States nuclear posture.

(3) An assessment of the test assets and spares required to maintain a force of 500 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(4) An assessment of the test assets and spares required to maintain a force of 450 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(5) An inventory of currently available Minuteman III Intercontinental Ballistic Missile test assets and spares.

(6) A plan to sustain and complete the modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles, a test plan, and an analysis of the funding required to carry out modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles.

(7) An assessment of whether halting upgrades to the Minuteman III Intercontinental Ballistic Missiles withdrawn from the deployed force would compromise the ability of those missiles to serve as test assets.

(8) A description of the plan of the Department of Defense for extending the life of the Minuteman III Intercontinental Ballistic Missile force beyond fiscal year 2030.

(d) ICBM MODERNIZATION PROGRAM DEFINED.—In this section, the term ''ICBM Modernization program'' means each of the following for the Minuteman III Intercontinental Ballistic Missile:

(1) The Guidance Replacement Program (GRP).

(2) The Propulsion Replacement Program (PRP).

(3) The Propulsion System Rocket Engine (PSRE) program.

(4) The Safety Enhanced Reentry Vehicle (SERV) program.

SA 4275. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 215. ADVANCED ALUMINUM AEROSTRUCTURES INITIATIVE.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $2,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $2,000,000 may be available for Aerospace Technology Development and Demonstration (PE #603211F) for the Advanced Aluminum Aerostructures Initiative (A3I).

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby decreased by $2,000,000.

SA 4276. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 215. LEGGED MOBILITY ROBOTIC RESEARCH.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 may be available for Combat Vehicle and Automotive Technology (PE #602601A) for legged mobility robotic research for military applications.

(c) OFFSET.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby decreased by $1,000,000.

SA 4277. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 215. ARDEC COMMERCIAL PARTNERSHIP, PROJECT NUMBER 859.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 may be available for Munitions Standardization, Effectiveness, and Safety (PE #605805A) for ARDEC Commercial Partnership, Project No. 859.

(c) OFFSET.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby decreased by $1,000,000.

SA 4278. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1008. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the Senate to accompany S. 2766 of the 109th Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for such program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SA 4279. Mr. WARNER (for himself, Mr. LEVIN, Mr. ALLARD, and Mr. SALAZAR) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 93, strike lines 23 through 25 and insert the following:

(c) ADDITIONAL LIMITATION ON PAYMENTS.—

(1) PAYMENT CONDITIONAL ON PERFORMANCE.—No payment may be made under an incentives clause under this section unless the Secretary determines that the contractor concerned has satisfactorily performed its duties under such incentives clause.

(2) PAYMENT CONTINGENT ON APPROPRIATIONS.—An incentives clause under this section shall specify that the obligation of the Government to make payment under such incentives clause is subject to the availability of appropriations for that purpose. Amounts appropriated for Chemical Agents and Munitions Destruction, Defense, shall be available for payments under incentives clauses under this section.

SA 4280. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1223. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—Section 1003 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note) is amended by striking subsections (c) and (d).

(b) COST-SHARING REPORT.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2894; 22 U.S.C. 1928 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SA 4281. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 296, between lines 9 and 10, insert the following:

''(c) INCREMENTS.—In the event any increment of a major automated information system program separately meets the requirements for treatment as a major automated information system program, the provisions of this chapter shall apply to such increment as well as to the overall major automated information system program of which such increment is a part.

On page 297, between lines 11 and 12, insert the following:

''(c) BASELINE.—(1) For purposes of this chapter, the initial submittal to Congress of the documents required by subsection (a) with respect to a major automated information system program shall constitute the original estimate or information originally submitted on such program for purposes of the reports and determinations on program changes in section 2445c of this title.

''(2) An adjustment or revision of the original estimate or information originally submitted on a program may be treated as the original estimate or information originally submitted on the program if the adjustment or revision is the result of a critical change in the program covered by section 2445c(d) of this title.

''(3) In the event of an adjustment or revision to the original estimate or information originally submitted on a program under paragraph (2), the Secretary of Defense shall include in the next budget justification documents submitted under subsection (a) after such adjustment or revision a notification to the congressional defense committees of such adjustment or revision, together with the reasons for such adjustment or revision.

On page 302, between lines 19 and 20, insert the following:

''(g) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If the determination of a critical change to a program is made by the senior Department official responsible for the program under subsection (d)(2) and a report is not submitted to Congress within the 60-day period provided by subsection (d)(1), appropriated funds may not be obligated for any major contract under the program.

''(2) The prohibition on the obligation of funds for a program under paragraph (1) shall cease to apply on the date on which Congress has received a report in compliance with the requirements of subsection (d)(2).

SA 4282. Mr. WARNER (for himself, Mr. CRAIG and Mr. GRAHAM) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1066. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN THE BUREAU OF CUSTOMS AND BORDER PROTECTION.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection.

(b) COVERED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—For purposes of this section, covered members and former members of the Armed Forces are the following:

(1) Members of the reserve components of the Armed Forces.

(2) Former members of the Armed Forces within two years of separation from service in the Armed Forces.

(c) REQUIREMENTS AND LIMITATIONS.—

(1) NATURE OF INCENTIVES.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives, whether monetary or otherwise and whether or not authorized by current law or regulations, as the Secretaries jointly consider appropriate.

(2) TARGETING OF INCENTIVES.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former of the Armed Forces who have provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with the Bureau of Customs and Border Protection.

(3) PAYMENT.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department of Homeland Security.

(d) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

SA 4283. Mr. LEVIN (for Mrs. CLINTON (for herself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle F of title III, add the following:

SEC. 375. ENERGY EFFICIENCY IN WEAPONS PLATFORMS.

(a) POLICY.—It shall be the policy of the Department of Defense to improve the fuel efficiency of weapons platforms, consistent with mission requirements, in order to—

(1) enhance platform performance;

(2) reduce the size of the fuel logistics systems;

(3) reduce the burden high fuel consumption places on agility;

(4) reduce operating costs; and

(5) dampen the financial impact of volatile oil prices.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Department of Defense in implementing the policy established by subsection (a).

(2) ELEMENTS.—The report shall include the following:

(A) An assessment of the feasibility of designating a senior Department of Defense official to be responsible for implementing the policy established by subsection (a).

(B) A summary of the recommendations made as of the time of the report by—

(i) the Energy Security Integrated Product Team established by the Secretary of Defense in April 2006;

(ii) the Defense Science Board Task Force on Department of Defense Energy Strategy established by the Under Secretary of Defense for Acquisition, Technology and Logistics on May 2, 2006; and

(iii) the January 2001 Defense Science Board Task Force report on Improving Fuel Efficiency of Weapons Platforms.

(C) For each recommendation summarized under subparagraph (B)—

(i) the steps that the Department has taken to implement such recommendation;

(ii) any additional steps the Department plans to take to implement such recommendation; and

(iii) for any recommendation that the Department does not plan to implement, the reasons for the decision not to implement such recommendation.

(D) An assessment of the extent to which the research, development, acquisition, and logistics guidance and directives of the Department for weapons platforms are appropriately designed to address the policy established by subsection (a).

(E) An assessment of the extent to which such guidance and directives are being carried out in the research, development, acquisition, and logistics programs of the Department.

(F) A description of any additional actions that, in the view of the Secretary, may be needed to implement the policy established by subsection (a).

SA 4284. Mr. WARNER (for Mr. INHOFE (for himself, Mr. WARNER, and Mr. CORNYN)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1209. MODIFICATION OF LIMITATIONS ON ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.

Section 2013(13)(A) of the American Servicemembers' Protection Act of 2002 (title II of Public Law 107–206; 116 Stat. 909; 22 U.S.C. 7432(13)(A)) is amended by striking ''or 5''.

SA 4285. Mr. WARNER (for Mr. LUGAR) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 480, between lines 4 and 5, insert the following:

SEC. 1304. REMOVAL OF CERTAIN RESTRICTIONS ON PROVISION OF COOPERATIVE THREAT REDUCTION ASSISTANCE.

(a) REPEAL OF RESTRICTIONS.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—

Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SA 4286. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 822 and insert the following:

SEC. 822. APPLICABILITY OF CERTAIN REQUIREMENTS REGARDING SPECIALTY METALS.

(a) EXEMPTION FOR CERTAIN COMMERCIAL ITEMS.—Subsection (i) of section 2533a of title 10, United States Code, is amended—

(1) by inserting '', DUAL-USE ITEMS, AND ELECTRONIC COMPONENTS'' after ''COMMERCIAL ITEMS'';

(2) by inserting ''(1)'' before ''this section'';

(3) in paragraph (1), as so designated, by inserting ''described in subsection (b)(1)'' after ''commercial items''; and

(4) by adding at the end the following new paragraphs:

''(2) This section is not applicable to—

''(A) a contract or subcontract for the procurement of a commercial item containing specialty metals described in subsections (b)(2) and (b)(3); or

''(B) specialty metals that are incorporated into an electronic component, where the value of the specialty metal used in the component is de minimis in relation to the value of the electronic component.

''(3) For purposes of paragraph (2)(A), a commercial item does not include—

''(A) any item that contains noncommercial modifications that cost or are expected to cost, in the aggregate, more than 5 percent of the total price of such item;

''(B) any item that would not be considered to be a commercial item, but for sales to government entities or inclusion in items that are sold to government entities;

''(C) forgings or castings for military unique end items;

''(D) fasteners other than commercial off-the-shelf items (as defined in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c)); or

''(E) specialty metals.''.

(b) EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO FACILITATE CIVIL-MILITARY INTEGRATION.—Such section is further amended by adding at the end the following new subsection:

''(k) EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO FACILITATE CIVIL-MILITARY INTEGRATION.—Subsection (a) does not apply to the procurement of an item from a contractor or a first-tier subcontractor if the Secretary of Defense or the Secretary of a military department determines that—

''(1) the item is or will be produced using the same production facilities, a common supply chain, and the same or similar production processes that are used for the production of similar items delivered to non-defense customers; and

''(2) the contractor or subcontractor has made a contractual commitment to purchase a quality, grade, and amount of domestically-melted specialty metals for use by the purchaser during the period of contract performance in the production of the item and other similar items delivered to non-defense customers that is not less that the greater of—

''(A) the amount of specialty metals that is purchased by the contractor for use in the item delivered to the Department of Defense; or

''(B) 40 percent of the amount of specialty metals purchased by the contractor or subcontractor for use during such period in the production of the item and similar items delivered to non-defense contractors.''.

(c) DE MINIMIS STANDARD FOR SPECIALTY METALS.—Such section is further amended by adding at the end the following new subsection:

''(l) MINIMUM THRESHOLD FOR SPECIALTY METALS.—Notwithstanding the requirements of subsection (a), the Secretary of Defense or the Secretary of a military department may accept delivery of an item containing specialty metals that were not grown, reprocessed, reused, or produced in the United States if the total amount of noncompliant specialty metals in the item does not exceed 2 percent of the total amount of specialty metals in the item.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (c) shall take effect on the date of the enactment of this Act, and shall apply with respect to items accepted for delivery on or after that date.

(2) CIVIL-MILITARY INTEGRATION.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply to contracts entered into on or after that date.

SA 4287. Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 924. SENSE OF SENATE ON NOMINATION OF INDIVIDUAL TO SERVE AS DIRECTOR OF OPERATIONAL TEST AND EVALUATION ON A PERMANENT BASIS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Congress established the position of Director of Operational Test and Evaluation of the Department of Defense in 1983 to ensure the operational effectiveness and suitability of weapon systems in combat.

(2) The Director of Operational Test and Evaluation serves as the principal adviser to the Secretary of Defense on operational test and evaluation and is vital to ensuring the operational effectiveness of weapon systems in combat.

(3) The position of Director of Operational Test and Evaluation has been held on an acting basis since February 15, 2005.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should submit to the Senate the nomination of an individual for the position of Director of Operational Test and Evaluation as soon as practicable.

SA 4288. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 746. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

(a) STUDY.—The Secretary of Defense, in consultation with the Secretary for Veterans Affairs and the Secretary of Health and Human Services, shall conduct a comprehensive study of the health effects of exposure to depleted uranium munitions on uranium-exposed soldiers and on children of uranium-exposed soldiers who were born after the exposure of the uranium-exposed soldiers to depleted uranium.

(b) URANIUM-EXPOSED SOLDIERS.—In this section, the term ''uranium-exposed soldiers'' means a member or former member of the Armed Forces who handled, came in contact with, or had the likelihood of contact with depleted uranium munitions while on active duty, including members and former members who—

(1) were exposed to smoke from fires resulting from the burning of vehicles containing depleted uranium munitions or fires at depots at which depleted uranium munitions were stored;

(2) worked within environments containing depleted uranium dust or residues from depleted uranium munitions;

(3) were within a structure or vehicle while it was struck by a depleted uranium munition;

(4) climbed on or entered equipment or structures struck by a depleted uranium munition; or

(5) were medical personnel who provided initial treatment to members of the Armed Forces described in paragraph (1), (2), (3), or (4).

SA 4289. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (k).

SA 4290. Mr. GRAHAM (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 707. EXPANDED ELIGIBILITY OF SELECTED RESERVE MEMBERS UNDER TRICARE PROGRAM.

(a) GENERAL ELIGIBILITY.—Subsection (a) of section 1076d of title 10, United States Code, is amended—

(1) by striking ''(a) ELIGIBILITY.—A member'' and inserting ''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member'';

(2) by striking ''after the member completes'' and all that follows through ''one or more whole years following such date''; and

(3) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.''.

(b) CONDITION FOR TERMINATION OF ELIGIBILITY.—Subsection (b) of such section is amended—

(1) by striking ''(b) PERIOD OF COVERAGE.—(1) TRICARE Standard'' and all that follows through ''(4) Eligibility'' and inserting ''(b) TERMINATION OF ELIGIBILITY UPON TERMINATION OF SERVICE.—Eligibility''; and

(2) by striking paragraph (5).

(c) CONFORMING AMENDMENTS.—

(1) Such section is further amended—

(A) by striking subsection (e);

(B) by redesignating subsection (g) as subsection (e) and transferring such subsection within such section so as to appear following subsection (d); and

(C) by striking paragraph (3) of subsection (f).

(2) The heading for such section is amended to read as follows:

''§ 1076d. TRICARE program: TRICARE standard coverage for members of the Selected Reserve''.

(d) REPEAL OF OBSOLETE PROVISION.—Effective October 1, 2007, section 1076b of title 10, United States Code, is repealed.

(e) CLERICAL AMENDMENTS.—Effective October 1, 2007, the table of sections at the beginning of chapter 55 of title 10, United States Code, is amended—

(1) by striking the item relating to section 1076b; and

(2) by striking the item relating to section 1076d and inserting the following:

''1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.''.

(f) SAVINGS PROVISION.—Enrollments in TRICARE Standard that are in effect on the day before the date of the enactment of this Act under section 1076d of title 10, United States Code, as in effect on such day, shall be continued until terminated after such day under such section 1076d as amended by this section.

(g) EFFECTIVE DATE.—The Secretary of Defense shall ensure that health care under TRICARE Standard is provided under section 1076d of title 10, United States Code, as amended by this section, beginning not later than October 1, 2007.

SA 4291. Mr. FRIST (for Mr. BIDEN) proposed an amendment to the concurrent resolution H. Con. Res. 409, commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand; as follows:

On page 2, in the third Whereas clause of the resolution, strike ''Agency'' and insert ''Program''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, June 22, 2006, at 10 a.m., in room SD–366 of the Dirksen Building.

The purpose of the hearing is to receive testimony on S. 2747, to enhance energy efficiency and conserve oil and natural gas, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact John Peschke at (202) 224–4797 or Shannon Ewan at (202) 224–7555.

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

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 15, 2006, at 10 a.m., to conduct a hearing on ''The OFHEO Report of the Special Examination of Fannie Mae.''

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 15, 2006, at 10 a.m. to hold a hearing on a nomination.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, June 15, 2006, at 10 a.m. for a business meeting to consider pending committee business.

Agenda

Legislation

1. S. 2145, Chemical Facility Anti-Terrorism Act of 2005;

2. S. 1554, a bill to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments;

3. S. 1741, Disaster Area Health and Environmental Monitoring Act;

4. S. 1838, Federal and District of Columbia Real Property Act of 2005;

5. S. 2068, a bill to preserve existing judgeships on the Superior Court of the District of Columbia;

6. S. 2146, a bill to extend relocation expenses test programs for Federal employees;

7. S. 2296, Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act;

8. H.R. 3508, 2005 District of Columbia Omnibus Authorization Act.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 15, 2006, at 9:30 a.m., in the Senate Dirksen Office Building, Room 226. The agenda will be provided when it becomes available.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Thursday, June 15, 2006, at 2 p.m., in the Senate Dirksen Office Building Room 226.

Witness list

Panel I: The Honorable Thad Cochran; the Honorable Trent Lott; the Honorable James Inhofe; and the Honorable Luis Fortuño.

Panel II: Jerome A. Holmes to be U.S. Circuit Judge for the Tenth Circuit.

Panel III: Daniel P. Jordan III to be U.S. District Judge for the Southern District of Mississippi; Gustavo A. Gelpe to be U.S. District Judge for the District of Puerto Rico.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 15, 2006, at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON FISHERIES AND THE COAST GUARD

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation Subcommittee on Fisheries and the Coast Guard be authorized to meet on Thursday, June 15, 2006, at 10:30 a.m. on the Coast Guard's Fiscal Year 2007 Budget Request.

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

SUBCOMMITTEE ON SUPERFUND AND WASTE MANAGEMENT

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Superfund and Waste Management be authorized to hold a hearing on Thursday, June 15, 2006, at 9:30 a.m. to conduct oversight of the Superfund Program.

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

PRIVILEGES OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Michael Pollock and Alison Garfield, detailees

with the Defense Appropriations Subcommittee, be granted floor privileges during the consideration of the fiscal year 2007 Defense authorization bill.

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

COMMEMORATING THE 60TH ANNIVERSARY OF THE KING OF THAILAND TO THE THRONE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 409, which was received from the House.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 409) commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, the preamble as amended be agreed to, the motion to reconsider be laid upon the table, and that statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 409) was agreed to.

The amendment to the preamble was agreed to, as follows:

On page 2, in the third Whereas clause of the resolution strike ''Agency'' and insert ''Program''.

The preamble, as amended, was agreed to.

SUPPORTING THE GOALS OF AN ANNUAL NATIONAL TIME-OUT DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 482, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 482) supporting the goals of an annual National Time-Out Day to promote patient safety and optimal outcomes in the operating room.

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

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

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

The resolution (S. Res. 482) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

(S. RES. 482)

Whereas according to an Institute of Medicine (referred to in this resolution as the ''IOM'') report entitled ''To Err is Human: Building a Safer Health System'', published in 2000, between 44,000 and 98,000 hospitalized people in the United States die each year due to medical errors, and untold thousands more suffer injury or illness as a result of preventable errors;

Whereas the IOM report recommends the establishment of a national goal of reducing the number of medical errors by 50 percent over 5 years;

Whereas there are more than 40,000,000 inpatient surgery procedures and 31,000,000 outpatient surgery procedures performed annually in the United States;

Whereas it is the right of every patient to receive the highest quality of care in all surgical settings;

Whereas a patient is the most vulnerable and unable to make decisions on their own behalf during a surgical or invasive procedure due to anesthesia or other sedation;

Whereas improved communication among the surgical team and a reduction in medical errors in the operating room are essential for optimal outcomes during operative or other invasive procedures;

Whereas the Association of periOperative Registered Nurses, the Joint Commission on Accreditation of Healthcare Organizations, the American College of Surgeons, and the American Society for Healthcare Risk Management celebrated a National Time-Out Day on June 23, 2004, to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing wrong site surgery errors in operating rooms in the United States;

Whereas the Senate during the 109th Congress supported a National Time-Out Day in 2005 on behalf of the Association of periOperative Registered Nurses, the Joint Commission on Accreditation of Healthcare Organizations, the American College of Surgeons, and the American Society for Healthcare Risk Management to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room;

Whereas the Association of periOperative Registered Nurses, joined by coalition partners, celebrated a National Time-Out Day on June 22, 2005, for the purpose of promoting safe medication administration practices and the Association of periOperative Registered Nurses distributed ''Safe Medication Administration Tool Kits'' to more than 5,000 hospitals and 13,000 nurse managers or educators;

Whereas the 109th Congress passed the Patient Safety and Quality Improvement Act of 2005 to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety;

Whereas the Association of periOperative Registered Nurses develops and issues, with coalition partners, universally-accepted authoritative statements, recommended guidelines, best practice guidelines, and competency statements for how to provide optimal care for patients in the operating room;

Whereas there is nationally-focused attention on improving patient safety in all healthcare facilities through the reduction of medical errors;

Whereas the Association of periOperative Registered Nurses, the recognized leader in patient safety in the operating room, promotes the highest quality of patient care during all operative or invasive procedures; and

Whereas the Association of periOperative Registered Nurses designates and celebrates National Time-Out Day on June 21, 2006, and each third Wednesday of June thereafter to promote patient safety and optimal outcomes in the operating room by focusing on the reduction of medical errors, fostering better communication among the members of the surgical team, and collaborating with coalition partners to establish universal protocols to increase quality and safety for surgical patients: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideal of an annual National Time-Out Day as designated by the Association of periOperative Registered Nurses for ensuring patient safety and optimal outcomes in the operating room; and

(2) congratulates perioperative nurses and representatives of surgical teams for working together to protect patient safety during all operative and other invasive procedures.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 706, 707, 708, 709, 710, and 712. I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Robert M. Couch, of Alabama, to be President, Government National Mortgage Association.

James B. Lockhart III, of Connecticut, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development for a term of five years.

FEDERAL DEPOSITE INSURANCE CORPORATION

Sheila C. Bair, of Kansas, to be Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation for a term of five years.

Sheila C. Bair, of Kansas, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term expiring July 15, 2013. (Reappointment)

Sheila C. Bair, of Kansas, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for the remainder of the term expiring July 15, 2007.

SECURITIES AND EXCHANGE COMMISSION

Kathleen L. Casey, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2011.

LEGISLATIVE SESSION

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

ORDERS FOR FRIDAY, JUNE 16, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, June 16. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period for the transaction of morning business until 10:45 a.m., with Senators permitted to speak for up to 10 minutes each; further, that following morning business, the Senate resume consideration of S. 2766, the Defense authorization bill.

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

PROGRAM

Mr. FRIST. Mr. President, today we sent the emergency supplemental appropriations conference report to the President with a 98-to-1 vote. We also made some progress on the Defense authorization bill, and we will continue on that bill tomorrow. Chairman WARNER and Senator LEVIN will be here tomorrow. However, we will not have any rollcall votes during Friday's session. Senators should be reminded that there is a rollcall vote scheduled for Monday's session at 5:30 p.m. on a U.S. circuit judge, and there may be additional votes Monday evening on amendments to the Defense bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 6:07 p.m., adjourned until Friday, June 16, 2006, at 9:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged, pursuant to an order of the Senate of January 20, 2005, from further consideration of the following nomination and the nomination was placed on the Executive Calendar:

*JON T. RYMER, OF TENNESSEE, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION.

*NOMINEE HAS COMMITTED TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 15, 2006:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ROBERT M. COUCH, OF ALABAMA, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION.

JAMES B. LOCKHART III, OF CONNECTICUT, TO BE DIRECTOR OF THE OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A TERM OF FIVE YEARS.

FEDERAL DEPOSIT INSURANCE CORPORATION

SHEILA C. BAIR, OF KANSAS, TO BE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF FIVE YEARS.

SHEILA C. BAIR, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM EXPIRING JULY 15, 2013.

SHEILA C. BAIR, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING JULY 15, 2007.

SECURITIES AND EXCHANGE COMMISSION

KATHLEEN L. CASEY, OF VIRGINIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2011.

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