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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 the Reverend Ed Sears, Grace Baptist Temple, Winston-Salem, NC.

The guest Chaplain offered the following prayer:

Let us pray together.

Our Father and our God, as we assemble today in the Senate Chamber, we do so with a keen sense of awareness of our special need of You. Our Nation has a rich history of Your many blessings, and we ask for those blessings to continue upon us. May Your presence be felt, and may Your hand of divine provision be realized.

In this awesome assembly today, give to each person wisdom and understanding for the times that are at hand. With the rich bounty of our history and the awesome opportunities of this present hour, may we move into this day with a special sense of Your call.

With our confidence in You and our responsibility to each other, we invite Your guidance and direction in the affairs of state this day. In times of debate and difference, may we remember that at the end of the day we are, indeed, ''one nation under God.''

Protect those who serve the cause of freedom around our world, especially those serving in our Armed Forces.

May the love of God the Father, the grace and mercy of the Lord Jesus, and the communion of Thy spirit rest upon the Members of this Senate as they gather to conduct our Nation's business. In Jesus's Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

The PRESIDENT pro tempore. The Senator from North Carolina.

REVEREND ED SEARS

Mr. BURR. Mr. President, it is my honor and pleasure to welcome our guest Chaplain this morning, the Reverend Ed Sears of Winston-Salem, NC. Reverend Sears is from my hometown, and it is an honor to have him in Washington today blessing the Senate.

Reverend Sears is the senior pastor at Grace Baptist Temple in Winston-Salem. He has faithfully served Grace Baptist's congregation of over 1,000 members for the past 25 years. Reverend Sears first heard his call to serve in 1971 and has since used his faith to minister and lead. In addition to his service to his church and his community, Reverend Sears holds the distinction of blessing both the House of Representatives and the Senate. In 2003, Reverend Sears was the guest Chaplain in the House and now honors us this morning in the Senate. Grace Baptist Temple, the city of Winston-Salem, and I appreciate his faith and fellowship.

Reverend Sears has been happily married for 39 years. His wife's name is Linda, and they have three daughters, Kelly, Millicent, and Heather. I would also like to congratulate Reverend Sears on the newest addition to his family, his youngest granddaughter, Anna Claire Walker.

Mr. President, it is our privilege to have Reverend Ed Sears lead the Senate in its opening prayer.

RESERVATION OF LEADER TIME

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

FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 9, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 9) to amend the Voting Rights Act of 1965.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we are proceeding directly to H.R. 9, the voting rights reauthorization bill. We have a unanimous consent order that provides for up to 8 hours of debate today, although I do not expect all that time will be necessary. We will proceed to a vote on passage of H.R. 9 whenever that time is used or yielded back, and therefore that vote will occur sometime this afternoon, and I expect passage of that voting rights reauthorization bill.

There are several circuit and district court judges that will require some debate and votes today. We will have a unanimous consent agreement on those debate times shortly, and we will likely consider those judicial nominations following the passage of the Voting Rights Act.

We have been working on an agreement on the child predator legislation for a short debate and vote, which will occur today, and we hope to have that agreement as well.

Finally, we have an order to proceed to the child custody protection bill today, and we have Senators who would like to speak on this issue later today as well.

Having said that, the schedule will require votes over the course of the day—possibly into the evening—in order to finish. Although there is a lot to do and people have requested time

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

to be set aside, I think a lot of that time can be yielded back over the course of the day and we will be able to complete the schedule as I have laid out.

In a few moments, after the chairman makes his opening statements on the Voting Rights Act reauthorization, I will return with an opening statement as well. It has been a process we have expedited in many ways because the importance and significance of this legislation is very clear. So I am delighted that we are moving to it this morning and that we will be passing it later this afternoon.

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

Mr. SPECTER. Are we prepared to proceed at this time with the consideration of the Voting Rights Act?

The PRESIDENT pro tempore. That is correct.

Mr. SPECTER. Mr. President, this is a historic day for the Senate and really a historic day for America as we move forward with Senate action to reauthorize the Voting Rights Act. This action, coming from the Judiciary Committee in our executive session yesterday afternoon, passed unanimously—18 to 0—moves the Senate toward completion of this reauthorization today and for submission to the President and for the formal signing next week.

In an era where many have challenged the ability of the Congress to function in the public interests and in an era where there is so much partisan disagreement, it is good to see the two parties in the House and the Senate coming together to reauthorize this very important legislation.

I thank and congratulate the members of the Senate Judiciary Committee for pulling together and moving ahead at this time, with a prodigious amount of work, to bring this important matter to the floor. The committee has proceeded with 9 hearings. We have had 46 witnesses. We have had 11 leading academics come to testify from such distinguished institutions as the Yale Law School, Stanford University, the University of Pennsylvania Law School, New York University Law School, and others.

The House of Representatives held 12 hearings to gather evidence on voting discrimination, featuring testimony from some 46 witnesses.

We have had some of the leading luminaries in the Nation testify, such as Professor Chandler Davidson, coauthor of the landmark book on the Voting Rights Act ''Quiet Revolution in the South;'' Theodore Shaw, Director-Counsel and President of the NAACP Legal Defense and Education Fund; Fred Gray, veteran civil rights attorney who began his career in the midst of the civil rights movement in the 1950s and has represented such civil rights leaders as Dr. Martin Luther King, Jr., and Mrs. Rosa Parks.

We have been mindful in presenting these witnesses and compiling this record that the Supreme Court has required very extensive records. The Supreme Court struck down parts of the landmark legislation protecting women against violence because the Court disagreed with the congressional ''method of reasoning.'' It is a little hard to understand that conclusion, but they have the final word. They have a test on the adequacy of the record; that it be congruent and proportional. It is sometimes hard to understand exactly what that test is, but we are on guard to compile a very extensive record in order to avoid having the act declared unconstitutional.

The bill which we will vote on today accomplishes many important items. First, it strengthens voting rights protections nationwide by allowing voters who successfully challenge illegal voting practices to recover reasonable expenses of litigation. Second, it extends the protections for voters with limited English skills for 25 years. Those voters will continue to enjoy the protection of bilingual ballots and assistance at the polls. It also extends for 25 years the requirements that the Department of Justice preclear any voting change in certain covered jurisdictions where there has been a history of discrimination. The bill clarifies how the preclearance protections should work, guaranteeing that voting laws enacted with a discriminatory purpose never get enacted into law. So, it moves America in the right direction.

The benefits and effects of the Voting Rights Act of 1965 have been profound, to put it mildly. It is the political power of the minorities for whom the Voting Rights Act was designed who pushed the Congress forward a year in advance of the expiration of the Voting Rights Act, to move ahead and get this important job done early.

If you contrast 1964, before the Voting Rights Act was passed, with what is happening in America today, it is a different America. It is a different political reality. In 1964, there were only approximately 300 African Americans in public office, including just 3 in the Congress. Few, if any, Black elected officials came from the South. Today, there are more than 9,000 Black elected officials, including 43 Members of Congress. This is the largest number ever. Quite a record. The Voting Rights Act has opened the political process for many of the approximately 6,000 Latino public officials who have been elected, including 263 at the State or Federal level, 27 of whom serve in Congress.

This progress is especially striking in covered jurisdictions where hundreds of minorities hold office. In Georgia, for example, minorities are elected at rates proportionate to or higher than their numbers. In Georgia, the voting-age population is 27 percent African American. Almost 31 percent of its delegations to the House of Representatives are African American, and 26.5 percent of officials elected statewide are African American. Black candidates in Mississippi have achieved similar success. The State's voting age population is 34 percent African American. Almost 30 percent of its representatives in the State House and 25 percent of its delegations in the U.S. House of Representatives are African American.

The Congress of 1965 relied on evidence that Black registration was so dramatically lower than White registration that the differences could only be explained by purposeful efforts to disenfranchise Black citizens. Indeed, in some cases, the gap was 50 percentage points. In Alabama, Black registration was just at 18 percent, and in Mississippi, a little over 6 percent. Today, in Alabama and Louisiana, Blacks are registered at approximately the same rate as White voters, and in Georgia, Mississippi, North Carolina, and Texas, Black registration and turnout in the 2004 election was higher than that of the Whites.

The Congress of 1965 relied on findings of Federal courts and the Justice Department that the covered States were engaged in the practice of deliberate unconstitutional behavior. For example, the 1965 Senate report noted that Alabama, Louisiana, and Mississippi had lost every voting discrimination suit brought against them, and in the previous 8 years, each State had eight or nine courts find them guilty of violating the Constitution.

Today, the statistics paint a starkly different picture. Since 1982, only six cases have ended in court ruling or a consent decree finding that one of the 880 covered jurisdictions had committed unconstitutional discrimination against minority voters. During that time, six cases have found that a noncovered jurisdiction committed unconstitutional discrimination against minority voters. If the data is focused on the last 11 years, the results are even more dramatic. Since 1995, only two cases ended in a finding that a covered jurisdiction unconstitutionally discriminated against minority voters.

Looking at voting rights cases paints a similar picture. In 1982, 39 court cases ended with a finding that one of the 880 covered jurisdictions had violated Section 2 of the Voting Rights Act. That is the provision that prohibits discrimination nationwide. During the same period of time, 40 court cases have ended with a finding that one of the noncovered jurisdictions have violated Section 2. Not a perfect record, but it shows that discrimination has become more incidental and less systematic.

There is no doubt this improved record is a direct result of the Voting Rights Act. When we take a look at civil rights legislation generally, the Voting Rights Act is the most important part of our effort to give minorities—give all Americans—their full range of constitutional civil rights.

When we take a look at the activities of the three distinguished women for whom the Voting Rights Act has been named—Coretta Scott King, Rosa Parks, Fannie Lou Hamer—we see the

enormous contribution which they have made. Mrs. King, the widow of pioneering civil rights leader Martin Luther King, Jr., devoted a lifetime to opposing racism, whether the 1960s segregation Alabama or the 1980s apartheid in South Africa. Fortunately, she lived to see so much of the progress America has made. Sadly, her husband, Dr. King, did not see that.

I recall, not too long ago, when Mrs. King came to the Senate, in the adjoining room to the Senate Chambers, and spoke out forcefully on the issues of civil rights. She was a real heroin in America, to pursue the work of Dr. King.

Every American schoolchild knows the story of Miss Rosa Parks who, on December 1, 1955, refused to give up her seat to a white passenger. She explained her motivation simply:

People always say that I didn't give up my seat because I was tired, but that isn't true. I was not tired physically. . . . I was not old, . . . I was forty-two. No, the only tired I was, was tired of giving in.

Fannie Lou Hamer first learned that African Americans had a constitutional right to vote in 1962, when she was 44 years old. Ms. Hammer later explained that, despite death threats and violence, she was determined to exercise her constitutional rights and said:

The only thing that they could do to me was to kill me, and it seemed like they had been trying to do that a little bit at a time ever since I could remember.

So we come to this day in the Senate where we are on the verge of passing the Voting Rights Act, reauthorizing it as the House has done. The President will be speaking within the hour to the NAACP convention and doubtless will refer proudly to the acts of the Congress in presenting him with this bill.

I want to pay tribute to the Judiciary Committee. All the members worked very hard to get these nine hearings and to examine the witnesses and to create a record. Senator KENNEDY, who is on the floor, has been a stalwart leader in this field for a very long time. He was here when the Voting Rights Act of 1965 was passed. Not too many current Members of the Senate were present. Senator BYRD, Senator INOUYE—this is not in my prepared text. I may be omitting someone. Senator STEVENS came shortly thereafter—1968.

Senator KENNEDY doesn't need a microphone when he speaks about civil rights in this Chamber. He can be heard on the House floor—quite a distance away, past the Rotunda. He has not only been a spokesman for this act, he has been a persistent advocate. Not that it needed a whole lot of advocacy to persuade the latest chairman or my distinguished ranking member, Senator LEAHY, to move ahead. This has been our priority item. We got the Judiciary Committee together on a Wednesday afternoon. It is pretty hard to get the Judiciary Committee together any time and to get a quorum, but we were present, 16 of the 18 members. One member was on the floor managing a bill and the other couldn't be there. So there was that kind of enthusiasm.

Now I want to yield to Senator LEAHY, the distinguished ranking member. The committee has quite a record for 18 months. We moved promptly on January 4 to confirm the President's designee for Attorney General. We moved ahead to pass reform legislation on class actions and bankruptcy. We moved ahead, with Senator LEAHY's leadership and the leadership of Judge Becker, to move asbestos out of committee—yet to be acted on, on the floor. We have confirmed two Supreme Court Justices and have moved the immigration bill out of committee. But none of our activities has been as important as the one we presented to the floor of the Senate yesterday when we voted out the Voting Rights Act.

Mr. President, I ask unanimous consent that additional materials be printed in the RECORD.

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

Below is a summary of all the cases that Senate Judiciary Committee staff has located in which a court or a settlement found a constitutional violation of voting rights.

Only six cases resulted in a finding that a covered jurisdiction committed unconstitutional discrimination against minority voters. Six cases ended in a finding that found that a covered jurisdiction had committed unconstitutional discrimination against white voters. Six cases in non-covered jurisdictions found unconstitutional voting practices against minority voters, and two against white or majority voters.

An additional 22 cases found a constitutional violation, but these did not involve racial discrimination or any conduct addressed by the Voting Rights Act. Accordingly, these cases are not relevant evidence for reauthorization.

Staff reviewed the ACLU's 867-page Voting Rights Report, which discusses 293 cases brought since June 1982. Staff also reviewed the database for the University of Michigan Law School Voting Rights Report. The database was constructed by searching the ''federal court'' databases of Westlaw or Lexis for any case that was decided since June 29, 1982 and mentions section 2, 42 U.S.C. §1973. Of all the identified section 2 lawsuits, 209 produced at least one published liability decision under section 2. Staff reviewed the ''state reports'' introduced into the record and available at RenewTheVRA.org. Finally, staff reviewed the consent decrees introduced into the November 8, 2005 House Judiciary Committee hearing on the minority language provisions of the Voting Rights Act.

I. COVERED JURISDICTIONS DISCRIMINATING AGAINST VOTERS

ALABAMA

(1) *Hunter* v. *Underwood*, 730 F.2d 614 (11th Cir. 1984), affirmed 471 U.S. 222 (1985) (ACLU Rep., p. 51).

The ACLU represented two voters who were disenfranchised under a nearly 80 year-old law that prohibited those who had committed a ''crime of moral turpitude'' from voting. Id. at p. 52. The court struck down the law because there was evidence that when it was adopted in the early 1900s, the legislators intended to disenfranchise black voters. The Supreme Court unanimously affirmed that, in view of the proof of racial motivation and continuing racially discriminatory effect, the state law violated the Fourteenth Amendment.

(2) *Dillard* v. *City of Foley*, 926 F. Supp. 1053 (M.D. Ala. 1995) (ACLU Rep., p. 57).

African American plaintiffs in the City of Foley, Alabama, filed a motion to require the City to adopt and implement a nondiscriminatory annexation policy and to annex Mills Quarters and Beulah Heights. Plaintiffs also claimed that the City had violated section 5 and section 2. As a result of negotiations, the parties entered into a consent decree. The decree found plaintiffs had established ''a prima facie violation of section 2 of the Voting Rights Act and the United States Constitution.'' Id. at p. 59.

(3) *Brown* v. *Board of School Comm'rs*., 706 F. 2d 1103 (11th Cir. 1983) (U Mich. L.Rep., http://www.votingreport.org.).

A class of African American voters challenged Mobile County's at-large system for electing School Board members. In 1852, Mobile County created at-large school board elections of 12 commissioners. In 1870, the election procedures changed; instead of selecting all 12 commissioners, voters would select 9 of the 12 and the other 3 would be appointed. This system had the effect of ensuring minority representation on the school board. In 1876, the Alabama state legislature eliminated the Mobile County school board system and returned the County to the 1852 at-large election scheme which remained in effect until this suit was brought.

The district court found that by reinstating the at-large election system, the Alabama state legislature intended to discriminate against African Americans in Mobile County in violation of the Fourteenth and Fifteenth Amendment. The Eleventh Circuit affirmed.

GEORGIA

(4) *Miller* v. *Johnson:* 515 U.S. 900 (1995) (ACLU Rep., 126–27).

In August 1991, the Georgia legislature adopted a congressional redistricting plan based on the new census containing two majority minority districts—the Fifth and the Eleventh. A third district, the Second, had a 35.4% black voting age population. The state submitted the plan for preclearance, but the Attorney General objected to it. Following another objection to a second plan, the state adopted a third plan which contained three majority black districts, the Fifth, the Eleventh, and the Second. The plan was precleared on April 2, 1992. Following the decision in Shaw v. Reno, a lawsuit was filed by white plaintiffs claiming that the Eleventh Congressional District was unconstitutional. One of the plaintiffs was George DeLoach, a white man who had been defeated by McKinney in the 1992 Democratic primary. Although the Eleventh District was not as irregular in shape as the district in Shaw v. Reno, the district court found it to be unconstitutional, holding that the ''contours of the Eleventh District . . . are so dramatically irregular as to permit no other conclusion than that they were manipulated along racial lines.'' The Supreme Court affirmed. It did not find the Eleventh District was bizarrely shaped, but it held the state had ''subordinated'' its traditional redistricting principles to race without having a compelling reason for doing so. The court criticized the plan for splitting counties and municipalities and joining black neighborhoods by the use of narrow, sparsely populated ''land bridges.'' On remand the district court allowed the plaintiffs to amend their complaint to challenge the majority black Second District, which the court then held was unconstitutional for the same reasons it had found the Eleventh District to be unconstitutional, [and] the legislature adjourned without adopting a congressional plan.

(5) *Common Cause* v. *Billups:* 4:05–CV–201 HLM (N.D. Ga.) (ACLU Rep., 185–91).

The Department of Justice precleared the photo ID bill on August 26, 2005. The ACLU filed suit in federal district court, charging the law violated the state and federal constitutions, the 1965 Voting Rights Act, and the 1964 Civil Rights Act. The district court issued a preliminary injunction holding plaintiffs had a substantial likelihood of succeeding on several grounds, including claims that the photo ID law was a poll tax and violated the equal protection clause of the Constitution. The state appealed to the Eleventh Circuit, which refused to stay the injunction. In an attempt to address the poll tax burden cited by the district court in its injunction, the Georgia legislature passed a new photo ID bill providing for free photo identification cards.

(6) *Clark* v. *Putnam County:* 168 F.3d 458 (11th Cir. 1999) (ACLU Report at 384–89).

In 1997, four white plaintiffs filed a lawsuit challenging the constitutionality of the majority black county commission districts as racial gerrymanders in violation of the Shaw/Miller line of cases. In January 2001, the district court dismissed the complaint. The Eleventh Circuit reversed, holding that the district court erred in failing to find unconstitutional intentional discrimination.

LOUISIANA

(7) *Hays* v. *Louisiana*, 515 U.S. 737 (1995) (ACLU Rep., p. 481).

White plaintiffs successfully challenged Louisiana's Fourth Congressional District as unconstitutional ''race-conscious'' redistricting. Id. at p. 481. The Supreme Court granted cert., but then dismissed the case for lack of standing.

NORTH CAROLINA

(8) *Shaw* v. *Hunt*, 517 U.S. 899 (1996) (ACLU Rep., p. 513).

The 12th District of North Carolina was 57% black and was persistently challenged by white voters and its boundaries were considered by the Supreme Court four separate times. The ACLU participated as an amicus in defending the constitutionality of the 12th District. In 1996, the Supreme Court struck down the plan for the 12th District on the grounds that race was the ''predominant'' factor in drawing the plan and the State had subordinated its traditional redistricting principles to race. Id.

SOUTH CAROLINA

(9) *Smith* v. *Beasley*, 946 F. Supp. 1174 (D.S.C. 1996) (ACLU Rep., p. 572).

White voters filed suit in 1995 challenging three state senate districts. A year later, another group of white voters filed suit challenging nine house districts. In both cases, the plaintiffs claimed that the districts were drawn with race as the predominant factor in violation of the Shaw/Miller line of decisions. The cases were consolidated for trial, and black voters, represented by the ACLU, intervened to defend the constitutionality of the challenged districts. Following a trial, a court issued an order in September 1996, finding three of the challenged senate districts and nine of the house districts unconstitutional because they ''were drawn with race as the predominant factor.'' Id.

TEXAS

(10) *League of United Latin American Citizens* v. *Midland Indep. Sch. Dist.*, 648 F. Supp. 596 (W.D. Tex. 1986) (U Mich. L.Rep., *http://www.votingreport.org)*.

Latino plaintiffs argued that the at-large election system diluted their votes. The parties agreed to a court order that eliminated the election scheme and defendants submitted a proposal in which four trustees would be elected from single-member districts and three would be elected at large. Plaintiffs objected and filed a plan in which all seven trustees would be elected from single-member districts. The court, applying Gingles and the totality-of-circumstances tests, held that defendants' plans violated section 2 and the Fourteenth and Fifteenth Amendment. The court ordered that a seven-member district plan for electing trustees be immediately implemented according to district boundaries drawn by the court.

VIRGINIA

(11) *Moon* v. *Meadows*, 952 F. Supp. 1141 (E.D. Va. 1997) (ACLU Rep., p. 691).

In 1995, several white voters challenged the Third Congressional District in federal court as an unconstitutional racial gerrymander. In 1997, the district court invalidated the Third Congressional District, finding that race had predominated in drawing the district and that the defendants could not adequately justify their use of race as a districting factor.

(12) *Pegram* v. *City of Newport News*, 4:94cv79 (E.D.Va. 1994) (ACLU Rep., p. 714).

In July 1994, the ACLU filed suit on behalf of African American voters challenging the at-large method of city elections in the City of Newport News. On October 26, 1994, a consent decree was entered in which the City admitted that its at-large system violated section 2 as well as the Fourteenth and Fifteenth Amendments. The consent decree required the City to implement a racially fair election plan.

II. NON-COVERED JURISDICTIONS DISCRIMINATING AGAINST VOTERS

CALIFORNIA

(1) *Garza* v. *County of Los Angeles*, 918 F.2d 763 (9th Cir. 1990) (U Mich. Law School's Report. *http://www.votingreport.org*).

Latino voters alleged that district lines for the Los Angeles County Board of Supervisors were gerrymandered to dilute their voting strength. Plaintiffs requested creation of a district with a Latino majority for the 1990 Board of Supervisors election. The Ninth Circuit affirmed that the County had adopted and applied a redistricting plan that resulted in dilution of Latino voting power in violation of section 2, and by establishing and maintaining the plan, the County had intentionally discriminated against Latinos in violation of the Fourteenth Amendment's Equal Protection Clause.

FLORIDA

(2) *McMillan* v. *Escambia County*, 748 F.2d 1037 (11th Cir. 1984) (U Mich. L.Rep., *http://www.votingreport.org*).

Black plaintiffs claimed that the at-large election of county commissioners in Escambia County diluted their voting power in violation of section 2 and the Fourteenth and Fifteenth Amendments. The district court found that the State had not implemented the plan with a racially discriminatory purpose, but it had maintained it with such a purpose.

HAWAII

(3) *Arakaki* v. *Hawaii*, 314 F.3d 1091 (9th Cir. 2002) (U Mich. L.Rep., *http://www.votingreport.org*).

A group of Hawaiian citizens of various ethnic backgrounds sued the State of Hawaii alleging that the requirement that those appointed to the Office of Hawaiian Affairs must be of Native Hawaiian ancestry violated the Fourteenth Amendment, the Fifteenth Amendment, and section 2 of the Voting Rights Act. The Eleventh Circuit found that the restriction on candidates running for Office of Hawaiian Affairs on the basis of race violated the Fifteenth Amendment as well section 2 of the Voting Rights Act. The Ninth Circuit vacated the district court's judgment that the Fourteenth Amendment had also been violated because plaintiffs did not have standing to challenge the appointment procedures.

NEW MEXICO

(4) *United States* v. *Socorro County*, Civ. Action No. 93–1244–JP (November 8, 2005 House Judiciary Committee Hearing Record)

The United States sued pursuant to sections 2, 12(d), and 203 of the VRA, alleging violations of the VRA and the 14th and 15th Amendments arising from Socorro County's election practices and procedures as they affected Native American citizens of the county, including those Native American citizens who rely on whole or in part on the Navajo language. In its 1993 consent agreement, the defendants did ''not contest that in past elections [the county] failed to make the election process in Socorro County equally available to Native American and non-Native American citizens as required by Section 2 [of the VRA] and the Fourteenth and Fifteenth Amendments, nor [did] defendants contest that in past elections the county has failed to comply fully with the minority language requirements of Section 203 [of the VRA].''

(5) *United States* v. *Bernalillo County*, Civ. Action No. 98–156 BB/LCS (November 8, 2005 House Judiciary Committee Hearing Record)

The United States sued pursuant to sections 2, 12(d), and 203 of the VRA, alleging violations of the VRA and the 14th and 15th Amendments arising from Bernalillo County's election practices and procedures as they affected Native American citizens of the county, including those Native American citizens who rely on whole or in part on the Navajo language. In its 1998 consent decree, the defendants did ''not contest that in past elections the county has failed in particular areas to make the election process as accessible to Native American citizens as it was to non-Native American citizens as is required by Section 203, Section 2, and the Fourteenth and Fifteenth Amendments.''

NEW YORK

(6) *Goosby* v. *Town Bd. of Town of Hempstead*, 180 F. 3d 476 (2d Cir. 1999) (U Mich. L.Rep., *http://www.votingreport.org*).

Representatives of the Town Board of Hempstead were chosen through at-large elections. African American voters alleged that they were unable to elect their preferred candidates. The district court held that the at-large elections violated section 2 and ordered the Town to submit a six single-member district remedial plan. The Board submitted two plans. The one the Board preferred was a two-district system, consisting of one single-member district and one multi-member district. The other plan consisted of six single-member districts. The district court held that the two-district plan violated the Fourteenth Amendment, but the six-district plan did not. The Board appealed. The Second Circuit affirmed the district court's holding that the Board's proposed two-district plan violated section 2 and the Fourteenth Amendment because blacks had no access to the Republican Party candidate slating process.

PENNSYLVANIA

(7) *Marks* v. *Stinson*, 1994 WL 146113 (E.D. Pa. Apr. 26, 1994) (U Mich. L.Rep., *http://www.votingreport.org)*.

Republican candidate for State Senate, Bruce Marks, the Republican State Committee and other plaintiffs challenged the election of Democrat William Stinson for the Second Senatorial District. Although Marks received approximately 500 more votes from the Election Day voting machines than Stinson, Stinson received 1000 more votes than Marks in absentee voting. Marks and the other plaintiffs contended that Stinson

and his campaign workers encouraged voters to undermine proper absentee voting procedures and requirements, such as falsely claiming that they would be out of the county or would be physically unable to go to the polls on Election Day. Plaintiffs also contended that Stinson and the other Defendants had focused their efforts to encourage illegal absentee voting on minorities.

The court held: (1) defendants violated plaintiffs' First Amendment rights of association because plaintiffs were denied the freedom to form groups for the advancement of political ideas and to campaign and vote for their chosen candidates; (2) defendants' actions denied plaintiffs' right to Equal Protection by discriminating against the Republican candidate and by treating persons differently because of their race; (3) defendants violated plaintiffs' Substantive Due Process right to vote in state elections by abusing the democratic process; and (4) defendants improperly applied a ''standard, practice, or procedure'' in a discriminatory fashion in violation of the VRA, targeting voters based on race and denying minority voters the right to vote freely without illegal interference. Finally, the court ordered the certification of Bruce Marks as the winner of the Second Senatorial District seat for the 1993 Special Election because Marks would have won the election but for the illegal actions of the defendants.

TENNESSEE

(8) *Brown* v. *Chattanooga board of Comm'rs*, 722 F. Supp. 380 (E.D. Tenn. 1989) (U Mich. L.Rep., http://www.votingreport.org).

Black citizens of Chattanooga sued the Board of Commissioners for its use of at-large elections. The court held: (1) applying the Gingles test, the method of electing Board of Commissioners violated section 2 because the electoral practice resulted in an abridgment of black voter's rights; and (2) the Property Qualified Voting provision of the Chattanooga charter violated the Fourteenth Amendment under rational basis review because permitting a nonresident who owns a trivial amount of property to vote in municipal elections does not further any rational governmental interest.

III. CONSTITUTIONAL VIOLATIONS NOT INVOLVING RACE

(1) *Vander Linden* v. *Hodges*, 193 F.3d 268 (4th Cir. 1999) (ACLU Rep., p. 562).

Residents of Dorchester, Berkeley, and Charleston Counties, in South Carolina, filed suit in 1991 alleging that the counties' legislative delegation structure violated the Fourteenth Amendment's one-person, one-vote requirement and was adopted with an unconstitutional purpose to discriminate against African American voters. The district court rejected both claims. The Fourth Circuit held that the structure violated the one-person, one-vote rule (making no findings of discriminatory intent) and did not address the second claim.

(2) *NAACP* v. *Board of Trustees of Abbeville County School District No. 60*, Civ. No. 8–93–1047–03 (D.S.C. 1993) (ACLU Rep., p. 583).

The Board of Trustees of Abbeville County School District 60 traditionally consisted of nine members, five of whom were elected from single member districts and two each from two multi-member districts. African Americans were 32% of the population of the school district, but all the districts were majority white and only one member of the board was African American. In 1993, black residents of the school district and the local NAACP chapter filed suit challenging the method of electing the board of trustees as violating the Constitution's one person, one vote requirement and violating section 2 by diluting minority voting strength. The court decided that the existing plan for the board ''is an unconstitutionally malapportioned plan, and is in violation of sections 2 and 5 of the Voting Rights Act.'' *Id*. at 584.

(3) *Duffey* v. *Butts County Board of Commissioners:* Civ. No. 92–233–3–MAC (M.D. Ga.) (ACLU Report at 237–38).

Suit challenging districting plans for Board of Education and Board of Commissioners that were determined to be malapportioned after the 1990 census. Plaintiffs sought, and obtained, a preliminary injunction finding that the election districts were ''constitutionally malapportioned.'' Parties entered consent decree that retained five single member districts for both boards and established two majority black districts. Plan was precleared by DOJ.

(4) *Calhoun County Branch of the NAACP* v. *Calhoun County:* Civ. No. 92–96–ALB/AMER(DF) (M.D. Ga.) (ACLU Report at 238–40).

1979 suit to enjoin the use of at-large elections for failure to comply with Section 5. The county had changed to at-large voting in 1967 following increased black registration. A three-judge panel enjoined the at-large scheme, finding it had never been submitted for preclearance. A consent order then created five single-member districts, two of which were majority black, and two at-large seats. After the 1990 census, black voters again sued, alleging the districts were malapportioned. According to the ACLU report, ''the district court entered an order enjoining the upcoming primary election for the board of education under the malapportioned plan. The parties then agreed upon a new plan that complied with the equal population standard and maintained two of the districts as majority black.''

(5) *Frank Davenport* v. *Clay County Board of Commissioners, NO. 92–98–COL (JRE) (M.D. Ga.):* Civ. No. 92–98–COL (JRE) (M.D. Ga.) (ACLU Report at 256–59).

The county had failed to preclear its change to an at-large system of voting for county commissioners in 1967. In 1980, members of the local NAACP challenged the at-large system and the failure to comply with Section 5. The court found a section 5 violation, which resulted in a return to single-member districts. After the 1990 census showed the commission districts to be malapportioned (and following an attempt to create equal districts which was not precleared before a 1992 legislative poison pill provision rendered it void), the ACLU sued seeking a remedial plan for the upcoming elections. The parties entered a consent decree in which the county admitted the districts were malapportioned in violation of the Fourteenth Amendment's one person one vote requirement and agreed to the redistricting plan which had been created before the 1992 poison pill invalidated it. The plan was precleared by DOJ.

(6) *Jones* v. *Cook County:* Civ. No. 7:94–cv–73 (WLS) (ACLU Report at 271–72).

The ACLU filed suit on behalf of black voters in 1994, alleging that the county board of commissioners and board of education districts were constitutionally malapportioned after the 1990 census. According to the ACLU's report, ''In a hearing on December 19, 1995, county officials agreed that 'the relevant voting districts in Cook County are malapportioned in violation of the equal protection clause of the fourteenth amendment to the United States Constitution.' A consent decree allowed sitting commission members to retain their seats but implemented a new plan, correcting the malapportionment for the 1996 elections.''

(7) *Thomas* v. *Crawford County:* 5:02 CV 222 (M.D. Ga.) (ACLU Report at 272–74).

2002 suit alleged single-member districts were malapportioned in violation of the constitution's one-person-one-vote principle. The plaintiffs won summary judgment and a preliminary injunction to prevent elections from taking place under the plan. The court adopted a plan that maintained two majority-black districts.

(8) *Wright* v. *City of Albany:* 306 F. Supp. 2d 1228 (M.D. Ga. 2003) (ACLU Rep. 289–93).

Black residents of the city, represented by the ACLU, sued in 2003 to enjoin use of an allegedly constitutionally malapportioned districting plan and requested that the court supervise the development and implementation of a remedial plan that complied with the principle of one person, one vote, and the VRA. According to the ACLU report, ''In a series of subsequent orders, the court granted the plaintiffs' motion for summary judgment, enjoined the pending elections, adopted a remedial plan prepared by the state reapportionment office, and directed that a special election for the mayor and city commission [be] held in February 2004.''

(9) *Woody* v. *Evans County Board of Commissioners:* Civ. No. 692–073 (S.D. Ga. 1992) (ACLU Report at 297–300).

In 1992, the ACLU filed suit on behalf of black voters challenging an allegedly malapportioned districting plan for the county commission and board of education under the Constitution and Section 2 of the VRA. According to the ACLU report, ''on June 29 the district court enjoined 'holding further elections under the existing malapportioned plan for both bodies.' ''

(10) *Bryant* v. *Liberty County Board of Education:* Civ. No. 492–145 (S.D. Ga.) (ACLU Report at 340–42).

''Because Liberty County was left with a malapportioned districting plan based on the 1980 census, the ACLU filed suit in 1992, on behalf of black voters seeking constitutionally apportioned election districts for the county. The court granted plaintiffs' motion for preliminary injunctive relief on July 7, 1992, and the following year the parties agreed to a redistricting plan in which two of the six single member districts contained majority black voting age populations. The plan was precleared by the Justice Department on April 27, 1993.''

(11) *Hall* v. *Macon County:* Civ. No. 94–185 (M.D. Ga.) (ACLU Report at 348–49).

According to the ACLU Report, ''The [Georgia] general assembly failed to redistrict the two boards during its 1992, 1993, and 1994 sessions, and in 1994, the ACLU filed suit on behalf of Macon County residents against county officials seeking a constitutional plan for the 1994 elections. On July 12, 1994, the court enjoined the upcoming election and ordered the parties to present remedial plans by July 15, 1994. In March 1995, the court ordered a five district plan that remedied the one person, one vote violations and ordered special elections be held.''

(12) *Morman* v. *City of Baconton:* Civ. No. 1:03–CV–161–4 (WLS) (M.D. Ga.) (ACLU Report at 364–65).

Suit to block the use of a constitutionally malapportioned districting plan following the 2000 census. According to the ACLU Report, ''Black residents of Baconton, with the assistance of the ACLU, then filed suit in federal court to enjoin use of the 1993 plan on the grounds that it would violate Section 5 and the Fourteenth Amendment. The day before the election the court held a hearing, and, hours before the polls opened, granted an injunction prohibiting the city from implementing the unprecleared and unconstitutional plan.''

(13) *Ellis-Cooksey* v. *Newton County Board of Commissioners:* Civ. No. 1:92–CV–1283–MHS (N.D. Ga.) (ACLU Report at 370–73).

According to the ACLU report, the 1990 census showed that the five single member

districts for the county board of commissioners and board of education were constitutionally malapportioned. ''After the legislature failed to enact a remedial plan, the ACLU filed suit on behalf of black voters in Newton County in June 1992, seeking constitutionally apportioned districts for the commission and school board. The suit also sought to enjoin upcoming primary elections, scheduled for July 21, 1992, as well as the November 3 general election. The parties settled the case the following month and the court issued an order that '[t]he 1984 district plan does not constitutionally reflect the current population.' ''

(14) *Lucas* v. *Pulaski County Board of Education:* Civ. No. 92–364–3 (MAC) (M.D. Ga.) (ACLU Report at 380–84).

Black residents of the county, represented by the ACLU, filed suit in 1992 to enjoin upcoming elections under an allegedly constitutionally malapportioned plan. According to the ACLU report, ''On October 14, 1992, the district court entered a consent order involving the board of Education, affirming that 'Defendants do not contest plaintiffs' allegations that the districts as presently constituted are malapportioned and in violation of the Fourteenth Amendment of the Constitution.' ''

(15) *Cook* v. *Randolph County:* Civ. No. 93–113–COL (M.D. Ga.) (ACLU Report at 389–93).

According to the ACLU Report, ''On October 5, 1993, black voters, represented by the ACLU, filed suit. They asked the court to enjoin elections for the school board and board of commissioners on the grounds that the districting plan for both bodies was either malapportioned in violation of the Constitution and Section 2, or had not been precleared pursuant to Section 5. Later that month, on October 29, the parties signed a consent order stipulating that the existing county districts were malapportioned, and agreeing on a redistricting plan containing five single member districts with a total deviation of 9.35%. Three of the five districts were majority black.''

(16) *Houston* v. *Board of Commissioners of Sumter County:* Civ. No. 94–77–AMER (M.D. Ga.) (ACLU Report at 420–22).

The ACLU brought suit in 1984 on behalf of black county residents charging that the five member board of county commissioners was malapportioned in violation of the Constitution and Section 2 of the VRA. The suit also charged defendants with failing to secure preclearance of a valid reapportionment plan under Section 5. According to the ACLU Report, ''After plaintiffs moved for a preliminary injunction to block the 1984 board of commissioners election, a consent order was issued acknowledging that the districts were malapportioned, and instructing both parties to submit reapportionment plans to the court. . . . On February 27, 1985, after trial on the merits, the court ruled the challenged plan unconstitutional and directed the defendants to adopt a new plan and seek preclearance under Section 5 within 30 days.''

(17) *Cooper* v. *Sumter County Board of Commissioners:* Civ. No. 1:92–cv–00105–DF (M.D. Ga.) (ACLU Report at 422–23).

After the release of the 1990 census, the ACLU brought suit on behalf of black plaintiffs, alleging that the county's commission districts were malapportioned in violation of the constitutional principle of one person, one vote. On July 27, 1992, the district court entered a consent order finding ''malapportionment in excess of the legally acceptable standard.''

(18) *Williams* v. *Tattnal County Board of Commissioners:* Civ. No. CV692–084 (S.D. Ga.) (ACLU Report at 426–27).

After the 1990 census, the ACLU, on behalf of black residents, sued to enjoin further use of an allegedly constitutionally malapportioned districting plan. According to the ACLU Report, ''On July 7, 1992, the district court, finding that the existing plan was malapportioned, enjoined the July 1992, primary elections for the board of commissioners and board of education until such time as an election could be held under a court ordered or a precleared plan.''

(19) *Spaulding* v. *Telfair County:* Civ. No. 386–061 (M.D. Ga.) (ACLU Report at 431–33).

In September 1986, the ACLU filed suit on behalf of five black voters alleging that the county board of education was malapportioned. According to the ACLU Report, ''On October 31, 1986, less than a week before the November general election, the court entered a consent order staying the elections, ordering a new apportionment plan, and providing for a special election. The court found that 'Plaintiffs have established a prima facie case that the current apportionment of the Board of Education is in violation of the Fourteenth Amendment,' and required the defendants to develop and implement a new apportionment for the school board within 60 days.''

(20) *Crisp* v. *Telfair County:* CV 302–040 (S.D. Ga.) (ACLU Report at 439–41).

The ACLU sued in August 2002, alleging that the county commission lines were malapportioned in violation of the Constitution and Section 2 of the VRA. According to the ACLU Report, ''After plaintiffs filed suit, the county stipulated that its commission districts were malapportioned, and that 'It is possible . . . to draw a five single member district plan with at least one majority black district in Telfair County.' The plaintiffs then filed for summary judgment and asked the court to hold the existing plan unconstitutional and order a new plan into effect. . . . Ruling that the existing plan was malapportioned and 'violates the one person, one vote standard of the equal protection clause of the Fourteenth Amendment,' the court noted that the plan had been submitted for Section 5 preclearance and ruled the motion for summary judgment was 'largely moot.' ''

(21) *Holloway* v. *Terrell County Board of Commissioners:* CA–92–89–ALB/AMER(DF) (M.D. Ga.) (ACLU Report at 441–44).

In June 1992, the ACLU filed suit on behalf of black voters challenging the malapportionment of the county board of commissioners under the Constitution and Section 2 of the VRA. According to the ACLU Report, ''After the reapportionment suit was brought in 1992, defendants admitted the plan was malapportioned. . . . The parties negotiated a new redistricting plan, corrected the malapportionment, and created two effective majority black districts. Despite this agreement, the county proposed, and had the 1993 Georgia General Assembly adopt, a redistricting plan which plaintiffs did not support. . . . In February 1994, the Department of Justice precleared the county's redistricting plan over the objections of the black community. . . .''

(22) *Flanders* v. *City of Soperton:* Civ. No. 394–067 (S.D. Ga.) (ACLU Report at 447–49).

According to the ACLU Report, ''in November 1994, the ACLU again brought suit on behalf of black voters in Soperton, challenging the five member city council as malapportioned in violation of one person, one vote. . . . A consent order was filed August 7, 1995, in which both parties agreed the city election districts were malapportioned, and adopted a districting plan with a total deviation of 6.8% that contained two majority black districts of 75.34% and 72.92% black voting age population, respectively.''

CASES FINDING SECTION 2 LIABILITY
Section 2 Cases From 1982 to the Present Published By Westlaw or Lexis or Included in House or Senate Record

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 or Parties Settled (% of total nationwide suits)	Court Held State Violated Section 2 or Settlement Recognized Section 2 Violation (% of cases that reached merits that held against state)	Cases
Nationwide	330	235	79 out of 235 (33.6%)	See State-by-State Analysis
Jurisdictions Covered by § 5	159 (48.2%)	106 (45.1%)	39 out of 106 (37.7%)	See State-by-State Analysis
Non-Covered Jurisdictions	171 (51.5%)	129 (54.5%)	40 out of 129 (31.0%)	See State-by-State Analysis

SECTION 2 COURT VERDICTS
Section 2 Cases From 1982 to the Present Published By Westlaw or Lexis or Included in House or Senate Record

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
Nationwide	330	210	72 out of 210 (34.3%)	See State-by-State Analysis
Jurisdictions Covered by § 5	159	97	36 out of 97 (37.1%)	See State-by-State Analysis
Non-Covered Jurisdictions	171	113	36 out of 113 (31.9%)	See State-by-State Analysis
Jurisdictions Covered by § 5				
Alabama	25	16	7 (43.8%)	1) Buskey v. Oliver, 565 F. Supp. 1473 (M.D. Ala. 1983) 2) Brown v. Board of School Comm'rs., 706 F.2d 1103 (11th Cir. 1983) 3) Clark v. Marengo County, 623 F. Supp. 33 (S.D. Ala. 1985) 4) U.S. v. Dallas County Com'n, 636 F.Supp. 704 (S.D. Ala. 1986) 5) Dillard v. Baldwin County Bd. of Education, 686 F. Supp. 1459 (M.D. Ala. 1988) 6) Harris v. Siegelman, 695 F. Supp. 517 (M.D. Ala. 1988) 7) Dillard v. Town of North Johns, 717 F. Supp. 1471 (M.D. Ala. 1989)
Alaska	0	0	0 (0%)	n/a
Arizona	3	1	0 (0%)	n/a
Georgia	13	9	1 (11.1%)	1) Cofield v. City of LaGrange, 969 F. Supp. 749 (N.D. Ga. 1997)
Louisiana	17	9	5 (55.6%)	1) Major v. Treen, 574 F. Supp. 325 (E.D. La. 1983) 2) Citizens for a Better Gretna v. Gretna, 834 F.2d 496 (5th Cir. 1987) 3) Clark v. Roemer, 777 F.Supp. 445 (E.D. La. 1990) 4) East Jefferson Coalition For Leadership & Dev. v. Parish of Jefferson,

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
				926 F.2d 487 (5th Cir. 1991) 5) Westwego Citizens for Better Government v. Westwego, 946 F.2d 1109 (5th Cir. 1991)
Mississippi	29	20	12 (60.0%)	1) Jordan v. City of Greenwood, 599 F.Supp. 397 (N.D. Miss. 1984) 2) Jordan v. Winter, 604 F.Supp. 807 (N.D. Miss. 1984) 3) Goodloe v. Madison County Bd. of Election Com'rs, 610 F.Supp. 240 (S.D. Miss. 1985) 4) Martin v. Allain, 658 F.Supp. 1183 (S.D. Miss. 1987) 5) Gunn v. Chickasaw County, 705 F.Supp. 315 (N.D. Miss. 1989) 6) Ewing v. Monroe County, 740 F.Supp. 417 (N.D. Miss. 1990) 7) Mississippi State Chapter, 932 F.2d 400 (5th Cir. 1991) 8) Bryant v. Lawrence County, 814 F.Supp. 1346 (S.D. Miss. 1993) 9) Teague v. Attala County, 92 F.3d 283 (5th Cir. 1996) 10) Clark v. Calhoun County, 88 F.3d 1393 (5th Cir. 1996) 11) Gunn v. Chickasaw County, 1997 U.S. Dist. LEXIS 22087; 1997 WL 33426761 (N.D. Miss. 1997) 12) Houston v. Lafayette County, 20 F.Supp.2d 996 (N.D. Miss. 1998)
South Carolina	7	4	2 (50.0%)	1) Jackson v. Edgefield County, 650 F. Supp. 1176 (D.S.C. 1986) 2) United States v. Charleston County, 365 F.3d 341 (4th Cir. 2004)
Texas	34	26	6 (23.1%)	1) Sierra v. El Paso Ind. Sch. Dist., 591 F. Supp. 802 (W.D. Tex. 1984) 2) Jones v. Lubbock, 727 F.2d 364 (5th Cir. 1984) 3) League of United Latin American Citizens, 648 F. Supp 596 (W.D. Tex. 1986) 4) Campos v. Baytown, 840 F.2d 1240 (5th Cir. 1988) 5) Williams v. City of Dallas, 734 F. Supp. 1317 (W.D. Tex. 1990) 6) League of United Latin Am. Citizens v. North E. Indep. Sch. Dist., 903 F. Supp. 1071 (W.D. Tex. 1995)
Virginia	11	6	3 (50.0%)	1) McDaniels v. Mehfoud, 702 F. Supp. 588 (E.D. Va. 1988) 2) Neal v. Coleburn, 689 F. Supp. 1426 (E.D. Va. 1988) 3) Collins v. City of Norfolk, 883 F.2d 1232 (4th Cir. 1989)
Non-Covered Jurisdictions				
Arkansas	10	8	4 (50.0%)	1) Smith v. Clinton, 687 F. Supp. 1310 (E.D. Ark. 1988) 2) Jeffers v. Clinton, 730 F. Supp. 196 (E.D. Ark. 1989) 3) Williams v. City of Texarkana, 861 F. Supp. 756 (W.D. Ark. 1992)

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
				4) Harvell v. Blytheville Sch. Dist. #5, 71 F.3d 1382 (8th Cir. 1995)
California	16 (All Non-Covered)	9 (All Non-Covered)	2 (All Non-Covered) (22.2%)	1) Gomez v. Watsonville, 863 F.2d 1407 (9th Cir. 1988) 2) Garza v. County of Los Angeles, 918 F.2d 763 (9th Cir. 1990)
Colorado	5	4	2 (50.0%)	1) Sanchez v. Colorado, 97 F.3d 1303 (10th Cir. 1996) 2) Cuthair v. Montezuma-Cortez, Colo. Sch. Dist. No, RE-1 7 F. Supp. 2d 1152 (D. Colo. 1998)
Connecticut	2	0	0 (0%)	n/a
DC	2	2	0 (0%)	n/a
Delaware	3	1	0 (0%)	n/a
Florida	21 (18 Non-Covered, 3 Covered)	16 (15 Non-Covered, 1 Covered)	3 (All Non-Covered) (18.8%)	1) McMillan v. Escambia County, 748 F.2d 1037 (11th Cir. 1984) 2) Bradford County NAACP v. City of Starke, 712 F. Supp. 1523 (M.D. Fla. 1989) 3) Meek v. Metro. Dade County, 985 F.2d 1471 (11th Cir. 1993)
Hawaii	1	1	1 (100%)	1) Arakaki v. Hawaii, 314 F.3d 1091 (9th Cir. 2002)
Illinois	18	10	5 (50.0%)	1) Rybicki v. State Bd. Of Elections of State of Ill., 574 F.Supp. 1147 (N.D. Ill. 1983) 2) Ketchum v. Byrne, 740 F.2d 1398 (7th Cir. 1984) 3) McNeil v. City of Springfield, 658 F.Supp. 1015 (C.D. Ill. 1987) 4) Harper v. City of Chicago Heights, 1997 WL 102543 (N.D. Ill. 1997) 5) Barnett v. City of Chicago, 17 F.Supp.2d 753 (N.D. Ill. 1998)
Indiana	6	3	0 (0%)	n/a
Kentucky	1	0	0 (0%)	n/a
Massachusetts	4	4	1 (25.0%)	1) Black Political Task Force v. Galvin, 300 F. Supp. 2d 291 (D. Mass. 2004)
Maryland	3	2	2 (66.7%)	1) Marylanders for Fair Representation, Inc. v. Schaefer, 849 F. Supp. 1022 (D. Md. 1994) 2) Cane v. Worcester County, 35 F.3d 921 (4th Cir. 1994)
Michigan	5 (All Non-Covered)	4 (All Non-Covered)	0 (0%)	n/a
Minnesota	2	2	0	n/a

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
			(0%)	
Missouri	9	5	1 (20.0%)	1) Corbett v. Sullivan, 202 F. Supp. 2d 972 (E.D. Mo. 2002)
Montana	3	3	2 (66.7%)	1) Windy Boy v. County of Big Horn, 647 F. Supp. 1002 (D. Mont. 1986) 2) U.S. v. Blaine County, 363 F.3d 897 (9th Cir. 2004)
Nebraska	1	1	1 (100%)	1) Stabler v. County of Thurston, 129 F.3d 1015 (8th Cir. 1997)
New Jersey	3	1	0 (0%)	n/a
New Hampshire	0	0	0 (0%)	n/a
New Mexico	4	0	0 (%)	n/a
New York	26 (18 Non-Covered, 8 Covered)	15 (11 Non-Covered, 4 Covered)	1 (Non-Covered) (6.7%)	1) Goosby v. Town Bd. of Town of Hempstead, 180 F.3d 476 (2d Cir. 1999)
North Carolina	15 (7 Non-Covered, 8 Covered)	5 (All Non-Covered)	2 (All Non-Covered) (40.0%)	1) Thornburg v. Gingles, 478 U.S. 30 (U.S. 1986) 2) Ward v. Columbus County, 782 F.Supp. 1097 (E.D.N.C. 1991)
Ohio	9	6	1 (16.7%)	1) Armour v. Ohio, 775 F.Supp. 1044 (N.D. Ohio 1991) Liability
Pennsylvania	5	4	2 (50.0%)	1) U.S. v. Berks County, 277 F. Supp. 2d 570 (E.D. Pa. 2003) 2) Marks v. Stinson, 1994 WL 146113 (E.D. Pa. Apr. 26, 1994)
Road Island	2	0	0 (0%)	n/a
South Dakota	3 (2 Non-Covered, 1 Covered)	3 (2 Non-Covered, 1 Covered)	2 (Non-Covered) (66.7%)	1) Bone Shirt v. Hazeltine, 336 F.Supp.2d 976 (D.S.D. 2004) 2) Cottier v. City of Martin, 445 F.3d 1113 (8th Cir. 2006)
Tennessee	7	6	3 (50.0%)	1) Buchanan v. City of Jackson, 683 F.Supp. 1515 (W.D. Tenn. 1988) 2) Brown v. Chattanooga Board of Comm'rs, 722 F. Supp. 380 (E.D. Tenn. 1989) 3) Rural W. Tenn. African-American Affairs Council v. Sundquist, 209 F.3d 835 (6th Cir. 2000)
Washington	1	1	0 (0%)	n/a

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
Wisconsin	4	3	1 (33.3%)	1) Prosser v. Elections Bd., 793 F. Supp. 859 (W.D. Wis. 1992)

SECTION 2 SETTLEMENT CHART
Section 2 Cases From 1982 to the Present Published By Westlaw or Lexis or Included in House or Senate Record

Geography	Total Suits (% of total nationwide suits)	Parties Settled	Settlement Recognized Section 2 Violation (% of cases that Settled in which a Section 2 violation was recognized)	Cases	Settlement Recognized a Constitutional Violation
Nationwide	330	25	7 out of 25 (28.0%)	See below	See below
Jurisdictions Covered by § 5	159	9	3 out of 9 (33.3%)	**1. Alabama:** Dillard v. Chilton Cty. Comm'n, 868 F.2d 1274 (11th Cir. 1989) **2. Alabama:** White v. Alabama, 74 F.3d 1058 (11th Cir. 1996) **3. North Carolina:** Moore v. Beaufort County, 936 F.2d 159 (4th Cir. 2004) (*Beaufort County – Covered Jurisdiction*)	**1.** No **2.** No **3.** No
Non-Covered Jurisdictions	171	16	4 out of 16 (25.0%)	**1. North Carolina**: N.A.A.C.P. v. City of Statesville, 606 F.Supp. 569 (W.D.N.C. 1985) (*Iredell County – Non-Covered Jurisdiction*) **2. Ohio:** Mallory v. Eyrich, 922 F.2d 1273 (6th Cir. 1991) **3. New Mexico:** U.S. v. Bernalillo County, CV-98-156 BB/LCS (District of N.M. 1998) **4. New Mexico:** U.S. v. Socorro County, (VA No. 93-1244-2P (District of N.M. 2004)	**1.** No **2.** No **3.** Yes **4.** Yes

The information from this chart is derived from 1) the University of Michigan Law School's Report on the Voting Rights Initiative, available at http://www.votingreport.com., 2) the Hearing on "The Voting Rights Act –Section 203 Bilingual Election requirements", and 3) the State Reports prepared by a collection of civil rights groups, available at http://www.renewthevra.org.

1) The University of Michigan Law School's Voting Rights Project reviewed every case on Westlaw or Lexis that addressed a Section 2 Claim since June 29, 1982, when Section 2 of the Voting Rights Act was amended. Researchers then located all related decisions and organized them by lawsuit. Within each lawsuit there were often multiple appeals and remands, and researcher determined which opinion provided the final word in a given series of litigation. Most often, the final word case in each lawsuit is the last case that assessed liability on the merits and determined whether Section 2 was violated.

If there was not a liability decision on Section 2, researchers coded the final word as the last published case in the lawsuit that made a determination for or against the plaintiff, including whether to approve a settlement, order a remedy, issue a preliminary injuction, or grant fees.

Cottier v. City of Martin, 445 F.3d 1113 (8th Cir. 2006), a case decided after the completion of the University of Michigan Law School's Report on the Voting Rights Initiative, was entered into the Senate Judiciary Committee record on May 9, 2006, and is included in this chart.

2) On November 8 2005, the House Judiciary Committee held a hearing on "The Voting Rights Act –Section 203 Bilingual Election requirements." Witness Bradley J. Scholzman attached as an appendix to his testimony copies of complaints, consent decrees and orders in enforcement actions filed by the United States under the language minority provisions of the voting rights act (section 4(e), 4(f)(4) and 203). See appendix at pgs 69-1381.

3) The Civilrights.org Network, a project of the Leadership Conference on Civil Rights and the Leadership Conference on Civil Rights Education Fund, produced a number of State Reports offering evidence in favor of an extension of the Voting Rights Act. The State Reports analyzed for this chart are Alaska, Arizona, California, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, South Dakota, Texas, and Virginia. When these reports listed a successful Section 2 case, that case was compared with the list of cases provided in the University of Michigan Law School's Voting Rights Project.

MINORITY ELECTED OFFICIALS

State	Citizen minority voting age population percentage (2000 Census)	Minority percentage in State Senate (2005)	Minority percentage in State House (2005)	Number minority officials (2001)	Minority percentage in U.S. House delegation
Alabama	Black: 24.5	22.86	25.71	756	n/a
Alaska	Black: 3.0	Black: 5.0 Native: 25.0	Black: 2.5 Native: 20.0	n/a	n/a
California	Hispanic of any race: 21.4	22.5	22.5	757 (as of 2000)	n/a
Florida	Black: 13.0 Hispanic of any race: 12.6	Black: 7.5 Latino: 15.0	Black: 13.3 Latino: 9.2	Black: 243 Latino: 89	n/a
Georgia	Black: 27.2	19.6	21.7	611	30.7
Louisiana	Black: 30.0	23.1	21.9	705	14.3
Mississippi	Black: 34.1	21.2	29.5	897	25
North Carolina	Black: 20.5	14.0	15.8	491	7.7
South Carolina	Black: 27.8	17.4	20.1	534	16.7
Texas	Black: 11.6 Hispanic of any race: 26.5	Black: 6.5 Latino: 19.4	Black: 9.3 Latino: 18.0	Latino: 2,000 (as of 2003)	Black: 9.4 Latino: 15.6
Virginia	Black: 18.4	12.5	11.0	246	9.1

Source for Citizen Minority Voting Age Population: U.S. Census Bureau Report on 2004 Election.
Source for all other information: The Bullock-Gaddie Voting Rights Studies: An Analysis of Section 5 of the Voting Rights Act.

MINORITY REGISTRATION AND TURNOUT

State	2004 Registration		2004 Turnout	
	Minority percentage	White percentage	Minority percentage	White percentage
Alabama	Black: 72.9	73.8	Black: 63.9	62.2
Alaska	n/a	n/a	Native: 44.8	Non-Native: 68.4
California	Black: 67.9 Latino: 30.2	56.4	Black: 61.3 Latino: 25.6	51.3
Florida	Black: 52.6 Latino: 38.2	64.7	Black: 44.5 Latino: 34.0	58.4
Georgia	Black: 64.2	63.5	Black: 54.4	53.6
Louisiana	Black: 71.1	75.1	Black: 62.1	64.0
Mississippi	Black: 76.1	72.3	Black: 66.8	58.9
North Carolina	Black: 70.4	69.4	Black: 63.1	58.1
South Carolina	Black: 71.1	74.4	Black: 59.5	63.4
Texas	Black: 68.4 Latino: 41.5	61.5	Black: 55.8 Latino: 29.3	50.6
Virginia	Black: 57.4	68.2	Black: 49.6	63.0
Nationwide	Black: 64.3 Latino: 34.3	67.9	Black: 56.1 Latino: 28.0	60.3

Source for Citizen Minority Voting Age Population: U.S. Census Bureau Report on 2004 Election.
Source for all other information: The Bullock-Gaddie Voting Rights Studies: An Analysis of Section 5 of the Voting Rights Act.

Mr. SPECTER. Mr. President, it is with special thanks that I acknowledge Senator LEAHY's leadership and cooperation, that I now yield to him.

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

Mr. LEAHY. Mr. President pro tempore, my dear friend, the senior Senator from Alaska, I see the majority leader on the floor. Is he seeking recognition?

Mr. FRIST. I will be making some comments, as I mentioned earlier, after the distinguished ranking member.

Mr. LEAHY. Mr. President, before I begin, I assume we will go back and forth, from side to side of the aisle on this. But as Democrats are recognized, I ask it be in this order: Senator KENNEDY for 20 minutes, Senator DURBIN for 15, Senator FEINSTEIN for up to 20 minutes, Senator SALAZAR for up to 15 minutes, as Democrats, are recognized. I ask unanimous consent to that.

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

Mr. LEAHY. Mr. President, I appreciate what the senior Senator from Pennsylvania said. Senator SPECTER and I have been friends for many years. I think we have accomplished a great deal in the Judiciary Committee. I agree with him this is the most important thing we will do. But I might also note, on a personal note about the Senator from Pennsylvania, much of what was accomplished during that time he was fighting a very serious illness. I compliment the Senator from Pennsylvania for his perseverance during that time.

The Voting Rights Act is the cornerstone of our civil rights laws. We honor those who fought through the years for equality by extending the Voting Rights Act to ensure their struggles are not forsaken and not forgotten, and that the progress we have made not be sacrificed. We honor their legacy by reaffirming our commitment to protect the right to vote for all Americans.

The distinguished senior Senator from Massachusetts, who is on the floor, was in the forefront of this battle the first time around. He and his family, his late brothers, the President and brother Senator Robert Kennedy—President Kennedy, Senator Robert Kennedy, and now Senator EDWARD KENNEDY, have been in the forefront of the civil rights battle. This has been a personal thing for them. It has been a commitment that has spoken to the conscience of our Nation, and I applaud my friend from Massachusetts for what he and has family have done.

Reauthorizing and restoring the Voting Rights Act is the right thing to do, not only for those who came before—the brave and visionary people who fought for equality, some at great personal sacrifice, some even giving their lives—but also for those who come after us, our children and our grandchildren. All of our children, all of our grandchildren, should know that their right to vote will not be abridged, suppressed or denied in the United States of America, no matter their color, no matter their race, no matter what part of the country from which they come.

I do thank the chairman for following the suggestion to convene the Judiciary Committee yesterday in special session to consider what really is bipartisan, bicameral legislation to reauthorize the Voting Rights Act. In fact, our Senate bill, S. 2703, is cosponsored by the distinguished Republican leader and the distinguished Democratic leader, by a bipartisan majority of the Judiciary Committee and by a bipartisan majority of the Senate. In fact, at the end of our committee meeting yesterday, we had a rollcall vote. We voted unanimously to report our bill favorably to the Senate.

I mention that because so many of the things that have to go through the Judiciary Committee tend to be of a divisive nature. This was a unanimous vote. I have commended all those in the Judiciary Committee who worked so hard over the last several months to build a fair and extensive record and bring us to this point today. As I said earlier, I commend Senator KENNEDY for his work. I agree with Senator SPECTER, when he gets passionate about a subject he doesn't need a microphone.

I commend those who started with doubts—and there were serious doubts; some regional, some for legal matters. But those who had doubts have now come around to supporting our bipartisan bill.

Because the bill we take up today and the bill from the committee to report are so similar, I know the Senate debate will be informed by the extensive record we have built before the Judiciary Committee. Over the last 4 months, we held nine hearings on all

aspects of this matter and on the overall bill itself. In another indication of bipartisanship, those hearings were chaired by large numbers of members of the committee and chaired by both Republican and Democratic Senators who wanted to send a signal that this is not a partisan matter.

All of those hearings were fairly conducted. Those Senate hearings supplement those held in the House on this matter. Indeed, our first hearing was held for the express purpose of hearing from the lead sponsors from the House and to receive the results of their hearings into our Senate RECORD. In fact, in anticipation of this bill coming to the floor, I have included statements in the RECORD in the course of this week to help make sure we have a complete record before the Senate before we vote. For example, on Tuesday, my statement focused on the continuing need for Section 5. On Wednesday, my statement focused on the continuing need for Section 203. They reflect my views as the lead Democratic Senate sponsor.

We have fewer than two dozen legislative days left in this session of Congress, so I appreciate the willingness of the Republican and Democratic leadership to take up this important measure without delay. I know the House of Representatives had to delay consideration of the Voting Act for a month due to the recalcitrance of some, recalcitrance that was overwhelmed in their vote. Here, I hope we do not suffer the same delay. This is a time for us to debate, consider, and vote on this important legislation. We should pass the bill in the same form as the House so it can be signed into law before the Senate recesses for the remainder of the summer.

There has been speculation about why we are here today. Some tied it to the fact that for the first time in his Presidency, President Bush is going to appear before the National Association for the Advancement of Colored People, the NAACP. I, for one, applaud him for going before the NAACP. All Presidents should, Republican or Democrat. And in fact, if that had anything to do with the success in getting this bill moved expeditiously through the Senate, I have a number of other organizations I hope will invite him to get other legislation moving.

The House-passed bill and the committee-reported bill is very similar. We introduced them in a bipartisan, bicameral, coordinated effort in May. The only change made to the House-passed bill was the inclusion of a governmental study added in the House Judiciary Committee. I urge the Senate to accept that addition.

The only change made during the Senate Judiciary Committee was to add an Hispanic civil rights leader to the roster of the civil rights leaders for whom the bill is named. We did this at the suggestion of Senator SALAZAR. It is a good suggestion. We did this unanimously. I commend the Senator for it. As Senator SALAZAR has reminded us, ''Cesar Chavez is an American hero. He sacrificed his life to empower the most vulnerable in America. He believed strongly in the democracy of America and saw the right to vote as a cornerstone of our freedom.'' I offered the amendment in the Judiciary Committee and it was adopted without dissent.

I told Senator SALAZAR that I recall the dinner with Marcelle and myself, our son Kevin and his wife Carolyn, and our granddaughter Francesca in the small Italian restaurant, Sarduccis, in Montpelier, Vermont. A family next to us came over to introduce themselves. It was Cesar Chavez's son. He apologized for interrupting our dinner. He wanted to say hello. I told him how proud I was to be interrupted and to meet him because his father had been a hero of mine. They were in Vermont because they were going to the Barre Quarry where the memorial to his father was carved.

I have also consulted with Senator SALAZAR. Neither of us wants to complicate final passage of the Voting Rights Act so I urge the Senate to proceed to the House-passed bill and resist amendments so it can be signed into law without having to be reconsidered by the House. With respect to the short title of the bill and the roster of civil rights leaders honored, I have committed to work with Senator SALAZAR to conform the law to include due recognition of the contribution to our civil rights and voting rights by Cesar Chavez in follow up legislation.

The Voting Rights Act reauthorization is named for three very important civil rights leaders, as the Senator from Pennsylvania pointed out.

Fannie Lou Hamer was a courageous advocate for the right to vote. She risked her life to secure the right to vote for all Americans. Coretta Scott King was a tenacious fighter for equality for the civil rights movement in the 1960s, and right up to the time of her passing. Many of us in this Chamber met the late Mrs. King. Everyone in the Senate can remember when less than a year ago the body of Rosa Parks lay in state in the Capitol. She was the first African American woman in our history to be so honored. She was honored because of her dignified refusal to be treated as a second-class citizen sparked the Montgomery bus boycotts that are often cited as the symbolic beginning of the modern civil rights movement.

Everyone in this Chamber would be horrified to think that somebody would be treated differently because of the color of their skin, but in the lifetime of every Senator sitting in this Chamber today, we have seen such discrimination. Let's make sure we take this step. It will not remove all discrimination, by any means, but it is a major step to let everyone in the country know that all of us are equal as Americans with equal rights, despite the color of our skin.

Last week, after months of work, the House of Representatives, led by Congressmen JOHN CONYERS, MEL WATT, JOHN LEWIS, and Chairman SENSENBRENNER, rejected all efforts to reduce the sweep and effect of the Voting Rights Act. Congressman JOHN LEWIS—himself a courageous leader during those transformational struggles only decades ago, a man who was nearly killed trying to retain the rights of African Americans, said during the House debate:

> When historians pick up their pens and write about this period, let it be said that those of us in the Congress in 2006, we did the right thing. And our forefathers and our foremothers would be very proud of us. Let us pass a clean bill without any amendments.

That is my friend JOHN LEWIS from the House of Representatives. I want our foremothers and forefathers to be proud of us, but I want our children and our grandchildren to be proud of us, too.

The bill we are considering in the Senate today passed the other body with 390 votes in favor. In fact, the other body rejected all four amendments offered. They wanted to have a clean bill. They listened to JOHN LEWIS. They listened to the others. I congratulate the House cosponsors, both Republicans and Democrats, for their successful efforts. I hope we can repeat them in the Senate.

On May 2, when our congressional leadership joined together on the steps of the Capitol to announce a bipartisan and bicameral introduction of the Voting Rights Act, it was a historic announcement. I noted in my journal it was one of the proudest moments I had in my years in the Senate, an occasion almost unprecedented during the recent years of partisanship.

Let's not relent in our fight for the fundamental civil rights of all Americans. Working together, we should pass a clean bipartisan voting rights bill. Congress has reauthorized and revitalized the act four times, each time with overwhelming bipartisan support, pursuant to our constitutional powers. This is not a time for backsliding. This is a time to move forward together.

So let us unite to renew this cornerstone, let us rededicate ourselves to its noble purpose, and let us commemorate the many who suffered and endured to bring our cherished ideals closer to reality for millions of our fellow Americans. Let us guarantee those rights for millions of our fellow Americans to come.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Tennessee.

Mr. FRIST. Mr. President, it was about 3 weeks ago that I joined President Bush on a trip to Memphis, TN, where we were joined by a close personal friend of mine, a man who is legendary in Tennessee and, indeed, throughout the country, the Rev. Dr. Ben Hooks.

Dr. Hooks is a widely recognized, widely acknowledged champion of civil

rights. He presided with great courage and bold vision over the NAACP for 15 years as its executive director. He is in town this week for the NAACP meeting which is going on as I speak.

He guided President Bush and myself, my wife Karyn, and the First Lady through the remarkable and inspiring National Civil Rights Museum which has been constructed at the Lorraine Motel in Memphis, which was the actual site of Martin Luther King, Jr.'s assassination. It was an inspiring visit, those moments as we walked through the exhibits, room to room, in that wonderful museum.

In many ways, it shook my own conscience. To hear Dr. Hooks speak, to hear him recount the events surrounding that time, was to have history come alive. It was an ugly moment in our collective history, and certainly not America's finest hour.

As we wandered through those rooms, listening to those words of Dr. Hooks, what struck my conscience most was how we as a Nation pushed through that time, how we as a Nation persevered to correct injustice just as we have at other points in American history.

It reminded me of our ability to change, that when our laws become destructive to our unalienable rights—life, liberty, the pursuit of happiness—it is the right of the people to alter or abolish it.

It reminded me of the importance, the absolute necessity, of ensuring the permanence of the changes we make, the permanence of our corrections to injustice.

About 2 years ago, in the spring of 2004, Senator MCCONNELL and I came to the Senate and offered an amendment to extend the expiring provisions of the Voting Rights Act permanently. However, at the insistence of a number of my colleagues we withdrew our amendment, while making clear that we were absolutely committed to renewing this important piece of legislation. Indeed, that day has come.

A few months ago, I stood with Speaker HASTERT, Chairman SPECTER, and Chairman SENSENBRENNER on the steps of the Capitol where we reaffirmed at that time our commitment to reauthorize the Voting Rights Act. Thus, I am pleased this Congress will act to reauthorize the Voting Rights Act and, indeed, today, right now, the United States is doing just that.

We expedited it through committee under the leadership of Chairman SPECTER so we could bring it to the Senate as quickly as possible. We will complete that action in a few hours today.

Today the Senate is standing together to protect the right to vote for all Americans. We stand together, putting aside partisan differences, to ensure discrimination at the voting booth remains a relic of the past. We are working for a day when equality is more than a principle upon which our laws are founded, a day when equality is a reality by which our society is defined. We are working for the day when our equality, our oneness, is reflected not only in our laws but in the hearts and minds of every American.

I hope and pray the day will come when racism and discrimination are only a part of our past and not our present.

The Voting Rights Act of 1965 enshrined fair voting practices for all Americans. The act reaffirmed the 15th amendment to the Constitution, which says that:

> . . . the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

The Voting Rights Act ensured that no American citizen and no election law of any State could deny access to the ballot box because of race, ethnicity, or language minority status. It took much courage and sacrifice to make that original Voting Rights Act into law, the courage and sacrifice of leaders such as Rosa Parks, Martin Luther King, Jr., Congressman JOHN LEWIS, to name a few.

They paved the way to end discrimination and open the voting booths for millions of African Americans and other minorities who were previously denied the right to vote.

In the 41 years—yes, it has been 41 years—since then, we have made tremendous progress. Thousands upon thousands of minorities have registered to vote. Minorities have been elected to hold office at the local level, at the State level, and the Federal level in increasing numbers.

In short, the Voting Rights Act has worked. It has achieved its intended purpose. We need to build upon that progress by extending expiring provisions of the Voting Rights Act today.

We owe it to the memories of those who fought before us, to those people who, right now, are reflected in those words of Dr. Hooks that we heard as we traveled through that Civil Rights Museum, and we owe it to our future—a future where equality is a reality, a reality in our hearts and in our minds, not just the law—to reauthorize the Voting Rights Act.

I hope my colleagues will join me in voting for this critical legislation. I look forward to the President signing it into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak on the Voting Rights Act, and I thank my colleague from Massachusetts who was here before me for allowing me to now speak briefly on this particular issue.

The right to vote is quite literally the bedrock of the representative democracy we enjoy today. We must enable American citizens to fully participate in the political process if we are to truly be a government of the people, by the people, and for the people. It is central, and it is central that everybody is given that right in equal regard.

The importance of the Voting Rights Act cannot be underestimated. It has transformed the face of our Republic and vindicated the noble values of our Nation. America has come a long way in the last four decades, and it is my hope that the reauthorization of the Voting Rights Act will help us to continue to extend the promise of democratic participation to every American.

I have had the chance, twice now, to do the civil rights pilgrimage that the Faith in Politics group has sponsored to Selma, AL, to Montgomery, to several different places, and to hear from the firsthand experiences of individuals who were involved in the civil rights movement and in the freedom trails of the bus rides and in the protests, about the importance that the VRA was to them, was to getting involved, and is central in getting everybody participating in the democracy and a true opportunity to register to vote and to actually vote. It was and is critical. It is critical that we extend it.

I also want to recognize and thank the Senator from Massachusetts for the central role his family has played in fighting for this particular language, this legislation. And it is important.

Out of a strong desire to achieve this goal of everybody participating equally in this democracy, a bipartisan majority of Congress passed, and President Johnson signed, the Voting Rights Act of 1965. The aim of the act two generations ago was to fulfill the democratic promise of the Civil War amendments to the Constitution—a promise left unmet for a century after that terrible war had ended.

The civil rights landscape has greatly improved in the country since 1965, thanks in great part to the Voting Rights Act. The act has resulted in a tremendous increase in the ability of minority citizens to fully and fairly participate in our political system, both as voters and as candidates. The number of minority legislators has grown substantially.

I am pleased to be a cosponsor of the pending Voting Rights Act reauthorization bill which the Judiciary Committee reported out unanimously yesterday. This bill recognizes the achievements of many and particularly of three champions of the civil rights era: Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. I believe we have a responsibility to carry on the work of these great Americans by reauthorizing the expiring sections of the Voting Rights Act.

The bill does provide a flat bar to unconstitutional racial discrimination. It speaks clearly, aggressively, eloquently, and importantly on this topic. We cannot have racial discrimination in this country, period. We are extending this act. It is an important act. It is one that has helped make the values of democracy real on a tangible basis to individuals, and it is important that we extend it into the future.

Mr. President, I am delighted to be a cosponsor of this bill. I urge my colleagues to pass it. I believe it will pass overwhelmingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is an historic day. In the quietness of the moment, on the floor of the Senate, we are talking about a major piece of legislation that is basic to the fabric of what America is all about. But the quietness does not belie the fact that this is a momentous piece of legislation that marks the continuation of this Nation as a true democracy.

I want, at the outset, to commend my friends and leaders on the Judiciary Committee, Senator SPECTER and Senator LEAHY. I can remember talking with both of them early on about putting this on the Senate agenda, putting it on the Judiciary Committee agenda. There are not two Members of this body who are more committed to this legislation than Chairman SPECTER and Senator LEAHY.

We are here today because of their leadership and their strong commitment to the concept of making sure that America is going to be America by insisting on the extension of this voting rights legislation. They have both been tireless during the course of the series of hearings that we have held. They have been meticulous in terms of determining the witnesses that we would have and in building the legislative record, which is so important and of such great consequence in terms of maintaining the constitutionality of this legislation, which is, of course, so important. So I thank both of them for their leadership and their generous references earlier during their statements.

Mr. President, the Constitution of the United States is an extraordinary document, the greatest charter that has ever been written in terms of preserving the rights and liberties of the people. Still, slavery was enshrined in the Constitution. And this country has had a challenging time freeing itself from the legacy of slavery. We had a difficult time in fighting the great Civil War. And we have had a challenging time freeing ourselves from discrimination—all forms of discrimination—but particularly racial discrimination. And we had a difficult time, particularly in the early 1960s, in passing legislation—legislation which could be enormously valuable in freeing a country from the stains of discrimination. But it takes much more than just legislation to achieve that.

I was fortunate enough to be here at the time we passed the 1964 civil rights bill that dealt with what we call public accommodations. It is difficult to believe that people were denied access to public accommodations—the ability to go to hotels, restaurants, and other places because of the color of their skin—in the United States of America. Mr. President, this legislation was debated for 10 months. Not just 1 day, as we all have today on voting rights, but for 10 months, the Senate was in session as we faced a filibuster on that legislation.

Then, finally, Senator Everett Dirksen responded to the very eloquent pleas of President Johnson at that time and indicated that he was prepared to move the legislation forward and make some adjustments in the legislation. We were able to come to an agreement, and the law went into effect.

In 1965, we had hours and hours and hours and hours during the course of the markup of the Voting Rights Act, and hours and hours and hours on the floor of the Senate to pass that legislation, with amendment after amendment after amendment. We were ultimately successful. And just off the Senate Chamber, in the President's Room—just a few yards from where I am standing today—President Johnson signed that legislation.

Now, we continue the process. It has not always been easy during the continuation and the reauthorization of the Act. Rarely have we been as fortunate as we are today with the time agreement and an understanding that we will consider this and finalize it this evening, in a way that will avoid a contentious conference with the House of Representatives that could have gone on for weeks and even months, as we've seen in the past. This legislation will go to the President's desk, and he will sign it.

There is no subject matter that brings out emotions like the issue of civil rights. That is, perhaps, understandable. But it is still very true. No issue that we debate—health care, education, increasing the minimum wage, age discrimination, environmental questions—whatever those matters are, nothing brings out the emotions like civil rights legislation.

But here we have a very important piece of civil rights legislation that is going to be favorably considered, and I will speak about that in just a few moments. We have to understand, as important as this legislation is, it really is not worth the paper it is printed on unless it is going to be enforced. That is enormously important. As we pass this legislation and we talk about its importance, and the importance of its various provisions, we have to make sure we have an administration and a Justice Department that is going to enforce it. That has not always been the case.

Secondly, it is enormously important that we have judges who interpret the legislation the way we intended for it to be interpreted.

We have, in this situation, a bipartisan interpretation. We have a bicameral interpretation. There should be no reason that any court in this country—particularly a Supreme Court that is looking over its provisions—should not understand very clearly what we intended, the constitutional basis for it. We need judges who are going to interpret this in good faith. That has not always been the case, and I will reference that in terms of my comments.

Then, we have to make sure we have a process and system so that, even if we have the legislation, and even if we have a Justice Department correctly interpret it, and even if we have judges correctly interpret it, we have to make sure there are not going to be other interferences with any individuals' ability to vote. That is another subject for another time, but enormously important.

We need all of those factors, at least, to make sure that this basic and fundamental right, which is so important, and which we are addressing today, is actually going to be achieved and accomplished for our fellow citizens.

Mr. President, we are, as I mentioned, poised to take another historic step in America's journey toward becoming the land of its ideals. As we all know, the battle for racial equality in America is far from over. The landmark civil rights laws that we have passed in the past four decades have provided a legal foundation, but the full promise of these laws has yet to be fulfilled.

Literacy tests may no longer block access to the ballot box, but we cannot ignore the fact that discrimination is sometimes as plain as ever, and that more subtle forms of discrimination are plotted in back rooms, to be imposed by manipulating redistricting boundaries to dilute minority voting strength, or by systematic strategies on election day to discourage minority voting.

The persistence of overt and more subtle discrimination makes it mandatory that we reauthorize the expiring provisions of the Voting Rights Act. This act is perhaps Congress's greatest contribution to the march toward equality in our society. As Martin Luther King, Jr., said, voting is ''civil right number one.'' It is the right in our democracy that preserves all others. So long as the vote is available and freely exercised by our entire citizenry, this Nation will remain strong and our other rights will be protected.

For nearly a century, the 15th amendment guaranteed that ''the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude,'' but it took the Voting Rights Act of 1965 to breathe life into that basic guarantee. And it took the actions of many brave men and women, such as those who gathered at the Edmund Pettis Bridge and faced the shameful violence of those who would deny them the right to vote, before the Nation finally acted.

I'm honored to have fought in the Senate for the Voting Rights Act each time it was before Congress—from its historic passage in 1965 to the votes to extend the act in 1970, 1975, and 1982

and to strengthen it along the way. I recall watching President Lyndon Baines Johnson sign the 1965 act just off this chamber in the President's Room. We knew that day that we had changed the country forever. And indeed we had. In 1965, there were only three African American and three Latino Members of Congress. Today, there are 41 African-American Members in the House of Representatives, one African-American Senator, 22 Latino House Members, and two Latino Senators. These gains would not have been possible without the Voting Rights Act.

I recall extending the expiring provisions of the act in 1970. I remember extending it again in 1975, and adding protections for citizens who needed language assistance. We recognized that those voters warranted assistance because unequal education resulted in high rates of illiteracy and low rates of voter participation in those populations.

And I recall well extending the act again in 1982. That time, we extended the expiring provisions of the act for 25 years and strengthened it by overturning the Supreme Court's decision in Mobile v. Bolden. That decision weakened the act by imposing an intent standard pursuant to section 2 of the act, but despite the opposition of President Reagan and his Department of Justice, we were able to restore the act's vitality by replacing that standard with a results test that provides greater protection for victims of discriminatory treatment.

Finally, in 1992, we revisited the act to extend and broaden its coverage of individuals whose English language ability is insufficient to allow them to participate fully in our democratic system.

In memory of Fannie Lou Hamer, Rosa Parks, Martin Luther King, Jr. and Coretta Scott King, and Cesar Chavez, I feel privileged to have the opportunity to support extension of the act once again for another 25 years.

Some have questioned whether there is still a need for the act's expiring provisions. They even argue that discrimination in voting is a thing of the past, and that we are relying on decades-old discrimination to stigmatize certain areas of the country today.

I have heard the evidence presented over the past several months of hearings, and I can tell you that they are just plain wrong. Yes, we have made progress that was almost unimaginable in 1965. But the goal of the Voting Rights Act was to have full and equal access for every American regardless of race. We have not achieved that goal.

In considering this bill, the Senate Judiciary Committee has held nine hearings and heard from some 46 witnesses. In addition, we have received numerous written statements and have voluminous reports from a variety of groups that have examined the state of voting rights in our Nation. We have explored every aspect of the expiring provisions of the act, and have all come to one inescapable conclusion: continuing discrimination requires that we pass this bill and reauthorize the Voting Rights Act. The evidence demonstrates that far too many Americans still face barriers because of their race, their ethnic background or their language minority status.

Section 5 is the centerpiece of the expiring provisions of the act. It requires that covered jurisdictions preclear voting changes with the Department of Justice or the District Court in the District of Columbia by proving that the changes do not have a retrogressive purpose or effect. The act would reverse the second Bossier Parish decision and restore the section 5 standard to its original meaning by making it clear that a discriminatory purpose will prevent section 5 preclearance. Even under the weaker standard that has governed since the Bossier decision, the Department of Justice has had to object to egregious discriminatory practices.

The act as reauthorized also overturns the Supreme Court's decision in Georgia v. Ashcroft, restoring section 5's protection of voting districts where minority voters have an ability to elect their preferred candidates. This revision would preclude jurisdictions from replacing districts in which minority voters have the voting power to elect their preferred candidates with districts in which minority voters merely exercise influence.

The number of objections under section 5 has remained large since we last reauthorized the act in 1982. Astonishingly, Professor Anita Earls of the University of North Carolina Law School testified that between 1982 and 2004, the Department of Justice lodged 682 section 5 objections in covered jurisdictions compared with only 481 objections prior to 1982. In Mississippi alone, the Department of Justice objected to 120 voting changes since 1982. This number is roughly double the number of objections made before 1982.

Behind these statistics are stories of the voters who were able to participate in the political process because the Voting Rights Act protects their fundamental right to do so. For example, in 2001, the town of Kilmichael, MS, cancelled its elections just three weeks before election day. The Justice Department objected to the cancellation, finding that the town failed to establish that its actions were not motivated by the discriminatory purpose of preventing African-American voters from electing candidates of their choice. The town had recently become majority African-American and, for the first time in its history, several African-American candidates had a good chance of winning elected office. Section 5 prevented this discriminatory change from being implemented, and as a result, three African-American candidates were elected to the board of aldermen and an African-American was elected mayor for the first time.

Consider the Dinwiddie County Board of Supervisors in Virginia. It moved a polling place from a club with a large African-American membership to a white church on the other side of town, under the pretext that the church was more centrally located. We saw this tactic when we renewed the act in 1970. We didn't expect to see it again in on the eve of the 21st century, but we did.

Some have argued that there has been a drop in the number of objections in recent years. As the record shows, that decline is explained by a number of reasons. First, of course, was the Supreme Court's restrictive interpretation of the purpose standard, which we will correct today. In addition, the numbers do not account for proposed changes that are rejected by the district court or proposed changes that are withdrawn once the Department of Justice asks for more information or litigation begins in the District Court. Equally as important are the discriminatory changes the act has deterred covered jurisdictions from ever enacting, and the dialog the act promotes between local election officials and minority community leaders to ensure consideration of minority communities' concerns in the legislative process.

And, of course, there are matters that merit objection, but have been precleared by the Bush Department of Justice because the Department's political leadership refused to follow the recommendations of career experts.

The Department twice precleared Georgia's effort to impose a photo identification requirement for voting. The first time, the district court threw it out as an unconstitutional poll tax. That's right, a poll tax in 2006. In 1965, we fought the poll tax during the debate of the original Voting Rights Act. After the Supreme Court ultimately held it unconstitutional, we thought this shameful practice had ended. But the court found that the Georgia law was just a 21st century version of this old evil.

Georgia reenacted the law without the poll tax, and the Court still found that it unlawfully disadvantaged poor and minority voters, who are less likely to have the required identification.

Recently, the Supreme Court held that the Texas Legislature had violated the Voting Rights Act by shifting 100,000 Latino voters out of a district just as they were about to defeat an incumbent and finally elect a candidate of their choice. Once again, section 5 would have blocked this practice, but the leadership of the Department of Justice overruled career experts who recommended an objection.

The fact that the number of section 5 objections is a small percentage of the total number of submissions shouldn't be surprising. Jurisdictions take section 5 into consideration when adopting voting changes and many day-to-day changes are noncontroversial. What should surprise and concern us is

the fact that there continue to be objections and voting changes like the ones that I have described.

It has also been argued that the section 5 coverage formula is both over and under-inclusive. The act addresses that problem by permitting jurisdictions where Federal oversight is no longer warranted to ''bail out'' from coverage under section 5. We have letters from two of the jurisdictions that have taken advantage of the bailout process explaining that they did not find that process to be onerous. So far, every jurisdiction that has sought a bailout has succeeded. For jurisdictions that should be covered but aren't, the act contains a mechanism by which a court may order a non-covered jurisdiction found to have violated the 14th or 15th amendments to obtain section 5 preclearance for its voting changes. As a result, the act's preclearance requirement applies only to jurisdiction where there is a need for such oversight.

The act will also reauthorize the provisions of the act that mandate the provision of election assistance in minority languages. In the course of our consideration of this bill, we heard substantial evidence demonstrating that these provisions are still necessary. The original rationale for enactment of these provisions was twofold. First, there are many Americans who speak languages other than English, many of whom are United States citizens by birth—including Native Americans, Alaska Natives, and Puerto Ricans. These Americans should not be denied the opportunity to be full participants in our democracy because of the languages they speak. They know they need to learn English to succeed in this country. That's why classes to learn English are oversubscribed all over the country.

Additionally, Congress concluded that many Americans—including Native Americans, Alaska Natives, Asian Americans, and Hispanic Americans—suffer from inadequate educational opportunities that deny them the opportunity to master English at a sufficient level to fully understand electoral issues and cast meaningful ballots. The nationwide statistics illustrate the problem. Only 75 percent of Alaska Natives complete high school, compared to 90 percent of non-Natives, and only 52 percent of all Hispanic Americans have a high school diploma, compared to over 80 percent of all Americans. We heard testimony that while many of these people may speak conversational English, they have been denied the educational instruction—often as a result of intentional discrimination—that would allow them to understand complex electoral issues and technical voting terminology in English alone.

Finally, it is crucial that we extend the guarantees of all of the temporary provisions of the act for 25 years. Twenty-five years is not a long time when compared to the centuries of oppression that the law is intended to overcome. While we have made enormous progress, it takes time to overcome the deep-seated patterns of behavior that have denied minorities full access to the ballot. Indeed, the worst thing we could do would be to allow that progress to slip away because we ended the cure too soon. We know that the act is having an impact. We know that it is deterring discrimination. And we know that despite the act, racial bloc voting and other forms of discrimination continue to tilt the playing field for minority voters and candidates. We need to ensure that jurisdictions know that the act will be in force for a sufficiently long period that they cannot simply wait for its expiration, but must eliminate discrimination root and branch.

The time has come to renew the Voting Rights Act. This historic piece of legislation renews our commitment to the fundamental values of America. It ensures that all of our citizens will have the right to play an effective role in our governance. It continues us down the path toward a democracy free of the blight of discrimination based on race, ethnicity and language. As Dr. Martin Luther King, Jr. said: ''The time is always right to do what is right.'' The right thing to do is to pass this bill and the time to do it is now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I rise as a Senator from Georgia to express my support and join a unanimous Senate in support for extension of the Voting Rights Act. I come to the well to speak from a different perspective than some. I was born in the South in 1944, educated in its public schools in the 1950s and 1960s. I was in the fourth grade when Brown v. Board of Education was the ruling of the Supreme Court. I was in high school when the public schools of Atlanta were integrated. I went to the University of Georgia when the first students integrated that institution. I lived through all the changes that many refer to as history about which they have read.

I lived through it, being there and seeing the heroes and the challenges and the transition through which the South has gone. Still, in speeches today we hear very often about the South in historic times, where wrong practices have been righted, but somehow we don't hear about the heroes who made the Voting Rights Act go from a piece of paper and a law to practical reality in the South.

I am proud of so many citizens in Georgia, Black and White, urban and rural, Republican and Democrat, who over the past 41 years have made not only the letter of that law but the spirit of that law the spirit of our State—not the least of whom is Congressman JOHN LEWIS, a man of unquestioned character and, for anyone who lived during the 1960s and 1950s, unquestioned courage. He and I are of different races and different political persuasions, but he is a man whose courage and conviction I honor and pay tribute to.

Mayor Ivan Allen, Jr., was a White mayor of Atlanta in the 1960s whose actions would see to it that the actions passed in Congress were made a reality smoothly in the city, which gained the reputation of a city too busy to hate. We made a transition in a difficult time. We righted difficult wrongs. We made the letter of the law the spirit of the law.

Andrew Young, the first African-American mayor of Atlanta, in following Sam Massell, who followed Ivan Allen, ensured that those transitions continued in the 1980s, and that voting rights and all rights were the primary responsibility of our government and its leadership.

Carl Sanders, the Governor of Georgia, probably lost his chance at a second term because of his courageous stance on behalf of seeing to it that the South continued to make progress.

Joe Frank Harris, from rural Georgia, who was Governor in the 1980s, continued in tandem with Andrew Young to see to it that our capital city and State remained committed to all of the provisions of equality in our society.

The attorneys general in this issue are so important. Republican Mike Bowers, during many years of service to our State as attorney general, time and again saw to it that what was intended by the Voting Rights Act was the practice in our State.

Our current attorney general today, an African American, Thurbert Baker, is a tribute to the progress our State has made and is an outspoken defender of the Voting Rights Act and our State's intention to ensure that all of Georgia's legal residents, regardless of race or ethnicity, have the right to vote.

A great Senator, Sam Nunn, served in this Senate, whose office I hold now downstairs. Sam Nunn, during the years of the 1970s and 1980s and early 1990s, was a steadfast beacon of support for ensuring that we continued the spirit and the letter of the Voting Rights Act.

The late Senator Paul Coverdell, a Republican from Georgia, in his term in the Georgia legislature in the House and Senate, over 20 years of service, fought tirelessly to ensure that our State delivered on the guarantee of the right to vote for all Georgians.

As we reflect on the true wrongs that existed in the 1950s and 1960s, and where those wrongs may have taken place, we owe it to history and to the credit of these great individuals to pay tribute to those who took the law and made it a reality. I am proud of my State. I am proud of the transition it has made. I pay tribute to its leaders.

My vote today in favor of the extension of the Voting Rights Act is in equal parts a commitment to that end and a tribute to those Georgians who made the Voting Rights Act a reality in my State.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, the right of a citizen to vote is the most basic right in any democracy. At the signing of the Voting Rights Act in 1965 in this very Capitol Rotunda, the President of the United States, Lyndon Johnson, said these words:

> The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

The Civil Rights Act of 1964 was a critical breakthrough in the struggle for civil rights. However, the Voting Rights Act, which came the next year, 1965, is considered the most important and successful civil rights law of the 20th century, because it finally ensured every voting-age citizen of this Nation a voice in his or her own fate.

The passage of the 14th amendment in 1868 and the passage of the 15th amendment in 1870 both prohibited disenfranchisement on the basis of race. But in the absence of legislative protection for the right to vote, that right was systematically denied to millions of African Americans for nearly a century. Similarly, Mexican Americans, Asian Americans, Native Americans, and Alaskan Natives were excluded from the ballot box through an assortment of voting tests and intimidation.

We are all here today because of the courage and persistence of the civil rights leaders of the last century, who fought so long and hard to attain the franchise the Constitution had already granted them.

Several of these heroes are memorialized in the title of this bill: Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and Cesar Chavez. All of us owe them a debt of gratitude.

On this day, I am also mindful of the contributions Californians have made in the civil rights battles. Let me share one story.

On June 10, 1964, the Civil Rights Act was being filibustered on this very floor. No filibuster of a civil rights bill in the 20th century had ever been broken. Senator Claire Engle of California, who held the seat I now occupy, was suffering at the time from terminal brain cancer. He was wheeled in dramatic fashion into this Chamber. He was too sick to speak, but he indicated his ''aye'' vote for cloture by gesturing toward his eyes. His vote proved to be the decisive 67th vote that overcame the filibuster and ultimately led to passage of the Civil Rights Act of 1964. Senator Engle died later that year. However, the filibuster was no longer an impassable barrier to civil rights legislation, and the Senate passed the Voting Rights Act of 1965 the following year. I thank my predecessor and I pay him tribute.

In the last 50 years, California has often been ahead of the curve in guaranteeing voting rights. In 1961, California prohibited election day challenges based on literacy.

In 1971, California required that a copy of the election ballot in Spanish be posted in each polling place, where the language minority population was greater than 3 percent.

In 1973, California passed a law allowing the use of languages besides English in polling places and required county clerks to recruit bilingual deputy registrars and precinct board members.

In 1975, California allowed voters to register to vote by mail.

In 2001, California passed the California Voting Rights Act—the first State voting rights act in the Nation—to combat racial bloc voting.

Unfortunately, however, the end of the 20th century did not mark the end of efforts to disenfranchise minority voters in my State and the Nation. Nevertheless, several provisions of the Voting Rights Act will expire in August of 2007 if we don't take this action today.

Two of the provisions set to expire are particularly significant. The first is section 5, which requires jurisdictions with a history of discrimination to clear any changes in voting procedures with the Department of Justice before instituting any change.

The second is section 203, which requires language assistance for bilingual voters in jurisdictions with a large number of citizens for whom English is a second language.

The section 5 so-called ''preclearance'' provision is critically important. I guess this is the section that has drawn the most comment on this reauthorization. It is important because it stops attempts to disenfranchise voters before they can start, not after they start.

In the last decade, the Department of Justice has repeatedly struck down proposed changes to voting procedures under section 5 preclearance. This section has prevented the redrawing of municipal boundaries designed specifically to disenfranchise minority voters, blocked attempts to exclude minority candidates from the ballot, denied efforts to change methods of elections intended to dilute minority voting strength, kept polling places from being moved to locations that would have reduced minority voter turnout, and it has thrown out redistricting proposals that would have marginalized minority voters. Clearly, this section has served us well.

In California, the rejection of a discriminatory redistricting plan in Monterey County under section 5 led to the first election of a Latino to the Monterey County Boards of Supervisors in more than 100 years.

The most significant impact of section 5, I believe, is not from its enforcement mechanism but from its deterrent effect. Just as the presence of police deters more crime than is stopped by actual police intervention, it is likely that the threat of Government action prevents far more attempts to disenfranchise voters than the Department of Justice's review actually does.

Let me speak about section 203. Its requirement of language assistance in jurisdictions with a large number of citizens for whom English is a second language has enabled citizens to vote who otherwise, frankly, could not have.

For example, a study found that in the 1990 general election, bilingual assistance was used by 18 percent of Latino voters in the State of California.

Los Angeles is the largest and most diverse local election jurisdiction in our country. It provides assistance under the Voting Rights Act to voters in six languages other than English.

According to a November 2000 exit survey of language minority voters in Los Angeles and Orange County in California, 54 percent of Asian-American voters and 46 percent of Latino voters reported that language assistance made them more likely to vote. That is actual documentation.

In a hearing before the Judiciary Committee on the impact of section 203, Deborah Wright, acting assistant registrar and county clerk for Los Angeles County, testified that written translations are provided in Los Angeles County because of the complex nature of issues facing the voters in our State. I can tell you that California ballots are among the longest and most complicated in our Nation. She explained to our committee that California often presents voters with numerous, complex ballot initiatives and propositions. Such complicated ballots challenge all voters to be prepared and to have the information they need prior to casting their ballots.

Often, a high level of English proficiency is needed even by native speakers of English to understand these ballot initiatives and to cast an informed ballot. I myself have trouble sometimes understanding the propositions. I believe the California experience is persuasive that appropriate targeted language assistance makes it much more likely that informed voters vote, and that is important.

My mother was an immigrant from Russia. She came here when she was a small child. She had only a primary school education. Her family was very poor. Her parents never spoke English. She studied English and, as an adult, passed the language exam and became a naturalized citizen. Still, when it came time to vote, I helped her with her ballot. We would go over the propositions, I would read them in English, we would discuss them, otherwise she could never fully understand them because they were complicated and filled with legalese.

As I said, California's ballots can be long, and despite ballot simplification, which is now a part of the California ballot, they can still be very confusing. Section 203 enables the full comprehension of a ballot, and I believe that is very important.

We are reauthorizing this bill today. I don't believe we can permit these provisions to expire and leave the next generation of Americans without full protection of their voting rights. That is why I am very proud to be a cosponsor of the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and Cesar E. Chavez Voting Rights Act Reauthorization and Amendments Act of 2006.

This legislation will reauthorize the expiring provisions of the Voting Rights Act for an additional 25 years so that it can continue to be a kind of deterrent to any chicanery, any manipulation, anyone's ill intent to prevent any group of voters from exercising their right to the franchise under the Constitution of the United States.

Under the guidance of Chairman SPECTER and Ranking Member LEAHY over the last 2 months, our committee, the Judiciary Committee, has held 10 hearings on reauthorizing this act—10 hearings. As a matter of fact, I can't remember any reauthorization in the 14 years I have been on the committee that has had 10 separate hearings. The exhaustive testimony from these hearings has confirmed both that these expiring provisions are still needed and that these provisions are constitutional.

In response to this record, yesterday the Judiciary Committee unanimously voted to reauthorize the Voting Rights Act. I was also pleased to see the House pass the reauthorization last week with broad, bipartisan support. Today, this full Senate now has the opportunity to offer its own resounding endorsement of this very important bill.

Thomas Paine wrote over 200 years ago that:

> The right of voting for representatives is the primary right by which other rights are protected.

I couldn't agree more. Today will be a historic occasion as we reauthorize this important bill for another 25 years. I am very proud to play a small role as a member of the Judiciary Committee in this vote.

I thank the Chair. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Colorado.

Mr. SALAZAR. Mr. President, at the outset of this historic day in the Senate, let me give my accolades to Senator SPECTER and to Senator LEAHY for their leadership in the reauthorization of the Voting Rights Act. This is one of the finest days of the Senate of the 109th Congress because it is a demonstration of Republicans and Democrats coming together to deal with the very important question of our Nation.

I congratulate the Judiciary Committee and all of those who have created a template for how we should do business in the Senate.

I rise today to offer my unequivocal support for the Fannie Lou Hamer, Rosa Parks, Coretta Scott King and Cesar E. Chavez Voting Rights Act Reauthorization and Amendments Act of 2006.

Almost a year ago, I stood on the Senate floor to pay tribute to the Voting Rights Act on the occasion of its 40th anniversary. In my remarks on that day, I urged my colleagues to rise above the partisanship that often plagues this body and to renew the promise of the landmark civil rights legislation by reauthorizing the key provisions that were set to expire in 2007. I am extremely pleased that the Senate today is poised to take action on this important legislation.

Without enforcement and accountability of our Nation's voting laws for all Americans—for all Americans—the words of the Declaration of Independence declaring ''All men are created equal,'' the words written in the Constitution guaranteeing the inalienable right to vote, and the maxim of one person, one vote, those principles enshrined in our elected laws, are little more than empty words. The reauthorization of the Voting Rights Act is fundamental to protect these rights and values and to ensure that they translate into actual practice, actual representation, and an actual electoral voice for every American.

I especially thank Senator LEAHY for offering an amendment on my behalf in the committee that incorporated the name of Cesar E. Chavez, a true American hero, into the title of the Senate's reauthorization bill.

Like the venerable American leaders who are now associated with this effort, Cesar Chavez sacrificed his life to empower the most vulnerable in America. He fought for all Americans to be included in our great democracy. It is only fitting that his name be a part of the reauthorization of the Voting Rights Act.

As we move forward, I believe incorporating the names of these historic American leaders underscores the importance of reflecting on the history of our country and our never-ending—not yet completed—quest to become a more inclusive America.

When one looks back at our history, one learns some very painful lessons from that past. We must keep in mind that we, as a nation, for the first 250 years of our history allowed one group of people to own another group of people under a system of slavery simply based on the color of their skin. It took the bloodiest war of our country's history, even more bloody than World War II—the Civil War, where over half a million people were killed on our soil in America—to bring about an end to the system of slavery and to usher in the 13th and 14th and 15th amendments to our Constitution. In my estimation, these three amendments are the bedrock of the proposition that all constitutional liberties are endowed upon all Americans without exception. But it took many long years for the promise of these amendments to be realized in our own Nation.

Notwithstanding the tremendous loss of blood and life during the Civil War, some years later, in 1896, in Plessy v. Ferguson, our own U.S. Supreme Court sanctioned a system of segregation and the doctrine of ''separate but equal.'' The Court's decision to uphold an 1890 Louisiana statute mandating racially segregated but equal railroad carriages ushered in another dark period in our country's history where Jim Crow was the law of the land throughout the South. Similar laws applied to other groups. Throughout the Southwest, Mexican Americans in many places were systematically denied access to ''White Only'' restrooms and other places of public accommodation. Just as there were signs that said ''No Blacks Allowed'' in the South, there were also signs in many places across our country that read ''No Mexicans Allowed.''

In the now infamous Plessy case, Justice Harlan, writing for the dissent in that case, looking ahead at the century to come, made the following observation:

> The destinies of the races, in this country, are indissolubly linked together and the interests of both require that the common government law shall not permit the seeds of race hate to be planted under the sanction of law.

Justice Harlan's statement was profound in its forecast for America. It is unfortunate that his words of warning were largely ignored for the next half century. It was not until 1920, for example, that our Constitution even guaranteed the right of women to vote, and it was not until 1954 that the U.S. Supreme Court, under the very able leadership of Chief Justice Warren, struck down the ''separate but equal'' doctrine as unconstitutional under the 14th amendment in the Brown v. Board of Education case. That case was argued by Thurgood Marshall, another American hero who gave his life for equal opportunity for all Americans.

More hard-won change followed that 1954 decision of the U.S. Supreme Court.

While the 15th amendment, which was ratified in 1870, guaranteed all citizens the right to vote regardless of race, in 1965—that wasn't that long ago—only a very small percentage of African Americans were registered to vote in States such as Mississippi and Alabama. In Mississippi in that year, only 6.7 percent of African Americans were registered to vote, and in Alabama less than 20 percent were registered to vote.

The various tactics that were used back then to impede and discourage people from registering to vote and casting their right in our democracy on election day ranged from literacy tests, poll taxes, and language barriers, to overt intimidation and harassment. The Voting Rights Act went on to attack those discriminatory practices in

people's exercise of their fundamental right to vote.

On August 6, 1965, when President Lyndon Johnson signed the Voting Rights Act, America took a critical step forward in fulfilling our constitutional ideals.

Just a year earlier, President Johnson had signed the Civil Rights Act of 1964 proclaiming that in America, as he said:

> We believe that all men are created equal, yet many are denied equal treatment. We believe that all men have certain unalienable rights, yet many Americans do not enjoy those rights. We believe that all men are entitled to the blessings of liberty, yet millions are being deprived of those blessings, not because of their own failures, but because of the color of the skin.

President Johnson knew then what we still recognize today on this floor of the Senate.

The enactment of both of these critical pieces of legislation in the 1960s was another major step forward in our country's journey to become an inclusive America for all citizens—for all citizens—and enjoy the rights and protections guaranteed by the U.S. Constitution.

When he recalled the day when the Voting Rights Act was signed by President Johnson, Dr. Martin Luther King, Jr., wisely pointed out that:

> The bill that lay on the polished mahogany desk was born in violence in Selma, AL, where a stubborn sheriff had stumbled against the future.

Dr. King was, of course, referring to Bloody Sunday, the Selma incident which took place on March 7, 1965, where more than 500 nonviolent civil rights marchers attempting a 54-mile march to the State capital to call for voting rights were confronted by an aggressive and violent assault by the authorities.

In response to the violence in Selma and the death of Jimmy Lee Jackson, who was shot 3 weeks earlier by a State trooper during a civil rights demonstration, President Johnson addressed Congress and the Nation on March 15, 1965, to press for the passage of the Voting Rights Act. Indeed, President Johnson's speech served as a rallying call to the Nation and to the Congress. In that speech, Lyndon Johnson said to the Nation:

> At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama.
>
> This time, on this issue, there must be no delay, no hesitation and no compromise with our purpose. We cannot, we must not, refuse to protect the right of every American to vote in every election that he may desire to participate in.

Five months later, on August 7, 1965, President Johnson signed the Voting Rights Act of 1965 into law.

In our country's history in America, we have often stumbled, but great leaders, such as Dr. King and those whose names are associated with this authorization—Rosa Parks, Coretta Scott King, Fannie Lou Hamer, and Cesar Chavez—those are people who gave their lives to make certain that when we stumble, we get up and we continue our path of America forward, we continue an America in progress.

Since the passage of the Voting Rights Act, the doors to opportunity for political participation by previously disenfranchised groups have swung open. Their voices are now heard and counted across America. This progress is evident through the Nation in all levels of government today. The number of Black elected officials nationwide has risen from only 300 in 1964 to more than 9,000 today. In addition, today there are over 5,000 Latinos who now hold public office, and there are still hundreds more Asian Americans and Native Americans serving as elected officials.

It is with this history in mind—and with the increasing diversity of our country—that I look to the future of an inclusive America continuing to fulfill the promises and guarantees to all Americans that our Constitution provides.

Our work is not yet done. Although significant advances to ensure voting rights for all Americans have been made, the testimony presented before the Senate Judiciary Committee points to still an unfortunate truth: that Americans are still too often being kept from the polls.

The greatness of this country depends on our learning and not forgetting the painful lessons of our past, including poll taxes and literacy tests that prevented countless of individuals from exercising their right to vote.

I believe the United States, the Federal Government must remain vigilant in safeguarding all Americans' sacred right to vote. This legislation today is a manifestation of that vigilance of the Congress. It represents the Senate working at its best.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know the distinguished Senator from Virginia is going to be recognized, but I have a quick housekeeping issue.

The distinguished chairman, the distinguished Senator from Pennsylvania, and I want to make sure we go back and forth, side to side. So following the distinguished Senator from Virginia, we will go to the distinguished Senator from North Dakota. Following the next Republican, I ask unanimous consent that the distinguished Senator from Illinois, Mr. DURBIN, be recognized for 15 minutes.

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

Mr. LEAHY. Mr. President, I compliment the distinguished Senator from Colorado for his speech. I mentioned him earlier in my speech on the floor and his tremendous contribution to this bill. We can all agree the time to end discrimination is still here, and we can work to do that.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I rise to commend the Judiciary Committee but most importantly commend to my colleagues on the passage of the Voting Rights Act renewal this afternoon.

I spoke right before Independence Day last month on June 29 on the importance of certain principles as we celebrated the Declaration of Independence. I quoted and I will quote again the importance of this document which is the spirit of America:

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed. . . .

So in our representative democracy, in our Republic, voting is how the owners, the people of our country in their counties, cities, and States, express their views for the just powers of our government.

I spoke on how it was important for the Senate to act on this measure as promptly as possible. I commend the chairman of the Judiciary Committee, Senator SPECTER, and the ranking member, Senator LEAHY, for moving yet another important piece of legislation this session. The enactment of the Voting Rights Act was absolutely necessary 41 years ago and was passed during a tumultuous time in our Nation's history. History has proven, though, that this law was just and clearly appropriate to provide equal opportunities and protections to persons with the desire to express themselves and give their consent at the ballot box. We are all better off—we are so much better off—for the choices made during that time because this strengthened the fabric of our country. It has made our country a more perfect union—and as we strive to be a more perfect union, it has made us stronger as we have faced the challenges of recent years, presently, and in the future.

What this legislation does is help ensure the fundamental right of all eligible citizens to vote. It sends a strong message, a renewal, a reconfirmation that no matter one's gender, race, ethnicity or religion, you have an opportunity to vote if you are a law-abiding citizen in this country. It is the core—it is absolutely the core of a representative democracy, that we do have the participation of an informed people. Again, the people are the owners of the Government.

Virginia has come a long way. They have come a long way because the Constitution said: You have the right to vote, but we all know that not everyone did have the right to vote. It took many years before African Americans were allowed to vote, but then there were all sorts of devices that prevented them from voting. It took many years before women were given the right to vote. Virginia has come a long way

since the Voting Rights Act was enacted 41 years ago. I think it is important that the Act is reauthorized, not just for Virginia but throughout the United States. It applies everywhere from Florida to Alaska to New York.

Some will argue that counties and cities and States cannot be removed from or ''bail out'' of preclearance if they so desire and have a good record. The facts are that there are 11 counties and cities in Virginia that have been able to ''bail out'' of the Voting Rights Act by proving that ''no racial test or device has been used within such State or political subdivision for the purpose or with the effect of denying or bridging the right to vote on account of race or color.'' The counties in Virginia that have been removed from this preclearance review are Augusta, Frederick, Greene, Pulaski, Roanoke, Rockingham, Shenandoah, and Warren and the cities of Fairfax, Harrisonburg, and Winchester.

The renewal of this act does not mean that the reauthorizing States still engage in voter discrimination on the basis of race. Renewal should instead be viewed as a continued unflagging commitment to ensuring the protection of a law-abiding person's right to vote without subversion or unwarranted interference.

Thanks in part to the Voting Rights Act, Virginia was the first State in our Union to popularly elect the first Governor who is an African American. I hope that after this November's elections, Virginia will not be the only State to have a Governor elected who is an African American. In fact, I would be happy if there were two more Governors elected this year who are African American. The election in Virginia represented an inspirational success for one person, L. Douglas Wilder, who was elected Governor because of his perseverance in winning. But it is also an advancement and a matter of pride, I think, and an achievement of the Commonwealth of Virginia, which only decades earlier had counties that closed their public schools rather than integrate them to comply with the Brown v. Board of Education decision.

Now, we realize we have made progress, but we need to continue to make strides. We need to strive to be a society, as Martin Luther King, Jr., stated, ''Where people are judged by the content of their character rather than by the color of their skin.''

We must join together in our great country, a country that has tremendous promise, to make sure that everybody, no matter their race, or their ethnicity, or their religion, or their gender, has that equal opportunity to lead a fulfilling life, to compete and to succeed in our country.

The reauthorization of the Voting Rights Act is a tool that has, can, and will help achieve this goal of fairness in America. So I urge my colleagues this afternoon to renew and pass this important piece of legislation. We can and have debated the issue, but we also know the results. The results of the Voting Rights Act has made this a more perfect union. Let's keep this country moving forward, making sure this is a land of opportunity for all. I commend this measure to the positive vote of all my colleagues.

Mr. President, I thank my colleagues for their attention, and I yield the floor.

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

Mr. DORGAN. Mr. President, I just this morning spoke to a couple of hundred young people called Junior Statesmen who are gathered in the Capitol. It is an organization that comes to the Capitol and learns about Government. I talked to them about the Voting Rights Act some, and I talked to them about what we take so much for granted in this country, including the right to vote.

I described what happened, at least as I read the history books, on November 15, 1917, at Occoquan Prison. That is the day on which a good number of women were severely beaten at the Occoquan Prison. Several dozen women were picked up because they demonstrated in front of the White House. They were arrested for demonstrating because they were in the streets demonstrating, insisting that women ought to have the right to vote in this country. Because they demanded the right to vote, demonstrating in the streets of this capital, they were arrested and taken to the Occoquan Prison. Among those women were Lucy Burns and Alice Paul.

The description of what they did to those women includes putting handcuffs on Lucy Burns, tying the handcuffs with a chain, and then putting the chain above a cell door and letting her hang the entire evening, with blood running down her arms. That was the fate of Lucy Burns. Alice Paul had a tube forced down her throat. They tried to force feed Alice Paul, and she nearly drowned. The transgression of these women: They were demanding the right of women to vote.

It is interesting what some people have done to demand the right of citizenship and what others so often and so regularly take for granted.

My colleague was talking, I believe, about the struggle that minorities in this country, including especially African Americans, have made to have the right to vote, and I believe the previous speaker was talking about Selma, AL, on March 7 in 1965, when State troopers brutally beat civil rights workers. The marchers were fighting for their right to vote. On that day, in 1965, that day in March, they were brutally beaten because they insisted on the right to vote, just as Alice Paul and Lucy Burns had done some 60 years before that.

Lyndon Johnson said this about what is called Bloody Sunday. He said:

> At times, history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was last week in Selma, Alabama. There, long-suffering men and women peacefully protested the denial of their rights as Americans. Many were brutally assaulted. One good man, a man of God, was killed.

From that, we know that the Voting Rights Act was passed a very short time later.

Days later, in a joint session of Congress, President Johnson outlined the Voting Rights Act, and within months, the Congress had passed it.

Let me talk about another minority in this country, Native Americans, the first Americans, those who were here first—American Indians. Although the Voting Rights Act applies to all Americans and all minorities, let me talk just a little about its impact on Native Americans, American Indians.

They were first given U.S. citizenship rights in 1924. Think of that. Almost a century and a half of this country's experience passed before Indians were recognized. It took from 1924, nearly 40 years later, for all of the States in this Nation to say to American Indians: Yes, you have the right to vote. You have the full rights of American citizenship. The last State to clear the hurdles and the obstacles to voting by American Indians was New Mexico, in 1962, only 3 years before the Voting Rights Act. Think of that. These were the Americans who were here first. They lived here when the rest of us came here—American Indians.

We come today on the issue of extending the Voting Rights Act. I believe it has been almost a quarter of a century since we have done that; 1982 was the last time Congress reauthorized the Voting Rights Act. It has been hailed by many as the single most effective piece of civil rights legislation that has ever been passed.

I was in Philadelphia some weeks ago and went to the Constitution Center. At the Constitution Center they have these statues of the 55 men—yes, only men—who sat in that hot room in the hot summer and wrote the Constitution of the United States. The three words that began that great document were, ''we the people''—not just some of the people, all the people—''we the people.'' And all of the power in this document called the Constitution of the United States is vested in the power of one—one American casting one vote at one time. That is all the power in this Government. That exceeds all the power of all the Presidents, all the power of all the Senators—the power of one person to cast one vote on one day to alter the destiny of this country.

Except we have learned over time that some have been denied that opportunity: African Americans, American Indians, women. It has taken a long time and a bloody struggle, regrettably, to make certain that everyone has the right to exercise the power of one, to become part of ''we the people.''

My guess is that the spirit of Lucy Byrne and Alice Paul exists in this debate about voting rights. The spirit of

the civil rights marchers who were beaten brutally—one lost his life on that bloody Sunday—their spirit exists as this Congress turns again to the subject of voting rights and asks the question: Will we do everything possible to ensure that every American is able to exercise the power of one as part of ''we the people'' in this great country? That is why this is such an important piece of legislation. That is why some take it for granted day after day. It is why others have given their lives for it.

Today, when this Congress passes the Voting Rights Act, to extend the Voting Rights Act once again, I think it will have been one of its finest hours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, if you are a student of history, this is a moment that you should reflect on and savor. Just a short time ago, I came to the floor and sat in the back row and listened as Senator TED KENNEDY of Massachusetts spoke. I wanted to be here to see it because Senator TED KENNEDY was one of the few who was a Member of the Senate when the Voting Rights Act passed in 1965, more than 40 years ago. He recounted the struggle that led to the passage of that legislation—and it was a struggle. He talked about President Lyndon Baines Johnson coming back to Capitol Hill, with which he was so familiar as a Member of the Senate, and just a few feet away from where I am standing, in one of the small rooms known as the President's Room, signing the Voting Rights Act of 1965.

I wanted to come and hear TED KENNEDY tell that story because I do appreciate it—not just as history but because of what that meant to America. Some say it was the most significant civil rights legislation in our history. It is hard to argue that it was not because if Americans don't have the right to vote, they don't have the most basic right that we appreciate and treasure as American citizens.

On the day that President Lyndon Baines Johnson signed the Voting Rights Act of 1965, he said it was one of the most monumental laws in the history of American freedom. And then he said:

> Today is a triumph for freedom as huge as any victory that's ever been won on any battlefield. Today we strike away the last major shackle of fierce and ancient bonds.

Those beautiful words were quoted in the autobiography of Dr. Martin Luther King, Jr. They are a reminder that what we are about today is not just another piece of legislation. It is only 12 or 13 pages long—small by Senate standards—but what it does is make another commitment by our generation to the same basic values and principles that guided this Congress to pass the first Voting Rights Act of 1965.

In August of last year, I was invited to Atlanta, GA, to represent my caucus of the Senate to march with civil rights leaders and ordinary people to celebrate the 40th anniversary of that Voting Rights Act. I was proud to march in the footsteps of civil rights giants, to celebrate a bill that has often been called the most significant civil rights law ever passed by Congress.

It has broad support today. Yesterday, in my Senate Judiciary Committee it passed unanimously, with a bipartisan vote. That is a great tribute to that committee and where America's thinking is today on Capitol Hill. But it was bitterly fought in 1965. People died for that law. Civil rights workers James Cheney, Michael Schwerner, Andrew Goodman, and so many others were murdered simply because they had the courage to step up and say every American has the right to vote.

It has been so long ago, it sounds like ancient history, and you may be puzzled to think: People would give their lives? Ordinary people would die over this, over this battle? The answer is yes. Black, White, and brown Americans came forward and said it was worth dying for because it really was the cornerstone of America's democracy.

Just a few years ago, I made a trip down South, my first step to Selma, AL. When the civil rights march at Selma took place, I was a student here in Washington. I sat around in my apartment with several other students and we talked about getting in a car and driving down to Selma and being part of that march. I remember it like it was yesterday. I couldn't get away from my job, I had other excuses, and I didn't go. I have thought about that so many times, how I wished I had been there at that moment, to have been part of that historic march across the Edmund Pettus Bridge, but I missed it and regretted it ever since.

Three years ago, Congressman JOHN LEWIS, from the State of Georgia, invited me, Senator BROWNBACK of Kansas, and others to join him in a little commemorative pilgrimage to the Edmund Pettus Bridge. Early one Sunday morning we got up and drove over to Selma and JOHN LEWIS and SAM BROWNBACK and I walked across the Edmund Pettus Bridge.

JOHN LEWIS was the perfect person to bring us on that pilgrimage because he had been there on that bloody day when the first march took place. When we went there on that Sunday morning, it was quiet and peaceful. But he marched us down to the very spot where the Alabama State Troopers turned and started beating him—beating him unconscious. He fell to the ground and nearly died. But he survived and that cause survived and today JOHN LEWIS is a Congressman.

What does that have to do with this debate? Just last week, Congressman JOHN LEWIS spoke in the House about the history of the Voting Rights Act, and here is what he said:

> When we marched from Selma to Montgomery in 1965, it was dangerous. It was a matter of life and death. I was beaten, I had a concussion at the bridge. I almost died. I gave blood, but some of my colleagues gave their very lives.

It is good for us to reflect on that and to value what John Lewis and his courage meant to America and so many others, and why this bill at this moment is important for America. We honor the legacy of civil rights heroes by extending the Voting Rights Act provisions that would expire in just a short time.

The bill itself is named after three extraordinary civil rights heroes: Coretta Scott King, who continued her husband's leadership of America's movement for racial justice and human rights; Rosa Parks, what a brave lady, who ignited the Montgomery Alabama bus boycott; and Fannie Lou Hamer, the sharecropper who became a civil rights champion. She was nearly beaten to death trying to register to vote. And her famous declaration? Fannie Lou Hamer said, ''I am sick and tired of being sick and tired.''

Last week, the House of Representatives passed the Voting Rights Act by a vote of 390 to 33. It was a proud moment for that Chamber. In his autobiography, Dr. Martin Luther King reflects on this Voting Rights Act, and this is what Dr. King wrote:

> When President Johnson declared that Selma, AL, is joined in American history with Lexington, Concord, and Appomattox, he honored not only our embattled Negroes, but the overwhelming majority of the nation, Negro and white. The victory in Selma is now being written in the Congress. Before long, more than a million Negroes will be new voters and psychologically, new people. Selma is a shining moment in the conscience of man. If the worst in American life lurked in the dark streets of Selma, the best of American democratic instincts arose from across the nation to overcome it.

What powerful and hopeful words.

It is wrong for us to equate racism and prejudice with the South in America. Sadly, it has touched every corner of our great Nation. Every one of us in our towns and communities and villages, North and South, East and West, have struggled with some form of racism in the course of our history.

In the 1960s, Illinois fielded its first African-American candidate, a woman named Fannie Jones from East St. Louis, IL, my hometown, who ran for clerk of the Illinois Supreme Court. She lost. It wasn't even close. But she was the first to try to run statewide.

Then fast-forward. By 1978, Illinois elected its first African-American statewide, Roland Burris of Chicago, as State comptroller.

Now bring it to the present day, and I am honored that my State, Illinois, the land of Lincoln, can claim that the two biggest vote getters in its history are African Americans: my close friend, Secretary of State Jesse White, and my colleague, in whom I have such great pride, BARACK OBAMA the two biggest vote getters in the land of Lincoln. It says a lot about how far we have come just in my short political lifetime.

Yesterday, the Senate Judiciary Committee voted to reauthorize this bill. Today, the Members of the Senate have an opportunity to make history by passing this strong, bipartisan extension of the Voting Rights Act. A lot of people argued when this debate began that it was unnecessary. Voting rights? Where is that a problem in America, they said? I wish it were not a problem.

Listen again to what Congressman JOHN LEWIS said last week:

Yes, we have made some progress. We have come a distance. We are no longer met with bullwhips, fire hoses, and violence when we attempt to register and vote. But the sad fact is, the sad truth is, discrimination still exists, and that is why we still need the Voting Rights Act. . . . We cannot separate the debate today from our history and the past we have traveled.

We had hearings before the Senate and House Judiciary Committees, more hearings than I have ever seen on any single piece of legislation: 21 hearings on the Voting Rights Act over the past 9 months, 12 in the House, 9 in the Senate. Over 100 witnesses appeared or submitted statements for the RECORD, thousands of pages of reports and evidence, so there would be no question about the need for this bill.

I attended and listened to some of these hearings. They were contentious. People were debating whether we needed a Voting Rights Act or whether this was some vestige of America's past which had no relevance today. But the evidence shows that attempts at voter discrimination are not simply a chapter from our history; they continue to threaten us and our democracy today. We have made progress as a nation over the past few decades, but discrimination endures, many times in more subtle forms.

A recent example was in the State of Georgia which passed two different voter ID laws over the past year, over the strong objections of the African Americans who live in that State. They argued that this new Georgia law would diminish the voting rights of the minorities, the poor, the elderly, and those without formal education. Both of Georgia's laws were struck down by Federal courts. The first law was determined to constitute a modern day poll tax, an unconstitutional infringement on the fundamental right to vote. The second law, slightly improved, was struck down last week by a Federal judge who ruled it was discriminatory and unconstitutional.

This is what the New York Times said recently about ''Georgia's new poll tax,'' as they call it:

In 1966, the Supreme Court held that the poll tax was unconstitutional. Nearly 40 years later, Georgia still is charging people to vote, this time with a new voter ID law that requires many people without driver's licenses—a group that is disproportionately poor, black, and elderly—to pay $20 or more for a state ID card. Georgia went ahead with this even though there is not a single place in the entire city of Atlanta where the cards are sold. The law is a national disgrace.

And a reminder that laws which we now look back on with embarrassment, laws that required African Americans to pay a poll tax before they could vote, laws which had literacy tests and constitutional tests before a person can vote, and say: That is the past; thank goodness it is behind us. This Georgia law which imposed a new requirement for a voter ID, which would have cost many voters $20, was, in the view of the Federal court system, a new poll tax.

Unfortunately, it is part of a pattern. Since 1982, the Federal Justice Department has objected to nearly 100 proposed changes to election procedures in Georgia alone on the grounds that the changes would have a discriminatory impact on minority voters. The Justice Department has sent Federal observers to monitor nearly twice the number of elections in Georgia since 1982 as it did between 1965 and 1982.

Let me add again, though I am giving examples from Georgia, I do not stand here as a northerner by definition and argue we only find discrimination in the South. Discrimination and race has haunted our Nation from coast to coast. It is naive and wrong to believe it is only a southern phenomenon, but the fact is, in this situation, in Georgia, repeatedly minority voters have been challenged and have been denied the right to vote.

Both of the protections, the requirement the Justice Department approve changes to electoral procedures in States with histories of voter discrimination and Federal monitoring of elections in such jurisdictions, are only possible because of the sections of the Voting Rights Act that must be renewed.

Let's take another case that is not in the South. Eighty-three percent of Buffalo County, South Dakota, is Native American, but they were packed into a single State legislative district. Non-Natives, who make up 17 percent of the population of the county, controlled two out of three seats on the county commission. Buffalo County was successfully sued in the year 2003 in South Dakota. The case was settled by a consent decree. In that consent decree, Buffalo County, South Dakota, admitted that its plan was discriminatory and agreed to submit to Federal supervision of future change.

Once again, it was one of the provisions of the Voting Rights Act which would expire without our action today—section 5—that entitled the U.S. Justice Department to protect the rights of Americans to vote in South Dakota.

In another case in 2004, a Federal judge invalidated South Dakota's redistricting plan. In her opinion, the judge described the State's long history of discrimination against Native Americans, including some very recent examples. The judge quoted a South Dakota State legislator who, in expressing opposition to a bill that would have made it easier for Native Americans to register to vote, said in the year 2002:

I'm not sure we want that sort of person in the polling place.

The record is thorough and clear. Voter discrimination continues. It remains a threat to American democracy. We need to pass this renewal of the Voting Rights Act. We need to step back as a nation and ask some important questions, not pat ourselves on the back on a bipartisan basis for passing this.

Why is it so many voting machines in cities where the poorest people live don't work? Why is it people are denied their choices on the ballots because they are stuck with voting machinery that is antiquated or just plain dysfunctional? Why is it those who are challenged time and time again turn out to be the poor, the dispossessed? Why is it they have the toughest time when it comes to voting in America, if this is truly going to be a land of equal opportunity?

There were attempts in the House and Senate to weaken this Voting Rights Act and I am glad they did not prevail. I am glad what we have before the Senate today is a strong, clear version of renewing this law. I want it to pass, but I don't want the conversation to end at that point. I hope we will accept the responsibility to challenge any State and to challenge even ourselves if we are creating unnecessary and unfair obstacles to voters who are trying to exercise the most basic right they have as Americans.

Whether you are Republican, Democrat, or Independent, we need to be united in supporting the Voting Rights Act. This law, above all others, should be above politics and partisanship. We need to make sure that today in the Senate, we are all on the right side of history. The Voting Rights Act has served as a beacon of our democracy for over 40 years. It should not be allowed to expire until voting discrimination has expired.

When it passed in 1965, it was because of the moral and physical courage of people such as Congressman JOHN LEWIS of Georgia, Dr. Martin Luther King, Jr., Coretta Scott King, Rosa Parks, Fannie Lou Hamer, and so many others. Passing the Voting Rights Act also required the persistence and courage of Members of Congress.

No one in the Senate pushed longer and harder for voting rights for all Americans than a man named Paul Douglas of Illinois. My connection to the Senate began as a college student in 1966, a year after this law passed. I was an intern in the office of Senator Paul Douglas. I had the privilege to work in his office. I guess I was lucky in that he needed me every day. You cannot say that very often for an intern, but he needed me because Senator Douglas was a veteran of the Marine Corps, fought in World War II, and had lost the use of his left arm in combat. He insisted on signing every letter, so every night they would stack up all the mail that had been typed by all the people in his office, and Senator Douglas would sit at the long table, starting

at 5 o'clock, signing the letters, making little notes, making corrections. I got to sit next to him and pull the letters away. I was dazzled. There I was within a foot or two of this great man who had done so much.

He came back after fighting the war to fight for the rights of those who were being discriminated against. He gave a lot of political blood in the Senate fighting for civil rights. If you read the LBJ books, stories of Lyndon Baines Johnson, you know that in the early days, before Lyndon Johnson became the great champion of the civil rights that he was in his late career, he was in pitched battle with the likes of Estes Kefauver, Hubert Humphrey, and Paul Douglas over the issue of civil rights, but the day finally came in 1965 when the Voting Rights Act passed. Senator Paul Douglas said it was his proudest achievement as a Senator.

Today, American troops are risking their lives—and many have given their lives—to secure the right to vote for the people of Iraq and Afghanistan. The absolute least we can do is to have the courage to protect the right to vote for all Americans by giving resounding, bipartisan support to the renewal of the Voting Rights Act.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the reauthorization of the Voting Rights Act brings back a lot of memories of my early life and childhood. When I was born in the Deep South, in Alabama, segregation, regretfully, was still very much in vogue. I remember all too well segregated restrooms, segregated entrances into movie theaters, and segregated schools which still existed when I started in the first grade in the late 1940s.

I subsequently lived with my parents in Alabama for a few years. Then we moved to Louisville, KY, about the time Kentucky was integrating its schools in response to the 1954 landmark decision Brown v. Board of Education. Integration in public schools in Kentucky was smoothly accomplished, I think a tribute to our State which is somewhat southern and somewhat a border State. Kentucky accommodated itself to a new reality of integrated schools rather easily with the minimum amount of some of the distress that occurred in other parts further South and actually in some northern cities as well.

In the early 1960s, I had an opportunity to be an intern over on the House side in 1963. I was here that summer when the extraordinary march on Washington occurred. I remember standing on the steps of the Capitol, looking down the Mall to the Lincoln Memorial. It was crowded with people from one side to the other all the way down to the Lincoln Memorial which, of course, is where Martin Luther King, Jr. made that extraordinary ''I Have a Dream'' speech. I couldn't hear it because I was at the opposite end of the Mall, but you sensed that you were in the midst of an extraordinary event that was going to change America. That night, I had an opportunity to watch the speech on television. You knew it was one of the most memorable speeches of all time in American history.

The next year, I had a chance to be an intern on the Senate side, in Senator John Sherman Cooper's office. Senator Cooper was probably the only truly successful Kentucky Republican at that point in our history in our State. He was among the members of the Republican Party leading the charge for the public accommodations bill of 1964, that is, the civil rights bill of 1964 which, interestingly enough, on a percentage basis, was supported by more Republicans in the Senate than by Democrats. I think not many Americans know that, but that was, indeed, the case. A higher percentage of Republicans supported the civil rights bill of 1964 than did Democrats.

I had a wonderful summer observing Senator Cooper at work when he was, in effect, leading the charge on the Republican side, along with Everett Dirksen, to stop the longest filibuster in the history of the Senate—and it is still the longest filibuster—that was employed against the civil rights bill of 1964. That filibuster was broken while I was an intern that summer. It was an exciting time. The bill was passed and President Johnson signed it.

The next summer after I finished my first year of law school, I came back to Washington to visit some of the friends I had made in the two previous summers, for a week or so. I happened to be in Senator Cooper's office on the day President Johnson was to sign the 1965 Voting Rights Act in the Rotunda of the Capitol. Senator Cooper came out, grabbed my arm in the reception room of his office and walked me over to the Rotunda where I got an opportunity to watch President Johnson sign the voting rights bill. The Rotunda was full of people. I was not exactly standing beside President Johnson—I was way off in the distance—but I do recall the presence of President Johnson. He was an enormous man. Not only was he very tall, he had a huge head, huge features, and he sort of stood out above this mass of humanity in the Rotunda of the Capitol. And so it was, indeed, a memorable day. I happen to have been there the day the original voting rights bill was signed.

This is a piece of legislation which, obviously, has worked. African-American voters are participating throughout America, and some statistics indicate in greater percentages, really, in the South than in other parts of the country.

Coming on the heels of the removal of the discrimination in places of public accommodations, this bill, the very next year, eliminated the barriers to voting, so that all Americans could participate in the basic opportunities each of us has to go into an establishment of our choice—that decision having been made in 1964—and then to vote and to have an impact on elections—that decision having been made in 1965.

We have, of course, renewed the Voting Rights Act periodically since that time, overwhelmingly, and on a bipartisan basis, year after year after year because Members of Congress realize this is a piece of legislation which has worked. And one of my favorite sayings that many of us use from time to time is, if it ain't broke, don't fix it. This a good piece of legislation which has served an important purpose over many years.

I had an opportunity, as many of us did, yesterday to meet with members of the NAACP—which happens to be meeting here in Washington, as we speak—from my State in my office. They were excited to be here. There were older people, middle-aged people, and younger people in this group, all of them thrilled to be in Washington and to be in Washington, potentially, at the same time this very important legislation is going to be reauthorized. We know the President will be speaking to the NAACP and will be signing the bill. We will be able to pass it here in the Senate in a few hours. And this landmark piece of legislation will continue to make a difference not only in the South but for all of America and for all of us, whether we are African Americans or not.

Mr. President, obviously, I rise today in support of this bill.

America's history is a story of ever-increasing freedom, hope, and opportunity for all. The Voting Rights Act of 1965 represents one of this country's greatest steps forward in that story.

Our most basic founding ideal is that sovereignty flows up, from the people to their elected leaders. The governors must have the consent of the governed.

In order for that ideal to mean anything, every American must have freedom of political expression—including the free, unfettered right to vote.

But prior to the Voting Rights Act's passage, for far too many African Americans, America did not live up to its promise that ''all men are created equal.'' Many African Americans were denied the right to vote.

Thanks to brave men and women who held sit-ins at lunch counters, rode in Freedom Rides, marched in our Nation's capital, or simply refused to give up a seat on a bus, America was forced to look itself in the mirror, admit its failing, and recommit itself to its founding ideals.

I am especially proud to stand in support of the reauthorization of the Voting Rights Act because, as I said, I was there when President Johnson signed the original Act in 1965.

I was overwhelmed to witness such a moment in history, and moved that my hero, Senator Cooper, at the spur of the moment, had brought me to witness it.

It fills me with personal pride that I can today carry on a small part of Senator Cooper's legacy by voting to reauthorize the bill he worked so hard and so courageously to pass 41 years ago.

The Voting Rights Act has proved to be a success for America. On March 15, 1965, President Johnson spoke before a joint session of Congress and challenged them to pass this historic legislation.

At that time, he said:

The time of justice has now come, and I tell you that I believe sincerely that no force can hold it back . . . and when it does, I think that day will brighten the lives of every American.

History has proven President Johnson correct. The Voting Rights Act brought about greater justice for all. And while we celebrate that achievement, we must continue to strive for more.

I know my colleagues will join me in recognizing that our country will and must continue its progress toward a society in which every person, of every background, can realize the American Dream. With the passage of this bill, we are reaffirming that Dream.

I believe I am safe in predicting this legislation will be approved overwhelmingly this afternoon, and it is something all Members of the Senate, on both sides of the aisle, can feel deeply proud of having accomplished.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise today in support of the Voting Rights Act. I have in my pocket here a small copy of the U.S. Constitution that Senator BYRD gave me a few months ago. It is something I cherish.

In February of 1870, the Constitution was amended with the 15th amendment. It says, in section 1:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 says:

The Congress shall have power to enforce this article by appropriate legislation.

That was passed in 1870. Just a few years after the close of the Civil War, the 15th amendment was added to the Constitution. But it took this Congress really 95 years before it acted, in a meaningful way, to implement that second section which allows Congress to implement this law.

I am reminded that in the last 50 years we have made a lot of progress when it comes to race relations in this country. We have opened doors. We have provided opportunities. We have changed things. It has really been a remarkable change for the better. However, I think every Senator would acknowledge today that there are still miles that need to be traveled. I know that when Lyndon Johnson rallied the Nation to press for the passage of the Civil Rights Act back in 1965, he said:

This time, on this issue, there must be no delay, no hesitation and no compromise with our purpose. We cannot, we must not, refuse to protect the right of every American to vote in every election that he may desire to participate in.

Five months after the march in Selma, AL, President Johnson signed the Voting Rights Act into law. The Voting Rights Act, in that context, in that time, put an end to literacy tests, poll taxes, and other less direct methods to prohibit or discourage people from voting. They were clearly discriminatory tactics used all over this country but in the South particularly.

In the South, after the Voting Rights Act passed in 1965, African-American registration rose to a record 62 percent within just a few years after the passage of the Voting Rights Act.

It has been an amazing success. When it was enacted, there were only 300 African-American public officials in this country—only 300. Today, there are over 9,000. And the number of Latino elected officials is over 6,000.

So there is no doubt the Voting Rights Act is important, that it has been very effective. There is no doubt that it is one of the most important things Congress has done to equalize and give opportunity to all Americans. It is also—there is no question about it—just as important today as it was four decades ago.

I know the NAACP national convention is being held in Washington this week. I know they are very supportive of this. There are countless civil rights groups and organizations that are supportive of this, and they want to renew, reauthorize, and restore this act. I appreciate that, and I respect that. But also, in a broader context, this vote today allows us to stand not just with the NAACP, not just with civil rights groups but to stand with America.

We have made, as I said, significant strides. We have done some great things, provided a lot of opportunity, opened a lot of doors. And we still have a few miles to go.

One thing I have noticed, as former attorney general of the State of Arkansas, is that over the last few years there has developed a new generation of tactics to prevent people from voting, and some of these are very subtle. Some of these have to do with annexations or even redistricting that could be done for discriminatory purposes or changing the polling place without a lot of notice or making it very difficult for some people to get to. The Voting Rights Act is important today to make sure those practices end as well.

It is hard for some of us to admit today—because we have made so much progress—that we still need this important legislation. I think everybody here wishes we did not. We would love to say we have accomplished the task and that we have equal voting opportunity for every American. We would all love to say that. But in reality, we know we do not, and we know we must continue the struggle.

I am also reminded, in closing, what Woodrow Wilson said about this country. One time he said:

America is the only idealistic nation in the world.

I think he was right about that. We are an idealistic nation. We always strive for the better. In fact, we strive for perfection. We try to reach the ideal. We do not always get there. Certainly, the treatment of African Americans through the history of this Nation is a clear example of that. We do not always get to the ideal. We do not always get to the goal we set for ourselves. But one thing that makes America different from a lot of countries is that we try. We try. And we go the extra mile to try to make opportunities for people in this country and to try to live up to the ideals of our Founding Fathers and those ideals on which this Nation was founded. The Voting Rights Act is a very important part of that.

I thank my colleagues for listening today, and I thank my colleagues for their votes today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I, too, rise today to speak in support of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I am pleased to be a cosponsor of and to have participated in the hearings held by the Judiciary Committee on this incredibly significant legislation.

The Voting Rights Act may very well be the most important piece of Federal legislation ever passed, for without a meaningful chance to vote, there can be no equality before the law, no equal access to justice, no equal opportunity in the workplace or to share in the benefits and burdens of citizenship. Brave Americans risked their very lives in marches and demonstrations to pass this historic legislation.

The electoral process in this country has improved significantly as a result of the Voting Rights Act. This success is evident in the increased participation in elections by minority voters and in the enhanced ability of minority voters to elect candidates of their choice. There is no doubt that progress has been made.

But I think that Ted Shaw, the president of the NAACP Legal Defense and Education Fund, put it best when he testified before the Senate Judiciary Committee that:

The Voting Rights Act was drafted to rid the country of racial discrimination—not simply to reduce racial discrimination in voting to what some view as a tolerable level.

As a member of the Senate Judiciary Committee and as the ranking member of the Subcommittee on the Constitution, you can take it from me that the committee has done due diligence in examining this issue. But you do not have to take it from me, of course. The extensive record the committee has compiled powerfully demonstrates the importance of the reauthorizing legislation before us today.

Even in recent election cycles, Americans continue to be disenfranchised by discriminatory redistricting plans, through the denial of voting materials they are entitled to under the law, and through changes to election procedures that disadvantage minority candidates and voters, among other things.

It is also worth noting that just a few weeks ago, the Supreme Court recognized that discriminatory redistricting plans are not simply a vestige of the past—finding a purposeful effort to dilute the voting power of over 100,000 Latino Americans. It is clear to me that we have come a long way from the bridge in Selma, AL, but we have not come far enough.

Section 5 of the Voting Rights Act has been instrumental in bringing about the dramatic improvements in voting rights and representation for minorities in covered areas. Keeping it in place, with a reasonable bailout provision, is the best way to be sure we do not lose the progress that has taken place.

Let me just say in response to some comments that were made during the Judiciary Committee's hearings that all Members of Congress, regardless of whether they are in a covered or non-covered jurisdiction and regardless of their political affiliation, have an interest in ensuring the continued effectiveness of the Voting Rights Act. As Federal legislators, we have a responsibility to address and eliminate discrimination wherever it is found. The integrity of our elections and of our very democracy depends on it.

Let's not falter now. Let's not stop or turn back the clock but, rather, build on the extraordinary success of this legislation and reaffirm the promise that all citizens, no matter what the color of their skin, can participate fully and equally in the electoral process. We must reauthorize the expiring provisions of the act. We must ensure that section 5 can continue to serve as a powerful deterrent to violations in areas of the country with a history of systemic discrimination at the polls.

We must also reauthorize section 203, which has empowered many voters with limited English proficiency to participate in our democratic process. It is also important that the Senate restore the original understanding of the act with respect to the opportunity-to-elect standard and to election procedures with discriminatory intent.

There is much more work to do in terms of eradicating discrimination from our elections process, and reauthorizing and strengthening the Voting Rights Act is, of course, a step in the right direction. I will vote in favor of H.R. 9, and I urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President. Before speaking about this very important piece of legislation we are about to pass, I wish to briefly just indicate a thank you to the State Department.

(The remarks of Ms. STABENOW are printed in today's RECORD under ''Morning Business.'')

Ms. STABENOW. Mr. President, I rise in support of the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and Cesar Chavez Voting Rights Reauthorization Act of 2006. We all know that this reauthorizes existing but currently expiring provisions of the Voting Rights Act for 25 more years. I personally believe that when this was instituted in 1965, there should not have been an expiration date and would prefer that in this bill there not be an expiration date. But I am appreciative of the fact that we have bipartisan support to continue this provision, and hopefully at some point we will be able to take off the ending date.

I think about standing in this very important spot in the Senate. Right around the corner from us is a room we call the President's Room that President Lyndon Johnson used in 1965 to sign the original legislation because of its significance. We all know this is the bedrock of our democracy, the right to vote, the right to vote without harassment, intimidation, with correct information, knowing your vote in fact will be counted.

I am proud of the fact that one of the folks who this bill is named after is Rosa Parks, who is from Detroit. We claim her as our own and are so proud of all she has done, along with the others this bill has been named after. But we are very proud that the mother of the civil rights movement is from our own beloved Detroit.

Before 1965 and the bill's passage, we had communities with explicit poll taxes and literacy tests to prevent people of color from voting. We have in fact made great progress on civil rights since the original law. But as many of my colleagues have said, there is much more to be done. Now, unfortunately, we have more subtle and sometimes not so subtle forms of voter intimidation and suppression. Voters too many times are being told of the wrong polling place or flyers and phone calls tell people that the election was moved. I know in my State we have struggled with misinformation going out around elections. Why is it that it is predominantly in our cities where the lines are the longest, the voting machines are the oldest, and, in fact, there are fewer machines? We need to know we are not done with what this bill represents until those things are fixed, until every voting machine works, until there is enough to make sure everyone can vote, until there is a paper backup so we know the votes are being recorded accurately, and until every person or group that attempts to harass anybody in terms of exercising their American right to vote has been stopped.

These practices are a reminder that our laws are only as good as the people who enforce them. That is the commitment we have behind it, to make sure that the principles and ideals of our democracy and of America are upheld.

Passing this bill is a very important step for us. I am pleased this has been placed on the agenda and that we are going to come together overwhelmingly and pass it today. We need to make sure we are willing to take the next steps. We have election reform legislation introduced in the Senate that needs to be passed. For the life of me, I cannot imagine why when I go to the ATM machine, I can get a piece of paper, a receipt that tells me about my transaction, and yet there is resistance to us having a paper backup so we know that in fact the integrity of our vote and the voting process has been maintained. I hope this will be phase one in a series of things we do to make it clear that everyone in America has the right to vote, that we are stronger because of that. We certainly know we are a better country, a stronger country because of the law that was passed in 1965, the Voting Rights Act, and that we will be stronger because of this legislation's passage and that we, in fact, will be at our strongest and our best when we are fully committed to an accurate, full, and open voting process for every person and every community in America.

I urge adoption of the bill and thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I rise to enthusiastically support the reauthorization of the Voting Rights Act. I will speak to that issue, but with the permission of the leadership, following these remarks, I ask unanimous consent that Senator WYDEN and I be given a half an hour to speak as in morning business.

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

Mr. SMITH. Mr. President, above the dais, our Nation's motto, e pluribus unum, is chiseled in the marble. That is more than a motto; it is one of America's greatest ideals. But it is an ideal that we are constantly in an effort to realize as fully as is humanly possible. Our Nation has made great progress on becoming one, and becoming one begins at the ballot box. Our Nation began at a time when even the institution of human slavery was tolerated—tragically for nearly 70 years—leading then to a horrendous Civil War that claimed the lives of nearly a million Americans trying to fully realize what that motto means. The institution of slavery was ended—thankfully—too late but ended nevertheless.

In the bitter years that followed, the years of Reconstruction and all the heartache that flowed from the Civil War, there was a period of time in part of our country where African Americans were denied access to the ballot box and were disenfranchised by that. But it isn't just one region of the country where we have to constantly be vigilant about race relations; it is a challenge all over America. The challenge begins in every heart and in

every home. It is a fact that the Jim Crow laws were specifically designed to intimidate African Americans from voting. Thankfully, with the passage of the Voting Rights Act in 1965, under the signature of President Lyndon Johnson, the constitutional promise was fully realized, and now we have an opportunity to extend it.

The Voting Rights Act is already a statute, but certain of its provisions will expire if we do not do this. We have the privilege to do so today.

The 15th amendment of the Constitution says: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The 19th amendment was adopted later in 1920, which extended that right to women. But as I said, not until the Voting Rights Act were all the subtle and insidious barriers dropped around the country that prevented African Americans from exercising their franchise.

Lyndon Johnson said, when he signed this act, that he did so so the full blessings of American life can be fully realized. For the full blessing of American life begins at the ballot box. Tragically, not all Americans exercise their right to vote, but those who want to should be able to have access, that their vote be cast and counted and that it be done so without intimidation or without fear.

I rise to fully support this. My mother used to always say, treat others as they would want to be treated. That is another way of saying, treat others the way you would want to be treated. I have heard from many of our African-American citizens who have urged my vote for this. I proudly and with pleasure do so today. I suspect we will vote on this later.

I believe the law is a teacher. The Voting Rights Act has taught Americans all over the continent that this is a central right and, therefore, I believe we are doing the right thing in reauthorizing these provisions that otherwise will expire.

(The remarks of Mr. SMITH and Mr. WYDEN pertaining to the introduction of S. 3701 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WYDEN. Mr. President, I also congratulate our colleagues who have worked tirelessly to ensure the authorization of the exceptionally important Voting Rights ct. This law plays a critical role in ensuring that the right of all Americans to vote is protected. I intend to speak more extensively later on about the Voting Rights Act.

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

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I rise today with my colleagues Senators CORNYN and HATCH from the Judiciary Committee—Senator HATCH having chaired the committee for several years—and the assistant majority leader of the Senate, Senator MCCONNELL, to speak on the legislation renewing the Voting Rights Act.

Let me begin by saying I support the Voting Rights Act extension. This law was critical to ending over 90 years of voting discrimination against African Americans in the South. Prior to this law, many States enforced discriminatory policies that were designed to and that did prevent African Americans from voting. Since that law was enacted, many of the same States where African Americans first voted in far lower numbers than Whites now have higher percentage of African Americans voting than other races.

The Voting Rights Act is a historic achievement that has corrected one of the glaring injustices of our Nation's past. It has been an important step in our Nation's continuing progress toward our founding ideal that all men are created equal.

Mr. President, I wish to address some questions that have been raised about this reauthorization and ask my colleagues if they concur in my interpretation.

The bill amends section 5 by legislatively abrogating two Supreme Court cases interpreting the act: Reno v. Bossier Parish and Georgia v. Ashcroft. These changes are related to one another. They are designed to operate together to achieve a common objective: the protection of naturally occurring legislative districts with a majority of minority voters.

The two changes to section 5 accomplish this goal by enhancing and refocusing the operation of section 5. These changes simultaneously bar redistricters from denying a large, compact group of minority voters a majority-minority district that it would receive in the absence of discrimination, and also to bar redistricters from breaking up a compact majority-minority district that has been created in the past.

Some have raised the specter that Federal bureaucrats will abuse the authority we are giving them under this provision, that they will characterize all manner of practices as having a ''discriminatory purpose.'' In particular, there has been some suggestion that the new language will be abused by the Justice Department to require creation of the maximum number of Black majority districts possible or the maximum number of so-called coalition or influence districts, in which minority voters are combined with enough White voters of similar partisan leanings to elect a candidate.

I don't think this is what the bill does, or that it can be reasonably read to do this. To say something has a discriminatory purpose is a term of art. It is the language of the jurisprudence of the 14th amendment, of cases such as Washington v. Davis, which define when particular action constitutes racial discrimination and violates the Constitution.

There is a well-defined body of case law defining when racial discrimination violates the U.S. Constitution. That case law provides clear borders to the limits of the Executive discretion being granted in this bill.

One traditional and important standard for identifying unconstitutional racial discrimination is to ask whether the challenged court action departs from normal rules of decision. In the case of redistricting, courts and the Justice Department would ask: Was the decision not to create a Black majority district a departure from ordinary districting rules? If a State has a large minority population concentrated in a particular area, ordinarily rules of districting—following political and geographic borders and keeping districts as compact as possible—would recommend that these voters be given a majority-minority district. If the redistricters went out of their way to avoid creating such a majority minority—one that would be created under ordinary rules—that is unconstitutional racial discrimination, and it is banned by this bill. But this bill does not require the creation of a majority-minority district that would not be created under default districting rules. Nor does the bill require the creation of coalition or influence districts. It bars discrimination against racial minorities, not against electoral advantages sought by either Republicans or Democrats. Moreover, no group is entitled to always be included in a district where the candidate of its party will prevail.

This section's abrogation of Bossier Parish does not permit a finding of discriminatory purpose that is based, in whole or in part, on a failure to adopt the optimal or maximum number of compact minority opportunity districts or on a determination that the plan seeks partisan advantage or protects incumbents. With the language of this bill, we are importing the constitutional test in section 5, and nothing else. With this understanding, I support this improvement to section 5 of the Voting Rights Act.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I add that I share the views of my colleague from Arizona. Like he, I represent a State that is covered by section 5 of the Voting Rights Act which is one of the sections that is being reauthorized today, hopefully. I thus paid close attention to the changes being made in that section.

Like my colleague from Arizona, I supported the provision that effectively instructs the Justice Department to refuse to preclear a voting practice that is motivated by a discriminatory, unconstitutional purpose. I also agree this is all this change does. It does not authorize the Justice Department to define for itself what is a ''discriminatory purpose.'' The Constitution and the courts have already done that, and it is that constitutional

definition that is being incorporated in this legislation.

That standard bars discrimination against a racial group, and it does not require discrimination in favor of any racial group. Thus, it does not require those drawing electoral maps to create misshapen districts simply in order to create as many majority-minority districts as possible. Nor does it require that minority voters be placed as often as possible in districts where candidates of the party they support will prevail.

The equal protection clause of the U.S. Constitution does not say all citizens are equal, but that some are more equal than others. Nor should the Voting Rights Act say that. The Voting Rights Act should not be read to require creation of so-called coalition districts that produce a Democratic or a Republican representative, as the case may be. I think that would raise serious constitutional questions if we adopted a free-flowing definition of purpose—or authorized the U.S. Department of Justice to invent one—that is untethered from the Constitution itself. I think this is sufficiently clear from the bill's incorporation of constitutional terms of art that I am confident this is how the provision will be applied by the Justice Department and by the courts.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I would simply add there is a general agreement among Senators on this point. If someone is saying the bill authorizes the Justice Department to block a voting change because of a perceived discriminatory purpose that does not violate the Constitution, I have not heard them say it. Therefore, the bill should not be construed to require the creation of any district other than the majority-minority district that would be created if race were not considered—that would be created if instead only traditional districting principles were applied. Certainly a constitutionally grounded approach does not—does not—require the creation of the maximum number of majority-minority or Democratic or, for that matter, Republican-leaning districts.

If those doing the redistricting refuse to create a naturally occurring majority-minority district, they are discriminating by race. But if they simply refuse to create a district where different races combine to elect a candidate of their preferred party, the discrimination is not against the races—it is hard to see how anyone could discriminate against both races by the same act—but rather it is against that party. And as unhappy as that party might be about being denied such a district, the denial does not violate the Constitution. Obviously, giving the Justice Department discretion to redefine what ''discriminatory purpose'' means would be controversial. This is consensus legislation precisely because it avoids such litigation traps. It enforces the Constitution's requirements and no more.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I think the point the distinguished assistant majority leader made is very important, and I am glad there is agreement on this important matter.

I also wish to discuss one other of the bill's changes to section 5. That is the provision abrogating the Supreme Court's decision in Georgia v. Ashcroft. That Supreme Court case held that, when conducting a retrogression analysis of section 5 under the act, a court or the Justice Department should gauge whether a new electoral map has diminished a minority group's opportunities to participate in the political process by looking, in part, to whether the new plan creates coalition districts, or influences districts—that is the term they use—whether it protects positions in legislative leadership for minority representatives, and whether minority representatives support the new plan.

Many people objected to this aspect of the Ashcroft decision because of its perceived potential to put a partisan thumb on the scale, so to speak, in the redistricting process. Their concern was if the fact that a coalition or influence district elects a candidate that minority voters largely voted for, then even if that candidate was not the minority group's preferred candidate of choice, any plan that does not preserve that district would be considered retrogressive under the Voting Rights Act.

Similarly, there was concern that under Ashcroft, if a new voting map were to give advantage to legislative races to one party, and minority representatives—including committee chairmen and legislative leaders—overwhelmingly were members of the opposite party, then that plan, too, would be deemed retrogressive for that reason.

Personally, I do not think the Ashcroft decision should be read that way. I think it is clear the court intended to give States the option of using influence or coalition districts, but it did not intend to require the use of such districts, or to prevent them from later changing such districts.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as one of the strong supporters of the Voting Rights Act, having supported it before in my Senate service, I have been very interested and, frankly, pleased with the comments that have been made. Let me add to what Senator KYL said.

Moreover, even if we are wrong about how George v. Ashcroft would have been interpreted and applied in the future, in any event, today's bill clearly ends any risk that section 5 of the Voting Rights Act will be applied as a one-way ratchet favoring Democrats or Republicans at the expense of one or the other.

As the House committee report makes clear, the bill ''rejects'' the Supreme Court's interpretation of section 5 in George v. Ashcroft and establishes that the purpose of section 5's protection of minority voters is, in the words of the bill's new subsection (d), to ''protect the ability of such citizens to elect their preferred candidates of choice.''

It is important to emphasize this language does not protect just any district with a representative who gets elected with some minority votes. Rather, it protects only a district in which ''such citizens''—minority citizens—are the ones selecting their ''preferred candidate of choice'' with their own voting power. I emphasize the words ''such citizens'' and ''preferred'' because they are key to this part of the bill and keep it consistent with the language abrogating Bossier Parish. Both parts have a limited but important purpose: protecting naturally occurring majority-minority districts.

The new subsection guarantees that districters will not discriminate against creating such districts. And this new subsection (d) ensures they will not break up such districts, at least not when neutral districting principles continue to commend the creation of such a district.

I note in passing that forcing the preservation of a noncompact majority-minority district likely would run afoul of the Supreme Court's ruling against racial gerrymanders in Shaw v. Reno. And, like subsection (c), all that subsection (d) does is protect naturally occurring majority-minority districts. By limiting non-retrogression requirements to districts in which ''such minority citizens'' are able with their own vote power to elect ''preferred candidates of choice''—not just a candidate of choice settled for when forced to compromise with other groups—the bill limits section 5 to protecting those naturally occurring, compact majority-minority districts with which section 5 was originally concerned.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me just say one final thing. I very much agree with Senator HATCH that the bill limits section 5, protecting those naturally occurring, compact majority-minority districts with which section 5 was originally concerned, and that nothing in this section of the act should be interpreted to require that the competitive position of the political party favored by minority voters be maintained or enhanced in any district. This change made by the bill is not intended to preserve or ensure the electability of candidates of any political party, even if that party's candidates are supported by members of minority groups.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I agree very much, and I am glad that we can put this issue to bed.

By anchoring section 5 in the concept of ''preferred candidates of choice''—another term of art whose meaning is

cemented in the Supreme Court's precedents—I think this bill eliminates any risk that section 5 of the Voting Rights Act will be interpreted to protect coalitions and influence districts and other tools of purely partisan gerrymanders. The term ''preferred candidates of choice'' has a clear meaning in the court's precedents: Minority candidates elected by a minority community.

I think the use of this language eliminates the risk that courts will construe section 5 to protect candidates who rely on minority votes for their margin of victory in the general election but are not elected by a majority-minority district. And I agree that it may be good policy for a State to create districts in which different groups will combine to elect a common party candidate, but Federal law should not be used to require that the State permanently preserve such a district.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I would simply add to the comments of the assistant majority leader that I, too, am glad that we have eliminated any risk in Georgia v. Ashcroft, and section 5 would be applied to require preservation of anything other than districts that allow naturally occurring minority-group majorities to elect minority candidates. Locking into place so-called coalition or influence districts would wreak havoc with the redistricting process and would stretch the Voting Rights Act beyond the scope of the Congress's authority under the 14th amendment.

Mr. CORNYN. Mr. President, I have some additional remarks that I would like to make on this important legislation.

Forty-one years ago, when signing the landmark Voting Rights Act of 1965 into law, Lyndon Johnson, the President of the United States, a former member of the Senate whose seat I am privileged to hold, described the act's passage as ''a triumph for freedom as huge as any victory that has ever been won on any battlefield.'' President Johnson's words captured the importance of the act's passage. It was a hard-fought victory at a tense time in American history.

It is no secret why the Voting Rights Act was necessary. It was adopted at the height of the civil rights movement, when numerous jurisdictions throughout the United States had intentionally, systematically disenfranchised Blacks and other minorities from the electoral process.

As a witness before the Senate Judiciary Committee noted, a Senate report from 1965 found that in every voting discrimination suit brought against Alabama, Louisiana, and Mississippi, both the district court and the Court of Appeals found ''discriminatory use of tests and devices''—devices such as literacy, knowledge, and moral character tests. The Senate concluded that these were not ''isolated deviations from the norm'' but, instead, ''had been pursuant to a pattern or a practice of racial discrimination.'' Such practices had driven down to 29.3 percent the average registration rate for Black citizens in these States—29.3 percent.

Worse yet, violence and brutality were common. In 1961, a Black voter registration drive worker in McComb, MS was beaten by a cousin of the sheriff; a worker was ordered out of the registrar's office at gunpoint and then hit with a pistol; a Black sympathizer was murdered by a State representative; another Black who asked for Justice Department protection to testify at the inquest was beaten and killed 3 years later; a White activist's eye was gouged out; and, finally, 12 student nonviolent coordinating committee workers and local supporters were fined and sentenced to substantial terms in jail. And those were just some of the many terrible incidents that occurred.

This type of bigotry and hatred at the polls, coupled with escalating violence and even the murder of activists, is the backdrop against which the Voting Rights Act was adopted—permanently enshrining into law the long-unfulfilled promise of citizenship and democratic participation for all Americans as guaranteed by the 15th amendment to the U.S. Constitution.

The permanence of the Voting Rights Act is something that I am afraid is sometimes misunderstood or misstated in the popular press. The act's core provision found that section 2 prohibits the denial or abridgement of the right of any citizen to vote on account of race or color.

That provision is permanent. That provision will never expire, and we are not addressing this permanent provision by the reauthorization that we will vote on today.

Instead, we are addressing what at the time was a temporary, 5-year period where provisions were adopted to subject certain jurisdictions to Federal oversight of the voting laws and procedures until the intent of the Voting Rights Act was accomplished. This provision, section 5, along with later-added provisions designed to protect voters from discrimination based upon limited English proficiency, has been renewed several times since it was originally passed and will expire in the summer of 2007. Those are the provisions which we are addressing here today and which this vote today will reauthorize.

Today, we are considering the renewal of these provisions at a time when we can look back with some pride as a country and say that the Voting Rights Act has fulfilled its promise. It worked.

Today, we live in a different—albeit still imperfect—world. Today, no one can claim that the kind of systemic, invidious practices that plagued our election systems 40 years ago still exist in America. Today, the voter registration rates among Blacks, for example, in the covered jurisdictions is over 68.1 percent, as this chart indicates, higher than the 62.2 percent found in noncovered jurisdictions.

Let me repeat that, Mr. President, because I think it is important. Earlier, you heard me say that as a result of the violence and the discrimination against Black voters in three Southern States before the Voting Rights Act was passed, voter registration rates for African Americans was about 29 percent. But today, 40 years later, as a result of the fact that the Voting Rights Act has accomplished its purpose, we now see voting registration rates nationwide at 62.2 percent. Perhaps the most amazing thing is that the rate of voter registration in those areas that were covered by section 5, because they had a history of discrimination and violation of the voting rights of minority voters, is actually higher than the rest of the country—68.1 percent—as opposed to 62.2 percent for the noncovered jurisdictions.

A review of the voter registration data since the act's original passage shows that the covered jurisdictions have demonstrated equal or higher voter registration rates among Black voters as noncovered jurisdictions since the mid-1970s.

I realize, though, this is not the only measure of the performance of the act. Another important indicator of its success is the continual decline—almost to the point of statistically negligible numbers—of objections issued by the Department of Justice to plans submitted under section 5 for pre clearance. You can see on this chart that I have demonstrated here, going back to 1982, to 2005—and again, this is for the nine covered jurisdictions—this is what we are focusing on with this reauthorization. In those nine covered jurisdictions that were required under section 5 to submit their election changes for preclearance, you see that in 1982, for 2,848 submissions, there were 67 objections to those changes or a rate of roughly 2.32 percent. But if you jump down to 2005—let's go to 1995—it shows that this is really a bipartisan success under both Republican and Democrat Presidential administrations. In 1995, you can see that out of 3,999 submissions, requests for pre clearance under section 5, there were only 19 objections as required through the required procedures.

So you see actually the number of objections dropping from 2.32 percent to, in 1995, under one-half of 1 percent. And the good news is, it just keeps getting better. In 2005, there were 3,811 submissions, and only 1 objection for preclearance of a change in voting practices or procedures in the covered jurisdictions. So I would submit that both the voter registration rates for African American voters in the covered jurisdictions, and the plummeting, really, of objections sustained to submissions requesting preclearance under

section 5, are strong and compelling evidence that, in fact, the Voting Rights Act has achieved—largely achieved—the purposes that Congress had hoped for and that no doubt millions of people who had previously been disenfranchised had prayed for.

The evidence demonstrates the continued improvement of access to office for minorities. The statistics in the House record indicate that hundreds of minorities are now serving—not just getting to vote, they are actually serving in elected office, accomplishing again one of the important purposes of the Voting Rights Act. Indeed, in Georgia, minorities are elected at rates proportionate to or higher than the numbers proportionate to the general population would otherwise indicate. While Georgia's population is 28.7 percent African American, 30.7 percent of its delegation to the United States House of Representatives, and 26.5 percent of the officials elected statewide are African American, a remarkable accomplishment.

Black candidates in Mississippi have achieved similar success. The State's population is 36.3 percent African American, and 29.5 percent of its representatives in the State House, and 25 percent of its delegation in the United States House of Representatives are African American.

In light of this strong indication that the act has largely achieved the purposes that Congress had intended, of course, the logical question before us is whether these provisions under section 5 should be reauthorized. The Judiciary Committee hearings were enlightening on this point, and I want to congratulate Chairman SPECTER for readily ceding to requests that were made to have a complete record so that not only Congress but the courts that may later examine this record can see what the facts are. Senator SPECTER worked hard to hold a sufficient number of fair and balanced hearings, but given our busy schedule on the Senate floor, that was not always easy to accomplish. However, I think it might have been beneficial for the long-term viability and success of the Voting Rights Act had we engaged in serious, reasoned deliberation over some of the suggested possible improvements, some suggested by our witnesses—improvements that would underscore the act's original purpose. It would modernize it to reflect today's reality. It would possibly expand the coverage of section 5 to jurisdictions where recent abuses have taken place or, perhaps, have improved the so-called bailout procedures for those jurisdictions that had a successful record of remedying, indeed eliminating, discrimination when it comes to voting rights.

One idea that was offered was to update the coverage formula. I don't know if that is a good idea, but I would like to know. Some suggest that such an update would gut the act. I, for one, certainly don't want to see that happen. I don't want to see the act gutted. But I am skeptical that this would be the result. The amendment that was voted on in the House, for example, would have updated the coverage trigger to the most recent three Presidential elections from the current point, or trigger, of 1964, 1968, and 1972 elections.

As I understand it, the map, after an update to cover the most recent three Presidential elections, would look something like this. In other words, rather than the nine covered jurisdictions, you would see jurisdictions around the country, both at the State and local level—primarily at the local level—that would focus on the places where the problems really do exist and where the record demonstrates with some justification for the assertion of Federal power and intrusion into the local and State electoral processes.

If this is an accurate reflection of the effects of updating the trigger to the most recent three Presidential elections, it certainly changes the map. But I suggest, just looking at this, it hardly guts it.

It would have also been beneficial for us to have had a full discussion of ways to improve the act to ensure its important provisions were applied in a congruent and proportional way, something the Supreme Court will take into consideration when it considers the renewed act.

Yesterday, the Senate Judiciary Committee voted overwhelmingly to extend the expiring provisions of the act and adopt several substantial revisions included by the House, so I think it is important to comment on the House revisions to the act. In other words, we are not just reauthorizing the Voting Rights Act as it existed previously, there have been changes made. So I think it is important for us to identify those changes and reflect on them for a moment.

There has been some debate about the meaning of these provisions. My understanding is that the purpose of these provisions is fairly straightforward, and I think the House legislative history reflects this; that is, the purpose is to ensure minorities are not prevented from holding elected offices in bodies such as Congress and ensure that no intentional, unconstitutional discrimination is allowed to proceed. It is important that our understanding about these provisions be clear so that their application will be likewise clear.

I think the colloquy that we had on the Senate floor just a few moments ago helps to make that as clear as we possibly can.

In short, the Voting Rights Act is simply the most important and most effective civil rights legislation ever passed, bar none. The extension of the expiring provisions is important for the continued protection of voting rights, even though it would have been preferable and even possibly constitutionally advisable for us to review the application of the act's preclearance and other provisions.

Unfortunately, the act's language was a bit of a foregone conclusion, prohibiting the kind of debate and discussion and perhaps amendment process that might have been helpful to protect the act against future legal challenges.

Few issues are as fundamental to our system of democracy and the promise of equal justice under law as the Voting Rights Act. I support reauthorization of the expiring provisions because the purpose of the Voting Rights Act is genuine, its goals are noble, and its success, as I hope to have demonstrated, is unparalleled.

But I do want to say in conclusion that I share the concerns expressed by Chief Justice Roberts in the most recent redistricting case that has been heard by the U.S. Supreme Court. I hope the day will come when we will no longer, to use his words, be ''divvying us up by race.''

It is my sincere hope that we will move beyond distinctions based on race in our policymaking, lest we, in the words of Justice Anthony Kennedy, make ''the offensive and demeaning assumption that voters of a particular race, because of their race, think alike, share the same political interests, and will prefer the same candidates at the polls.

The question in the end is, Is this bill that we will vote on today the very best possible product?

I would have to say the answer to that is, apparently not.

In response to the question, is this the very best that we can do at this time?'' I would have to conclude, yes, it is. And I support it for that reason.

I see my distinguished colleague from New York on the Senate floor.

I yield the floor to her and anyone else who seeks an opportunity to speak.

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

Mrs. CLINTON. Mr. President, I am also here to voice my support for the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. It is so fitting that this legislation reauthorizing this landmark Civil Rights Act would be named for three women who are so well known as heroines of the struggle for civil rights in our own country.

Thousands of Americans risked their lives, and some unfortunately lost them, during the civil rights movement to challenge an electoral system that prevented millions of our fellow citizens from exercising their constitutional right to vote.

After a long struggle by activists and everyday citizens, President Johnson introduced and eventually signed the Voting Rights Act of 1965 into law.

I vividly remember the day, 41 years ago, when I sat in front of our little black and white television set and watched President Johnson announce the signing into law of the Voting Rights Act. He opened his speech to the Nation that night with these memorable words:

I speak tonight for the dignity of man and the destiny of democracy.

That was the culmination of a long struggle which continues even now because we still must work vigilantly to make certain that those who try to vote are allowed to do so, and that we keep watch to guarantee that every vote is counted.

President Johnson was right all those years ago. When you deny a person his or her right to vote, you strip that individual of dignity and you weaken our democracy. The endurance of our democracy requires constant vigilance, a lesson that has been reinforced by the last two Presidential elections, both of which were affected by widespread allegations of voter disenfranchisement.

I believe we have a moral as well as a political and historical obligation to ensure the integrity of our voting process. That was our Nation's obligation in 1965; it remains our obligation today.

As we turn on our news and see the sights of conflict, as we hear the stories of sectarian violence, as we struggle to help nations understand and adopt democracy in their own lands, we more than ever must ensure that America is the place where the right to vote is fully and equally available to every citizen.

We still have work to do, to renew protections for the right to vote, to enforce safeguards that guarantee the right to vote, and strengthen our election laws so that our right to vote is not impeded by accident or abuse. While parts of the Voting Rights Act are permanent, there are three important sections set to expire next year unless they are renewed.

Section 5 of the Voting Rights Act requires that the Federal Government or a Federal court approve or, in the language of the act, ''preclear'' all changes to voting procedures by jurisdictions that have a history of discrimination. The importance of this provision cannot be overstated. Section 5 is the bulwark. It stands to ensure that all minorities have equal access to the ballot box. Not only has Section 5 been used to strike down potentially discriminatory changes to election laws, but it has also deterred them.

Equally important is the reauthorization of sections 6 through 9, which authorize the Federal Government to send examiners and observers to jurisdictions with a history of voter discrimination and voter intimidation, and to ensure that by the presence of the Federal Government—which represents all of us—no one will engage in such despicable behavior.

Finally, section 203 of the Voting Rights Act requires bilingual assistance for areas with a concentration of citizens with limited English proficiency, including bilingual ballots, if necessary. Voters with limited English proficiency would in many instances be unable to participate in our political process and to fully exercise their rights of citizenship if this assistance were not available to help them understand what is on a ballot.

Sometimes, even though I speak English, I think I need help understanding what is on some of our ballots when we have all kinds of bond issues and other kinds of activity. Imagine if you are, as are some of the people I have met, a legal immigrant from Latin America who is so proud to be a citizen and so worried she will make a mistake when she first goes to vote, or an elderly gentleman who came to this country fleeing oppression in the former Soviet Union, who speaks only Russian but has become a citizen, is learning English and wants to be able to understand what he is voting for. At a time when we are embroiled in a debate about how best to assimilate immigrants and to send out the message that we want people in our country to learn English, to participate as citizens, we don't want to set up any artificial barriers to them feeling totally involved in and supportive of and welcomed by our great democracy.

These expiring sections of the Voting Rights Act, sections 5, 203, 6 through 9, have all been reauthorized—first in the House, then in the Judiciary Committee yesterday here in the Senate. I am very pleased that has happened because I think we still need them.

Of course, we have made so much progress. I am very proud of the progress our Nation has made, when you go back and look over more than 200 years of history, what we have accomplished—it is just a miraculous, wonderful happening that could only occur in this great country of ours where we have steadily and surely knocked down the barriers to participation.

But are we perfect? Of course not. There is no such thing as perfection on this Earth. We have survived as a nation and as the oldest democracy in part because we have had checks and balances and we have been under the rule of law, not of men. So this reauthorization is critical to making sure we still have the framework to make it possible for every person to believe that he or she can vote, and that vote will matter. Of course, the Voting Rights Act only works if it is actually enforced. We can have all the laws in the world. We have seen in so many authoritarian regimes, totalitarian regimes, where they have great sounding laws. The laws sound as though they are next to paradise, but it does not matter because no one enforces the laws.

Unfortunately, I am worried we may be at that point in our own country when it comes to voting rights. The civil rights division at the Department of Justice has been purged by many of the people, career lawyers who enforced the law regardless of whether it was against Democrats or Republicans or in any part of the country. Now it is filled with political appointees who often choose ideology over evidence. That has resulted in a failure to enforce the Voting Rights Act. There are lots of examples. Look at the news coverage this past December: Six career lawyers and two analysts in the Department of Justice's civil rights division, it was reported, were basically overruled when they made recommendations about the Texas redistricting plan. The civil rights division officials were overruled when they recommended against Georgia's voter photo ID requirement which disadvantaged African Americans, the elderly, and other voters. Finally, that law was enjoined by a Federal court.

These are isolated incidents in some people's minds, but I see, unfortunately, a pattern. We need to make sure our laws have teeth; otherwise, they are just for show, they do not make any difference at all. Unfortunately, almost two-thirds of the lawyers in the voting section of the civil rights division have left in the last few years. That sends a very disconcerting message that maybe the Voting Rights Act will be honored by word but not by deed.

I hope when we reauthorize it, as I am confident we will do in the Senate, we will send a message that we expect it to be enforced and that it means something; otherwise, we are not going to be fulfilling the promise of a Constitution that sets voting and democracy at its core. I hope we will not only reauthorize the Voting Rights Act, that we will enforce the Voting Rights Act and, third, we will change some of our other laws to protect against some of the abuses now taking place around the country when it comes to voting.

We have to strengthen our electoral system so that basic democratic values are protected as voting technology evolves and as it threatens to undermine the right to vote. We need to put a few simple principles into law and we should do it sooner rather than later so that we count every vote and we make sure every vote is counted.

That is why I drafted and introduced, along with some of my colleagues in both Houses, the Count Every Vote Act, because I believe all Americans ought to have a reasonable opportunity to register and cast their vote if they are citizens. That should be part of being a citizen.

In fact, I met with a group of young high school students from New York. We were talking about how we can get more young people involved in voting. One of them asked, when we turn 18, why aren't we automatically registered? That is a great idea. Citizens should be automatically registered. We need to make this part of the growing up in America. You turn 18, you get registered to vote, beginning a lifetime habit of voting.

We also need to make sure every American citizen will be able to count on the fact that their name will not be illegally purged from the voter roles. We have seen that happen. It is still happening. What happens is, someone

in the political position of a State says, we will purge the voter roles to get rid of people who have moved or who may not be eligible to vote. I don't disagree with that. People who don't live in a jurisdiction or are not eligible should not be permitted to vote.

Instead of purging on that very limited basis, oftentimes they purge hundreds and thousands of people unfairly, unlawfully. Someone shows up to vote and they are told, we are sorry, you are not registered to vote. The person does not know what has happened, but they are prohibited from voting.

Every American voter who shows up at the polls should be confident they do not have to wait hours to cast ballots. I did a town hall meeting in Cleveland with my friend Congresswoman STEPHANIE TUBBS JONES. We heard testimony from some students from Kenyon College who had to wait for 10 and 12 hours to be able to vote. They were eligible, they were registered, they were anxious to vote, and because of the way the number of voting machines was allocated and the discouragement that was meant to be sent that you would have to wait so long, it was an unfair treatment of these young people and not in keeping with our desire to increase the number of people who vote in our country.

We also need to make sure the system of voting has not been compromised by politics or partisanship. It is flat wrong for someone who runs an election to also be running in the election and thereby be supervising their own election, or for someone to be running for election to some position, get the support of the person running the election as his campaign manager or spokesman. That is a conflict of interest. That ought to be prohibited. People need to feel, and they have every right to feel, confidence in the integrity of our electoral system.

Finally, every American voter should know there are adequate safeguards against abuses or mistakes caused by the new computerized voting machines. There have been so many problems. They have broken down, they have double counted, they have failed to count, tests have been run showing how easy they are to hack into. We do not need that. We need a system people can count on. If we can go to an ATM and withdraw money, if we can have all the other advantages from access to computers and the Internet, for goodness sakes, we ought to be able to use electronic voting without raising questions about whether it is being truthful, whether it is being accurate, and whether it is even being operated correctly.

This effort to reauthorize the Voting Rights Act is part of a larger struggle about basic rights, basic values, and basic opportunities. It is, at root, a struggle to ensure that we live up to the promise of democracy in this Nation. We do need to reinstate the decades-old voting rights protections. We need to enforce those voting rights presentations. We need to strengthen those voting rights protections. We need to do that because that is what we are as Americans. That is what we expect of ourselves.

I hope after we reauthorize the Voting Rights Act, which I am confident we are going to do, then we turn our attention to making sure we enforce it, that we are doing everything we can to encourage people to vote, make it easy for them to vote, and make sure that every vote counts.

Our ideals are important to us as Americans. Our principles about who we are, what we believe in, our core values as to what it means to be an American. I hope and trust when it comes to the most important function in a democracy—namely, running elections and giving people the right to make decisions about who governs us—that we will be second to none. We cannot say that now because other countries, frankly, are doing a better job than we are, but today is a good first step to get us back on the track of making sure that the world's oldest democracy demonstrates clearly we know how to run elections that people have confidence and trust in and that we want every single citizen to feel welcome to participate and to make the decisions that will determine the future of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise in support of a bill to extend the expiring provisions of the 1965 Voting Rights Act. While I support this bill, I continue to have some serious concerns with several aspects of it, not the least of which is the extension for an extraordinary 25 years.

The act, originally passed in 1965, was unquestionably needed to bring the promise of the Constitution to many of our citizens who had been shut out of our national political process. The original act, a remedial measure to deal with past discrimination, provided that certain provisions would sunset after 5 years. I have grave concerns that a 25-year extension may well, by itself, doom the act in a future constitutional challenge, given the Supreme Court's jurisprudence concerning the need for narrowly tailored remedial measures to deal with past discrimination.

Members of the House raised legitimate concerns last week and advanced positive amendments which I believe would have strengthened this bill and updated it to reflect the reality of profoundly improved race relations which exist today in my home State of Georgia.

Let me talk about the positive progress. Today, a higher percentage of Black citizens in Georgia are registered to vote than are White citizens: 66 percent compared to 59 percent. Today, a higher percentage of Black citizens in Georgia turn out the vote than do White citizens: 51 percent compared to 48 percent. The number of Black elected officials in Georgia has climbed steadily, from 30 in 1970 to 249 in 1980, a 730-percent increase, to 582 in 2000.

Let me talk about my home county which is in rural Georgia, the very southern part of our State. Our community is a beneficiary of this Voting Rights Act. Over the years, several members of our Black community have been elected to city council, county commission, and school board posts.

Men and women such as Wesley Ball, Frank Wilson, Lamont Alderman, Justina Lewis, George Walker, Trudy Hill, Betty Hagin, Luke Strong, Jr., the Rev. Ronald Wilson, Debra Boyd, and Stine George. All of these outstanding men and women have been very professional public servants in representing our school board, our city, as well as our county.

I am very proud to live in a city and county that has had individuals such as these as its representatives.

Currently, there are nine statewide Black elected officials in Georgia, most of whom, interestingly enough, defeated White opponents, including the current attorney general, three State supreme court justices, including the chief justice, and the State labor commissioner.

Today, 4 of Georgia's 13 Members of the U.S. House are Black, two of whom represent majority White districts.

One of the continuing concerns about the bill as currently written is it mandates that Georgia continues to be a ''covered jurisdiction.'' That designation requires any election law change, no matter how minor, to be precleared by a Federal bureaucracy. Other States with much less impressive minority progress and less impressive minority participation are not covered, while Georgia is. Many of us share the view that this seems both unfair and unwise.

Only a short while ago my colleague from Illinois acknowledged that voting discrimination occurs in noncovered States, yet he and others leave unaddressed the issue of whether the formula adopted in 1964 should be modernized to reflect the reality of 2006, so that appropriate discrimination can be dealt with wherever it exists.

Despite these concerns, I will vote in favor of this bill. It is a symbol of progress to so many of our citizens and it has made a difference in the lives of a generation of Georgians, Black and White.

I urge my colleagues to join me in support.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to proceed for up to 20 minutes after the distinguished Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, I modify my request and ask unanimous consent

that after Senator OBAMA speaks, and after a Republican has spoken after Senator OBAMA, that I could be recognized for up to 20 minutes at that time.

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

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

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. I will not object, but I say to the Senator from Oregon, if we could have the Senator from Illinois proceed, then the Senator from South Carolina, Mr. GRAHAM, proceed, and then the Senator from Oregon.

Mr. WYDEN. Mr. President, that is exactly the kind of scenario I envisioned, and I appreciate that from the Senator from Georgia, and renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. OBAMA. Thank you, Mr. President.

Mr. President, I rise today both humbled and honored by the opportunity to express my support for renewal of the expiring provisions of the Voting Rights Act of 1965. I thank the many people inside and outside Congress who have worked so hard over the past year to get us here. We owe a great debt of gratitude to the leadership on both sides of the aisle. We owe special thanks to Chairmen SENSENBRENNER and SPECTER, Ranking Members CONYERS and LEAHY, and Representative MEL WATT. Without their hard work and dedication, and the support of voting rights advocates across the country, I doubt this bill would have come before us so soon.

I thank both Chambers and both sides of the aisle, as well, for getting this done with the same broad support that drove the original act 40 years ago. At a time when Americans are frustrated with the partisan bickering that too often stalls our work, the refreshing display of bipartisanship we are seeing today reflects our collective belief in the success of the act and reminds us of how effective we can be when we work together.

Nobody can deny we have come a long way since 1965. Look at the registration numbers. Only 2 years after the passage of the original act, registration numbers for minority voters in some States doubled. Soon after, not a single State covered by the Voting Rights Act had registered less than half of its minority voting-age population.

Look at the influence of African-American elected officials at every single level of government. There are African-American Members of Congress. Since 2001, our Nation's top diplomat has been African American. In fact, most of America's elected African-American officials come from States covered by section 5 of the Voting Rights Act—States such as Mississippi, Alabama, Louisiana, and Georgia.

But to me, the most striking evidence of our progress can be found right across this building in my dear friend Congressman JOHN LEWIS, who was on the front lines of the civil rights movement, risking life and limb for freedom. On March 7, 1965, he led 600 peaceful protesters, demanding the right to vote, across the Edmund Pettus Bridge in Selma, AL. I have often thought about the people on the Edmund Pettus Bridge that day, not only JOHN LEWIS and Hosea Williams, who led the march, but the hundreds of everyday Americans who left their homes and their churches to join it—Blacks and Whites, teenagers, children, teachers, bankers, shopkeepers; what Dr. King called a beloved community of God's children ready to stand for freedom.

I wonder sometimes: Where did they find that kind of courage? When you are facing row after row of State troopers on horseback, armed with billy clubs and tear gas—when they are coming toward you spewing hatred and violence—how do you simply stop, kneel down, and pray to the Lord for salvation?

But the most amazing thing of all is that after that day, after JOHN LEWIS was beaten within an inch of his life, after people's heads were gashed open and their eyes were burned, and they watched their children's innocence literally beaten out of them—after all that, they went back and marched again. They marched again. They crossed the bridge. They awakened a nation's conscience, and not 5 months later the Voting Rights Act of 1965 was signed into law. It was reauthorized in 1970, in 1975, and in 1982.

Now, in 2006, JOHN LEWIS—the physical scars of those marches still visible—is an original cosponsor of the fourth reauthorization of the Voting Rights Act. He was joined last week by 389 of his House colleagues in voting for its passage.

There were some in the House, and there may be some in the Senate, who argue that the act is no longer needed, that the protections of section 5's ''preclearance'' requirement—a requirement that ensures certain States are upholding the right to vote—are targeting the wrong States. Unfortunately, the evidence refutes that notion.

Of the 1,100 objections issued by the Department of Justice since 1965, 56 percent occurred since the last reauthorization in 1982. Over half have occurred since 1982. So despite the progress these States have made in upholding the right to vote, it is clear that problems still exist.

There are others who have argued we should not renew section 203's protection of language minorities. These arguments have been tied to debates over immigration and they tend to muddle a noncontroversial issue—protecting the right to vote—with one of today's most contentious debates.

But let's remember, you cannot request language assistance if you are not a voter. You cannot be a voter if you are not a citizen. And while voters, as citizens, must be proficient in English, many are simply more confident that they can cast ballots printed in their native languages without making errors. It is not an unreasonable assumption.

A representative of the Southwestern Voter Registration Project is quoted as saying:

> Citizens who prefer Spanish registration cards do so because they feel more connected to the process; they also feel they trust the process more when they understand it.

These sentiments—connection to and trust in our democratic process—are exactly what we want from our voting rights legislation.

Our challenges, of course, do not end at reauthorizing the Voting Rights Act. We have to prevent the problems we have seen in recent elections from happening again. We have seen political operatives purge voters from registration rolls for no legitimate reason, prevent eligible ex-felons from casting ballots, distribute polling equipment unevenly and deceive voters about the time, location, and rules of elections. Unfortunately, these efforts have been directed primarily at minority voters, the disabled, low-income individuals, and other historically disenfranchised groups.

The Help America Vote Act, or HAVA, was a big step in the right direction. But we have to do more. We need to fully fund HAVA if we are going to move forward in the next stage of securing the right to vote for every citizen. We need to enforce critical requirements such as statewide registration databases. We need to make sure polling equipment is distributed equitably and equipment actually works. We need to work on getting more people to the polls on election day.

We need to make sure that minority voters are not the subject of some deplorable intimidation tactics when they do go to the polls. In 2004, Native American voters in South Dakota were confronted by men posing as law enforcement. These hired intimidators joked about jail time for ballot missteps and followed voters to their cars to record their license plates.

In Lake County, OH, some voters received a memo on bogus board of election letterhead, informing voters who registered through Democratic and NAACP drives that they could not vote.

In Wisconsin, a flier purporting to be from the ''Milwaukee Black Voters League'' was circulated in predominantly African-American neighborhoods with the following message:

> If you've already voted in any election this year, you can't vote in the presidential election. If you violate any of these laws, you can get ten years in prison and your children will get taken away from you.

Now, think about that. We have a lot more work to do. This occasion is a

cause for celebration. But it is also an opportunity to renew our commitment to voting rights.

As Congressman LEWIS said last week:

It's clear that we have come a great distance, but we still have a great distance to go.

The memory of Selma still lives on in the spirit of the Voting Rights Act. Since that day, the Voting Rights Act has been a critical tool in ensuring that all Americans not only have the right to vote but have the right to have their vote counted.

Those of us concerned about protecting those rights cannot afford to rest on our laurels upon reauthorization of this bill. We need to take advantage of this rare, united front and continue to fight to ensure unimpeded access to the polls for all Americans. In other words, we need to take the spirit that existed on that bridge, and we have to spread it across this country.

Two weeks after the first march was turned back, Dr. King spoke, and he told a gathering of organizers and activists and community members that they should not despair because the arc of the moral universe is long, but it bends toward justice. The arc of the moral universe is long, but it bends toward justice. That is because of the work that each of us does that it bends toward justice. It is because of people such as JOHN LEWIS and Fannie Lou Hamer and Coretta Scott King and Rosa Parks—all the giants upon whose shoulders we stand—that we are beneficiaries of that arc bending toward justice.

That is why I stand here today. I would not be in the Senate had it not been for the efforts and courage of so many parents and grandparents and ordinary people who were willing to reach up and bend that arc in the direction of justice. I hope we continue to see that spirit live on not just during this debate but throughout all our work here in the Senate.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Thank you, Mr. President.

I wish to take a few moments to add my voice to the Senate debate in terms of why I will vote for the Voting Rights Act reauthorization.

No. 1, I am a member of the Judiciary Committee, and I wish to congratulate our chairman, Senator SPECTER, and our ranking member, Senator LEAHY, for getting the bill out of committee. It was an 18-to-0 vote. I have enjoyed that committee in many ways, and one of the highlights of my time on that committee is getting this piece of legislation to the floor for a vote. I anticipate an overwhelming vote for the Voting Rights Acts.

There are so many ways to say why, and so many approaches to explain the continued need. But the best I can say, in terms of my voice being added to the debate, is that I recognize it is just a voice, that I am in the Senate—I just turned 51 years old, a child of the South. I grew up in the 1950s and 1960s, and I went to segregated schools until, I think, the fifth or sixth grade.

My life is better because of the civil rights movement.

It has enriched the country. I have been able to interact with people in ways that would have been impossible if segregation had stood and, as Senator OBAMA indicated, his career in the Senate is possible. I would argue that most Americans' lives are better because in America you can interact in a meaningful way now. And one of the interactions is to be able to vote.

But it is just a voice I add. To get here, literally, to get the Voting Rights Act passed back in the 1960s, people died. They shed their blood, their sweat. They put their hopes and dreams for their children on the line. They were willing to die for their insistence that they play a meaningful role in American society. And the most meaningful way you can participate is to be able to vote without fear.

Dr. King is a fascinating historical figure now. He was a fascinating man while he lived. I have been in the military for quite a while. I have been around a lot of brave people—pilots who take off and fly in harm's way. I sort of have an affinity for military history. I always admired the people who would go up the hill in the face of overwhelming force or stand with their comrades when it looked as though all hope was lost because that was the right thing to do.

They were willing to sacrifice their life not only for their country but for their fellow service members, the people in their unit. How hard that must have been. Some people rise to the occasion and some don't. Those who rise to the occasion are called heroes, rightly so. Those who fail to rise to the occasion are called human beings.

All human beings, me included, should celebrate the heroes. The thing that I admire most about Dr. King and his associates is that it is one thing to put your own life at risk. It is another thing to put your family at risk. I would imagine, never having met Dr. King, that one of his biggest fears was not about his personal safety but about what might happen to his family. To me that is the ultimate act of bravery, to know that if you do nothing, your family is going to be locked into a system where life is very meaningless. And to do something so heroic and so challenging that you put your family at risk had to be a very hard decision.

So as we reauthorize the Voting Rights Act, we need to remember, all of us who vote, that it is not that big a deal. There is no one in the Senate. Hardly anyone is listening. We have some visitors here in the Capitol. It is going to pass pretty quickly. Everybody knows the outcome. In the 1960s, people did not know the outcome. I argue that the fact we reauthorized this without a whole lot of discussion and rancor is the best testament to its success. All the fears and all the playing on people's prejudices that would come from integration, if it came about, or allowing everyone to vote, if it came about, they were just that—baseless fears. As you look back from 2006 over the history of the Voting Rights Act, there is nothing to fear. Allowing Americans to fully participate in a democracy has been a wonderful thing. Allowing people to go to the movie they went to go to and go to the restaurant they want to eat at and play on the same sports teams as every other person in their neighborhood, regardless of race, creed, or color, is a wonderful thing. At the time it was a frightful thing.

That says nothing about this generation being good and the last generation being evil. It speaks to the weakness of humanity. Within all of us there is a fear that can be tapped into. We have to guard against that. We have to be on constant guard not to let the issues of our day play on our fears.

I argue that one of those issues we are dealing with today that is playing on the fears of the past and the weaknesses of humanity is the immigration issue. I hope as we move forward on the immigration issue, we can understand that obeying the law is an essential part of America, and people need to be punished when they break it. But America's strength has been absorbing people from all over the world, from different backgrounds, races, and creeds, and allowing them to share in the American dream. We should do it in an orderly way, not a chaotic way.

To the issue at hand, the Voting Rights Act will be extended. I believe it is for 25 years. Some of the data in the act is based on 1968, 1972 turnout models. The act does not recognize the progress particularly in my region of the country. I think it should have, but it didn't. So we will just move on.

South Carolina has made great strides forward in terms of African American voting participation and minority African American representation at all levels of State government and local government. My State is better for that. I am proud of the progress that has been made. To those who made it happen, those who risked their blood, sweat and tears, I owe you a debt, as everyone of my generation does. When I cast my vote today, it will be in your honor and your memory.

I hope 25 years from now it can be said that there will be no need for the Voting Rights Act because things have changed for the better. I can't read the future or predict what the world will be like 25 years from now or what America will be like. But if we keep making the progress we have in the last 25 years, it can happen.

It is incumbent upon each Member of this body—regardless of political differences, party affiliation, or personal background—to try to bring out the

best in our country no matter how hard the issue might be, no matter how emotional it might be, and no matter how much people play on our fears. Just as those who came before us rejected the desire to play on fears and prejudices and risked their personal safety, I hope this generation of political leaders that I am now a part of will live up to the ideals demonstrated by Americans in the past who were brave, who risked it all for the common good.

I will close with this thought: As Senator OBAMA said, if we can embrace the spirit that led to the Voting Rights Act—a sense of fair play, fair treatment—and apply it to other areas and other issues facing our Nation, we will be much stronger. It is with that sense of purpose and hope that I will vote to reauthorize the Voting Rights Act.

To my fellow South Carolinians, you have come a long way. You have much to be proud of. But we, like every other part of this country, still have a long way to go.

I yield the floor.

Mr. LUGAR. Mr. President, I rise today to express my strong support for the reauthorization of the landmark Voting Rights Act of 1965.

I was a member of the Indianapolis School Board and mayor of Indianapolis during the civil rights movement, and I witnessed firsthand the critical importance of promoting justice and understanding in our communities. Following the tragic death of Dr. Martin Luther King, Jr., while I was serving as mayor, so many of my friends and neighbors in Indianapolis came together in peace and reconciliation, and I am grateful that our city served as a model to so many other cities that were unfortunately stricken with violence and division.

It is in the spirit of justice, harmony, and compassion that we must join together to pass this important legislation. This is a signal moment for the Senate, and I am pleased that President Bush will sign this bill into law as the 41st anniversary of the signing of the Voting Rights Act approaches on August 6.

Mr. SESSIONS. Mr. President, I rise to voice my support for reauthorizing the Voting Rights Act of 1965. H.R. 9, the bill to reauthorize the Voting Rights Act, is an important piece of legislation. I wish to take a few moments to express my thoughts on the great progress prompted by the Voting Rights Act in my State, as well as to express a few concerns.

My home State of Alabama—the site of the Selma to Montgomery voting rights march—had a grim history on voting rights. Before 1965, only 19 percent of African Americans in our State were registered to vote, and they were denied the right to vote through any number of tactics and strategies. Behind those tactics and strategies—the multiple ''tests and devices''—lay a ruthless decision to deny Black citizens the right to vote so that the majority of the White community could maintain political power.

The results of the Voting Rights Act of 1965 were some of the best things that ever happened to Alabama. Before the Voting Rights Act, Alabama had fewer than a dozen Black elected officials. As of 2001, the most recent figures available, Alabama had over 750 African-American office holders—second only to Mississippi. These elected officials include a U.S. Congressman, 8 State senators, 27 members of the State House of Representatives, 46 mayors, 80 members of county commissions, school board members, town council members and the like.

Voter registration rates for Blacks and Whites in Alabama are now virtually identical. In fact, in the last Presidential election, according to the Census Bureau, a larger percentage of African Americans voted than Whites in the State of Alabama. Now, that was the goal of the act—to have this kind of progress occur. In fact, over the past 15 years, Alabama has not had a single court find the State guilty of violating the 15th amendment or the very broad protections afforded by section 2 of the Voting Rights Act. The same cannot be said of Arkansas; Colorado; Hawaii; Ohio; Maryland; Massachusetts; Missouri; Montana; Nebraska; Wisconsin; Chicago, IL; Hempstead, NY; Los Angeles County, CA; or Dade County, FL—none of which are covered by section 5's preclearance requirement.

The people of Alabama understand that these changes in our State are good, and they do not want to do anything that would suggest that there is any interest in moving away from the great right to vote. We want to reauthorize the Voting Rights Act. How we reauthorize the act is something that is worthy of discussion, however. The witnesses we have heard in the Judiciary Committee over the past couple of months have had many different ideas, and after hearing from them, I am concerned that we should have listened more carefully to some of their recommendations.

My concerns stem, in part, from the extraordinary nature of some of the temporary provisions of the Voting Rights Act particularly the ''preclearance'' requirement of section 5. Section 5 requires Alabama and other covered jurisdictions to ''preclear'' any change in ''any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting.'' The preclearance requirement applies to ''[a]ny change affecting voting, even though it appears to be minor or indirect.'' As a representative of the Department of Justice testified in the House of Representatives, ''There is no de minimis exception'' to the preclearance requirement.

In 1966, the Supreme Court in South Carolina v. Katzenbach upheld section 5's preclearance requirement ''as a necessary and constitutional response to some States' 'extraordinary stratagem[s] of contriving new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal court decrees.' '' The Court ''acknowledged that suspension of new voting regulations pending preclearance was an extraordinary departure from the traditional course of relations between the States and the Federal Government,'' but ''held it constitutional as a permitted congressional response to the unremitting attempts by some state and local officials to frustrate their citizens' equal enjoyment of the right to vote.'' In other words, the preclearance requirement was an extraordinary response to an extraordinary problem—unrelenting efforts by some State and local officials to contrive new rules for voting and elections after each defeat in Federal court.

During the reauthorization process, we have been presented relatively little present-day evidence of continued ''unremitting attempts by some state and local officials to frustrate their citizens' equal enjoyment of the right to vote'' as was the case in 1965—especially the kind of change-the-rules-after-losing tactics that prompted the section 5 preclearance requirement. According to Richard L. Hasen, William H. Hannon Distinguished Professor of Law at Loyola Law School in Los Angeles: ''In the most recent 1998 to 2002 period, DOJ objected to a meager 0.05 percent of preclearance requests. Updating these data, DOJ interposed just two objections nationwide overall in 2004, and one objection in 2005.'' These data suggest relatively isolated attempts to interfere with voting rights not widespread, ''extraordinary stratagem[s]'' to perpetuate discrimination in voting.

To be sure, there have been examples of misconduct, such as the cancellation of the June 5, 2001, city council and mayoral elections in the town of Kilmichael, MS, and I do not want to minimize those violations in any way. Such misconduct did not appear to be common or widespread, however, and it could have been remedied through ordinary litigation under section 2 of the act and 42 U.S.C. § 1983. In fact, a disturbing aspect of the Kilmichael incident is that the attorney general's objection to the cancellation of the election came on December 11, 2001 over 7 months after the election had been canceled. This was no doubt due in part to the town's failure to submit the change in a timely fashion, but it nonetheless appears that minority voters would have received justice more quickly through a lawsuit in Federal court, accompanied by a request for a preliminary injunction and/or a temporary restraining order.

In light of the dearth of present-day preclearance objections or evidence of violations that, due to their nature or number, cannot be remedied through litigation, I am concerned that reauthorizing section 5's preclearance requirement for 25 years as proposed in

H.R. 9 will not pass constitutional muster in the litigation that is certain to follow its enactment. In City of Boerne v. Flores, the Supreme Court held that when Congress enacts legislation to enforce constitutional guarantees, ''[t]here must be a congruence and proportionality between the injury to be prevented or remedied and the means adopted to that end.'' The Court cited the Voting Rights Act of 1965 as an example of appropriate congressional enforcement legislation that it had upheld. The Court observed, however, that ''[s]trong measures appropriate to address one harm may be an unwarranted response to another, lesser one.''

I am worried because, in extending section 5's preclearance requirement for another 25 years, H.R. 9 does little to acknowledge the tremendous progress made over the past 40 years in Alabama and other covered jurisdictions. Today is not 1965, and the situation with respect to voting rights in Alabama and other covered jurisdictions is dramatically different from 1965. I would have expected Congress to recognize this tremendous progress in covered jurisdictions by modernizing section 5 to reflect present-day progress and remaining problems.

For example, Congress ought to update the coverage trigger in section 4(b) of the act. It is simply illogical—in 2006—to base coverage solely on registration and voter turnout data from the Presidential elections in 1964, 1968, 1972. What about the Presidential elections of 1996, 2000, and 2004? What about the 14 noncovered jurisdictions that Federal courts have found guilty of constitutional or section 2 violations in recent years? Those years and those jurisdictions could easily be added to the coverage formula in section 4(b), but H.R. 9 does not update the coverage formula to include them. Given the dearth of preclearance objections, it seems that some minor or de minimis voting changes ought to be removed from the preclearance requirement, as well.

Congress also needs to make changes to improve the ''bailout'' process in section 4(a) of the act. According to the Department of Justice, out of 914 covered States and political subdivisions, only 11 covered jurisdictions, all in Virginia, have bailed out from coverage, and thus preclearance, under section 4(a). It is obvious that bailout is not working properly, but H.R. 9 does not correct that problem. For example, even if a town in Alabama has a perfect record on voting rights and meets every one of the requirements for bailout, it cannot seek bailout because section 4(a) only allows a ''political subdivision'' to bail out, and section 14(c)(2) defines ''political subdivision'' to mean ''any county or parish'' but not any city or town. That should be changed, but this bill does not address it. I also think we should have given serious consideration to Professor Hasen's ''proactive bailout'' proposal to improve the bailout process.

I am also concerned that the Supreme Court will think that a 25-year reauthorization is simply too long to pass constitutional muster. In 1965, Congress only authorized the temporary provisions of the Voting Rights Act for 5 years. They have now been in effect for 41 years. I am worried that the Supreme Court will conclude that it is not ''congruent and proportional'' to require some States to preclear every single voting change, no matter how minor or insignificant, until the year 2031 based on data regarding voter turnout and registration from 1964—67 years earlier.

Finally, I am concerned about H.R. 9's language adding new subsections (b), (c), and (d) to section 5 of the Voting Rights Act to alter the Supreme Court's decisions in Georgia v. Ashcroft and Reno v. Bossier Parish School Board, Bossier Parish II. In its decision in Bossier Parish II, in particular, the Court warned that the interpretation of section 5 rejected in that case ''would also exacerbate the 'substantial' federalism costs that the preclearance procedure already exacts perhaps to the extent of raising concerns about §5's constitutionality.'' Altering these decisions adds to the risks taken in failing to modernize and modify the provisions of the Voting Rights Act to address the voting rights problems of the 21st century. It is particularly important therefore, that these new provisions be strictly interpreted.

The ''ability . . . to elect their preferred candidates of choice'' language in new subsections 5(b) and 5(d) prevents the elimination of what the Supreme Court called ''majority-minority districts'' in Georgia v. Ashcroft, in exchange for the creation of what it called ''influence districts.'' Neither the language of new subsections 5(b) and 5(d) nor the ''any discriminatory purpose'' language of new subsection 5(c) requires the creation of or locks into place ''influence'' or ''coalitional'' districts, however. The concept of ''influence'' or ''coalitional'' districts is far too amorphous to impose as a requirement of Federal law. Imposing such new restrictions on the redistricting process would prove both unworkable and unconstitutional.

I agree with the comments made earlier this afternoon by Senator MCCONNELL, Senator HATCH, Senator KYL, and Senator CORNYN. We must remember that we are reauthorizing the Voting Rights Act not creating a ''gerrymandering rights act.'' The bipartisan support for this bill indicates that both Republicans and Democrats do not expect or intend it to be interpreted to advantage one party or the other.

Although the Voting Rights Act is now 40 years old, many of my constituents have vivid recollections of discrimination at the ballot box, and they have strong memories of the civil rights movement that led to the most historic changes that were encapsulated in the Voting Rights Act. These are wonderful people. They love America and are proud of the changes in Alabama and our Nation. They have a strong attachment to the Voting Rights Act. All Alabamians want to see the progress continue. In light of the wrongs that have occurred in the past and out of respect for those who placed their very lives at risk for change, I will vote in favor of H.R. 9.

Mr. BURR. Mr. President, I rise today in support of reauthorizing the Voting Rights Act.

The democratic process of citizens electing those who will govern them is a cornerstone of America. It is this design which has contributed greatly to making our Nation stable, resilient, and a leader in the world. Every citizen over the age of 18 who can legally vote has a constitutional right to do so.

The 15th amendment of the Constitution states, ''The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.''

To enforce the 15th amendment, President Lyndon Johnson signed the Voting Rights Act into law on August 6, 1965. This legislation prevented States from suppressing or denying African Americans and others the opportunity to participate in the electoral process, and it continues to do so today.

Most of the Voting Rights Act is permanent law. However, certain sections of the law are set to expire in 2007 if not reauthorized by this Congress. These sections, including requirements for Federal review of State and local election laws, the placement of Federal election observers, and voting assistance programs for bilingual American citizens, were established so that Congress could periodically reevaluate and amend them if needed.

I stand here today representing a State, portions of which have been classified by this act as having a troubled past, and I support reauthorization of the Voting Rights Act.

North Carolina is proud of the progress it has made over the last several decades. North Carolinians continue to learn from history and will continue to strive to serve as a model for the rest of the Nation in equality and fairness.

I must emphasize that regardless of the outcome of this reauthorization vote, which I will support and I am confident will pass this Chamber unanimously, no citizen will lose the right to vote in 2007 as a result of any expiring provisions. As Members of Congress, we have the responsibility to preserve the constitutional rights of all individuals but also to make sure that the law of the land is evenly and fairly applied and enforced.

Voting rights for African Americans or any other citizen group are granted by the 15th amendment. Voting rights for all American citizens are permanent.

We must ensure public confidence in our electoral system.

As I have said on the floor of the Senate before, ''as our country plants the seeds of democracy across the world, we have the essential obligation to continue to operate as the model.''

I urge my colleagues to support this reauthorization.

Mr. GRASSLEY. Mr. President, I rise today in strong support of the reauthorization of the Voting Rights Act. Let me first commend everyone who has been involved with getting this bill to where it is today, including the chairman of the Judiciary Committee here in the Senate, Chairman SPECTER. Chairman SPECTER has attempted to ensure that everyone involved in this process received the opportunity to explore the issues about which they had further questions, while still moving the bill through expeditiously. Thanks to all these efforts, we will see final passage of the Voting Rights Act reauthorization today, nearly a year ahead of the expiration of any of the temporary provisions.

I have long been a supporter of the Voting Rights Act. I had the opportunity to work with Senators DOLE and KENNEDY and others in 1982 to continue the VRA's vital protections, to ensure that all Americans truly have the right to vote.

As I explained during the reauthorization of the VRA in 1982, the right to vote is fundamental. Only through voting can we guarantee preservation of all our other rights. The right to vote is the very cornerstone of democracy and merits the highest protection of law.

People of all races have been guaranteed the right to vote since passage of the 15th amendment in 1870. For far too long, though, this was a right only in theory. Many minorities were discriminated against in the days before the Voting Rights Act was introduced. Since this Act was passed, we have seen the voting proportions of these populations increase dramatically. The Voting Rights Act has had very significant success in fighting racial discrimination, probably more than anything else that Congress has done since the adoption of the Civil War amendments.

Next year, important provisions of the Voting Rights Act will expire. The right of every American to have a voice and vote is the essence of America's strength and greatness. As was the case in 1982, conditions have improved since the original Voting Rights Act was passed. It is our duty as the ultimate custodians of the public trust, however, to ensure that we never return to a world in which some of our citizens do not truly have the right to vote.

For this reason, I stand with Chairman SPECTER as an original cosponsor of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. Many people, including the bill's authors, members of the Judiciary Committees in both Houses, and thousands of civil rights activists, have worked incredibly hard to see this reauthorization become a reality.

I will repeat what I said on this floor 15 years ago: It is our duty to guarantee that all citizens have the same opportunity to participate in the political process and to elect representatives of their choice. All of us here today recognize that it is our duty, as elected representatives of the people, as guardians of democracy, to protect the right to vote. I remain confident, as I was in 1982, that the Voting Rights Act is a key tool—perhaps the key tool—in eradicating any remaining vestiges of racial discrimination.

I support reauthorization of the Voting Rights Act and encourage my colleagues to do the same. As it was in 1965 and in 1982 and for all the other extensions along the way, this vote today is among the most important civil rights votes on the floor of this body. We have the opportunity today to show that we are, indeed, one Nation, under God, indivisible, with liberty and justice for all. Please join me in voting aye.

Mr. DOMENICI. Mr. President, it is without hesitation that I support the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, which ensures that the right of all citizens to vote, including the right to register to vote and cast meaningful votes, is preserved and protected as guaranteed by the Constitution.

Reauthorization of the Voting Rights Act of 1965 may be a foregone conclusion; however, I believe that today's debate and vote are of great consequence because we are protecting each citizen's right to vote and preserving the integrity of our Nation's voting process. Passage of this measure is not merely symbolic; it is an essential reaffirmation that we the people are securing the blessings of liberty to ourselves and our posterity. I firmly believe that the right of citizens of the United States to vote should not be denied or abridged by the United States or any State on account of race.

The right to cast a vote is fundamental in our system of government, and the importance of each person's voting rights is reflected by the fact that they are protected by the 14th, 15th, 19th, 24th, and 26th amendments to the Constitution. President Ronald Reagan described the right to vote as the crown jewel of American liberties. Like President Reagan, I also believe that the right to vote is a great privilege worth protecting.

The Voting Rights Act of 1965 was initially passed in response to post-Civil War Reconstruction efforts to disenfranchise Black voters. The voting Rights Act of 1965 was amended in 1970, 1975, 1982, and 1992. It remains one of the most significant pieces of civil rights legislation in American history. This legislation amends and reauthorizes the Voting Rights Act for an additional 25 years, several provisions of which will expire on August 6, 2007, unless Congress acts to renew them. Reauthorization of the Voting Rights Act will ensure many privileges including bilingual election assistance for certain language minority citizens in certain States and subdivisions.

I cast my vote to ensure that no law abridges the privileges or immunities of any citizen of the United States or denies any citizen equal protection of the laws.

Mr. TALENT. Mr. President, I am pleased to speak in support of the Voting Rights reauthorization legislation, of which I am a cosponsor. Congress enacted the Voting Rights Act in 1965 to protect the voting rights of all Americans, and I am pleased that the Congress is reauthorizing this important legislation.

The right to vote is the foundation of our democracy and a fundamental right to our citizenry. Before the Voting Rights Act was passed, however, a great percentage of American citizens were denied that right. The Voting Rights Act rectified that wrong by prohibiting the enactment of any election law that would deny or abridge voting rights based on race or color and provided the right to challenge discriminatory voting practices and procedures.

This legislation has been extended and amended four times since its passage and has resulted in a tremendous growth in the ability of minority citizens to fully participate in the American political system, both as voters and candidates. At the time the act was first adopted, only one-third of all African Americans of voting age were on the registration rolls in the specially covered States compared with two-thirds of White voters. Now African Americans' voter registration rates are approaching parity with that of Whites in many areas, and Hispanic voters in jurisdictions added to the list of those specially covered by the act in 1975 are not far behind. Enforcement of the act has also increased the opportunity of African Americans and Latino voters to elect representatives of their choice. Virtually excluded from all public offices in the South in 1965, African Americans and Hispanic voters are now substantially represented in the State legislatures and local governing bodies throughout the region.

Mr. President, this is a piece of legislation that literally changed the landscape of the American political system, and I am extremely pleased to cast a vote in favor of its extension.

Mr. BUNNING. Mr. President, I rise today to express my support for the reauthorization of the Voting Rights Act of 1965. I support this law and recognize its valuable contributions to our society.

Since its inception in 1965, the Voting Rights Act has successfully helped protect the right to vote for millions of U.S. citizens. This right, as outlined in the 14th and 15th amendments to the Constitution, is fundamental to our

Country's foundation. It is the lifeblood of our democracy. The very legitimacy of our government is dependent on the access all Americans have to the electoral process.

We must ensure that when citizens choose to go to the polls that they do not face obstacles created to disenfranchise them. Every U.S. citizen, regardless of race or gender, should have opportunity to cast their vote without fear of discrimination.

This has not always been the case. Our Nation's history can provide examples where the person's right to vote has been impeded whether it be through literacy tests or poll taxes. This is unacceptable and is a powerful reminder of the hardships this Nation has experienced. The Voting Rights Act has provided protection to minority communities that may fall victim to some of those impediments, or even worse, to threats or intimidation during the electoral process.

I believe the Voting Rights Act was a good idea and necessary in 1965. I also believe we have come a long way since 1965 and would like to recognize the many changes and progress made all across the Country. I firmly believe this progress will only continue to grow.

I come from a State that is committed to civil rights, and I believe that our Forefathers said it best that we are one Nation, undivided, with liberty and justice for all. I look forward to seeing this commitment to justice renewed today as we reauthorize the Voting Rights Act of 1965.

Mr. President, I am confident that the Voting Rights Act will be reauthorized today and urge my colleagues to support this important piece of legislation.

Mr. DEWINE. Mr. President, I am proud to be an original cosponsor of this very important piece of legislation, the Voting Rights Reauthorization Act of 2006.

As we all know, Congress first passed the Voting Rights Act back in 1965, when many jurisdictions had numerous laws and regulations aimed at denying the right to vote to many of our citizens—in direct violation of the 15th amendment to the Constitution. The Voting Rights Act made it clear that our society would no longer tolerate such abuses. It also made clear that all citizens should have the opportunity to exercise this critical right freely and easily, without harassment, intimidation, or other barriers to voting. Its passage was one of the proudest moments of the civil rights movement.

The Voting Rights Act has been an extraordinary success, and we can see its results in towns, counties, and States across the country, as well as in the House of Representatives and in the U.S. Senate. Minority voters have had their voices heard and their votes counted, and have helped elect a wide range of officials who reflect the diversity of our great Nation. Unfortunately, despite the great advances we have made as a country, we still have more work to do. Both the House and the Senate have investigated this issue thoroughly, and after numerous hearings and thousands of pages of evidence being accepted into the record, it is clear that we need to reauthorize the expiring provisions of the act. More time and effort is needed to completely fulfill the promise of the Voting Rights Act and to assure every citizen that his or her 15th amendment rights are fully available, and this bill will allow us the time we need.

The House of Representatives has already passed the Voting Rights Renewal Act, and I am glad we are going to move it forward today. We can then quickly put this critical legislation in front of the President, who supports the bill and is waiting to sign it into law. I am hopeful that at the end of this 25-year reauthorization, we will all be able to agree that no further legislative action is necessary—that we have accomplished the critical goal of assuring every American citizen the equal right to vote.

Mr. COBURN. Mr. President, the 15th amendment of the United States Constitution provides ''[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Congress shall have the power to enforce this article by appropriate legislation.'' In 1965, with the passage of the Voting Rights Act, Congress finally began to enforce the Nation's promise embodied in the 15th amendment. The Voting Rights Act was designed to ''foster our transformation to a society that is no longer fixated on race,'' to an ''all-inclusive community, where we would be able to forget about race and color and see people as people, as human beings, just as citizens.'' The mere mention of this act conjures up profound images of the civil rights movement, a fight by many courageous men and women for equality and justice.

In 1965, Congress wisely decided to make the most significant sections of the bill permanent. The permanent provisions apply to all States equally. One section of the original act suspended all ''tests or devices'' that States used to disfranchise racial minorities. Section 2, which is also permanent, codifies the 15th amendment, confirming by statute that no political subdivision may deny or abridge voting rights on account of race or color and that all individuals have recourse to discriminatory election procedures in Federal court.

That same Congress passed temporary remedial measures to address voting practices and districting in seven Southern States, where registration rates for Black voters averaged only 29.3 percent. Section 5 was crafted to remedy the low voter registration and turnout among the minority communities caused by discriminatory registration practices and intimidation at the polls. Indeed, the Voting Rights Act has succeeded tremendously. Statistician Keith Gaddie reported that the registration and turnout rate of Black citizens is higher in covered jurisdictions than throughout the rest of the Nation. He additionally revealed that registration of Black citizens in Alabama during the 2004 elections was 72.9 percent of the voting age population; in Georgia, 64.2 percent; in Louisiana, 71.1 percent; in Mississippi, 76.1 percent; in South Carolina, 71.1 percent; and in Virginia, 57.4 percent of the voting age population. Voter turnout rates were equally improved. For example in 2004 Alabama had a 63.9 percent turnout rate of registered Black voters, Georgia had a 54.4 percent turnout rate, Louisiana had a 62.1 percent turnout rate, Mississippi had a 66.8 percent turnout rate, South Carolina had a 59.5 percent turnout rate, and Virginia had a 49.6 percent turnout rate.

If we applied registration and turnout data from our most recent Presidential elections to the trigger formula for coverage, many covered States would no longer require coverage. This is important because the Supreme Court requires that any laws that we write must be ''congruent and proportional'' to the problems we seek to remedy. While these provisions were necessary because State practices and the prejudices of individuals kept eligible citizens from being able to cast a ballot free from the threat of intimidation or harassment, it is important that we ensure that the correct jurisdictions are covered in order to preserve the constitutionality of the act.

We held nine hearings, and many individuals from diverse backgrounds and different races have both praised and criticized the temporary provisions of the VRA set to expire 1 year from now. At each hearing, multiple witnesses suggested ways to amend and improve this Act. Yet I was the only Senator on the committee prepared to offer substantive amendments to improve the act so that it addresses the problems it seeks to remedy today.

I was prepared to offer three amendments. The first would define the term ''limited English proficient,'' the second would reauthorize the amended provisions for 7 years instead of 25 years, and the third would require a photo identification in all Federal elections. Yet I only offered one amendment in committee yesterday because it was clearly communicated that we should pass the exact bill that the House passed regardless of the merits of certain amendments. In fact, even though the committee did pass a nonsubstantive amendment to amend the title of the bill, Senate leadership brought the House bill H.R. 9 to the floor without the title change accepted in committee. Political expediency clearly trumped the will of individual Senators.

There are other amendments that should have received consideration. During hearings, some Senators discussed possible amendments that they

appeared to support with witnesses. Yet I believe that political fear and perceived intimidation prevented them from offering any amendments. For example, there was discussion based on the testimony of numerous witnesses that someone should offer an amendment to create more reasonable bailout procedure. States and counties wishing to bail out are only permitted to make their case here in Washington rather than at a Federal court closer to their home. Another amendment that received some support among witnesses would have included more recent data to determine coverage of areas with a recent history of discrimination rather than relying on data only from the 1964, 1968, and 1972 elections.

Even if no amendments offered were accepted, this bill is dramatically different from reauthorizing the Voting Rights Act as renewed in 1982. This bill rewrites the Voting Rights Act, section 5 to include in section (b) that ''[t]he purpose of [section 5] is to protect the ability of such citizens to elect their preferred candidates of choice.'' Such language has never before been inserted into section 5 preclearance requirements where there is no judicial review of determinations made by Department of Justice, DOJ employees. Additionally, section 5(c) of the bill rewrites the Voting Rights Act to require that DOJ refuse to preclear a plan that employs ''any discriminatory purpose.'' These are very serious changes that were never debated and that witnesses suggested we amend. Those suggestions were never even discussed or considered. I am at a loss as to why we are inserting new standards for 25 years without knowing the potential consequences and clarifying congressional intent in the language of the act.

Some Senators have said that we have carefully considered this bill and the effects it will have on our Nation based on the number of hearings we had. Yet Member attendance at these hearings was incredibly low. At the first two hearings on section 5, only one Senator attended. At the third, five Senators attended. Five Senators did not attend any of the committee's hearings. Five Senators attended only portions of one hearing. This is not meant as criticism because I only attended part of two hearings.

My point is that it is unfortunate that we insisted on doing this on an expedited basis when the act does not expire for a year. The committee conducted eight hearings in 9 workweeks—and during times when it was clear most Senators would be absent. We held four hearings during the immigration debate on the floor and held two hearings during rollcall votes on the floor. Because of the political nature of this bill and the fear of being improperly classified as ''racist,'' the bill was crafted and virtually passed before any Senator properly understood any of the major changes. For example, the bill that passed out of committee included a finding section before any hearings were held. No changes to those findings were made.

Furthermore, it was nearly impossible to prepare for the hearings. Our rules require that witnesses submit their testimony 24 hours prior to the hearing so Senators can formulate thoughtful questions. Over half of the witnesses—21 out of 41—flouted the committee's rules by turning in their testimony less than 24 hours before the hearing. Indeed, one witness submitted his testimony at 12:03 a.m. the morning of a hearing scheduled for 9:30 a.m. Another witness submitted her testimony at 10:21 p.m. the night before a 9:30 a.m. hearing. Other witnesses submitted their testimony literally hours before the hearing. Clearly, the only way Senators could ask thoughtful questions of these witnesses was through written questions. And many tried to do so. But that process has been unsuccessful. We voted the bill out of committee for discussion on the floor before 107 written questions to 10 witnesses were answered and returned. We did not even have the opportunity to submit questions to the witnesses on the panel of the final hearing.

We had plenty of time to do this right—to fully consider the testimony and answers submitted by witnesses—and still vote to extend the temporary provisions before they expire in the summer of next year. We still have time to do this right. Congress has until the summer of 2007 to consider this bill, and yet we are moving ahead without receiving all answers to questions and fully considering the testimony of our witnesses. As a result, none of us can realistically say that we know the full implications of what we are voting on today. And the consequences of our rush, forced by politics, may have unintended consequences for our Nation.

Nonetheless, I am voting for the Voting Rights Act because of its unparalleled success in the past at securing the opportunity to vote. I urge my colleagues not to forget that we all share the fundamental American belief that our society should be color-blind and that everyone should be treated equally. There should be no political advantage or disadvantage because of the color of a person's skin and we should be able to put aside politics to protect and openly discuss those values. Most Americans would like to move away from considering race when drawing congressional districts. In fact, a Washington Post/Kaiser poll found that 70 percent of Blacks, 83 percent of Hispanics, and 90 percent of Whites said race should not figure into map-drawing.

While America has a long history of negative race relations, we must strive for the dream taught by Martin Luther King—that one day society will judge people based on the content of their character and not the color of their skin. For this, as Justice O'Connor stated in 1993, is the goal toward which our Nation continues to aspire.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, often when the Senate passes something unanimously, it means that the matter is not so important. That is not the case today. The Voting Rights Act is about as important as it gets. Senators of both political parties deserve great credit for bringing this vitally needed legislation to the floor of the Senate today. I have come to salute those inside and outside the Senate for their work to bring this extraordinarily important issue before the country and before the Senate and to make an appeal to Senators and those outside the Chamber to work for more.

In the past three successive elections—2000, 2002, and 2004—there were scores of accusations of voter intimidation, rigged voting machines, conflicts of interest among elected officials, and other serious electoral abuses. Many newspaper articles, State and Federal governmental investigations, private studies and scores of lawsuits have described in considerable detail the toll that election abuses now take on our democracy. As much as it is an accomplishment that the Senate will be voting to reauthorize the Voting Rights Act today, that law cannot cure many of the problems that we have seen in the last three election cycles. But there is a proven system that can reduce many of these abuses, and I hope in the days ahead the U.S. Congress will take steps to promote it. It is known as vote by mail.

My State of Oregon adopted this election system back in 1998, with nearly 70 percent support of our State's voters. It has been a resounding success any way one looks at it, and it has not been seen in any way as a kind of partisan tool that advantages one particular party or one particular philosophy.

What I want to do this afternoon is describe briefly how Oregon's vote by mail system works and then talk about why the Senate ought to be taking steps to promote it nationally as a way to deal with some of these problems that have swept across our land over the last three election cycles.

In Oregon the system works in this way. At least 2 weeks before election day, election officials mail ballots to all registered voters. The voters mark their ballots, seal and sign those ballots, and return them by mail or by placing them in a secure drop box. Election officials count the votes using optical scanning machines that confirm the signature on the return envelope matches the signature of the voter on file. Each county also provides optional onsite voting booths for individuals who need special accommodations or prefer to vote onsite.

The bottom line is that vote by mail can address many of the problems that plague this country's elections. For example, with vote by mail, there is no waiting in line in the polls for hours. All through our country over the last election we heard complaints about

people having to wait in line, often for hours and hours on end. It doesn't happen with vote by mail. Each voter receives a ballot in the mail. They can complete it at home, at work, or wherever is convenient for them. And you don't have the problem of people waiting in line for hours and hours to exercise their franchise.

With vote by mail, no one would get the run-around about which polling place they are supposed to vote at. The ballots are mailed to the citizen's home. If, for some reason, a voter's ballot does not arrive 2 weeks before the election as it is supposed to, the voter has enough time to correct the problem, get their ballot, and then cast it. Americans who face the toughest time getting to the polls, such as citizens with disabilities and the elderly, report that they vote more often using vote by mail. Women, younger voters, stay-at-home moms also report that they vote more often using vote by mail. Once again, it is an opportunity on a bipartisan basis to deal with a very serious problem that we have seen over the last few election cycles.

Citizens wouldn't get the run-around at the polling place when they show up on election day to vote and are told: ''You really shouldn't be here; you ought to be there.'' ''We can't really tell you where you ought to be.'' ''We have all these people in line, and we will try to help you later.'' All of that is eliminated through vote by mail because folks get their ballot at their home.

Third, with vote by mail there is less risk of voter intimidation. A 2003 study of voters in my home State showed that the groups that would be most vulnerable to coercion now favor vote by mail. Over the last few elections, we saw again and again our citizens saying that they feared coercion. They were concerned about intimidation in the exercise of their franchise.

We have documentary proof in our home State, a specific study that I have cited, that citizens who are most vulnerable to intimidation and coercion feel more comfortable voting by mail.

Next, with vote by mail, malfunctioning voting equipment is a thing of the past. Everyone heard the stories in 2004 of citizens who said they voted for one candidate only to see the electronic voting machine indicate that the voter had cast a ballot for somebody else. Irregularities such as this cannot occur in vote by mail. Each voter marks the ballot, reviews it, and submits it, the ballot is counted, and it becomes a paper record—a paper record that is used in the event of a recount.

I happen to believe that we must have a paper trail for every ballot that is cast in our country. It is wrong that there is at present no such paper trail. Every time I have a community meeting, people bring up: why can this not be done? It is just common sense. My home State has led the way to ensure that through our vote-by-mail system there is a paper trail.

With vote by mail, the risk of fraud is minimized. When an Oregon county receives a voter's marked ballot, the ballot is then sent to elections workers trained in signature verification who compare the signature on each ballot against the person's signature on their voter registration card. This can be done quickly and easily because each voter's registration card has been electronically scanned into the system. No ballot is processed or counted until the county is satisfied that the signature on the ballot matches the voter's signature on file. If someone tries to commit fraud, they can be convicted of a Class C felony, spend up to five years in prison, and pay $100,000 in fines.

Vote by mail can help make the problems of recent elections a thing of the past. In doing so, it will make our elections fairer and help reinstill a confidence in our democracy, which frankly, has been lacking.

There are a number of other reasons why I think our country ought to be doing everything possible to encourage citizens to adopt vote by mail. This approach increases election participation. For example, vote by mail helps make voter turnout in Oregon considerably higher than the average national voter turnout. Oregon experienced a record turnout of more than 70 percent in the 2004 Presidential election, compared to 58 percent nationally.

Vote by mail, we find, gets more citizens involved in the issues because folks get their ballots weeks before the final day when their ballot is due, and they have the time to quiz candidates, examine issues that are important to them, and do it in a deliberate fashion that gives them more time.

Next, vote by mail has produced huge savings at the local level for election costs. Vote by mail reduces those election costs by eliminating the need to transport equipment to polling stations and to hire and train poll workers. My home State has reduced its election-related costs by 30 percent since implementing vote by mail. So we have the results. We have the results to show the rest of the country why we ought to be encouraging across the land vote by mail.

In a survey taken 5 years after we implemented this system, more than 8 out of 10 Oregon voters said they preferred voting by mail to traditional voting. I am confident that the rest of our country would embrace it the very same way.

What this is all about, and why I have taken time to discuss our approach, is that I think it is very much in line with both the spirit and the text of the Voting Rights Act. America needs to make sure that no eligible voter, based on color, creed or any other reason, would be disenfranchised. What we are doing in the Senate today by reauthorizing the Voting Rights Act is the right thing. It is clearly a step in the right direction for these difficult times. But I do think much more can be done to improve the election process. I intend to press at every possible opportunity for a way to encourage an approach that has empowered people in my home State in a manner that has far exceeded the expectations of even the biggest boosters. It has been totally nonpartisan.

In Oregon, we were amused in the beginning of our discussion about vote by mail. At the beginning of the discussion, it seemed that a fair number of Republicans were for vote by mail, but a number of Democrats were skeptical. Then, after I won the Senate special election in 1996—and Senator SMITH and I have laughed about this often over the years—there was an about face, and it seemed then that Democrats liked vote by mail and Republicans were a little cautious. Our State's citizens said enough of all this nonsense and overwhelmingly voted, on a bipartisan basis, to say this is just plain good government, and this is the way we want to go.

I think the Oregon story can be copied across the country, and I am going to do everything I can to encourage it. The Supreme Court declared in the Reynolds v. Sims case:

> [i]t has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote . . . and to have their vote counted.

Promoting vote by mail across our land will help make this constitutional right a reality. I encourage my colleagues to look and study the approach we have used in our State, an approach that will advance the spirit of the Voting Rights Act. Support the Voting Rights Act today and work with us to build on its incredible importance in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed for 10 minutes and, following me, Senator BOXER be permitted to proceed for 15 minutes, and following her, Senator SCHUMER for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KERRY. Mr. President, I thank the Senator from Oregon for his discussion of an important way of having accountability in voting. I must say that I saw how that works out in Oregon. It works well. It works brilliantly, as a matter of fact. People have a lot of time to be able to vote. They don't have to struggle with work issues or being sick or other things. They have plenty of time to be able to have the kind of transparency and accountability that makes the system work. There are other States where you are allowed to start voting early—in New Mexico and elsewhere.

It is amazing that in the United States we have this patchwork of the way our citizens work in Federal elections. It is different almost everywhere. I had the privilege of giving the

graduation address this year at Kenyan College in Ohio, and there the kids at Kenyan College wound up being the last people to vote in America in the Presidential race in 2004 in Gambier, at 4:30 in the morning. We had to go to court to get permission for them to keep the polls open so they could vote at 4:30 in the morning.

Why did it take until 4:30 in the morning for people to be able to vote? They didn't have enough voting machines in America. These people were lined up not just there but in all of Ohio and in other parts of the country. An honest appraisal requires one to point out that where there were Republican secretaries of state, the lines were invariably longer in Democratic precincts, sometimes with as many as one machine only in the Democratic precinct and several in the Republican precinct; so it would take 5 or 10 minutes for someone of the other party to be able to vote, and it would take literally hours for the people in the longer lines. If that is not a form of intimidation and suppression, I don't know what is.

So I thank the Senator from Oregon for talking about the larger issue here. He is absolutely correct. The example of his State is one that the rest of the country ought to take serious and think seriously about embracing.

This is part of a larger issue, obviously, Mr. President. All over the world, our country has always stood out as the great exporter of democratic values. In the years that I have been privileged to serve in the Senate, I have had some extraordinary opportunities to see that happen in a firsthand way.

Back in 1986, I was part of a delegation that went to the Philippines. We took part in the peaceful revolution that took place at the ballot box when the dictator, President Marcos, was kicked out and ''Cory'' Aquino became President. I will never forget flying in on a helicopter to the island of Mindanao and landing where some people have literally not seen a helicopter before, and 5,000 people would surround it as you swooped out of the sky, to go to a polling place where the entire community turned out waiting in the hot sun in long lines to have their thumbs stamped in ink and to walk out having exercised their right to vote.

I could not help but think how much more energy and commitment people were showing for the privilege of voting in this far-off place than a lot of Americans show on too many occasions. The fact is that in South Africa we fought for years—we did—through the boycotts and other efforts, in order to break the back of apartheid and empower all citizens to vote. Most recently, obviously, in Afghanistan and Iraq, notwithstanding the disagreement of many of us about the management of the war and the evidence and other issues that we have all debated here. This has never been debated about the desire for democracy and the thrill that everyone in the Senate felt in watching citizens be able to exercise those rights.

In the Ukraine, the world turned to the United States to monitor elections and ensure that the right to vote was protected. All of us have been proud of what President Carter has done in traveling the world to guarantee that fair elections take place. But the truth is, all of our attempts to spread freedom around the world will be hollow and lose impact over the years in the future if we don't deliver at home.

The fact is that we are having this debate today in the Senate about the bedrock right to vote, with the understanding that this is not a right that was afforded to everyone in our country automatically or at the very beginning. For a long time, a century or more, women were not allowed to vote in America. We all know the record with respect to African Americans. The fact is that the right to vote in our country was earned in blood in many cases and in civic sweat in a whole bunch of cases. Courageous citizens literally risked their lives. I remember in the course of the campaign 2 years ago, traveling to Alabama—Montgomery—and visiting the Southern Poverty Law Center, the memorial to Martin Luther King, and the fountain. There is a round stone fountain with water spilling out over the sides. From the center of the fountain there is a compass rose coming back and it marks the full circle. At the end of every one of those lines is the name of an American with the description, ''killed trying to register to vote,'' or ''murdered trying to register.'' Time after time, that entire compass rose is filled with people who lost their lives in order to exercise a fundamental right in our country.

None of us will forget the courage of people who marched and faced Bull Connor's police dogs and faced the threat of lynchings, some being dragged out of their homes in the dark of night to be hung. The fact is that we are having this debate today because their work and that effort is not over yet. Too many Americans in too many parts of our country still face serious obstacles when they are trying to vote in our own country.

By reauthorizing the Voting Rights Act, we are taking an important step, but, Mr. President, it is only a step. Nobody should pretend that reauthorizing the Voting Rights Act solves the problems of being able to vote in our own country. It doesn't. In recent elections, we have seen too many times how outcomes change when votes that have been cast are not counted or when voters themselves are prevented from voting or intimidated from even registering or when they register, as we found in a couple of States, their registration forms are put in the wastebasket instead of into the computers.

This has to end. Every eligible voter in the United States ought to be able to cast his or her ballot without fear, without intimidation, and with the knowledge that their voice will be heard. These are the foundations of our democracy, and we have to pay more attention to it.

For a lot of folks in the Congress, this is a very personal fight. Some of our colleagues in the House and Senate were here when this fight first took place or they took part in this fight out in the streets. Without the courage of someone such as Congressman JOHN LEWIS who almost lost his life marching across that bridge in Selma, whose actions are seared in our minds, who remembers what it was like to march to move a nation to a better place, who knows what it meant to put his life on the line for voting rights, this is personal.

For somebody like my colleague, Senator TED KENNEDY, the senior Senator from Massachusetts, who was here in the great fight on this Senate floor in 1965 when they broke the back of resistance, this is personal.

We wouldn't even have this landmark legislation today if it weren't for their efforts to try to make certain that it passed.

But despite the great strides we have taken since this bill was originally enacted, we have a lot of work to do.

Mr. President, I ask for an additional 5 minutes.

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

Mr. KERRY. Mr. President, on this particular component of the bill, there is agreement. Republicans and Democrats can agree. I was really pleased that every attempt in the House of Representatives to weaken the Voting Rights Act was rejected.

We need to reauthorize these three critical components especially: The section 5 preclearance provisions that get the Justice Department to oversee an area that has a historical pattern of discrimination that they can't change how people vote without clearance. That seems reasonable.

There are bilingual assistance requirements. Why? Because people need it and it makes sense. They are American citizens, but they still may have difficulties in understanding the ballot, and we ought to provide that assistance so they have a fully informed vote. This is supposed to be an informed democracy, a democracy based on the real consent of the American people.

And finally, authorization for poll watching. Regrettably, we have seen in place after place in America why we need to have poll watching.

A simple question could be asked: Where would the citizens of Georgia be, particularly low-income and minority citizens, if they were required to produce a government-issued identification or pay $20 every 5 years in order to vote? That is what would have happened without section 5 of the Voting Rights Act. Georgia would have successfully imposed what the judge in the case called ''a Jim Crow-era like poll tax.'' I don't think anybody here

wants to go back and flirt with the possibility of returning to a time when States charged people money to exercise their right to vote. That is not our America.

This morning, President Bush addressed the 97th Annual Convention of the NAACP after a 5-year absence. I am pleased that the President, as we all are, ended his boycott of the NAACP and announced his intention to sign the Voting Rights Act into law.

But we need to complete the job. There are too many stories all across this country of people who say they registered duly, they reported to vote, and they were made to stand in one line or another line and get an excuse why, when they get to the end of the line, they can't vote. So they take out a provisional ballot, and then there are fights over provisional ballots.

There are ways for us to avoid that. Some States allow same-day registration. In some parts of America, you can just walk up the day of an election, register, and vote, as long as you can prove your residence.

We have this incredible patchwork of laws and rules, and in the process, it is even more confusing for Americans. We need to fully fund the Help America Vote Act so that we have the machines in place, so that people are informed, so that there is no one in America who waits an undue amount of time in order to be able to cast a vote.

We have to pass the Count Every Vote Act that Senator CLINTON, Senator BOXER, and I have introduced which ensures exactly what the Senator from Oregon was talking about: that every voter in America has a verifiable paper trail for their vote. How can we have a system where you can touch a screen and even after you touch the name of one candidate on the screen, the other candidate's name comes up, and if you are not attentive to what you have done and you just go in, touch the screen, push ''select,'' you voted for someone else and didn't intend to? How can we have a system like that?

How can we have a system where the voting machines are proprietary to a private business so that the public sector has no way of verifying what the computer code is and whether or not it is accountable and fair? Just accounting for it.

Congress has to ensure that every vote cast in America is counted, that every precinct in America has a fair distribution of voting machines, that voter suppression and intimidation are un-American and must cease.

We had examples in the last election of people who were sent notices—obviously fake, but they were sent them and they confused them enough. They were told that if you have an outstanding parking ticket, you can't vote. They were told: Democrats vote on Wednesday and Republicans vote on Tuesday and various different things.

It is important for us to guarantee that in the United States of America, this right that was fought for so hard through so much of the difficult history of our country, we finally make real the full measure of that right.

I yield the floor. I thank the Chair and I thank my colleague for her forbearance.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, before Senator KERRY leaves the floor, I want to thank him. The issues he raised absolutely have to be a part of this debate. I will address them after he leaves. The reason I stood up and objected to the Ohio count is because I knew firsthand from the people of Ohio who came and talked with me through STEPHANIE TUBBS JONES that they were waiting in lines for 6, 7 hours. That is not the right to vote. I think Senator KERRY's remarks and the remarks of the Senator from Oregon are very important.

So let a message go out from this Senate floor today that we are not stopping our efforts to make sure people can vote with the very important passage of this very important legislation. I am very pleased to follow him in this debate.

I rise to cast my vote in support of a very historic bill named after three amazing women whom I truly admire—Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. These three legendary women were part of the heart and soul of the civil rights movement in this country, and those women helped move the conscience of this Nation in the 1960s and, frankly, inspired me to serve in public service.

In 1950, I was a little girl and I was in Florida with my mother. I went on a bus. It was a crowded time of day. A woman came on the bus. Her hands were filled with packages. To me she looked really old. I guess she was my age. I jumped up because I was taught to do that. I jumped up and I said: Please, please, take my seat. My mother kind of pulled at my sleeve, and the woman put her head down and she walked to the back of the bus.

I was perplexed by this. I said to my mother: Why was she rude to me? Why didn't she say thank you and take the seat?

My mother explained to me the laws in those days that sent African Americans to the back of the bus. I at 10 years old was astounded, shocked, angry. My mother said to me: Why don't we just stand up. And that is what we did. We walked to the back, and we stood.

That was an America that is no more, but that is an America we cannot forget. That was an overt law to hurt people, to make America ''we and them.'' That is why the law we are passing today is so important—because it says that we all recognize that even though that America is no more, we have more work to do.

And then came the sixties. Of course, we know it was Rosa Parks who changed the world with that one act of defiance of hers, where she just went on that bus and she wasn't going to the back.

When I met her, when President Clinton invited her to the White House and I went there, I stood in awe because it said to me how one person can make a difference in this, the greatest nation in the world. We get so frustrated sometimes; we feel we can't make a difference. Here is one woman saying, No, I won't do that; that's wrong; I'm one of God's children. And that act of defiance changed our country. I am so happy this bill is named after her and Fannie Lou Hamer who helped organize Freedom Summer in 1965 which helped lead to passage of this landmark bill we will vote on today. She had a very simple phrase that she used: ''Nobody's free until everybody's free.'' ''Nobody's free until everybody's free.'' That reminds us of the work that we certainly have to do today.

So Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, who worked with her great husband during the civil rights movement in the sixties and carried on his work after his horrific assassination, working for justice, worked for equality not only in this country but around the world.

In the late eighties, she worked tirelessly to help bring an end to apartheid in South Africa. I often quote Martin Luther King, almost in every speech I give, because he is one of my heroes. One of the lines he said, which isn't really one that gets quoted all the time, is that ''Our lives begin to end when we stop talking about things that matter.'' ''Our lives begin to end when we stop talking about things that matter.'' That touched me and reached me.

I think his words, of course, reached every American, regardless of political party. Don't stop talking about things that matter, even though it might be easier to do so, even though it might be easier when you are at a friend's house and somebody says something that is bigoted toward somebody else. It is sometimes easier for us to make believe we didn't hear it. No, that matters, you matter, your view matters, your values matter. Speak up.

That is what we are doing, and I am proud to be in the Senate today because we are doing something good today. It is a privilege and an honor to vote for this reauthorization of the Voting Rights Act.

I had a number of people visit me from my State yesterday—old and young, children, grandmothers, great grandmothers, granddads, lawyers, workers, doctors. They just jammed into my conference room and they said: Senator BOXER, we know you are with us. We know you have been on this bill. We know where you are. We have listened to you all these years. We wanted to come here and say thank you.

I said: You don't need to thank me. What you need to do is join with me so that after this vote, we truly get equal voting rights in this country.

That was touched on by Senator KERRY, and it was touched on by Senator WYDEN. The right to vote—without it we are nothing. Without it, we are not standing up for the principles upon which this Nation was founded: a government of, by, and for the people.

How do you have a government of, by, and for the people, if the people turn away from the voting booth? I hear every excuse in the world: Oh, you are all the same. What is the difference. I can't make a difference. It is just false. It is just an excuse.

Show me two candidates running against each other at a local level, at a State level, at a Federal level, and I will show you the differences. If you pay attention, you will find out the differences, and you will cast your vote for the candidate that most represents you. You are not going to agree with them 100 percent of the time. That is another issue: Oh, I used to agree with him, but he did three things, and I don't agree with him anymore. Look at the totality. Look at the totality of the voting record. Look at the totality of the opposition and make a decision. Don't just walk away. Don't pull the covers over your head with excuses: They are all alike. I can't make a difference. What is one vote?

We all know the election of John Kennedy was decided by a couple of votes per precinct. It could have been one vote per precinct. That is how close that election was.

In the voting booth, we are all equal. In the voting booth, we are all equal. Your vote and my vote, whether you are 18 years old or you are my age and a Senator, we are all equal in the voting booth. We have one vote. We should cherish it. The CEO of a giant company who earns multimillions of dollars a year is equal to a minimum wage worker. And if that minimum wage worker thinks it is time he got a raise or she got a raise after almost 10 years of not getting a raise, he or she ought to vote, and vote for the candidate who supports your right to join the middle class.

Every citizen of this country who is eligible to vote should be guaranteed that their vote is counted and that their vote matters. That is why it is so important that we maintain the protections of this historic Voting Rights Act, such as requiring certain localities with a history of discrimination to get approval from the Federal Government before they make changes to voting procedures. Why is this important? It is important because it is a check and balance on an area that has in the past not shown—not shown—the willingness to fight for every voter. And, requiring certain jurisdictions to provide language assistance to voters with limited English proficiency, and authorizing the Federal Government to send election monitors to jurisdictions where there is a history of attempts to intimidate minority voters at the polls, we just want to make sure these elections are fair, wherever they are held.

The Federal Government must work hard to guarantee that the inequities we have seen in the past never resurface again. And won't that be the day, when we have a system that we believe we can be proud of again.

I am proud to stand here today with an opportunity to cast a vote to reauthorize provisions of the Voting Rights Act. But today didn't come without struggle. Why did my people have to come all the way from California, spend their hard-earned dollars to get on a plane? I will tell you why: Because this was a hard bill to get before this body. People objected. People complained. It was a hard bill to get before the House. But many people worked hard, and House Members listened to the people, and Senators listened to the people.

I want to thank my friends at the NAACP who were finally able to convince enough that, yes, this was something we had to do. We have to be honest. There were attempts to weaken this bill, but we succeeded in not allowing that to happen.

In my closing moments, I want to say that our work does not stop today, as Senator KERRY said and as Senator WYDEN said. For example, several of us have introduced the Count Every Vote Act, a comprehensive voting reform bill that will ensure that every American indeed can vote, and every vote is counted.

Congresswoman STEPHANIE TUBBS JONES, who lived through a harrowing experience during the last election, with her constituents being given the runaround and standing in line for 6 and 7 hours. Is that the right to vote, standing in line for 6 and 7 hours, people who have to work, people who had health problems, people who couldn't stand up, people whose legs were weakening beneath them? Is that the right to vote? I say it is not the right to vote. I say it is harassment.

Senators CLINTON, KERRY, LAUTENBERG, MIKULSKI, and I have introduced the Count Every Vote Act, and I want to highlight the two key provisions that are in this bill. The first is the bill would require electronic voting machines provide a paper record which will allow voters to verify their votes, and it will serve as a record if a manual recount is needed. We go to a restaurant, we get a receipt. We go to the store, we get a receipt. We save it in case there is a problem. When we vote, we should get a receipt. We should look at it, we should check it, just as we add up the bill from the restaurant. We should give it back and then it is stored. In case there is a problem, we have a paper trail.

The second provision: We say election day should be a Federal holiday. We all give speeches. We stand up and we stand behind the red, white, and blue. What a great, free country this is, and indeed it is. Why shouldn't we make election day a holiday so that we can celebrate on every election day our freedoms, our history, our rights, our protections as citizens to choose our own leaders?

Let me say, we cannot even get to page 1 in terms of moving this bill forward. There is resistance to this bill. There are those in this body who don't want a paper trail. They don't want to make it easier to vote, and let's call it what it is. That resistance exists, and that is wrong. So I call on the leadership of this body: Let's do something more for people. Let's not have another situation where a Senator has to go over and protest a vote count because people said they had to stand in line for hours.

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

Mrs. BOXER. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mrs. BOXER. Then we have the people of Washington, DC. They are not represented with a vote. That is wrong. Over 500,000 people live in this great city, the heart and soul of our democracy. Eighty percent are voting age. They can't cast their ballots in national elections for congressional representatives. They don't have Senators or Representatives here. That is why I have joined Senator JOE LIEBERMAN on his bill that calls for full voting rights for DC residents.

So, again, I say what a privilege and honor it is for me to be here, to stand here, thinking back to my days as a child when African Americans had to go to the back of the bus in some parts of the South, feeling the pain of that myself for those who had to live in that way. So this bill is a fitting tribute to Rosa Parks and Fannie Lou Hamer and Coretta Scott King.

I thank the Presiding Officer for his indulgence. This is a starting place for a lot of us, and we are going to make sure that, in fact, the right to vote is a reality for every single one of our citizens.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. Mr. President, I salute my colleague on her wonderful and heart-felt words.

Mr. President, this is a hallowed moment on the floor of this Senate. We don't have too many of these hallowed moments these days, but passing, working for, voting for the renewal of the Voting Rights Act is just one of those. I rise in proud and full-hearted support of H.R. 9, which is a bicameral and bipartisan bill, thank God, to reauthorize the Voting Rights Act.

The bottom line, Mr. President, is this: Without the right to vote in a democracy, people have no power. And while I do believe that race and racism have been a poison that has afflicted America for a long time, and there are many ways to solve that, probably the best is the full and unrequited power to vote. For so long, that power was denied to people of color: Blacks, Hispanics, and others. Now it is not being.

I can tell by my own history, even here in the Congress, the progress we have made. When I got to the Congress in 1980, there were only 17 African Americans in the House. Today, there are 42. That is very close to the percentage of African Americans in American society. That shows you the progress we have made. Without the Voting Rights Act, it clearly would not have happened.

However, we sit in the Senate, and only last year did we again have an African American come to the Senate. There is only one. So while we see the progress in the House of Representatives, we also look in the Senate and see how much longer we have to go.

I am glad that final passage is now imminent, as leaders from both parties are supporting this bill. Let me say this act has been hailed as the single most effective piece of civil rights legislation we have ever passed. The reason is it does not just simply guarantee the right to vote in name, but it ensures the effective exercise of that fundamental right.

Today, when we see the Governor of Georgia and the legislators of Georgia impeding the right to vote, we know that we need a strong and full-throated Voting Rights Act. And, thank God, the attempts to dilute it—mainly, I am sorry to say—coming from the other body, did not succeed.

Our Founding Fathers said it best when they penned these words in the Declaration of Independence: Government derives its just powers from the consent of the governed. Simply put, in our Nation there can be no consent without unfettered access to the voting booth. A renewed and reenergized Voting Rights Act is exactly the right formula to ensuring equality in the political process for all Americans.

In 1965, when President Johnson signed the bill into law, there were only 300 minorities elected to State, local, or Federal office. North, South, East, and West, people of color were not represented. Today, four decades later, in large part because of this Voting Rights Act, 10,000 minorities serve as elected officials.

I have seen the Voting Rights Act have an effect on my city. New York is one of the most diverse cities in the country. And in our city, the Voting Rights Act has been extremely effective in ensuring that all our citizens are able to participate equally in the political process. However, many of the act's successes in New York—we think we are a modern country and, of course, a modern city—but they have only come since the last time we renewed its provisions. The first and only African-American mayor of New York wasn't elected until May of 1989. The first and only African American wasn't elected to statewide office until 1994. In 2002, the first and only Asian American was elected to the city council. Finally, just last year, a mayoral candidate became the first and only Latino to win his party's nomination.

So while these strides are important, they are too few and too recent to declare that the promise of the Voting Rights Act has been realized. The bottom line is that the Voting Rights Act has worked to remove barriers from countless men and women from all backgrounds to participate in the political process, to run for office, to enter and thrive in the political process, but there is still a lot of work to do. We cannot and thankfully will not let the act expire.

Mr. President, I look forward to casting my vote in favor of H.R. 9 later today, and urge all of my colleagues to do so. I am hopeful that we can have a unanimous vote on the floor of this Senate.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise as an original cosponsor and strong supporter of the Voting Rights Act reauthorization.

One of the most fundamental of American values is the right to cast a meaningful vote in a free and fair election. As the Supreme Court stated in 1964, ''Other rights, even the most basic, are illusory if the right to vote is undermined.''

However, just over 40 years ago, in many parts of the American South, it was almost impossible for people of color to even register to vote.

People were turned away from the courthouse when they attempted to register, while others were jailed. We sometimes talk romantically about the Civil Rights era, as if it were 200 or even 100 years ago. But the flagrant injustices that we see captured in black and white video reels were during a time not too long ago.

On March 7, 1965, about 600 people attempted to peacefully march from Selma, AL, to Montgomery, the State capital, to dramatize to the world their desire to register to vote. And the world watched in horror as these peaceful demonstrators, including my good friend and former colleague, Representative JOHN LEWIS, were beaten bloody. That day marked a sad, sad chapter in the history of our Nation.

For some, the tragedy in Selma is simply a footnote in a speech or a timely anecdote during Black History Month. But we must not lose sight of what those brave Americans were fighting for. And we must never forget the price they—and others—paid for their successes: Americans—Black, White, young, old, northern and southern—shed blood and, in some cases, gave the ultimate sacrifice so all Americans could enjoy the basic right to vote.

Five months after what is now known as ''Bloody Sunday,'' the Voting Rights Act of 1965 was signed into law. It granted all American citizens the right to vote in any Federal, State, or local election and in doing so ensured that they had access to the American political process and a voice in determining their future.

The passage of the Voting Rights Act helped expand and open our democracy to let in millions of our citizens.

The Voting Rights Act has empowered thousands of communities to elect candidates of their choice and has ensured that a full spectrum of voices is heard in our national dialogue.

In stark contrast to the days prior to the Voting Rights Act, today it is the Voting Rights Act that ensures that the elections of people like Senators BARACK OBAMA, DAN INOUYE, MEL MARTINEZ, DANIEL AKAKA, and KEN SALAZAR are no longer electoral anomalies, but reflections of the will of the communities and States they represent.

Today, there are 81 Members of Congress of African American, Hispanic, Asian, Native Hawaiian/Pacific Islander, and Native American descent, and thousands of minorities in elected offices around the country.

If it were not for the Voting Rights Act and its provisions, I very well may not be standing before you today.

In the 21st century, at a time when we are working to bring democracy to both Iraq and Afghanistan, we must ensure that democracy is protected here at home in every circumstance. One citizen unfairly discouraged from voting is one too many. When people are denied the right to vote, they are denied a say in their Government, they are denied a say in the laws they are required to obey, and they are denied a say in the policies their tax dollars support.

It has been said that those who fail to understand history are doomed to repeat it. That is why the annual walk that Congressman LEWIS leads across the Edmund Pettus Bridge in commemoration of the anniversary of the voting rights march is so vitally important.

I was fortunate to visit Selma with him and the Faith and Politics Institute. Nothing brings one closer to a sense of what those young men and women experienced—the hatred and bigotry—than standing on and walking across the Pettus Bridge with Representative LEWIS and learning what happened that day over 41 years ago.

As I listened to JOHN LEWIS and the other heroes of the movement, I was reminded how average citizens committed to an ideal can effect change. I was reminded through this pilgrimage that the journey is still not finished and that our goal must be social justice—not simply social service. I was also touched by those who suffered so much having so much love in their heart. It is a lesson still timely for us today and tomorrow.

The need for the Voting Rights Act has not gone away. In my State of New Jersey, a consent decree was reached after violations of the Voting Rights Act by the Republican National Committee and the New Jersey Republican

State Committee that deterred minorities from voting occurred during the 1981 gubernatorial election. This just illustrates voting rights violations can happen anywhere and at anytime, and are unfortunately a part of the historic fabric of our election process. Such violations were so widespread in the 2000 elections that Congress enacted the Help America Vote Act. If anything, need to strengthen and update the Voting Rights Act is demonstrated in new ways every year.

The Voting Rights Act has been effective in eliminating barriers to the ballot box. Yet, several key provisions of the act regarding preclearance, observers, and language assistance are scheduled to expire in 2007. H.R. 9 will reauthorize these important and temporary provisions for an additional 25 years. Personally, I support making these provisions permanent.

H.R. 9 is the product of a thoughtful, thorough, bipartisan, and bicameral effort that carefully weighed the competing concerns and considerations that have been a part of the Voting Rights Act debate since its original passage. As my colleagues well know, the act has been extended on four other occasions, very possibly making it the most carefully reviewed civil rights measure in our Nation's long history.

This legislation we have before us today would renew the Voting Rights Act's temporary provisions for 25 years; restore the ability of the Attorney General, under section 5 of the act, to block implementation of voting changes motivated by a discriminatory purpose; clarify that section 5 is intended to protect the ability of minority citizens to elect their candidates of choice; and authorize recovery of expert witness fees in lawsuits brought to enforce the Voting Rights Act.

The right to vote is so fundamental to our citizenship, so vital, that we as Members of Congress must make every effort to ensure that this right is a reality across the length and breadth of this great Nation. The Voting Rights Act ensures that all American citizens have access to both the ballot box and the American political process, and a voice in determining their future. That is why the Voting Rights Act remains so desperately needed and why Congress must reauthorize the special provisions that are set to expire.

In addressing a joint session of Congress on the very legislation we are debating today, President Lyndon Baines Johnson said:

> In our time we have come to live with the moments of great crisis. Our lives have been marked with debate about great issues—issues of war and peace, issues of prosperity and depression.
>
> But rarely in any time does an issue lay bare the secret heart of America itself. Rarely are we met with a challenge, not to our growth or abundance, or our welfare or our security, but rather to the values, and the purposes, and the meaning of our beloved nation.

We must heed President Johnson's admonition and take inventory of our Nation's values, purposes and meaning. Some members of the House recently argued that the Voting Rights Act is somehow outdated, has outlived its intended usefulness, and that it unfairly punishes those covered jurisdictions for past actions and sins. I have nothing but respect and esteem for that body, and look fondly upon my years of service in that Chamber; but, I wholeheartedly disagree with some of my former colleagues.

In enacting the original Voting Rights Act and its four reauthorizations, past Congresses have declared to the world that America stands for freedom and democracy. But our rhetoric of equality and freedom must be ratified by an authentic pursuit of true freedom, true equality, and true democratic ideals. If we are to be a beacon of democracy and freedom to Baghdad, Beirut and Beijing—then we must first be a beacon of freedom and democracy to Bloomfield, Buffalo, and Birmingham.

Over 40 years ago, Senators stood on the floor of this Chamber to right a monumental wrong inflicted upon millions of Americans. Inspired by the quiet strength and principled courage of JOHN LEWIS and others like him, this body acted out of courage, conviction, and conscience.

I don't know what senators will say 40 years from now. But, if nothing else, it is my prayer that they will say this Senate kept faith with the highest ideals and promises of this great Nation. And that Senators from all corners of America, and of all political stripes, stood up in defense of democracy and freedom here at home.

I urge my colleagues on both sides of the aisle to strongly support this legislation and in doing so protect the voting rights of all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, in the years before the Voting Rights Act was signed into law by President Johnson, discrimination and brutal force were used to deny African Americans the right to vote as guaranteed by the 15th amendment.

There are stories of local election officials requiring Black residents to pass arbitrary tests, like correctly guessing the number of bubbles that a bar of soap would produce, before being allowed to register to vote. And, of course, there were the more insidious forms of intimidation, which is a very sad chapter in the history of this country, with African Americans being lynched and murdered for attempting to vote or registering others to vote.

In the 41 years since the enactment of the Voting Rights Act, America has inched closer to its promise of an inclusive society, where everyone, regardless of race, regardless of religion, regardless of economic class or regardless of gender, has an equal opportunity to succeed. We are not there yet.

Sadly, I can point to modern day attempts to deny the right to vote to citizens in my own State. During the 2004 election, the Florida Department of Law Enforcement created a list of 48,000 convicted felons. This list was then sent to the 67 supervisors of election in Florida, who were given the instructions to strike those 48,000 convicted felons from the rolls. The public was denied meaningful access to the lists to verify its accuracy because of a law passed by the legislature in the previous few years.

CNN challenged the constitutionality of the law under the Florida Constitution. This Senator participated in that challenge by filing what is called an amicus curiae brief, or a friend of the court brief. A courageous Florida circuit judge declared the law unconstitutional.

When the Miami Herald got their hands on the list of 48,000 names of convicted felons, guess what they found. First of all, they found the list was overwhelmingly minority; second, they found that the list was overwhelmingly minority African American; and third, they found about 3,000 legitimate registered voters on that list who were not convicted felons.

If not for that lawsuit 3,000 legitimate registered voters with names that were similar to the names of convicted felons would have gone to the polls on Election Day in November of 2004 and been told they were not a registered voter and they could not vote.

It is 41 years since the Voting Rights Act. This just happened 2 years ago. We're getting closer to the ideal, we're just not there yet.

Reauthorizing the Voting Rights Act is going to move us further down the road and, most importantly, it will ensure that we never turn back.

Today, as I cast a vote in favor of reauthorizing the Voting Rights Act, I hope and pray that 25 years from now, at the end of the authorization of this act, our country will have progressed so that we do not have to continue this particular debate.

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.

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

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

Mrs. LINCOLN. Mr. President, I join my colleagues today to speak in support of reauthorizing the Voting Rights Act of 1965. No act has done more to change the course of our Nation's history than this. I am pleased to see both sides of the aisle set aside their differences to ensure its passage today.

I first offer my thanks to Senators LEAHY and SPECTER for their work in getting this legislation to the Senate. I also thank Senators REID and FRIST for their efforts in bringing all sides together to renew this historic law.

This act protects and preserves our democracy by ensuring that every citizen is given the same opportunity to participate in the political process. The strength of our democracy, as well as its existence, depends on the fact that the Government is created to perform, to exist, and to excel only when those who are governed participate in it. Without this assurance, this opportunity to participate in that political process, our democracy could not exist. Without the right to participate freely in elections, a citizen's ability to effect change in his or her community is highly limited.

We are given, each of us, many God-given gifts, but our responsibility with those gifts is to give of those gifts to those around us, to our community and to our country, to our fellow man. Without being able to participate in this community, we are not able to fully give back.

I think it is important to remember what we are voting for today. Men and women not much older than I am made great sacrifices to be able to perform that most basic right of free men and free women—the right to vote. It is easy to take for granted. We often do. But we cannot forget that this document represents the pain and hope of millions of Americans. It represents their efforts and their prayers.

The things that we do without giving them much thought, were not so for many of our fellow Americans. When we go to eat lunch, we sit wherever we would like. When we go to the movies, we sit wherever we would like as well. When we ride the bus, we sit wherever we like, and when we get to the polls, we take our ballot and we cast it without thinking about it.

It is easy for us to forget that it has not always been so. By way of example, the mother of one of my staff members became deeply involved in voter registration as a young college student in the early 1960s. She was determined to secure the right to vote for herself and for her community. It was a life-or-death decision. She and her fellow students were told if they tried to encourage African Americans in the community to register, that they would be killed. They had every reason to take that threat seriously, but it didn't matter to them. They knew that this right, the right to vote, was worth the cost, and they continue to encourage people to register and to vote. By the grace of God, no one was killed, but we know that others around the Nation were not so lucky.

These are the stories we must remember. We must ensure that no future generation of Americans will ever have to endure second-class citizenship again. As elected officials, we are charged with representing and protecting the interests of our States and our districts. It is of utmost importance that we are elected by a fair representation of our constituents.

The Voting Rights Act has played an enormous role in making sure that happens. Since becoming law in 1965, the number of African Americans and other minority voters who are registered and able to vote has increased dramatically. As an example, my home State of Arkansas saw an increase of more than 33,000 African-American registrants immediately after the act was passed. Extending the provisions of this legislation will ensure that we continue to build on the gains we have made since it first passed.

We have men and women spread across the globe, fighting for democracy and freedom. They are fighting for the right of citizens to hold free elections in which all, regardless of race, gender or creed, can participate. In many cases, this cannot be achieved without violence, unfortunately. Truth be told, we are not so far removed from our own violent past.

But by the mercy of God, we today will extend the blessings of liberty to all Americans with the recording of a vote and the swipe of a pen. That is a miracle that we dare not forget. Because of what we do tomorrow, the men and women who marched and stood still and sat down and stood up and rejoiced and cried and ultimately overcame, can be proud, proud that their legacy will be carried on.

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

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

The majority leader is recognized.

Mr. FRIST. Mr. President, briefly, I want to propound a unanimous consent request which has been agreed to by the leadership on the other side. And then people will know the scheduling for today and tonight.

Mr. President, I ask unanimous consent that the vote on the pending bill, H.R. 9, occur at 4:30 today, with Senator REID recognized from 4 to 4:15 and Senator FRIST in control of the time from 4:15 to 4:30; provided further that the remaining time be under the control of the minority.

I ask unanimous consent that following the vote on passage of H.R. 9, the Voting Rights Act, the Senate proceed to the immediate consideration of Calendar No. 379, H.R. 4472. I further ask consent that the Hatch amendment at the desk be agreed to, and there then be 2 hours of debate equally divided between the leaders or their designees, and that following the use or yielding back of time, the bill, as amended, be read a third time, and the bill be temporarily set aside with the vote on passage occurring after consideration of the judges in executive session. I further ask unanimous consent that following passage of the bill, the title amendment be agreed to; provided further that following the debate on H.R. 4472, the Senate proceed to executive session for consideration of the following executive calendar numbers en bloc, under the designated times: Calendar No. 762, Neil Gorsuch, 5 minutes each for Senators SPECTER, LEAHY, ALLARD, and SALAZAR; Calendar No. 763, Bobby Shepherd, 5 minutes each for Senators SPECTER and LEAHY, and 10 minutes each for Senators PRYOR and LINCOLN; Calendar No. 765, Daniel Jordan III, 5 minutes each for Senators SPECTER, LEAHY, COCHRAN, and LOTT; Calendar No. 766, Gustavo Gelpi, 5 minutes each for Senators SPECTER and LEAHY.

I further ask unanimous consent that following the use or yielding back of the debate times above, the Senate proceed to a vote on passage of H.R. 4472, to be followed by consecutive votes on the confirmation of the above-listed nominations in the order specified, without intervening action or debate, and that following those votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, again, very briefly, what that means is that we will be voting at approximately 4:30. We will then move to the John Walsh child predator bill, have debate on that, and have debate on the judges, and then we will have stacked rollcall votes beginning at approximately 7:15 or 7:30 tonight.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, it is with a great sense of pride and privilege that I rise today in strong, strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

In my view, of all the values which underpin a democracy, none—none—is more essential than the right of a citizen to participate in the election of those who will govern and represent them.

Voting is the participatory voice of our form of democracy. It is imperative, in my view, that we reaffirm this fundamental principle by expeditiously reauthorizing this fundamental voting rights legislation. It is for this reason that I will vote in favor of the Voting Rights Act extension. America must overcome its legacy of discrimination in voting.

Let me, first of all, applaud our colleagues, if I may, the leaders of the Judiciary Committee, Senator SPECTER, Senator LEAHY, and Senator KENNEDY for their extraordinary efforts to develop a truly bipartisan piece of legislation that has been brought to the floor here today. I feel very strongly about the need to reauthorize this law, and I commend our colleagues for the leadership they have shown in marking up a bill that I gather passed unanimously out of the Judiciary Committee and is before us today.

It was about 40 years ago when I was sitting up in these Galleries, watching the U.S. Senate as it engaged in an impassioned debate among our predecessors in this Chamber about whether to extend to all Americans equal rights at the polling place. I was a college student at the time. I listened to one U.S. Senator say:

Freedom and the right to vote are indivisible.

That U.S. Senator was my father, Thomas Dodd of Connecticut, speaking about the Voting Rights Act in that year. As I watched my father and his colleagues engage in a very heated debate, I was proud of how many Members of this body, on both sides of the aisle, worked to end discriminatory voting practices, Republicans and Democrats alike coming together.

It was following this debate, in 1965, that Congress took up and passed the Voting Rights Act—the first being the Civil Rights Act—as a response to the pervasive and explicit evidence of disenfranchisement of African-American and other voters in several States in our country.

The Voting Rights Act was designed, of course, as we all know, to protect and preserve the voting rights of all Americans. Since 1965, this act has been the cornerstone of voting rights in our country, and its success is a tribute to those who have labored to create it.

I would be remiss if I did not pay tribute to those that this act is named for: Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. Many may recall, it was Fannie Lou Hamer who once commented that she was ''sick and tired of being sick and tired.'' In 1962, Mrs. Hamer, the youngest of 19 children, daughter of sharecroppers, and granddaughter of slaves, attended a voting registration drive held by the Student Nonviolent Coordinating Committee. There she learned that African Americans indeed had the constitutional right to vote.

She was the first to volunteer for a dangerous mission to the Indianola, MS, courthouse to register to vote. Courageously, she declared:

[T]he only thing they could do to me was to kill me, and it seemed like they'd been trying to do that a little bit at a time ever since I could remember.

When Mrs. Hamer reached the courthouse, she and her companions were beaten and jailed. But she was not deterred. She went on to travel the country to encourage others to vote and later founded the Mississippi Freedom Democratic Party to challenge the all-white Mississippi delegation at the Democratic Convention—not in the 19th century, not in the early part of the 20th century—but in 1964.

The Voting Rights Act was signed into law a year later. In my view, if Mrs. Hamer had not risked her life and limb in order to register to vote, the plight of minority voters shut out of their own democracy may have continued, unfortunately.

Rosa Parks was another pioneer of the civil rights movement. As a seamstress in Montgomery, AL, she famously challenged the Jim Crow laws of segregation in 1955. Mrs. Parks once recalled that as a young child:

I'd see the bus pass every day. . . . But to me, that was a way of life; we had no choice but to accept what was the custom. The bus was among the first ways I realized there was a black world and a white world.

Her historic refusal to give up her bus seat to a white passenger led to her arrest, and sparked a citywide boycott of the bus system, which triggered two Supreme Court decisions outlawing segregation on city buses. In my view, her silent protest launched the modernday civil rights movement. And we owe her a great deal of debt for her courage.

In describing this incident, Mrs. Parks later recalled:

People always say that I didn't give up my seat because I was tired, but that isn't true. I was not tired physically, or no more tired than I usually was at the end of a working day. No, the only tired I was, was tired of giving in.

For more than four decades, Mrs. Parks dedicated herself to the fight for racial equality. I strongly believe that if Mrs. Parks had not refused to give up her seat and had gone to the back of the bus that day we would not be here today considering this historic legislation.

Let me mention the third individual for whom this act is being named today.

Coretta Scott King, of course, the wife of Dr. Martin Luther King, joined her husband and thousands of others to march from Selma to Montgomery, AL, on Sunday, March 7, 1965. That march, of course, galvanized the core political will behind the civil rights movement and served as a catalyst for the Voting Rights Act.

These three women worked for a better life and an inclusive society for not only themselves and their children, but also for future generations of Americans.

They selflessly and nonviolently challenged the laws and customs they believed were wrong. And they were right. Their ability to speak ''truth to power'' became their legacy. All three are iconic in the fight for the right to vote and a better life for all Americans.

Let me go on to point out here—I will not go into the specific sections of this bill. I know others have talked about that, why these sections are necessary to be continued for another 25 years. Let me, if I can, address some of the concerns that were raised in the other body in objections to the Voting Rights Act, if I may—those who question why divisions of a 41-year-old law deserve to be reauthorized. And while I agree, progress has certainly been made—and we are all grateful for that—we still have many obstacles to overcome in the conduct of our elections.

Progress cannot be left to just serendipity. It must be guided by the rule of law. A little more than 5 years ago, we had an election in this country that forced us to confront the harsh reality that millions of Americans continue to be systematically denied their constitutional right to vote.

Every citizen deserves, of course, to have his or her vote counted as well. There are legal barriers, administrative irregularities, and access impediments to the right to vote which adversely and disproportionately impact voters according to their color, economic class, age, gender, disability, language, party, and precinct. That is wrong. It is unacceptable. It is un-American. And it needs to be changed.

It was unacceptable in 1965, and it is reprehensible in the year 2006. Congress must now reauthorize the expiring portions of the Voting Rights Act to continue to protect and preserve the voting rights of all Americans.

I have been closely following the reauthorization process in both Chambers. I was apprehensive when House Republicans attempted to amend the Voting Rights Act to undermine some of its very key provisions—essentially weakening this very important and fundamental law. They tried to repeal the current formula of section 5 in order to exempt States with historically discriminatory voting practices from continued coverage. They wanted to expedite the ''bailout'' process overriding the sensible framework for jurisdictions to demonstrate that they should not be subject to continuing section 5 coverage. They wanted to require us to reauthorize the Voting Rights Act in only 10 short years. Finally, in what I think is the most alarming attempt to weaken this vital law, House Republicans wanted to strike section 203 which ensures that all American citizens, regardless of language ability, are able to participate on a fair and equal basis in elections.

I believe all Americans who are voting should learn to speak the English language. It should be our goal that all American citizens who vote should be able to understand an English language ballot. That is something we are wrestling with all the time. But we also recognize there are many here who are in the process of transition. Many of our citizens speak only one language as they are learning English. That makes them no less deserving, if they are citizens, of the basic rights and liberties which all Americans should expect and are entitled to. Section 203 must be retained or its unique ability to remove barriers to this fundamental right to vote and to help promote meaningful participation among all segments of our society will be in jeopardy.

I am grateful that the civil rights groups, the Leadership Conference on Civil Rights, the NAACP, the National Council of La Raza, the AFL–CIO and others, have worked so closely with Democratic Members of the House of Representatives to prevail over this adversity and were able to defeat every single one of these amendments.

Central to the foundation of our democratic form of government is, of course, the right to vote. The Voting Rights Act today facilitates and ensures that right. In a representative democracy, voting is the best avenue, of course, by which voters can gain access and influence lawmakers in Federal, State, and local governments. Voting gives the people a voice. We must protect their ability to be heard and to speak.

Yesterday, I had the great privilege of meeting with 40 representatives from the Connecticut chapter of the NAACP about this important reauthorization.

Their message was clear: the critical protections offered by the Voting Rights Act must be extended. We are not on the Floor today to reauthorize the right to vote. That right is guaranteed by the Constitution of the United States. Instead, we are here to provide tools to enforce that right for all Americans.

While it is critical that the Senate act to reauthorize these expiring sections of the Voting Rights Act today, it is important to recognize that this action alone will not secure the franchise for all Americans. Much more is needed to be done to ensure that every eligible American voter has an equal opportunity to vote and have their vote counted.

In addition to the obstacles that the Voting Rights Act is designed to address, too many Americans still face impediments to voting. The Presidential elections of 2000 and 2004 are replete with examples of such obstacles, including: too few polling places or too few voting machines to serve the turnout; eligible voters' names not on the registration list; errors in the registration lists; malfunctioning machines and machines that produce no audit trail; eligible voters turned away at the polls; disabled voters unable to cast a secret ballot; voters unable to correct mistakes on ballots or even receive a new ballot if their ballot was spoiled, to name only a few.

Congress addressed some of these impediments in the landmark legislation enacted following the debacle of the presidential election in 2002 in the Help America Vote Act, or HAVA, which I was pleased to author in the Senate. That legislation established Federal minimum requirements that all States must have in place by the Federal elections this year. Those requirements include allowing any voter who is challenged at the polls to cast a provisional ballot, which is set aside and counted after eligibility, is confirmed. States must also meet new Federal minimum standards for voting systems, including providing second-chance voting, ensuring disability access, and providing for a permanent paper record for auditing purposes. And States must implement a statewide, computerized registration list to serve as the official registration list for Federal elections.

Congress has not fully funded HAVA. The States are $724 million short in the promised Federal funds for requirements grants and an additional $74 million short in disability access grants. It is my intent to offer an amendment to the Treasury-Transportation-HUD Appropriations bill for fiscal year 2007 to fully fund the requirement grants to States under HAVA, when that bill comes to the Senate floor for debate. But even the HAVA minimum requirements are only a first step to addressing the continuing impediments faced by voters across this Nation.

To address additional election administration deficiencies, I introduced legislation in January of last year, S. 17, the Voting Opportunity and Technology Enhancement Rights Act of 2005, or the VOTER Act. The Voting Opportunity and Technology Enhancement Rights Act of 2005, or the VOTER Act, builds on the reforms begun by HAVA, and adds to those reforms, by including the following: providing every eligible American, regardless of where they live in the world or where they find themselves on election day, the right to cast a National Federal Write-In Absentee Ballot in Federal elections: requiring States to provide for election day registration; requiring States to provide a minimum required number of voting systems and poll workers for each polling place on election day and during early voting; requiring States to count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place in which the ballot is cast; requiring that all States provide voters a voter-verified ballot with a choice of at least 4 formats for recording their verification: a paper record; an audio record; a pictorial record; and an electronic record or other means which is fully accessible to the disabled, including the blind and visually impaired; requiring States to provide public notice of any registration list purges not later than 45 days before a Federal election; allowing voters to attest to their citizenship and age on voter registration forms; and providing additional Federal funds to States to implement these new requirements.

Once Congress has completed its action on the Voting Rights Act, it is imperative that the Senate turn its attention to these further election administration reforms. As the ranking member of the Senate Committee on Rules and Administration, which has jurisdiction over election reform issues, I look forward to that debate and the action of the Senate to ensure that every eligible American voter has an equal opportunity to cast a ballot and have that ballot counted, regardless of color or class, gender or age, disability or native language, party or precinct, or the resources of the community in which they live.

I am very grateful to the Leadership Conference on Civil Rights and the NAACP. They were such strong supporters of the Help America Vote Act. That bill passed the Senate by a vote of 92 to 2 after a lengthy debate. We authorized close to $4 billion to the States to allow them to improve voting systems.

It is not a perfect bill, but it is a major step forward. In the coming weeks, when we will have appropriations matters before us, and as I said, I will be offering amendments to fully fund the HAVA bill and other such changes as I have offered in separate legislation to strengthen that particular effort. But it was important on this bill that we not complicate this important piece of legislation with modifications to the HAVA bill or additional ideas to improve voting access in this country. But we need to continue to work at it. It is unfortunate that in our country in too many of our elections the right to vote and have your vote counted depends upon the economic circumstances of the county in which you reside. That must change when it comes to Federal elections. My hope is we made a major step forward with the HAVA bill, and we continue to work at this on a bipartisan basis.

As was said many years ago by Thomas Paine, the right to vote is the right upon which all other rights depend. If we don't get this one right, then all the other rights we depend upon as American citizens are in jeopardy. The Voting Rights Act speaks to that claim more than two centuries ago, that the right to vote is the right upon which all other rights depend. What a great message that would be to the American public that we still understand this Nation has yet to achieve the perfection that its Founders designed, but each generation strives to make it a more perfect union. Passage of this bill today will be a step in that direction.

I urge my colleagues to join me in achieving a unanimous vote to reauthorize the expiring provisions of the Voting Rights Act for another 25 years. In 1965, a bipartisan coalition of Senators came together to pass this historic bill for the first time. Today, passage of this act is vital to bring about the day for America envisioned by those for which it is named. Coretta Scott King, Fannie Lou Hamer, Rosa Parks, and countless others worked tirelessly to guarantee the ability of all Americans to exercise their right to vote. Mr. President, we honor their work today by passing this important legislation. Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I commend the very able Senator from Connecticut, not only for the very eloquent statement he made but for the leadership which he has shown with respect to this critically important issue of the right to vote. The Senator from Connecticut has framed and crafted and brought to the floor of the Senate in recent years extremely important legislation designed to assure all Americans their right to the ballot,

thereby strengthening the very fundamentals of our democracy. I would be remiss if I did not take advantage of this opportunity to express the gratitude we all feel to him for his leadership in this area.

Mr. DODD. I thank my colleague from Maryland for those kind words.

Mr. SARBANES. The legislation we have before us is as significant as any this Congress will consider. The Voting Rights Act was first signed into law on August 6, 1965, by President Lyndon Baines Johnson. The fundamental importance of this law cannot be overstated. It is no exaggeration to say that it both changed the nature of American society and changed the course of American history. More than a quarter of a century before the Voting Rights Act was passed, the great scholar Gunnar Myrdal had written in his landmark study ''An American Dilemma,'' his study of race in this country, that ''the American Negro problem,'' as it was then known, was by no means a problem only for African Americans. Rather, he wrote, it is a problem ''in the heart of the American.''

Myrdal set out what he called the American creed, the abiding principles on which this Nation is founded. The American creed, he said, ''is the cement in the structure of this great and disparate nation . . . encompassing our ideals of the essential dignity of the individual human being, of the fundamental equality of all men [and women], and of certain inalienable rights to freedom, justice, and a fair opportunity.'' These ideals are ''written into the Declaration of Independence, the Preamble to the Constitution, the Bill of Rights, and into the constitutions of the several states.''

Regrettably for much of our history, our Nation failed to live up to its most cherished principles. Our great challenge, as one observer has put it, has always been ''to live up to the ideals of the American Creed or face a deterioration of the values and visions that unite and make it great.''

Myrdal's study was, in effect, the 20th century equivalent of Thomas Jefferson's ''fire bell in the night.'' Yet more than a generation passed between the publication of Myrdal's study and the passage of the Voting Rights Act. As we debate this legislation and recall the tremendous sacrifices of Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, after whom the legislation is named, I also call to my colleagues' attention the riveting autobiography of our House colleague Congressman JOHN LEWIS who for 20 years has represented Georgia's ninth district with such great distinction.

On March 7, 1965, JOHN LEWIS was in Selma, AL, his home State, preparing with hundreds of others to march from Selma to Montgomery to assert the right to vote which at that time was granted or denied solely at the discretion of the State governments. ''Many of the men and women gathered on that ballfield,'' remembers Congressman LEWIS, ''had come straight from church. They were still wearing their summer outfits. Some of the women had on high heels.'' Some 600 marchers set out, two abreast. All were prepared, quite literally, to die for the right to vote. And in the police assault that followed, many of them, including Congressman LEWIS, nearly did.

President Johnson's response the following Saturday was very clear. He said:

> The events of last Sunday cannot and will not be repeated, but the demonstrations in Selma have a much larger meaning. They are a protest against a deep and very unjust flaw in American democracy itself.
>
> Ninety-five years ago our Constitution was amended to require that no American be denied the right to vote because of race or color. Almost a century later, many Americans are kept from voting simply because they are Negroes.
>
> Therefore, this Monday I will send to the Congress a request for legislation to carry out the amendment of the Constitution.

In signing the Voting Rights Act, President Johnson said:

> The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

Indeed, the act marked a decisive turning point in the long and arduous road we know as the civil rights movement. Since its enactment, the Voting Rights Act has been extended and amended four times to address problems of bigotry and discrimination that may take subtler forms than those confronting the Selma marchers in 1965, but that are no less insidious in undermining the constitutional principles by which we aspire to live. As our able colleague, the distinguished Senator from Vermont, Mr. LEAHY, the ranking member on the Judiciary Committee, has noted, in reauthorizing and extending the act, we are, in fact, revitalizing it. We do so not only to honor the courageous men and women who, such as Congressman LEWIS and Fannie Lou Hamer and Rosa Parks and Coretta Scott King and so many others, risked and in some cases sacrificed their lives to uphold American principles, but to build a stronger foundation for the Nation we will leave to our children and grandchildren.

The committee brought this bill to the Senate floor having constructed a compelling record that shows we have made progress but that entrenched discriminatory practices—some obvious and some hidden—remain. In uniting to support H.R. 9 and enacting this legislation, we will be acting in a spirit true to our better selves, to our Nation, and to the generations yet to come.

Mr. LEVIN. Mr. President, I strongly and enthusiastically support the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization of 2006, S. 2703. The right to vote is the foundation of our democracy, and the Voting Rights Act provides the legal basis to protect this right. Ensuring that all citizens can vote and that every vote counts is surely one of our highest national priorities, and the passage of time has not diminished the need for such protections. Hearings held in the Senate and in the House in 2005 and 2006 revealed a new generation of tactics, including at-large elections, annexations, last-minute poll place changes, and redistricting, which have had a discriminatory impact on voters, especially racial and ethnic minority American voters.

The Voting Rights Act of 1965 was enacted to insure that no Federal, State, or local government may in any way impede people from registering to vote or voting because of their race or ethnicity. Most provisions in the Voting Rights Act, and specifically the portions that guarantee that no one may be denied the right to vote because of his or her race or color, are permanent. There are, however, three enforcement-related provisions of the act that will expire in August 2007. The first is section 5, which requires certain jurisdictions to obtain approval or ''preclearance'' from the U.S. Department of Justice or the U.S. District Court in Washington, DC, before they can make any changes to voting practices or procedures. The second provision that will expire is section 203, which requires certain jurisdictions to provide bilingual language assistance to voters in communities where there is a concentration of citizens who are limited to English proficient. The third are those provisions in sections 6 to 9 which authorize the Federal Government to send Federal election examiners and observers to certain jurisdictions covered by section 5 where there is evidence of attempts to intimidate minority voters at the polls. The legislation before the Senate today reauthorizes the portions of the Voting Rights Act that will expire next year and will allow the Federal Government to address new challenges.

Today we are mindful of the fact that nearly 41 years ago, thousands of individuals risked their lives and some died in the challenge of systems that prevented millions of Americans from exercising their right to vote. For a hundred years after the Civil War, millions of African Americans were denied this fundamental right, despite the 15th amendment to the Constitution that prohibited the denial of the right to vote on the basis of race. Poll taxes, literacy tests, and grandfather clauses—as well as violence—were used to deny African-American citizens the right to vote in many Southern States. During the 1960s, to secure this most basic right, the cost was high: church burnings, bombings, shootings, and beatings. It required the ultimate sacrifice of ordinary Americans: James Chaney, Andrew Goodman, and Michael Schwerner, who simply sought to register voters in Mississippi; Jimmie Lee Jackson, whose death precipitated the famous march from Selma to Montgomery; Viola Liuzzo, a White Detroit

homemaker and mother of five who was killed by a Ku Klux Klansmen's bullet after she participated in the Selma to Montgomery march; and the four little Black girls killed in the Birmingham church bombing—Denise McNair, Carole Robertson, Addie Mae Collins, and Cynthia Wesley; Medgar Evers, who had organized voter registration in Mississippi for the NAACP and was gunned down in his driveway; the horrible beatings of John Lewis and of Fannie Lou Hamer and Aaron Henry of Mississippi. Like Dr. Martin Luther King, Jr., and Rosa Parks, their names are forever etched in this Nation's history.

The impact of these tragic revelations and the subsequent enactment of the Voting Rights Act is stark. In Alabama, Black voter registration increased from 0.4 percent in 1940 to 23 percent in 1964 and more than doubled from 1954 to 1968, to 56.7 percent. Mississippi's Black voter registration went from 6.7 percent in 1964 to 54.4 percent in 1968. And the increase was reflected in many other cities and States nationwide.

Let us do what we must do. Our democracy depends on protecting the right of every American citizen to vote in every election. Let us resoundingly reauthorize the Voting Rights Act.

Ms. MIKULSKI. Mr. President, I rise today to give my strong support of the Voting Rights Reauthorization Act. I am a proud cosponsor of this important and needed legislation.

In 2006, there are still places in America where voters are intimidated and turned away from the polls. Americans are being denied the most basic and fundamental right as an American the right to vote. That is why this bill is needed more than ever.

I am proud to be here to speak as the Senator from Maryland. From the dark days of slavery to the civil rights movement, Marylanders have led the way to end discrimination. The brilliant Frederick Douglass, who was the voice of the voiceless in the struggle against slavery; the courageous Harriet Tubman, who delivered 300 slaves to freedom on her Underground Railroad; and the great Thurgood Marshall, from arguing Brown v. Board of Education to serving as a Supreme Court Justice—all were Marylanders.

Not just Marylanders but civil rights leaders and activists from all over this country fought hard to get the right to vote. Over 600 people marched from Selma to Montgomery they were stopped, beaten, but not defeated. These brave men and women continued to march, continued to fight until they got the right to vote.

They had to challenge the establishment and to say ''now'' when others told them to ''wait.'' Holding dear to their hearts the words of Frederick Douglass:

If there is no struggle, there is no progress. Those who profess to favor freedom, yet deprecate agitation are men who don't want crops without plowing the ground. They want rain without thunder and lightning. The struggle may be a moral one, or it may be a physical one, but it must be a struggle. Power concedes nothing without demand. It never did, and it never will.

Their fight, their struggle resulted in the Voting Rights Act being passed. This legislation guarantees one of the most important civil rights that every citizen may vote. It is the very foundation of our democracy. It has eliminated discriminatory practices such as poll taxes and literacy tests. It has made it possible for African Americans to vote and hold elective office.

We have come a long way since the original Voting Rights Act was passed in 1965. Yet we have a long way to go. As recent as 2004, we have seen voters disenfranchised, broken election machines, and problems with people casting their ballots on election day. We saw this in the 2000 Presidential elections, too.

In 2000, we all learned that many ballots, many peoples' votes, were thrown out, lost, misplaced or miscounted. We saw election officials who did not know the rules and some who appeared to ignore the rules. And where did much of this happen? In minority neighborhoods, in cities, economically distressed areas across the Nation. I ask myself, is this just a coincidence? Those communities don't think so. It is critical that we let them know we take their concerns seriously.

This legislation recognizes that election reform is still needed. Voters are scared to come forward and cast their vote in some parts of this country. There are places where voters are not getting assistance at the polls whether it is language access or access to accurate information. This is unacceptable. It is un-American.

Reauthorizing the Voting Rights Act will help guarantee the right to vote for all Americans. The bill does four important things. First, it requires States with a history of racial discrimination to have their voting laws precleared by the Department of Justice. This extra layer of oversight is still necessary to protect minority voters. Second, it prohibits all States from imposing any requirements that would deny a U.S. citizen the right to vote based on race, color, or language ability. Third, it requires language assistance at the polls if a U.S. citizen has difficulty speaking or reading English. Finally, it authorizes the Federal Government to send Federal election monitors to minority voter districts to prevent voter intimidation.

This is not a Republican or a Democratic issue. Ensuring that every registered voter who wants to vote can vote is not a partisan issue. It is what America stands for.

We must stand up for what America stands for: opportunity, equality, and empowerment. We must make sure there is no discrimination of any kind, anywhere in America whether it is the old-fashioned kind or the new-fashioned kind. I urge my colleagues to support reauthorizing the Voting Rights Act today.

Mr. AKAKA. Mr. President, I rise today in strong support of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, VRA. The right to vote is the cornerstone of our democracy, and it is central that every American have the right to vote. I am a proud original cosponsor of this bill, and I hope that the reauthorization of the VRA will continue to protect our country's democratic promise.

The VRA is one of the most significant pieces of civil rights legislation to ever become law. The act reaffirms the 15th amendment of the Constitution, which promised that the ''right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.'' In 1965, Congress recognized that this promise remained unfulfilled, and that barriers such as literacy tests and poll taxes prevented many American citizens from exercising their right to vote. The VRA has addressed these problems by prohibiting discrimination and providing language assistance to those who needed it.

As an Asian American, this bill is of personal importance to me. I know of many Asian Americans who have experienced difficulty in the polls over the years, particularly due to language barriers. According to the 2000 Census, 77 percent of Asian Americans speak a language other than English in their homes. Asian Americans who came as refugees are the most likely to face language barriers. For example, 67 percent of Vietnamese Americans over 18 are limited English proficient. They follow the news closely, but often by accessing newspapers and other media in their native languages. Section 5 of the VRA will help provide Asian Americans with equal access to the polls, ensuring that they are able to participate in the political process and empowering them to make a difference in their communities.

Over the years, our country has come a long way. But unfortunately, barriers to equal political participation remain. Some minority voters still face obstacles to making their political voice heard. There is evidence of attempts to mute the strength of minority voters via unfair redistricting. Further, the lack of bilingual ballots prevents some voters from even casting their vote. This type of ongoing discrimination proves why we still need the VRA.

Over the years, Congress has reauthorized the VRA four times. The bill before us today would reauthorize three key enforcement provisions of the VRA which would otherwise expire in 2007: Section 5, which requires jurisdictions with a history of discrimination to obtain Federal clearance before introducing new voting practices or procedures; Section 203, which requires communities with large populations of

non-English speakers to provide language assistance; and Section 8, which authorizes the Attorney General to appoint Federal election observers to ensure that minority citizens will have full access to the ballot box.

There is no question that all of these provisions are important and necessary, and I commend the members of the Judiciary Committee for their strong bipartisan work on this issue. I hope my colleagues will join me in supporting this critical piece of legislation, and I look forward to the President signing it into law.

Mr. REED. Mr. President, as a cosponsor of the Senate bill, I am pleased the Senate is considering the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Reauthorization and Amendments Act, H.R. 9.

The Voting Rights Act was signed into law 41 years ago as a direct reaction to the vicious attacks against civil rights demonstrators crossing the Edmund Pettus Bridge in Selma, AL. After these attacks, President Johnson was able to end a long deadlock with certain Members of Congress attempting to weaken the legislation. The act passed in August 1965 and successfully prohibited measures that localities had developed to disenfranchise racial and ethnic minorities, such as literacy tests, ''grandfather clauses,'' character assessments, poll taxes, and intimidation techniques, often violent. It was also drafted to prevent the racial gerrymandering, at-large election systems, staggered terms, and runoff requirements certain jurisdictions were using to dilute the effect of the minority vote.

Since then, sections 2 and 4 of the law, prohibiting the use of tests and devices intended to dissuade minority voting, have made obvious attempts to disenfranchise minorities a thing of the past. By requiring district court or attorney general determination of whether a proposed election change would abridge voting rights, section 5 has deterred measures frequently used before 1965 to weaken minority votes.

Thanks to the original law and the reauthorizations that followed, an increasing number of African Americans, Latinos, and Native Americans have been voting, decreasing the gap between white and minority turnout. Minorities report fewer attempts to curtail their rights and minority districts have allowed a greater number of African Americans, Asian Americans, and Hispanic Americans to be elected to office. The Voting Rights Act, then, has been successful in helping to carry out the promise of the 15th amendment.

Since 1965, Congress has responded to continuing or new evidence of disenfranchisement and vote dilution through the Voting Rights Act reauthorization process. And this reauthorization is no different.

The nonpartisan Lawyer's Committee for Civil Rights, which President John F. Kennedy created to promote voting equality, established a commission to conduct an investigation into vote discrimination in preparation for this most recent reauthorization proposal. The conclusions of the Commission, echoed in the many congressional hearings held on the law, was that, while the Voting Rights Act has successfully eliminated systematic efforts to disenfranchise voters, restrictions to ballot access and weakening of the minority vote are still occurring. In fact, the Commission reported that attempts to repress the minority vote, ''are still encountered in every election cycle across the country,'' citing deterrents against English-language minorities, unduly burdensome requirements for registration and voting, and election laws that result in vote dilution. Unfortunately, the 41 years this law has been in effect have not yet overcome centuries of discriminatory practice.

Since the last reauthorization, the Supreme Court, in Reno v. Bossier Parish II and Georgia v. Ashcroft, has also curtailed the intent of section 5 of the Voting Rights Act, deciding that the act does not prohibit redistricting with the purpose or effect of weakening minority votes. Many of the changes in the bill before us were drafted as a direct response to these cases. This act not only renews the expiring provisions, it restores the original intent of section 5 by prohibiting the approval of any proposed election law change having the effect of diluting a minority voting population.

As my courageous colleague, John Lewis, has said, ''The sad truth is discrimination still exists. We must not go back to the dark past.''

This reauthorization will provide the tools we need to honor our constitutional commitment to allow all of our citizens to vote. It reinvigorates the guarantee that is the foundation of our democracy the right to vote and it is a pledge not to return to a time when, as Martin Luther King said, ''The denial of this sacred right [was] a tragic betrayal of the highest mandates of our democratic tradition.''

I am honored to support this bill and would like to thank my colleagues, Senators SPECTER and LEAHY, for their work and leadership in bringing it to the floor.

Mr. KOHL. Mr. President, today the Senate will debate and consider the Voting Rights Act Reauthorization and Amendments Act of 2006. We can all agree that the Voting Rights Act was one of the most significant civil rights laws ever enacted in this country. Yesterday, the Judiciary Committee unanimously supported this bill, and today we hope the full Senate will pass it as soon as possible.

This landmark law reversed nearly 100 years of African-American disenfranchisement. It took years for Congress to devise a law that could not be circumvented or ignored through lengthy litigation or creative interpretation. After numerous failures, a stronger remedy free of litigation was needed to break the 95-year-old obstacle to Black voter participation.

The Voting Rights Act of 1965 provided the solution. That law was and remains unique by enforcing the law before a new State voting statute goes into effect rather than fighting it out after the fact for years in court. The section 5 ''pre-clearance'' procedure—along with the banning of literacy texts, poll taxes, and the like—finally worked. Soon, African-American voters did not face an unequal burden to simply exercise their constitutional right to vote.

Yet our work was far from over in 1965. Arguably, the great successes of the act we speak of today would not have been realized had Congress not amended and extended the act in 1970, 1975, 1982 and 1992. Important improvements were made to the Act during that time, including the addition of bilingual voter assistance in certain jurisdictions with a substantial number of non-native English speakers. Accordingly, our bill includes amendments which address recent Supreme Court decisions that have made enforcement of some parts of the act unclear.

As we all know, key provisions of the Voting Rights Act are set to expire next year. We have made enormous gains for voting rights since 1965, but we should not assume that the vigorous protections of the act have outlived their use. To the contrary, extending the act for another 25 years will ensure that these hard-fought rights will remain in place.

Evidence supports this sentiment when one considers that the Department of Justice deemed 626 proposed election law changes discriminatory since the last extension of the act in 1982. Past experience teaches us that we cannot rely upon the courts alone to protect the constitutional right to vote. Quite simply, the Voting Rights Act, and specifically section 5, has worked. The record demonstrates that it continues to be needed to enforce the guarantees of the 14th and 15th Amendments.

We commend Chairman SPECTER for holding this series of hearings on the Voting Rights Act. Furthermore, we note the House passed its reauthorization of the Voting Rights Act last week without amendment, and I trust we can and will do the same here in the Senate. Most of us believe the record demonstrates that the act should remain in force, and I strongly urge my colleagues to support is extension.

MS. LANDRIEU. Mr. President, the Voting Rights Act of 1965 was written to prevent both direct and indirect assaults on the right to vote. It outlawed the poll taxes and literacy tests and established a system of Federal marshals to help African Americans in the South vote. It also required covered jurisdictions to get Federal preapproval before changing their election laws or any other voting procedure.

These changes have made our political system more representative and

more just. The Voting Rights Act protects basic constitutional rights. Millions of African Americans have been added to the voting rolls since the act was passed. In 1965, there were only 300 African American elected officials in our country. Today, there are more than 9,100 African Americans who serve in elected public offices and nearly 6,000 Latino elected officials.

There are those who say that, while this act may have once been needed, it is no longer required today. I understand their argument but do not agree with it. I do believe, however, that their argument is entitled to an answer.

My answer is this: Renewing expiring provisions of the Voting Rights Act will ensure that the battle for fairness in our political system is carried on with the full force of law behind it. We certainly still need these protections today. While many of the more obvious and widespread abuses have been eliminated, isolated cases of voting discrimination and intimidation remain. They may be subtle, but they are nonetheless unfair and intolerable, and they extend to not only African Americans but to others as well. A recent court case described nearly two decades of voting rights abuses against Native Americans in South Dakota. We have heard about people videotaping the license plates of Mexican Americans as they went to vote in Dona Ana County, NM, in 2004. As recently as 2001, local officials in Kilmichael, MS, canceled elections out of fear that an African-American mayor might be elected. The Voting Rights Act allowed the Justice Department to intervene, ensuring that the right to vote was protected, and 2 years late Kilmichael elected its first African-American mayor.

Mr. President, history tells us that the justification for the continuance of this law is compellingf. It also tells us that full and fair enforcement of this law is essential, too. That is why I cast my vote for justice. That is why I cast my vote for the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Reauthorization Act.

Mr. LIEBERMAN. Mr. President, I rise today to speak in support of the vital need to reauthorize key provisions of the Voting Rights Act of 1965, among the most significant pieces of civil rights legislation Congress has ever passed.

As we are approaching the 41st anniversary of the act, perhaps it is important to remember the words of President Lyndon Johnson who signed this bill into law on August 6, 1965, as Dr. Martin Luther King, Jr. looked on.

Johnson's words spoke to all Americans—then and now—about the importance of the right to vote. He said:

> The central fact of American civilization—one so hard for others to understand—is that freedom and justice and the dignity of man are not just words to us. We believe in them. . . . Every family across this great, entire, searching land will live stronger in liberty, will live more splendid in expectation, and will be prouder to be American because of the Act you have passed and that I will sign today.

Now is the time to renew that pledge for freedom by reauthorizing the Voting Rights Act, and I am proud to cosponsor this legislation.

I thank Chairman SPECTER and Ranking Member LEAHY for their efforts to report this legislation out of their committee with unanimous support yesterday. I hope the full Senate will show the same level of support when the bill is voted on this afternoon.

The importance of renewing this act was driven home to me yesterday when, like many of my colleagues, I met with a delegation from my State's chapter of the NAACP—here for the annual NAACP meeting and to visit with their congressional delegation.

The meeting was not only a wonderful opportunity to see about 40 old friends, it was a demonstration of the fundamental constitutional principle that powers our Republic—the right to petition the government about the issues that matter most.

Of course, it strikes me that 40 years ago, while Senators on the floor of this very Chamber debated the original Voting Rights Act, some of those constituents' own parents and grandparents could not even cast a vote without fear for their own lives. And that was for one reason—because they were Black. Those were tragic times for America.

I remember my own trip to Mississippi in 1963, as a senior in college when I joined with friends on a trip to Mississippi to draw attention to the cause of enfranchising African-American voters. Our goal, like others who made similar journeys, was to support the fight of the young heroes of the civil rights movement—Black men and women who. sat at lunch counters, who refused to move to the back of the buses, who peacefully but powerfully demanded the most basic rights every American deserves—including the right to cast a vote.

I like to believe our trip to Mississippi was a small step in the march toward equality that Dr. King and other civil rights leaders, like Representative JOHN LEWIS from Georgia, who sat at those lunch counters, pressed upon the American conscience in those heavy days.

But my meeting with the Connecticut chapter of the NAACP reminded me the march toward equal rights is not over.

In my meeting, one woman asked, ''Why does Congress even have to extend the Voting Rights Act? Why is the law not permanent?''

I explained that Congress passes legislation that automatically expires because it is important to assess whether a law is working as intended, whether it needs changing to address new concerns, or whether it is needed at all.

Thanks to the Voting Rights Act of 1965, every American now has the opportunity to vote and any American can come to Washington to meet with his or her Senators, and I am grateful so many people do. Across the country, the number of African-American elected officials has increased from just 300 in 1964 to more than 9,000 today, including 43 Members of Congress.

But with some regret, we must conclude that the Voting Rights Act is as necessary today as it has ever been. For as long as the law continues to be violated, we still need that law.

Since 1982, when the act was last extended, there have been more than 1,000 complaints of violations of the Voting Rights Act all across the country. Just last month, the Supreme Court struck down parts of the redistricting plan in Texas because the court ruled that the plan disenfranchised large numbers of Hispanic voters.

As long as there are efforts to dilute the votes of some or to make it more difficult for any of our fellow citizens to vote, we need the Voting Rights Act and the provisions that are set to expire next year.

I urge my colleagues to pass this legislation today because the march toward equality must continue. But I look forward to the day when it is no longer needed because we have achieved the ideal where each and every vote cast in this great democracy of ours has the same voice and carries the same weight and that everyone who wants to vote can do so with ease and without fear of discrimination.

I urge my colleagues to pass this legislation today because the civil rights march must continue because we cannot confuse progress with victory.

As Martin Luther King said on the front steps of the Lincoln Memorial, a speech I heard in person, we can never be satisfied until every citizen can vote and every citizen has something to vote for.

And when that day comes, when we have achieved full voting rights and civil rights for all Americans, Dr. King can look down from Heaven, his mission finally fulfilled, and call out:

''Free at last! Free at last! Thank God almighty, they are free at last.''

Mr. BIDEN. Mr. President, I would like to spend just a few minutes talking about why I support this Voting Rights Act reauthorization.

The Supreme Court has said voting rights are so important because they are ''preservative of all rights'' (Yick Wo v. Hopkins (1886)). I couldn't agree more, and that is why the Voting Rights Act was and is so centrally important to our country.

Martin Luther King, Jr., called President Johnson's support of the Voting Rights Act ''a shining moment in the conscience of man.'' That moment must continue.

The act began a true transformation of our country. In 1964, there were only 300 African Americans in public office, including just three in Congress. There were exceptionally few anywhere in the South. Today, there are more than 9,100 Black elected officials, including

43 Members of Congress, the largest number ever.

The act helped open the way for the 6,000 Latino public officials elected and appointed nationwide, including 263 at the State or Federal level, 27 of whom serve in Congress.

One of the leaders of the civil rights movement, Congressman JOHN LEWIS, has characterized the impact of the Voting Rights Act this way: ''It not only transformed Southern politics, it transformed the nation.'' I couldn't agree more.

But we shouldn't just rest on the successes of the recent past. We must remain vigilant. For hundreds of years, our country struggled with slavery and the fact that nothing more than a person's skin color could determine his or her prospects in life. Even after we enacted the 15th amendment, our country struggled with Jim Crow laws and persistent discrimination.

We have now had the Voting Rights Act for 40 years, which may seem like a long time, but compared against our long and shameful history of race discrimination, 40 years seems pretty short.

Thankfully, we have come a long way since signs emblazoned windows read: ''colored need not apply'' and ''Whites only.'' But let's not be lulled into a false sense of security: racism—though much more subtle—still exists. African Americans can apply for a job all right but they might not get it because ''they're not the right type,'' or ''they just wouldn't fit in.'' New words for old sins.

Our recent history still finds sophisticated discrimination occurring when it comes to voting; and we must be especially vigilant here because voting is such a cornerstone of our democracy. We must continue to ensure diversity in our democracy and protect the rights of all Americans irrespective of race, gender, or national origin.

That is why I strongly support this reauthorization of the Voting Rights Act and am a cosponsor.

Authorizing the Voting Rights Act will be one of the most important things we can do this year, and I look forward to helping in any way that I can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I grew up in Danville, VA. The town of Danville, a town of about 30,000 people right on the North Carolina border, was famous for three things when I was growing up there. It was the home of the Dan River cotton mills, it was famous for being the world's biggest tobacco market, and it was famous for being the last capital of the Confederacy. I remember as a child riding back and forth to Danville, VA from our home outside of town and riding in the front of the bus, knowing that other people of color would ride in the back of the bus. I remember visiting downtown and going to restaurants, knowing if you were white you could eat there, and if you were not white, you could not. I remember seeing the water fountains, whites only, colored only.

I remember going to the Rialto theater with my sister, watching three movies on a Saturday afternoon for 25 cents. If you were white, you got to sit on the first floor. If you were not, you sat up in the balcony. I remember going to catch the bus across the street from my house and going about 10 miles on a bus to high school and knowing that the kids of color, about 100 yards further away from us, would get on their bus and head out to go to their school, driving by mine and going another 10 miles to their own school.

The PRESIDING OFFICER. Under the order that was agreed to by unanimous consent, the Democratic leader has the floor at 4 o'clock.

Mr. REID. Will the Senator from Delaware indicate how much more time he needs?

Mr. CARPER. If I could have 3 minutes.

Mr. REID. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. In addition to not being able to drink water at fountains with us, eat in the same restaurants, go to movies, ride on the bus or go to school with the rest of us, the other thing that folks of color couldn't do in my hometown was vote. They couldn't vote because they didn't pay a poll tax. They couldn't vote because they weren't smart enough allegedly to pass the test they had to take in order to become voters.

I came here in 1965, barely out of high school, 18 years old. I went to the Rayburn Building and happened to walk into a hearing in 1965 by the House Judiciary Committee on this legislation, the Voting Rights Act of 1965. The enactment of that legislation did more to change things in my town of Danville, VA, and a lot of towns in this country, especially in the South, than any one thing I can think of.

Yesterday, as several of us in the Senate rolled out something we called the Restoring the American Dream Initiative, we started off by trying to make sure that everybody who wanted to go to college had the ability to get to college. If we are going to be successful as a nation in the 21st century, we need a world class workforce. We can't have that unless we have well-educated, college-educated people. In order to have those kinds of opportunities, before we ever get to college we have to make sure kids have a decent chance to go to good elementary, middle, and high schools. And in order for anybody to have the American dream, it is important to have a chance to get a decent job, have a chance to be a home owner, raise a family, work hard, and live in a community and practice your faith.

The one best way to ensure that people of all walks of life have those opportunities is to make sure that they have the opportunity every November, or whenever, to go into the voting booth, be registered to vote, and exercise their constitutional right. By the passage of this legislation today, we reaffirm our commitment to that sacred right.

As one who came here 41 years ago, when my very first experience in the Capitol as an 18-year-old teenager was the debate on this legislation, to be back here today as a Member of the Senate, something I never thought possible, is an uplifting experience for me. I hope it serves as an inspiration to young men and women of whatever race or background they might be. I thank the leader.

I yield back my time.

Mr. REID. Mr. President, how much time did the Senator from Delaware use?

The PRESIDING OFFICER. Three minutes.

Mr. REID. Mr. President, I yield to the Senator from Vermont, Mr. LEAHY.

Mr. LEAHY. Mr. President, earlier this afternoon when I was not on the Senate floor, a few Republican Senators gave statements that reflected their individual views of what the legislation we are considering today will do to address the Supreme Court's interpretation of legislative intent in the Georgia v. Ashcroft and Reno v. Bossier Parish cases. While I am not fully informed of their positions, I certainly disagree with what I heard.

In the Senate Judiciary Committee we received extensive testimony about these two provisions over the course of several hearings that informed our Committee vote yesterday. I ask unanimous consent to have printed in the RECORD a full explanation of the testimony we received that informed our vote yesterday and my understanding of the purpose and scope of these two provisions as an original and lead sponsor.

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

GEORGIA V. ASHCROFT FIX

The first of these provisions is commonly referred to as the ''Georgia vs. Ashcroft fix.''

In the Judiciary Committee we received evidence that the Voting Rights Act had been significantly weakened by the Supreme Court's decision in Georgia v. Ashcroft because it narrowed the protections afforded by Section 5. Prior to the Ashcroft decision, an objection would be raised by the Department of Justice if the voting change made the position of minority voters worse off in terms of their ability to elect candidates of their choice. In Ashcroft, the Supreme Court replaced the clear and administrable ''ability to elect'' standard with an unworkable ''totality of the circumstances'' standard that appears to permit the trading away of districts in which minority voters have the opportunity to elect candidates of their choice for districts in which minority voters may (or may not) have an ''influence'' over who is elected.

It is my understanding that the bill we are considering here today clarifies congressional intent after the Georgia v. Ashcroft

decision by re-establishing that Section 5 requires that there be no retrogression of minority voters' ability to elect the candidate of their choice—the standard described in Beer v. United States that governed Section 5 preclearance decisions prior to the Supreme Court's decision in Ashcroft.

The drafters of this legislation concluded that ''ability to elect'' was the proper standard because it preserves the gains made in minority voting power and provides a more manageable standard to guide covered jurisdictions, the Department of Justice, and the federal courts as they review voting changes pursuant to Section 5.

The bill we are considering today re-establishes the ''ability to elect'' standard because the ''totality of the circumstances'' test articulated in the Ashcroft decision undermines Section 5's ability to protect against discrimination and maintain the progress made in minority political participation, and it creates an amorphous standard that will be difficult for covered jurisdictions to follow and for the Justice Department to administer.

We in Congress who are supporting this bill determined that we must address this standard for the same reasons as the dissent in Ashcroft noted, that is because the ''totality of the circumstances'' test adopted by the Supreme Court majority ''unmoors §5 from any practical and administrable conception of minority influence'' by abandoning the ''anchoring reference to electing a candidate of choice'' that had previously guided Section 5 preclearance.

In the Judiciary Committee we received extensive testimony about the harm that the Ashcroft decision has had on the power of Section 5 to protect minority voters. Political science professor Theodore Arrington, who has served as an expert witness in over 30 voting rights cases, testified at the Committee's hearings that the Ashcroft case created an ''unworkable standard'' because there is ''no way to know how to comply with the Court's mandate.'' The legislation we are considering today would add needed clarity.

The difficulty of measuring minority ''influence'' was well-illustrated by the results in Georgia v. Ashcroft itself, as was pointed out in the Committee by Professor Pamela Karlan. The Supreme Court noted that most of the districts in which African-Americans make up more than 20% of the electorate are majority-Democrat, which the Court concluded ''make it more likely as a matter of fact that African-American voters will constitute an effective voting bloc, even if they cannot always elect the candidate of their choice.'' However, in the three districts where African-American voters supposedly retained an ''influence'' on their elected representatives, the elected white representatives switched from the Democratic to the Republican party in the two-week period between their election and the inauguration, which resulted in the Democrats losing control of the Georgia State Senate. This result undermined the Supreme Court's view that representatives elected in a minority ''influence district'' would listen and respond to their sizable minority constituents despite not being these voters' preferred candidates.

The aftermath of Georgia's elections supports the dissenting justices' views that it is impossible for a court to measure minority influence, and thus a state should not be granted preclearance for redistricting plans that trade away districts in which minority voters have the ability to elect their preferred candidates for ones in which they might have the ability to influence candidates elected by others. As Ashcroft itself demonstrated, the appearance of influence might far exceed the reality.

The impact of ''influence districts'' is particularly ephemeral where the existence of racially polarized voting means that elected officials do not need minority voters to retain their seats. As Laughlin McDonald, Director of ACLU's Voting Rights Project, testified, racially polarized voting means that African-Americans may have little or no influence in majority white districts. In the 1970s and 1980s, only about 1% of majority white districts in the South elected an African-American to a state legislature. As late as 1988, no African-American had been elected from a majority white district in Alabama, Arkansas, Louisiana, Mississippi, or South Carolina. The ACLU's Voting Rights Project Report described the pervasiveness of racial bloc voting in covered jurisdictions. For example, in Smith v. Beasley, decided in 1992, a three-judge court found that ''[i]n South Carolina, voting has been, and still is, polarized by race. This voting pattern is general throughout the state.'' Ten years later, in 2002, another three-judge court made a similar finding: ''Voting in South Carolina continues to be racially polarized to a very high degree in all regions of the state and in both primary and general elections.'' As recently as 2004, the Fourth Circuit affirmed the findings of a South Carolina district court that ''voting in Charleston County Council elections is severely and characteristically polarized along racial lines.''

After Ashcroft, states can redistrict in ways that diminish minority voters' political power. As Professor Nathaniel Persily testified, the ''danger that Ashcroft seemed to invite and that this legislation intends to fix is the possibility that under the cloak of 'influence districts' a jurisdiction might dilute the minority vote by splitting large minority communities among several districts in which they really have no influence at all.'' Professor Persily explained that under the Ashcroft precedent, the Department of Justice could preclear a state redistricting plan that split a 60% minority district into two 30% minority influence districts, even though such a plan would severely diminish minority voters' ability to elect their preferred candidates. Moreover, combined with the Supreme Court's holding in Bossier II, a state legislature could enact these kinds of voting changes for the express purpose of discriminating against minority voters, and yet they nonetheless might be precleared under Section 5.

The VRARA restores Section 5 to its original intended meaning so that it prohibits voting changes that undermine racial minorities' ability to elect candidates of their choice. The VRARA provides that ''[t]he purpose of subsection (b) of this section is to protect the ability of such [minority] citizens to elect their preferred candidates of choice.'' This change to Section 5 makes clear that Congress rejects the Supreme Court's Ashcroft decision and reestablishes that a covered state's redistricting plan cannot eliminate ''ability to elect'' districts and replace them with ''influence districts.''

The amendment to Section 5 does not, however, freeze into place the current minority voter percentages in any given district. As stated by the dissenters in Georgia v. Ashcroft, as well as by Professor Arrington and Professor Persily at the Committee hearings, reducing the number of minorities in a district is perfectly consistent with the pre-Ashcroft understanding of Section 5 as long as other factors demonstrate that minorities retain their ability to elect their preferred candidates. The amendment is intended to make clear that the addition of districts in which minorities might have an influence on the political process cannot compensate for the elimination of districts in which minorities have the ability to elect a preferred candidate. But there is no ''magic number'' that every district must maintain to satisfy the ''ability to elect'' standard; the percentages will vary depending on such variables as the extent of racially polarized voting and white crossover voting, registration rates, citizenship variables, and the degree of voter turnout. As both Professor Arrington and Professor Persily stated in their testimony, all of these considerations should come into play, making the ''ability to elect'' standard one that turns on the context of the districts at issue, as was the case under the Beer standard.

The ''ability to elect'' standard does not lock in districts that meet any particular threshold. Determinations about whether a district provides the minority community the ability to elect must be made on a case-by-case basis. Indeed, prior to Georgia v. Ashcroft, the Department of Justice utilized case-by-case analysis to determine whether a voting change impacted the minority community's ''ability to elect.'' Specifically, DOJ performed an intensely jurisdiction-specific review of election results, demographic data, maps and other information in order to compare the minority community's ability to elect under benchmark and proposed plans. Other information considered by DOJ, outlined in the Procedures for the Administration of Section 5 of the Voting Rights Act,'' 28 C.F.R., Part 51, include the extent to which a reasonable and legitimate justification for the change exists, the extent to which the jurisdiction followed objective guidelines and fair and conventional procedures in adopting the change, the extent to which the jurisdiction afforded members of racial and language minority groups an opportunity to participate in the decision to make the change, and the extent to which the jurisdiction took the concerns of members of racial and language minority groups into account in making the change. This analysis allows jurisdictions a degree of flexibility in the adoption of their voting changes.

In sum, to avoid violating Section 5's nonretrogression standard, a covered state's redistricting must ensure that it has not diminished minority voters' ability to elect their candidates of choice. The ''ability to elect'' standard that is being reestablished through the VRARA prevents all types of retrogressive changes, whether they come from the dispersion of a minority community among too many districts (cracking) or the overconcentration of minorities among too few (packing).

BOSSIER FIX

The second of these provisions is usually referred to as the ''Bossier Fix.''

We have acted in this reauthorization to restore the VRA's original standing and effectiveness. After hearing extensive testimony and carefully reviewing the record created in the Senate and in the House of Representatives, we concluded that the Supreme Court's holding in a case called Reno v. Bossier Parish (''Bossier II''), went against both the original intent of Congress and established Department of Justice and judicial precedent. Section 5 of the VRA requires that all changes in covered jurisdictions ''not have the purpose and . . . not have the effect of denying or abridging the right to vote on account of race or color.'' Accordingly, the process for preclearing changes consists of two prongs. First, it consists of an inquiry as to the purpose of the change in question. Then, it requires a separate examination into the effect of the change. A plan may not receive preclearance without satisfying requirements under both prongs. Traditionally, the purpose prong has been a common basis for Department of Justice objections to plans submitted by covered jurisdictions. However, since ''Bossier II'' the scope

and effectiveness of the purpose prong has been dramatically limited.

That is why we are amending the VRA to make clear that a covered jurisdiction does not have to disprove the existence of any Section 2 violation to obtain Section 5 preclearance. Rather, contrary to the suggestions of a handful of my colleagues who wish to undermine what we accomplish today, this bill amends the VRA to make clear that it prohibits all voting changes enacted with a discriminatory purpose.

THE HOLDING IN BOSSIER II

The controversy in Bossier II arose when the school board (''the Board'') of Bossier Parish, Louisiana sought to redraw the districts that elected its members. At the time of the 1990s redistricting, African-Americans made up approximately 20% of the parish's population. They did not, however, comprise a majority in any of the twelve school board districts in the parish. In 1992, the Board adopted a new redistricting plan that did not create any new majority-African-American districts, rejecting an alternate plan that would have created two majority-African-American districts.

In January of the following year, the Board submitted its redistricting plan for preclearance to the Department of Justice; upon objection by the Attorney General, the Board filed suit for a declaratory judgment in the federal district court to obtain preclearance. At trial, the Attorney General argued that the plan should not be approved under Section 5 for two reasons. First, the plan diluted the voting strength of African-American voters, in violation of a separate provision of the VRA, Section 2. Second, the plan was enacted with a discriminatory purpose.

At trial, DOJ presented extensive evidence that the plan was, in fact, enacted with a discriminatory motive. The Board's refusal to draw a single African-American majority district stood in stark contrast to its own admission that creation of a majority-African-American district was clearly feasible, and in contrast to expert testimony that African-Americans would only be able to elect their chosen candidate in such a district. Moreover, the manner in which the districts were drawn suggested—in the Board cartographer's own opinion—that traditionally African-American populations were purposefully divided into adjoining white districts, a process known as ''fracturing.'' Most alarming, however, was testimony suggesting that certain Board members were openly hostile to African-American representation or African-American-majority districts.

In spite of this evidence, the trial court precleared the plan. The case twice reached the Supreme Court on separate appeals. The first time, the Court agreed with the trial court that a voting change cannot be denied preclearance under Section 5 solely because the change violated Section 2. The second time—Bossier II—the Court addressed a more contentious question: whether Section 5 prohibited all voting changes enacted with a discriminatory purpose. The Court answered this question in the negative, holding that Section 5 does not bar electoral changes enacted with a discriminatory purpose if those changes were designed only to maintain, and not worsen, the current electoral strength of a protected minority group.

Bossier II was premised on the holding in an earlier Section 5 case, Beer v. United States. In Beer, the Supreme Court interpreted the effects prong to prohibit only those changes that had a ''retrogressive'' impact on the voting strength of minorities in a covered jurisdiction. The question of retrogression—whether or not a proposed plan decreased voting strength as compared to the previous plan—thus became the critical measure of success or failure under the effects prong. In Bossier II, Justice Scalia argued that since ''purpose'' and ''effect'' both modify the same object in the text of the statute—''denying or abridging the right to vote on account of race or color''—they must prohibit the same activity. If Beer held that the effects prong only prohibited ''retrogression,'' the Court's majority reasoned that Section 5 would only prohibit retrogressive intent. The end result of this argument was aptly summarized by Debo Adegbile, who testified: ''Since [Bossier II], non-retrogressive voting changes motivated by racial animus, no matter how clearly demonstrated . . . are insulated from Section 5 objection under the purpose prong.'' Justice Souter, dissenting from the majority opinion, came to the same conclusion: ''Now executive and judicial officers of the United States will be forced to preclear illegal and unconstitutional voting schemes patently intended to perpetuate discrimination.''

PROBLEMS WITH THE PURPOSE PRONG UNDER BOSSIER II

The holding in Bossier II is at odds with congressional intent and established judicial and Department of Justice precedent. It effectively eviscerates the purpose prong of Section 5 and compromises the overall ability of Section 5 to combat innovative discriminatory practices, which it was originally designed to prohibit. Committee reports from the 89th Congress uniformly suggest that the Senate and House of Representatives designed Section 5 as a broad protection against increasingly innovative discriminatory practices. This is reflected in the fact that the language of the provision closely parallels that of the 15th Amendment, which prohibits intentional discrimination. This is not a coincidence; members of both the Senate Judiciary Committee and the House of Representatives Judiciary Committee explicitly cited the VRA as a bill primarily intended to enforce the 15th Amendment.

In 1966, when the Supreme Court heard the first constitutional challenge to the VRA, it reaffirmed the broad scope envisioned by Congress. In South Carolina v. Katzenbach, the Court explained that the VRA was designed ''to rid the country of racial discrimination in voting,'' and described Section 5 as ''the heart of the Act.'' Six years later, in Perkins v. Matthews, the Court stated that there was ''little question'' that Congress intended Section 5 to ensure that covered jurisdictions ''not institute new laws with respect to voting that might have a racially discriminatory purpose or effect.'' In 1975, far from repudiating earlier Committee reports or the statements in Katzenbach and Perkins, this Committee further emphasized a broad role for Section 5, one that went beyond the mere preservation of minority voting strength.

The purpose prong established by Bossier II is far narrower than Congress intended. While the retrogression standard defines prohibited effects, the same standard limits the purpose prong to the point of insignificance. After Bossier II, the only occasion in which the purpose prong would be the sole basis for a Department of Justice objection would be when the covered jurisdiction intended to decrease minority voting strength, but somehow failed in this effort.

More incongruously, however, as conceived by Bossier II, the purpose prong would actually reward those covered jurisdictions with the most extensive histories of minority vote dilution; this is what Professor Anita Earls described in hearings before the Judiciary Committee as the ''discrimination dividend.'' Where a jurisdiction has traditionally structured its election methods and voting practices so that minority voters have no voting strength, and no ability to elect candidates of their choice to begin with, it is impossible for new voting practices to be retrogressive. When no retrogression is possible, it is also impossible to prove retrogressive intent. The Bossier II interpretation of the purpose prong would freeze voter discrimination at existing levels, to the benefit of the most discriminatory of jurisdictions.

I find no evidence to suggest that the 94th Congress enacted Section 5 with such a limited—and indeed, paradoxical—scope in mind. To the contrary, Section 5 was designed to target precisely those areas with the most entrenched histories of discrimination. The Supreme Court long recognized this. I agree with the findings of the House Committee on the Judiciary, which concluded that the purpose prong was designed to prevent all voting changes with a discriminatory intent. We reported VRARA and will pass it today to restore the original understanding of that provision.

In addition to contravening congressional intent, Bossier II is also in conflict with more than three decades of judicial and Department of Justice precedent. Prior to Bossier II, the Department of Justice interpreted the purpose prong of Section 5 to block all changes enacted with a discriminatory intent, regardless of retrogressive effect. This was not a limited practice. Prior to Bossier II, a large percentage of all Department objections were based on discriminatory purpose alone.

The Supreme Court reached the same conclusion, consistently construing Section 5 as barring implementation of electoral changes if and when they were adopted with a discriminatory purpose. In City of Richmond v. United States, for example, the Court held that a proposed annexation had no discriminatory effect under Section 5. However, the Court nevertheless remanded the case to the District Court to determine if the change was adopted for a discriminatory purpose. As the Court stated in City of Richmond: ''An official action, whether an annexation or otherwise, taken for the purpose of discriminating against Negroes on account of their race has no legitimacy at all under our Constitution or under the statute.'' Likewise, in City of Pleasant Grove v. United States, a covered jurisdiction was denied preclearance for a proposed annexation, even though retrogressive effect was impossible, because of clear evidence that the annexation was enacted with a racially discriminatory purpose. The Court explained that ''[t]o hold otherwise would make appellant's extraordinary success in resisting integration thus far a shield for further resistance.'' Even in Beer, the purported foundation for Bossier II, the Court provided that changes that actually improved the voting strength of minorities could still be denied preclearance if they were intentionally discriminatory. The District Court for the District of Columbia—the body charged with exclusive jurisdiction over Section 5 suits—also consistently held (before Bossier II) that Section 5 prohibits changes enacted with a discriminatory intent.

For thirty-five years, Congress reviewed and renewed the Voting Rights Act and amended Section 2 in response to another Supreme Court precedent, Mobile v. Bolden, but Congress did not change or raise any objection to the judicial or Justice Department interpretations of the Section 5 purpose prong. Instead, Congress reauthorized Section 5 unamended on three separate occasions. Until Bossier II, all three branches of government—the courts, the executive, and the legislature—appeared to be in agreement that the purpose prong prohibited all

changes enacted with a discriminatory intent.

BOSSIER II UNDERMINES THE EFFECTIVENESS OF SECTION 5

Bossier II has had a striking impact on the Section 5 purpose prong, minimizing the number of purpose-based objections and undermining the overall ability of Section 5 to block discriminatory electoral practices in covered jurisdictions. The record of preclearance objections after Bossier II suggests that the purpose prong under Bossier II has become inconsequential and has no meaning apart from retrogressive effect. After Bossier II, there was a steep drop in the number of Department of Justice objections based on purpose alone. In the 1980s, 25% of DOJ objections—83 objections in total—were based on intent alone; in the 1990s, this number increased to 43%, with 151 objections solely based on discriminatory intent. In the five years following Bossier II, only two out of a total of forty-three objections (4%) have been interposed because of retrogressive intent, the only purpose prohibited by Bossier II. In the words of one House Judiciary Committee witness, Mark Posner, the purpose prong ''has effectively been read almost entirely out of Section 5.''

According to Mr. Posner's testimony, the impact of Bossier II on Section 5 enforcement is evident from the recent history of decennial redistricting. After the 1980 Census, the Department of Justice objected to 7% of redistricting plans filed by covered jurisdictions; this rate increased to 8% after the 1990 Census. In contrast, DOJ objected to only 1% of redistricting plans filed after the 2000 Census. There is strong evidence that the drop is significantly attributable to the absence of purpose-based objections.

The inability of Section 5 to block changes enacted with a discriminatory intent is highly troubling. At its core, the Voting Rights Act was designed to fight discrimination in American politics; the VRA is a vehicle to enforce the 14th and 15th Amendments, which themselves prohibit intentional discrimination in various settings. Section 5 was the centerpiece of this effort, effectively shifting the burden of fighting racial discrimination from the victims to the state. Allowing expressly discriminatory plans to attain preclearance solely because the voting strength of a minority group is too weak to be further worsened undermines the original impetus of the VRA in general, and Section 5 in particular. Furthermore, it shifts the burden of fighting voting discrimination back to its victims.

RESTORING SECTION 5 PURPOSE INQUIRY

For the reasons I have described, we find it necessary to amend Section 5 to restore the purpose prong to its original scope, enabling the Attorney General and the District Court of the District of Columbia to object to any voting changes enacted with a discriminatory intent. The VRARA accomplishes this by adding subsections (b) and (c) to Section 5, which state that, ''(b) Any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting that has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), to elect their preferred candidates of choice denies or abridges the right to vote within the meaning of subsection (a) of this section,'' and ''(c) The term ''purpose'' in subsections (a) and (b) of this section shall include any discriminatory purpose.''

These sections reject the holding in Bossier II and clarify Congress' original intent that Section 5 prohibit all voting changes enacted with a discriminatory purpose. This would also realign the purpose prong with constitutional standards, allowing Section 5 to prohibit intentional discrimination that would otherwise be unconstitutional under the 15th Amendment. I reject any reading of Section 5 that would allow explicitly discriminatory voting changes to be precleared, solely because the voting strength of the minority group in question cannot be further diminished. I believe that the VRARA remedies this problem and restores the purpose prong of Section 5 to prevent purposeful discrimination.

Mr. LEAHY. Mr. President, as the Senate stands poised to conclude this debate and reauthorize the Voting Rights Act, we recall the words of Martin Luther King, Jr., in his famous ''I have a Dream'' speech, where he noted: ''When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir.'' The Voting Rights Act is one of the most important methods of enforcing this promise and upholding the Constitution's guarantee of equal rights and equal protection of the law. We owe it those who struggled so long and hard to transform the landscape and make America a place of political inclusion to reauthorize this important Act. We all enjoy these protections and take them for granted. No Senator would ever be denied the right to vote, but the same cannot be said about millions of others. We act so that all Americans can enjoy America's bounty, its blessings and its promise.

On May 2, our congressional leadership stood together on the steps of the Capitol—an historic announcement in an era of intense partisanship. We came together in recognition that there are few things as critical to our Nation, and to American citizenship, as voting. In sharp contrast to the tremendous resistance and bitter politics which met the initial enactment of the Voting Rights Act, our efforts this year have overcome objections through discussions, the hearing process and by developing an overwhelming record of justification for extension of the expiring provisions. Last week, the House of Representatives, after a month of delay, passed H.R. 9 by a vote of 390–33, rejecting all efforts to reduce the sweep and effect of the Voting Rights Act. Yesterday in the Senate Judiciary Committee, we did the same after almost as long a delay in considering the companion Senate bill. We acted unanimously to report the Senate bill. Now it is up to the full Senate to complete our work.

As Congressman JOHN LEWIS said, ''When historians pick up their pens and write about this period, let it be said that those of us in the Congress in 2006, we did the right thing. And our forefathers and our foremothers would be very proud of us. Let us pass a clean bill without any amendments.'' I am encouraged that we are so close to accomplishing this today.

The path that my good friend JOHN LEWIS has taken from Selma, AL, to Congress, from ''Bloody Sunday'' in 1965 on the Edmund Pettis Bridge to leading the fight in 2006 to reauthorize the Voting Rights Act, is a lesson to us all. The events of Bloody Sunday, were caught on television cameras, and those powerful images laid bare for all Americans the violence encountered by many African Americans trying to exercise their civil rights. It was a crucial turning point in securing the right to vote. A few days after the violence of Bloody Sunday, President Lyndon Johnson outlined the proposed Voting Rights Act of 1965, before a joint session of Congress. Later that year, Congress passed it so that the Constitution's guarantees of equal access to the electoral process, regardless of race, would not be undermined by discriminatory practices.

Like the rights guaranteed by the First Amendment, the right to vote is foundational because it secures the effective exercise of all other rights. As people are able to register, vote, and elect candidates of their choice, their interests and rights get attention. The very legitimacy of our democratic Government is dependent on the access all Americans have to the electoral process.

Today we are poised to reaffirm a cornerstone of our civil rights laws. As we do, we recall the great historic struggle for civil rights led by American heroes of vision and strength, such as Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, who passed away just months ago. We honor their legacy by reaffirming our commitment to protect the right to vote for all Americans.

The pervasive discriminatory tactics that led to the original Voting Rights Act were deeply rooted. As a Nation, this effort to ensure equal protection dates back more than 135 years to the ratification of the 15th Amendment in 1870, the last of the post-Civil War Reconstruction amendments. It took the passage of the Voting Rights Act of 1965 for people of all races in many parts of our country to begin the effective exercise of rights granted 95 years earlier by the 15th Amendment. Despite the additional gains we have made in enabling racial minorities to participate in the political life of the Nation, the work of the Voting Rights Act is not yet done.

In fact, in the recent LULAC decision, the Supreme Court—finding that 100,000 Latino Americans were illegally disenfranchised in Texas—affirmed that racial discrimination against our Nation's minorities persists today. It proves that the protections of the Voting Rights Act are still needed. We have this year undertaken an extensive process of congressional fact-finding. What it establishes is that we are right to extend the protections of the Voting Rights Act.

In the Senate Judiciary Committee, we held nine hearings on the Voting Rights Act. We received thousands of pages of testimony, reports, articles,

letters, statistics, and other relevant material from a wide variety of sources to inform our consideration. The evidence gathered, together with the record developed in a dozen hearings in the House provide us with an adequate basis for Congress to determine that the protections of the Voting Rights Act are still needed both to maintain the gains already achieved and to continue to enforce the guarantees of equality enshrined in the 14th and 15th Amendments.

Much of the testimony we received focused on the continuing need for Sections 5 and 203 of the Voting Rights Act as essential safeguards to the rights and interests of Americans of all races and our language minorities.

The record we have assembled and consider justifies the renewal of Section 5. This section requires certain jurisdictions with a history of discrimination to ''pre-clear'' all voting changes with either the Justice Department or the U.S. District Court for the District of Columbia. In doing so, Section 5 combats the practice of those jurisdictions of shifting from one invalidated discriminatory tactic to another, which had undermined earlier efforts to enforce the 15th Amendment. After ''enduring nearly a century of systematic resistance to the Fifteenth Amendment,'' Congress found, it was imperative to ''shift the advantage of time and inertia from the perpetrators of the evil to its victims.''

Section 5 continues to be a tremendous tool for protecting minority voting rights and a necessary one. For example, in 1992, the Attorney General used Section 5 to stop Wrightsville, GA, from relocating its polling place from the county courthouse to a private all-white club with a history of refusing membership to black applicants and a then-current practice of hosting functions to which blacks were not welcome. Even more recently, in 2001, Kilmichael, Mississippi's white mayor and all-white Board of Aldermen abruptly cancelled an election after Census data revealed that African Americans had become the majority in the town and an unprecedented number of African-American candidates were running for office. The Justice Department objected under Section 5. Only after the Justice Department forced Kilmichael to hold an election in 2003 did it elect its first African-American mayor, along with three African-American aldermen.

These are just a couple of examples that are representative of the barriers to political participation that all too many American citizens still face today, in 2006. In addition to finding extensive evidence that covered jurisdictions have continued to engage in discriminatory tactics, we also found that the Section 5 preclearance requirement has served a vital prophylactic purpose in protecting against discriminatory voting practices before they go into place and securing the gains made in minority political participation.

The record also supports renewal of Sections 203 and 4(f)(4), which require bilingual voting assistance for certain language minority groups, to ensure that all Americans are able to exercise their fundamental right as citizens to vote. According to the most recent information from the Census, more than 70 percent of citizens who use language assistance are native born, including Native Americans, Alaska natives and Puerto Ricans. Many of those who benefit from Sections 203 and 4(f)(4) suffer from inadequate educational opportunities to learn English.

These Americans are trying to vote but many of them are struggling with the English language due to disparities in education and the incremental process of learning. We can and we must reauthorize these provisions to make sure there is no literacy test at the polling place. We endured a time in our Nation's history when such tests disenfranchised many voters. Renewing the expiring language provisions will help enable all Americans to participate fully in our Nation's democracy.

The record also supports the need to amend the VRA to restore its original purpose in response to two Supreme Court decisions that have limited its effectiveness. The bill remedies the Supreme Court's holding in Reno v. Bossier Parish, by making clear that a voting rule change motivated by any discriminatory purpose violates Section 5. Under the holding in Reno v. Bossier Parish, certain voting rule changes passed with the intent to discriminate against minorities could pass Section 5 muster. Because such an interpretation is inconsistent with congressional intent and the purpose of the Voting Rights Act to eliminate discriminatory tactics that undermine the guarantees of the 15th Amendment, our bill fixes this inconsistency by clarifying that a voting rule change motivated by any discriminatory purpose also cannot be pre-cleared.

The bill also remedies the Supreme Court's holding in Georgia v. Ashcroft. In this case, the Supreme Court provided an unclear and unworkable test for assessing a jurisdiction's challenge to denial of Section 5 pre-clearance. Congressional intent was to protect the ability of a minority community to elect a candidate of its choice. This legislation clarifies our congressional intent by setting forth defined factors to restore the original understanding of the Voting Rights Act to protect the minority community's ability to elect their preferred candidates of choice.

It has often been said that those who cannot remember the past are condemned to repeat it. We must make certain that the significant gains in voting rights over the past four decades do not suffer the same fate as the voting rights provided during Reconstruction. After the Civil War, the Reconstruction Act promised that the guarantees of the 15th Amendment would be realized. Between 1870 and 1900, 22 African-Americans served in the United States Congress. In 1868, Louisiana elected an African-American Lieutenant Governor, Oscar Dunn, and 87 African Americans held seats in the South Carolina legislature. However, these Reconstruction-era gains in African-American voting and representation proved to be short-lived. Following the end of Reconstruction, the rights of African-Americans to vote and to hold office were virtually eliminated in many areas through discriminatory legal barriers, intimidation, and violence. The changes were swift, systematic and severe. By 1896, Representative George White of North Carolina was the only African American remaining in the U.S. Congress, and it would take 72 years after Representative White left Congress for African-American voters in the South to elect another candidate of their choice to Congress.

In Mississippi, the percentage of African-American voting-age men registered to vote fell from over 90 percent during the Reconstruction period to less than 6 percent in 1892. Between 1896 and 1900, the number of African-American voters in Louisiana was reduced from 130,000 to a mere 5,000. Unlike the short-lived gains made by African-American voters during Reconstruction, their exclusion from the ballot box was persistent. Only 3 percent of voting-age African-American men and women in the South were registered to vote in 1940, only 1 percent in Mississippi. These numbers provide a lesson we cannot not ignore.

The passage of the Voting Rights Act in 1965 was a turning point. We have made progress toward a more inclusive democracy since then but I fear that if we fail to reauthorize the expiring provisions of the Voting Rights Act, we are likely to backslide. In his testimony before the Senate Judiciary Committee, civil rights lawyer Robert McDuff warned:

> No place more than Mississippi has been torn by slavery, by the lost promise of emancipation after the Reconstruction period, by the resurgence of racist power in the latter part of the 19th century and most of the 20th, and by the legacy of poverty and racial separation that still exists. While people's behavior and people's hearts can change over time, vigilance is required to ensure that laws and structures remain in place to prevent us as a society from turning back to the worst impulses of the past. Occasional flashes of those impulses illustrate the need for that vigilance. Important changes have come to pass in Mississippi in the last 40 years—changes due in large part to the mechanisms of the Voting Rights Act, particularly the preclearance provision of Section 5. But, like the gains that were washed away after the nation abandoned the goals of Reconstruction in 1876, the progress of the last 40 years is not assured for the future.

When we have such legal protections that are proven effective when enforced, we should not abandon them prematurely simply in the hope equality will come. Reauthorizing and restoring the Voting Rights Act is the right thing to do, not only for those who came before—the brave people who

fought for equality—but also for those who come after us, our children and our grandchildren. No one's right to vote should be abridged, suppressed or denied in the United States of America.

The Voting Rights Act of 1965 is one of the most important laws Congress has ever passed. It helped to usher the country out of a history of discrimination into the greater inclusion of more Americans in the decisions about our Nation's future. Our democracy and our Nation are better and richer for it. We cannot relent in our fight for the fundamental civil rights of all Americans. Congress has reauthorized and revitalized the Act four times pursuant to its constitutional powers. This is no time for backsliding, this is the time to move forward together.

As the Senate completes consideration of this important legislation—the culmination of many months of legislative activity to reauthorize the Voting Rights Act—I welcome the President's statement of support today. It was a long time in coming, and the long way round, but he got there. The President is right to have spoken of racial discrimination as a wound not fully healed. We all want our revitalization of the Voting Rights Act we consider today to help in that healing process and in guaranteeing the fundamental right to vote.

I was reminded today of when the President spoke dramatically last September from New Orleans' Jackson Square and pledged to confront poverty with bold action. I look forward to that bold action. He spoke then of helping our people overcome what he called ''deep, persistent poverty,'' ''poverty with roots in a history of racial discrimination, which cut off generations from the opportunity of America.'' I agree with him. We must, as the President said that night, ''rise above the legacy of inequality.'' That is a shameful legacy that still exists and still needs to be overcome. The President is right that ''the wounds'' of racial discrimination need to be fully healed.

In my judgment, based on the record before this Senate, the reauthorization of the Voting Rights Act is needed to ensure that healing.

We heard so often during the civil rights movement ''we shall overcome.'' But it is not just a case of we shall overcome, it is ''we must overcome.''

I also welcome the support of others who have come recently to this cause and struggle. I welcome our Senate bill cosponsors who joined us after the companion House bill had already won 390 votes and even those who joined after the Senate bill was successfully voted out of our Committee, 18–0. It is never too late to join a good cause, and protecting the fundamental right to vote and have Americans' votes count is just such a cause.

Someone who was not late to the struggle but who has been at its forefront since his election to the Senate in 1962 is the senior Senator from Massachusetts. He worked to pass the original landmark Voting Rights Act in 1965. On this issue he is the Senate's leader. It has been an honor to work beside him in this important effort. And work he did. To assemble the record required work. He came to our hearings, helped organize them, helped assemble the witnesses, and when Senators from the majority were unavailable, he and I proceeded with the permission of our chairman to chair those hearings. We would not be passing this bill without the overwhelming support that it will have if it had not been for Senator KENNEDY.

Of course, we also honor the senior Senator from Hawaii who likewise voted for the Voting Rights Act of 1965 and each of its reauthorizations. His leadership in these matters is greatly appreciated by this Senator and, I believe, by the Senate.

I also thank the Democratic leader for his help. Senator REID stayed focused on making sure this essential legislative objective was achieved. He worked with us and the Republican leader throughout. He is a lead sponsor of the legislation and was a key participant at our bicameral announcement on the steps of the Capitol on May 2.

Throughout the process of developing the bill, developing the legislative record and considering the bill, he has never failed to go the extra mile to ensure the success of this effort.

I thank our Chairman and lead Senate sponsor. As I pushed and cajoled and urged action he heard me out. Together with the other active members of the Judiciary Committee, we worked to assemble the necessary record and consider it so that our bill is on a solid factual, legal and constitutional foundation. I thank each of our cosponsors and, in particular, those who joined us early on, those on the Judiciary Committee, and the Republican leader.

There are too many others who deserve thanks. They include Senator SALAZAR for his contributions throughout and for his thoughtful initiative to broaden those for whom this bill is named by including Cesar Chavez. I look forward to working with him to make that a reality. To all who have supported this effort I say thank you and know that your real thanks will be in the fulfillment of the promise of equality for all Americans in the years ahead.

I wholeheartedly thank the members of the civil rights community.

Led by Wade Henderson and Nancy Zirkin at the Leadership Conference on Civil Rights and by Bruce Gordon and Hilary Shelton of the NAACP and by lawyers like Ted Shaw and Leslie Proll and all the voting rights attorneys who have made the cause of equal justice their lives' work, they have been indispensable to this effort and relentless in their commitment to what is best about America.

I thank my own staff, led by Bruce Cohen, backed by a wonderful staff of Kristine Lucius, Jeremy Paris, Kathryn Neal, Leila George-Wheeler, Margaret Edmonds, and our legal clerks Robynn Sturm, Arline Duffy and Peter Jewett.

I express my appreciation and admiration for all they do to make Congress and America measure up to the promise of our Constitution and the vision that Fannie Lou Hamer, Rosa Parks, Coretta Scott King and Cesar Chavez had for America.

As I said earlier today, all 100 Senators have no problem voting. They can walk into a voting booth in their home State, and nobody is going to say no. We have to make sure that everybody else is treated the same as we 100 Senators are. This is for us, this is for our children, and on a personal level, this is also for our grandchildren.

I yield the floor.

Mr. FEINGOLD. Mr. President, Section 5 of the bill, which deals with Georgia v. Ashcroft and the Bossier II case, is extremely important. As ranking member of the Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Property Rights, I concur with the discussion of this provision by the Senator from Vermont.

Mr. REID. Mr. President, how much time remains?

The PRESIDING OFFICER. Six-and-a-half minutes.

Mr. REID. Does the Senator from Massachusetts need time?

Mr. KENNEDY. Just 2 minutes.

Mr. REID. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank our leader, Senator REID, for his constancy in support of this legislative effort and for his encouragement to all of us on the Judiciary Committee. I thank my friend from Vermont for his kind words.

Earlier today, there have been comments by my friend—and he is my friend—in the Judiciary Committee, Senator CORNYN, and also with regard to particular provisions in section 5, and later there were comments from Senator CORNYN and Senator KYL about an amendment offered by Congressman NORWOOD over in the House of Representatives. I think it is important that the RECORD reflect the results of the extensive hearings that we had on these different issues because it is extensive, exhaustive, and it is presented by the floor managers, Senators SPECTER and LEAHY.

Senator CORNYN suggested in his remarks that he wishes we had taken more time to debate fully some of the issues raised by the reauthorization. In particular, he said he wished more time had been taken to consider the trigger formula for section 5. As an initial matter, the Senate began its consideration of renewing the Voting Rights Act with the very substantial record that had been assembled by the House, which contained over 10,000 pages that were the result of by over 8 months of House Judiciary Committee hearings.

From our very first Senate hearing, Chairman SPECTER stressed the need to

build a strong record in anticipation of challenges to the act's constitutionality. That's exactly what we did. We heard from legal scholars and voting rights practitioners. We held 9 hearings, heard from 41 witnesses, and received well over ten thousand pages of documentary evidence. That evidence showed, unequivocally that discrimination, including intentional discrimination, persists in the covered jurisdictions, and that the trigger is effective in identifying jurisdictions for section 5 coverage. Senator CORNYN joined a unanimous committee in voting for the committee bill, which retains the act's trigger formula.

Senator CORNYN also held up a map of the United States depicting jurisdictions that would be covered if the amendment offered last week in the House by Representative NORWOOD had been adopted, which would base coverage on voter registration and turnout during the last three Presidential elections. Representative NORWOOD had a full airing of his proposal and many rose in opposition, including Chairman SENSENBRENNER. The opponents of the amendment overwhelmingly carried the day.

Senator CORNYN said that the Norwood trigger would not appear to gut section 5. However, under The Norwood formula, the State of Louisiana essentially wouldn't be covered. Yet, there is substantial evidence in our record of ongoing and recent voting discrimination in Louisiana. Yet the so-called updated trigger formula would exclude this sort of jurisdiction from coverage.

Finally, Senator CORNYN and Senator KYL discussed the provision of the bill known as the Georgia v. Ashcroft fix, which clarifies the retrogression standard in the wake of the Supreme Court's decision in Georgia v. Ashcroft. The bill restores section 5's ''ability-to-elect standard,'' which was set forth in the Beer case. Under the Beer standard, ''ability-to-elect'' districts include majority-minority districts where minority voters demonstrate an ability to elect the candidates of their choice. Contrary to the suggestions of Senator CORNYN and Senator KYL on the floor, while the standard rejects the notion that ''ability-to-elect'' districts can be traded for ''influence'' districts, it also recognizes that minority voters may be able to elect candidates of their choice with reliable crossover support and, thus, does not mandate the creation and maintenance of majority-minority districts in all circumstances. The test is fact-specific, and turns on the particular circumstances of each case. As both Senator CORNYN and Senator KYL noted, the Voting Rights Act is not about electing candidates of particular parties. It's about enabling minority voters to participate effectively and equally in the political process.

I thank the Senator and yield back whatever time remains.

Mr. SPECTER. Mr. President, I seek recognition to elaborate upon views expressed earlier today by several of my colleagues. Senators MCCONNELL, HATCH, KYL, and CORNYN engaged in a colloquy regarding the meaning of section 5 of the Voting Rights Act reauthorization bill presently before this body. I wish to express my agreement with those comments and add a few thoughts of my own.

Section 5 of the proposed bill overturns two Supreme Court cases: Reno v. Bossier Parish, or Bossier Parish II, and Georgia v. Ashcroft. The goal of the bill is to protect districts that contain a majority of minority voters. We are well aware of efforts in the past to disenfranchise minority voters. As a consequence, this language prohibits legislators from acting purposely, with the intention of harming minority voters, to ''unpack'' majority-minority districts and to disperse those minority voters to other districts.

First, the bill overturns Bossier Parish II by prohibiting voting changes enacted with ''any discriminatory purpose.'' This language bans a government official from discriminating against minority voters. If a government official could create a district that would benefit minorities, but purposely chooses not to do so because it will be majority-minority then that government official will have violated this bill.

Although this is an important requirement, I have heard concerns that the Justice Department may abuse the new language designed to overturn Bossier Parish II and require States to maximize the number of majority-minority districts—or to create so-called coalition or influence districts. In cases such as *Miller v. Johnson*, 515 U.S. 900, 921, 1995; *Bush v. Vera*, 517 U.S. 952, 1996; and *Hunt v. Cromartie*, 526 U.S. 541, 1999, however, the Supreme Court has held that the Justice Department's one time policy of requiring States to maximize majority-minority districts violated the Constitution. I want to make it clear that this bill does not allow such behavior, much less require it.

As I understand it, the new language we are adding allows the Justice Department to stop purposeful, unconstitutional behavior. It does not grant the Justice Department license to violate the Constitution. It does not authorize the Justice Department to define for itself what is a ''discriminatory purpose.'' And it does not give the Justice Department a blank check to require States to maximize influence or coalition districts.

Second, the bill overturns Georgia v. Ashcroft by protecting the ability of minorities to ''elect their preferred candidates of choice.'' Some commentators have read Georgia v. Ashcroft as allowing States to break up naturally occurring majority-minority districts to create other districts where minorities have less voting power but still exercise important influence in elections. The bill's new language protects districts in which minority citizens select their ''preferred candidate of choice'' with their own voting power. In short, it provides additional protection for naturally occurring majority-minority districts. The bill does not demand that such districts be disbanded to create influence districts.

I hope this language is now clear. I also thank my colleagues—Senators MCCONNELL, HATCH, KYL, and CORNYN—for their lucid explanations earlier.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. There is a definitive set of books written about this time period by Taylor Branch. When I read the first volume, I went over to the office of Congressman JOHN LEWIS because his name was mentioned in that book so often that a number years ago when the book was published, I talked to JOHN LEWIS about his valiant efforts to allow us to be in the place we are today. I mention that because after having read the third volume of Taylor Branch's book, ''At Canaan's Edge,'' which I completed a week ago, I was stunned by many references to Senator TED KENNEDY.

One full page talks about a time that Senator KENNEDY made his first trip to Mississippi. His brother had been assassinated. He went with Dr. King to Mississippi for the first time. There were 150 pounds of nails, an inch and three-quarters long, dumped in the pathway, three police cars with nails in their tires and were unable to continue. There were threats made on Senator KENNEDY's life. I was so stunned by reading that that I called Senator KENNEDY and read that to him and asked if this brought back memories of his first trip to Mississippi.

I mention JOHN LEWIS and Senator KENNEDY because they are only two of the many who made significant sacrifices to get us to the point where we are today. On March 15, 1965, Lyndon Johnson came to the Capitol to address a joint session of Congress. He spoke to a House, a Senate, and a nation that had been rocked by recent violence, especially in Selma, AL. President Johnson's purpose that night was to spur Congress to finally move forward on the Voting Rights Act, the legislation whose authorization we are going to vote on today. That Congress, in 1965, like this Congress in 2006, was slow to pass voting rights legislation. So President Johnson came to the Hill to remind everybody what was at stake. Here is what he said:

> This time, on this issue, there must be no delay, no hesitation, and no compromise with our purpose. We cannot and we must not refuse to protect the right of every American to vote in every election that he may desire to participate in. And we ought not, and we cannot, and we must not wait another 8 months before we get a bill. We have already waited a hundred years or more, and the time for waiting is gone.

Mr. President, once again, in our country, at this time, the time for waiting is gone. The Senate cannot and we must not go another day without sending the Voting Rights Act to the

President. We have already waited too long. I, like many others, expected this legislation to be passed months ago. I remember months ago standing on the Capitol steps with Senator FRIST, House leaders, chairmen and ranking members of the Judiciary Committees from both bodies, and civil rights leaders, to announce the bipartisan-bicameral introduction of this bill. It seemed that this act would move forward in swift bipartisan fashion. But it has not.

How long must we wait? How wrong that perception proved to be. In the House, consideration was delayed for weeks and weeks. It was only recently passed over the objections of conservative opponents. In the Senate, we saw similar delay. In fact, as recently as last week, the majority leader was not sure he would even bring this bill to the floor before the August recess.

In the House, consideration was delayed for weeks. It recently passed over the objections of conservative opponents.

Thankfully, he listened to Democrats. Thankfully, everyone listened to what we had to say, including our distinguished majority leader. Obviously, from last Friday to today, he had a change of heart and brought this bill before the Senate.

The Voting Rights Act is too important to fall by the wayside like so many other issues that have fallen by the wayside, I am sorry to say, in this Republican Senate. Remember, the Voting Rights Act isn't just another bill. It is paramount to the preservation of our democracy, literally. As we have seen in recent elections, we remain a nation far from perfect. The fact is, we still have a lot of work to do, but in the last 40 years, thanks to the Voting Rights Act, we have come a long way.

Before this Voting Rights Act became law, African-Americans who tried to register to vote were subject to beatings, literacy tests, poll taxes, and death.

Before the Voting Rights Act, over 90 percent of eligible African-American voters in Mississippi didn't and couldn't register to vote, not because they didn't want to, they simply were unable to, they were not permitted to.

Before the Voting Rights Act, it would have been unheard of to have 43 African-American Members of Congress as we have today.

In the Senate, we cast a lot of votes, but not all of them are for causes for which Americans just a few decades ago were willing to risk their lives. It is a sad fact of American history that blood was spilled and violence erupted before the Nation opened its eyes to justice and the need to guarantee in law everyone's right to vote.

It is important that all of us remember the sacrifice of those Americans, and to make sure we do, after this bill becomes law, I will seek to add the name of JOHN LEWIS to this bill. I already talked about his being one of my personal heroes. I understand Senators LEAHY and SALAZAR are doing something similar with Cesar Chavez. I support that. Heroic actions of men such as JOHN LEWIS and Cesar Chavez are shining examples of the heroic actions of so many during the fight for equal rights.

Congressman LEWIS is a civil rights icon. He has given his entire life to the causes of justice and liberty. As I have said, he was a key organizer of so many things, not the least of which was the 1963 march in Washington. I was here. I saw it. He was in Selma when the billy clubs, police dogs, and fire hoses were used on that bloody Sunday, and he had his body beaten on many occasions. But he hasn't given up the fight, even to this day.

Similarly, during his life, Cesar Chavez was a champion of the American principles of justice, equality, and freedom. He fearlessly fought to right the wrongs literally of those injustices inflicted on American farm workers and brought national attention to the causes of labor and injustice.

America is a better place because of JOHN LEWIS and Cesar Chavez. By placing their names on this landmark legislation, we can be sure Americans will always remember the sacrifices made in the name of equality.

I began by quoting Lyndon Johnson's speech in 1965. There is another excerpt from that speech which I will read, and it is as follows:

> In our time we have come to live with moments of great crisis. Our lives have been marked with debate about great issues; issues of war and peace, issues of prosperity and depression. But rarely in any time does an issue lay bear the secret heart of America itself. Rarely are we met with a challenge, not to our growth or abundance, our welfare or our security, but rather to the values and the purposes and the meaning of our beloved Nation.

This same challenge—a challenge to the values and the purposes and the meaning of our Nation—is now before the Senate. In just a few minutes, we are going to pass overwhelmingly the Voting Rights Act of 2006. It is a challenge which this body has met. We have done it purposefully and rightfully, and history books will indicate that we have made a significant step forward. There is more to do, but this is a big step forward.

I yield the floor.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER (Mr. CHAFEE). They have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, the majority leader should be here momentarily. I suggest the absence of a quorum.

Mr. LEAHY. Mr. President, if the Senator will withhold.

Mr. REID. I withhold, of course.

Mr. LEAHY. Mr. President, I want to make sure—I was not trying to force it to a vote. I know the distinguished Republican leader will speak next, but many of us spent a lot of time on this, and we want to make sure it will be—as one of the managers of the bill—we want to make absolutely sure there will be a rollcall vote.

If nobody is seeking recognition, 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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. FRIST. Mr. President, 41 years—that is how long it has been since the Voting Rights Act was first enacted in 1965, and we have come a long way in those 41 years. That much was made clear to me on a recent visit to the National Civil Rights Museum in Memphis, TN, just about 3 weeks ago with President Bush and Dr. Ben Hooks, a renowned civil rights leader, a former executive director of the NAACP for 14 or 15 years a personal friend of myself and my distinguished colleague from Tennessee who is with me on the floor, LAMAR ALEXANDER.

Together we visited the site of the assassination of Martin Luther King, Jr., at the Lorraine Motel, which over the past several decades has developed into a wonderful, inspiring civil rights museum. As we walked through that museum with Dr. Hooks, in his voice could one capture that sensitivity, that inspiration, some sadness as we walked through, and he recounted the events surrounding that time, but history came alive.

It was an ugly moment in our collective history and certainly not America's finest hour, but the museum reinforced the impressions I had. It strikes your conscience. It reminds you of the lessons learned, lessons I saw once again on a pilgrimage I took with Congressman JOHN LEWIS and about 10 of our colleagues a little over 2 years ago when we visited the civil rights sites in Tennessee and Alabama, and together we crossed Selma's Edmund Pettus Bridge where, over four decades ago now, Congressman LEWIS led those peaceful marchers in the name of voting rights for all.

What struck me most during that pilgrimage a couple of years ago and then 3 weeks ago during that museum visit with Dr. Hooks is how we as a nation pushed through that time, as we persevered to correct injustice, just as we have at other points in American history. It reminded me of our ability to change; that when our laws become destructive to our unalienable rights, such as liberty and pursuit of happiness, it is the right of the people to alter or abolish them. And it reminded me of the importance, the absolute necessity of ensuring the permanence of

the changes we made, the permanence of correction to injustice.

So I am very pleased that in just a few minutes, we will act as a body to reauthorize the Voting Rights Act. We owe it to the memories of those who fought before us—and we owe it to our future, a future when equality is a reality in our hearts and minds and not just the law—to reauthorize the Voting Rights Act.

I hope my colleagues will join me in voting for this critical legislation because in the 41 years since it became law, we have seen tremendous progress, and now it is time to ensure that the progress continues, that we protect the civil liberties of each and every American.

Mr. President, I yield back all our time.

Mr. LEAHY. Mr. President, is there still time available on this side?

The PRESIDING OFFICER. All time has expired.

Mr. LEAHY. The yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill (H.R. 9) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Idaho (Mr. CRAPO) and the Senator from Wyoming (Mr. ENZI).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) would have voted ''yea.''

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—98

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

NOT VOTING—2

Crapo	Enzi

The bill (H.R. 9) was passed.

Mr. FRIST. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. FRIST. For the information of our colleagues, the Democratic leader and I have been in discussion. Let me briefly outline what the plans for tonight will be and tomorrow. Most importantly for my colleagues, there will be no more rollcall votes tonight or tomorrow. We will probably see a lot of Members leave the room.

We will turn within a couple of minutes to the Adam Walsh Child Protection and Safety Act, a very important bill that we will spend approximately 2 hours on tonight. Following that, we will have debate on two circuit judges and two district judges. We will be voting on the Adam Walsh Child Protection and Safety Act tonight by voice vote and all four of those judges by voice tonight.

We will be in tomorrow. We will have no rollcall votes tomorrow. I will have an announcement later tonight or possibly tomorrow on what the schedule will be on Monday in terms of votes on Monday, if we will have a vote or not. Debate tomorrow will be, in all likelihood, on the Child Custody Protection Act, plus we will have a period of morning business for other matters.

With that, we will be able to turn to the Adam Walsh Child Protection and Safety Act which we will be passing in about 2 hours.

CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2006

The PRESIDING OFFICER. The Senate will now proceed to the consideration of H.R. 4472, which the clerk will report.

The assistant legislative clerk read as follows:

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

AMENDMENT NO. 4686

(Purpose: In the Nature of a substitute)

The PRESIDING OFFICER (Mr. CORNYN). Under the previous order, the Hatch amendment at the desk is agreed to.

The amendment (No. 4686) was agreed to, as follows:

(The amendment is printed in today's RECORD under ''Text of Amendments'')

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleagues for granting unanimous consent to pass the most comprehensive child crimes and protection bill in our Nation's history—H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006.

This bill started in the House of Representatives by a courageous and ambitious Congressman from Florida, MARK FOLEY. MARK is with us in the Senate Chamber today, and I want to thank him, again, for getting this ball rolling and for fighting like a champion on behalf of our children. I appreciate his tenacity and enthusiasm—we would not be here without his devotion and hard work.

I also thank Senator BIDEN, who joined me in sponsoring the original Senate version of this bill. Senator BIDEN and I have worked together on so many bills, none more important than what we are accomplishing today for our children. Senators FRIST, SPECTER, and REID thank you for making this bill priority and for getting this bill through.

The bill we are about to pass, the Adam Walsh Child Safety and Protection Act, represents a collaboration between the House and Senate to include the strong provisions of S. 1086, the Sex Offender Registration and Notification Act, and H.R. 4472, The Child Safety Act. It creates a National Sex Offender Registry with uniform standards for the registration of sex offenders, including a lifetime registration requirement for the most serious offenders. This is critical to sew together the patch-work quilt of 50 different State attempts to identity and keep track of sex offenders.

The Adam Walsh Act establishes strong Federal penalties for sex offenders who fail to register, or fail to update their information, including up to 10 years in prison for non-compliance.

The Adam Walsh Act imposes tough penalties for the most serious crimes against children, including a 30 year mandatory penalty for raping a child and no less than 10 years in prison for a sex trafficking offense. In fact, this bill creates a series of assured penalties for crimes of violence against children, including penalties for murder, kidnapping, maiming, and using a dangerous weapon against a child. And the bill allows for the death penalty in the most serious cases of child abuse, including the murder of a child in sexual exploitation and kidnapping offenses.

The bottom line here is that sex offenders have run rampant in this country and now Congress and the people are ready to respond with legislation that will curtail the ability of sex offenders to operate freely. It is our hope that programs like NBC Dateline's ''To Catch a Predator'' series will no longer have enough material to fill an hour or even a minute. Now, it seems, they can go to any city in this country and catch dozens of predators willing to go on-line to hunt children.

Laws regarding registration for sex offenders have not been consistent from State to State now all States will lock arms and present a unified front in the battle to protect children. Web sites that have been weak in the past, due to weak laws and haphazard updating and based on inaccurate information, will now be accurate, updated and useful for finding sex offenders.

There are more than a half-million registered sex offenders in the United States. Those are the ones we know. Undoubtedly there are more. That number is going to go up. Over 100,000 of those sex offenders are registered but missing. That number is going to go down. We are going to get tough on these people. Some estimate it is as high as 150,000 sex offenders who are not complying. That is killing our children.

Another important part of this bill will help prevent the sexual exploitation of children through the production of sexually explicit material. Every day we hear new stories about how pornographers and predators take advantage of new technology to exploit children in new ways. It is very difficult for legislatures even to keep up, and when we do pass new legislation, it is often stymied in the courts.

Federal law requires producers of some sexually explicit material to keep records regarding the identity and age of performers and to make those records available for inspection. The current statute, however, was enacted before the Internet existed and covers only some sexually explicit material. The provisions in the act before us brings key definitions in the law up to date, extends the record keeping requirement to more sexually explicit material, and makes refusal to permit inspection of these records a crime.

I want to thank John Walsh, host of ''America's Most Wanted,'' and his wife, Reve—who have waited nearly 25 years for this day. Next Thursday, July 27, 2006, marks 25 years since the abduction and subsequent murder of their son Adam—for whom this bill is named. And on that 25th anniversary the President will sign into law legislation that will help law enforcement do what John has been doing all along—hunt down predators and criminals. I want to thank the National Center for Missing and Exploited Children for their tireless work and for their assistance with crafting this legislation.

This is smart legislation and I am very proud of the Adam Walsh Act. I am determined that Congress will play its part in protecting the children of my home state of Utah and America. I have never been more excited to see a bill signed into law.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I begin speaking to this legislation by thanking my buddy. And I know that is a colloquial expression in this formal place we work when I say ''my buddy,'' but Senator HATCH and I have worked together for a long time. It is hard for me to believe we have been here as long as we have. I have actually been here a couple years longer than he has. We have our differences in philosophy. We have never had any differences personally. We have never had any differences in terms of our relationship.

The two things I am proudest of that we have both done is we have both—and I say this somewhat self-serving, I acknowledge—we both always hired staff that is respected. I do not think there has ever been a time that ORRIN has not had a staff and staff members who my staff completely, totally trusted. I think it is fair to say that is the case on ORRIN'S side as well.

That makes a gigantic difference because I think the work that Ken Valentine, the fellow sitting to ORRIN'S right, did—a loner, Secret Service guy from the administration, from the executive branch—and a fellow I am very proud of, whom I will mention in a moment—the work they did with John Walsh and others, to overcome the hurdles that get thrown in the way of good legislation because everybody has their own agenda.

Everybody knows that for Orrin and me—and I would add my friend from North Dakota—that some of us have had this as sort of a—I have been accused of this being a hobbyhorse for me, this, all the work we have done for so long on dealing with child predators and abused women and abused children. But what happens sometimes is that good legislation gets stuck because other Senators, who do not have that as the same priority—although they are for it—attach a lot of extraneous things because there is something they feel is even more critical than the legislation, and they see it, to use the Senate jargon, as a vehicle to get their views heard and their legislation passed.

Well, as to the work that Dave Turk of my staff did and Ken Valentine did in order to sort of clear the way for this, I think everyone who has worked on this, including John Walsh, would acknowledge is extraordinary.

So I want to personally—there are others, I am sure. There are others. I do not mean, by mentioning these two individuals, to in any way denigrate the incredible work done by so many others. But I think sometimes the public wonders why we pay staff members—all of whom can make a lot more money if they did something else—the kind of salaries they get paid, in relative terms. It is because they are so good. They are so dedicated. They are so talented.

In my experience of being here 33 years, I have found that when a staff member, no less than a Senator, has an intellectual as well as an emotional commitment to what they are doing, it is even more effective.

I know for my friend and staff member, Dave Turk, who is a father, and for Ken Valentine, whom I have only gotten to know personally recently, this is more than legislation, this is more than passing this piece of legislation. This is the stuff of which your life's work is viewed as being worthwhile.

I remember Jerry Brown, when he used to be the Governor of California, once said when he was cutting pay—I am not making a judgment of whether he should have or should not have—when cutting the pay of State employees, he made a statement only Jerry Brown could make, 20 years ago: Well, they have the psychic remuneration of living in California. I do not know about that. But I can tell you that the psychic remuneration for ORRIN HATCH and JOE BIDEN and Ken Valentine and Dave Turk, and many others who worked on this, makes this job worthwhile.

The two things of which I am most proud that I have done in 33 years are dealing with this issue in particular and culminating in this legislation, the Adam Walsh Child Protection Safety Act, and the Violence Against Women Act—which, I might add, one of only seven guys who jumped out front in 1994 to get that done was also ORRIN HATCH.

So, Senator HATCH, I thank you. We have been in the minority, the majority, the minority; we have switched places back and forth, but it has never changed our relationship, never changed how we have worked with each other, and never changed the good work I think we and many others can say we are proud to have participated in.

Mr. President, I wish to talk a few minutes about the actual act. Congress has done a good deal over the last 25 years—and I might add, starting with, God love him, our old and deceased friend, Senator Thurmond from South Carolina—to protect kids. We created the National Center for Missing and Exploited Children in 1984. We enacted the crime bill in 1994. We enacted the Amber Alert system in 2003.

But every time we have done something significant, the bad guys have figured out a way to take advantage of it, to find a loophole, to find an opening. And that is what this is about—and I wish he had floor privileges because he could speak to it better than any of us—but this is about, to paraphrase John Walsh, with whom I had dinner the other night—this is about closing the door. This is about uniting 50 States in common purpose and in league with one another to prevent these lowlifes from slipping through the cracks. So we recognize that what we have done in the past did not do all we wanted to do.

I might add one more thing. JOE BIDEN and ORRIN HATCH come from different sides of the political spectrum on a lot of things. But I can assure you, not only is this tough, but the civil liberties of Americans are not in jeopardy with this. This is not—this is not—a case where in order to get bad guys we have had to in any way lessen the constitutional protections made available

to good guys. So I think it is a proud piece of work.

The National Center for Missing and Exploited Children, as Senator HATCH has indicated, estimates there are over 550,000 sex offenders nationwide, and more than 20 percent of them are unaccounted for. I would argue that there are a whole lot more than 550,000, who never get caught up in the criminal web for a thousand different reasons that I do not have time to explain. But at a minimum, this means there are as many as 150,000 of these dangerous sex offenders out there, individuals who have already committed crimes and may, unless we do something, continue to jeopardize the most vulnerable among us.

The Adam Walsh Child Protection and Safety Act takes direct aim at this problem. Plain and simple, this legislation, I can say with certainty, will save children's lives.

Sexual predators must be tracked, and our cops and our parents have a right to know when these criminals are in their neighborhoods. That is what we do here.

First—an important point—let's start at the beginning. This legislation requires sex offenders to register prior to their release from prison, to make sure we give them absolutely no opportunity to do what happens now: fall through the cracks between the moment the prison door opens and before they set up a residence.

We also make sure we are keeping tabs on everyone who poses a threat to our kids. Advances in technology are a great thing, but many times there is a dark side. The Internet, for example, puts the knowledge of the world at a child's fingertips, but it can also be and is abused by sexual predators causing kids harm. To steal a phrase from my son, who is a Federal prosecutor, he told me: Dad, it used to be you could lock your door or hold your child's hand at the mall and keep them out of harm's way.

But today, in my son's words, with a click of a mouse, a predator can enter your child's bedroom in a locked home and begin the pernicious road to violating that child. That is why this legislation adds the ''use of the Internet to facilitate or commit a crime against a minor'' as an offense that could trigger registration.

And once someone is on a sex offender registry, we make sure they can't go back into hiding in the shadows. Under this bill, child predators would be required to periodically and in person check in with the authorities.

They also would be required to update their photographs so law enforcement and parents will know where these folks are and what they look like now and not solely what they looked like years ago that is unrecognizable now.

And if a registered offender fails to comply with any of these requirements, he or she faces a felony of up to 10 years in prison. If an unregistered sex offender commits a crime of violence, the offender will face a 5-year mandatory prison sentence in addition to any other sentence imposed.

A noncompliant sex offender will also face U.S. Marshals who have been brought in under this bill to lend their expertise and manpower to help track down these dangerous individuals.

John and I were talking about it at dinner. These guys saddle up, to use his phrase. They are the most underrated, underestimated part of American law enforcement. They do the job incredibly well. They want to get in on this, and they are now part of this. We now have designated their expertise and manpower to track down these individuals.

One of the biggest problems in our current sex offender registry system happens when registered sex offenders travel from one State to another.

Delaware has worked hard to keep track of the 3,123 sex offenders registered to my State. But there are other States that are not so advanced and whose systems are not so sophisticated.

This bill fully integrates and expands the State systems so that communities nationwide will be warned when high-risk offenders come to live among them. And we target resources under this bill at the worst of the worst and provide Federal dollars to make sure States aren't left holding the bag.

We also require the U.S. Department of Justice to create software to share with States in order to allow for information to be shared instantly and seamlessly among them. When a sex offender moves from New Jersey to Delaware, for example, we have to be absolutely sure that Delaware authorities know about it.

This bill also mandates a national sex offender Web site so that parents can find out who is living in their neighborhoods. Parents will now be able to search for information on sex offenders by geographic radius and ZIP Code.

Do we have a silver bullet, a foolproof system here? I have been around too long to know the answer to that question is no. What we do have is a slew of commonsense ways for fixing our current problem.

As I mentioned earlier, it has taken us months and years to get to the point of enacting this important bill into law. Again, I give credit where credit is due, as has already been mentioned, to John and Reve Walsh. I know we are not supposed to—and I will not—violate Senate rules by pointing out who is where. But the fact is, if I were sitting next to them in the gallery now, I suspect if I put my hand on his arm, I would feel the tension in his arm.

This has to be a very bittersweet moment for John Walsh. For what are we doing here today? We are naming a bill that will save the lives of hopefully thousands of other young people after a beautiful young boy who was victimized and killed.

The thing I find most amazing about John and Reve is, I don't know how anybody who has lost a child can have the courage to do what they have done. I know from my own experience, which I will not speak to, there are certain circumstances I cannot walk into because it reminds me of one of my children I lost.

I could never do what John and Reve did. I could never do what they did. And we could have never done today what we are doing without them. That is not hyperbole; that is the God's truth. We could never have gotten this done without John and Reve Walsh.

It has to be one god-awful bitter moment, for the 27th of this month, if I am not mistaken, will be the 25th anniversary.

A lot of people on this floor, including one of my colleagues I am sitting with, have lost children. It doesn't matter whether it is 2 years past, 10 years, 25 years, or 50 years past. That part never passes. I thank John and Reve for their courage, courage way beyond anything I could possess.

I have known John for many years. We go way back to 1984, working together to create the National Center for Missing and Exploited Children along with Senator HATCH. He has been at it year after year, pushing the Congress to do more.

John, you have been an inspiration. You continue to be. Don't underestimate it. You have been doing it so long, don't underestimate how many thousands of people take solace from what you do and what you have done.

It has not been my style in 33 years to take the floor to speak in such personal terms, but this is ultimately personal. It is the ultimate, ultimate personal thing, your child.

Earlier this week I had a chance to sit down with Ed Smart whose daughter Elizabeth—what a magnificently beautiful, poised, gracious young woman—then 14 years, was abducted at gunpoint from her family in Salt Lake City while her parents and four brothers slept. She was found 9 months later. The strength of that family's character, its resilience is remarkable.

I have taken too much of the Senate's time. Let me again thank my colleague from Utah. I also thank our committee chairman and all the members of our committee. They also deserve a great deal of credit.

Other Senators, including my colleague on the floor, who has been relentless, absolutely relentless, Senator DORGAN; he added a major, important piece to this legislation. I thank him for that. Senator BILL NELSON, CHUCK GRASSLEY, all contributed important parts to this bill. They each took tragedies that happened in their States and used them as a call to action.

Senators FRIST and REID—our majority and minority leaders—also deserve all our thanks by ensuring that this important bill was treated with the priority it deserved.

Congressman FOLEY has worked tirelessly on this bill in the House for

years, and Congressman POMEROY was by his side. And Chairman SENSENBRENNER guided this bill through the House of Representatives.

I don't think there is one of us on this floor who wouldn't trade away this bill for being able to bring back to life all those innocent lives that were lost that allowed us, in a bizarre way, to produce this legislation.

We cannot redeem the dead, but we can, in fact, protect the living. I think this bill, with the many parts I didn't mention, including DNA testing and a whole range of other things, is fair, decent, and honorable. Most important, there is not a single thing we can do that is more worthy of our effort than protecting our children. That is what all of us on this floor—and many who are not—today are playing a part in doing.

Again, I close by thanking John Walsh.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. DORGAN. Is there an order of speaking this evening, if I might inquire of the manager.

Mr. HATCH. Mr. President, I ask unanimous consent that we go back and forth so long as we have people on both sides. So the distinguished Senator from North Dakota will be allowed to speak next and then the distinguished Senator from Virginia.

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

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I will pick up where the Senator from Delaware left off and the Senator from Utah, also thanking John Walsh and his wife Reve for their tremendous contribution to our society but in particular for this piece of legislation. We all have to deal in life with tragedies, struggles. It is the measure of a person to see how that individual responds.

Given the nature of the tragedy they experience, it could have easily destroyed them. They took this horrific incident and turned it into a tremendous good. As Senator BIDEN says, who knows personally, I can't think of anything worse than losing a child. Losing a child in such an incredibly tragic situation has to be more than you can possibly bear. To take that emotion and channel it into a positive course for the benefit of other children is an incredible legacy for Adam. I know John and Reve do it for that reason, to build this incredible legacy. This legacy is added to today by naming this bill the Adam Walsh Child Protection and Safety Act.

Not only is this a great thing they are doing for society, they are a great model for so many who experience tragedies every single day. People can look at them and see how something that I am sure brought them to their knees can be turned around to do so much good for so many. So they are not only helping the children, helping those who are victims of crime, but they are helping those who are victims of life's tragedies that befall us all and giving them an inspiration to move forward and turn tragedy into triumph. This is another triumph. It may not even be the biggest triumph they have experienced, but it is certainly a triumph and a positive thing to add to that legacy.

I rise to talk about two pieces of this bill I have been working on and of which I am the author. One is called Project Safe Childhood. The second is called the Schools SAFE Act. I introduced Project Safe Childhood a couple months ago after learning of a program at the Justice Department called Project Safe Childhood.

The Justice Department, in reviewing and seeing the incredible proliferation of child exploitation crimes, basically being proliferated through the Internet, took on a new program within the Department. This new program was in response to what we see of sexual predators on the Internet and with other types of sexual trafficking, again, as a result of the Internet and other places. They developed a program which is a very good program. It has five main purposes:

First, it seeks to integrate Federal, State, and local efforts and investigate and prosecute child exploitation cases.

Second, the project allows major case coordination between the Department of Justice and other appropriate Federal agencies.

Third, it increases Federal involvement in child exploitation cases by providing additional investigative tools and additional penalties that are available under Federal law that State and local governments may not have.

Four, the project provides increased training for Federal, State, and local law enforcement regarding the investigation and prosecution of computer-facilitated crimes against children.

Finally, it promotes community and educational programs to raise national awareness about the threat of online sexual predators and to provide information to families on how to report violations.

As the father of six children, I can tell you that what Senator BIDEN said about what parents used to feel they could do to protect children—locking doors and being with them—has gotten a lot more complex, with that fiber optic tube that runs into your house that allows the entire world to come crashing into your home and allows sick people to be able to prey on members of your family. We need to do more to educate parents. This is like pointing a loaded gun at your child, in many cases, and asking them to get on and play. This is a dangerous tool.

Yes, there are wonderful things on the Internet. There is a tremendous world of knowledge and adventure on the Internet. But as we know, too often the major traffic on the Internet is not those wonderful and informative sites. They are sites that prey on our failings and weaknesses, prey on the unsuspecting, on the innocent, in many cases. We as parents have to be better armed to deal with these people who want to reach into our homes and corrupt members of our families, corrupt everything that we are trying to teach them not to do and, worse yet, potentially could opt them into behavior that could risk, ultimately, their lives.

So this program is very important that the Justice Department is engaged in. I contacted the Department and worked with them to develop an authorization bill so we could provide a stable stream of funding for Project Safe Childhood and expand the program in a way that the Department on its own could not do.

For example, increasing penalties for registered sex offenders, child sex trafficking and sexual abuse, and other child exploitation crimes, which this does. It creates a children's safety online awareness campaign and authorizes grants for child safety programs. So in addition to what the Justice Department program does, we add those provisions to help with better coordination between State, local, and Federal prosecutors and investigators.

I had a meeting in the western district of Pennsylvania with our U.S. attorney, Mary Beth Buchanan, and State and local officials. They were talking about it—just the practical difficulties of assigning police and investigators and detectives and prosecutors on a local level and the support they need and the overlapping jurisdictional issues. So this will help them be able to create seamless teams of people to go after these child abusers, as well as to project into the community information that is important to prevent these crimes from happening.

So I am grateful that Senators SPECTER, HATCH, and LEAHY have worked to include that provision in the bill. I think it will take us a step forward in protecting our children from these predators and from exploitation.

The second piece of legislation is called the Schools SAFE Act. We spend a lot of time on the Senate floor talking about how we can improve the quality of education. But it almost goes without saying that when you drop your child off at school, at a bare minimum, you expect that the people who interact with them at school will not harm them. You would think that would be almost a given. But, unfortunately, in our country today we actually have a very poor system of checking as to whether people who are hired in schools are, in fact, safe for the children with whom they interact.

Obviously, the vast majority of teachers and people who work in schools are good and decent people and are there because they want to help children, not because they want to harm children. But like anything else, if you are someone who is a sexual predator, and you are looking to harm children, what better place to go than a place where there are children every single day you could possibly exploit.

So it is important that we have sufficient checks in place to make sure that these predators are not in educational settings where they can harm and corrupt our children.

The current state of play is basically a mishmash of different State laws and different participation in a system created to help schools access information about criminal background checks. Some States require, for example, only a State background check, while other States require an FBI background check. With these disparities, individuals continue to find opportunities to evade safeguards that have been put into place.

In Pennsylvania, an FBI background check is only required for individuals applying to schools for work and have lived in the Commonwealth for less than 2 years. So if you lived in the Commonwealth for several years and you committed a crime someplace else, Pennsylvania would not have the ability to check that out.

Beginning in 2007, Pennsylvania will require applicants who have lived in the Commonwealth for more than 2 years to also undergo FBI background checks.

So we are addressing that issue in Pennsylvania.

I think it just goes to show you that there is no good system out there. What we need to do is allow States to access a database that was established by Congress in 1998 in the National Crime Prevention and Privacy Compact. This compact allows States to share background information on individuals seeking employment in a school district. This is an important thing to have all the States participating in. I will not go through all of the problems, but there are all sorts of memoranda and agreements and data-sharing information. As a result of that, only roughly half of the States—26 States—participate in the compact. Even States that have joined the compact don't always get access to the information they need. This is a problem.

You could have a man from Pennsylvania who committed sex crimes in Pennsylvania and moved to Nevada. Nevada is a compact State. Nevada could do the compact based check of whether this person has committed crimes against children and find nothing, because Pennsylvania does not participate in the compact. So they could be hired in Nevada schools without any knowledge of the individual's problems in Pennsylvania.

This is obviously a great threat to our children. So what this bill does is give schools across our Nation an essential resource when making hiring decisions. They will be able to access this database and conduct fingerprint-based background checks on individuals who are seeking work with or around children in schools. So this is another important step in protecting our children, in addition to all of the other provisions in this bill—protecting our children in this case in our schools.

I thank, again, the chairman and ranking member for their tremendous assistance to me in getting this legislation in the final package. Again, I congratulate all who have been involved in this very important legislation.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that 3 minutes be yielded to the Senator from Georgia, and then we go back to the Senator from North Dakota, and then to Senator ALLEN, and that would be it for now.

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

The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I thank the Senators for their courtesy. I thank Senator HATCH from Utah and his committee for incorporating in this very important bill provisions known as Masha's law. I was privileged to join, as an original cosponsor, with Senator KERRY on Masha's law.

Masha is a young lady who, at an early age in Russia, was adopted by an American citizen who became her custodian. He brought her to the United States and, systematically and over a protracted period of time, abused her and put her photographs over the Internet in enormous numbers. Masha, fortunately, after a sustained period of time, was able to escape his custody. A case was filed against him. He was indicted and convicted and today is incarcerated in Massachusetts.

Masha is, fortunately, now living in a loving home in Georgia and has a wonderful mother who is truly an angel of adoption in every way.

In researching this case, we found that young Masha, and many others like her who have been abused in their lives, could not even recover under the laws as they existed. What Masha's law does, and what is incorporated in here, is it changes ''any minor'' to ''any person,'' so that if a minor is depicted in photographs pornographically that are distributed over the Internet, but by the time the abuser is caught, the minor is an adult, they can still recover. They cannot now, and that is ridiculous. It makes sure that recovery on the part of a minor can take place when they become an adult, whether or not the guilty person is incarcerated. It raises from $50,000 to $150,000 the penalty for which that individual can be recompensated if, in fact, someone who depicts that picture and puts it on the Internet and uses them is caught and convicted. That compensation is to be paid to the individual.

Although I don't think there is any price too high to cost an individual who would take advantage of a minor, I think it is only appropriate to triple that penalty and make sure that reaching the age of adulthood does not exempt someone from recovery. It is a tribute to continuing to do what this bill does, and that is look after the protection of minors and ensure that those who violate them are caught and punished and have to pay to the maximum extent.

I thank the Senator from Utah for allowing me the time, and I thank the Senators from North Dakota and Virginia as well.

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

Mr. DORGAN. First, let me say to the Senator from Utah, as well as to my colleague, the Senator from Delaware, that their leadership has been very important on this legislation. They will not know the names of those whose lives are saved, but lives will be saved because this legislation has passed. I very much appreciate their diligence and hard work.

This is a piece of legislation about protecting children. I don't know what is second place in the lives of many people, but I know what is in first place, and that is the protection of children. They cannot protect themselves. It is our responsibility as parents; it is our responsibility in this country to do the things necessary to protect our children. There are so many stories that it is almost hard to begin, and you don't know where to stop.

My interest in this goes back some long ways. My colleagues have described John Walsh and the tragic loss of his son Adam Walsh. Those of us who have lost children understand that pain, but it must be enormously compounded by the pain of someone who loses a child who has been abducted.

My experience, especially with respect to North Dakota, a couple of years ago was to learn one day that a wonderful young woman had been abducted in a parking lot of a shopping center in Grand Forks, ND, a young woman named Dru Sjodin, and, we later found, murdered.

There is a trial underway for someone charged with murder in that case, but that case is like so many cases, it seems to me. It is the case of Adam Walsh, it is the case of 9-year-old Jessica Lunsford, it is the case of a 12-year-old girl named Polly Klaas. It is the case of Sarah Michelle Lunde, age 13.

Pull back the curtain and then ask the question: Who is it abducting these children? Who are the sexual predators killing these children?

This is not some mystery. We know the answer to this. The answer is, in most cases, that these murders and these abductions are done by those who have been in our criminal justice system and who have abducted and murdered before.

I held a meeting in Fargo, ND, following the abduction of Dru Sjodin and the introduction of legislation I call Dru's law. What brings me to the floor of the Senate today is the components of Dru's law have been included in this legislation. So, finally, it will become law.

The Senate has passed Dru's law twice on its own. We have not gotten it

through the U.S. House. Now it will be through the U.S. House and Senate as a part of this Adam Walsh Child Protection and Safety Act, and it will become law.

A meeting I held in Fargo, ND, to discuss Dru's law is a meeting at which I showed this poster. This meeting was just over a year and a quarter ago now. I held the meeting at the city hall in Fargo, ND.

Prior to the meeting, I searched the computer for a registry of sex offenders to find out who was living within 1 mile of where we were meeting at city hall in Fargo, ND, who had previously been convicted as a sexual predator—who were they? I would share the names with the folks who came to that meeting to say: Here is a registry in North Dakota of sexual predators. There is no national registry; this is North Dakota's registry.

This is a poster that I showed the folks who came to Fargo that day as an example of someone who lived within a mile of where we were having the meeting. His name is Joseph Duncan, first-degree rape. He raped a 14-year-old boy at gunpoint, burned the victim with a cigarette, made the victim believe he was going to be killed by firing the gun twice on empty chambers; terminated from treatment; served a lengthy prison sentence; paroled, then absconded; had a long history of sexual aggression as a youth.

That is his sheet from the registry in North Dakota.

What I didn't know that day was that 1 month before the meeting I was having in Fargo, this same man had been charged with molesting a 6-year-old boy at a playground in Detroit Lakes, MN, just across the border. Someone in Minnesota checking the registry of sexual predators would not have found his name. He was just miles away living in Fargo, ND, but, in fact, he went over to Detroit Lakes, MN, and was charged with molesting a 6-year-old boy.

That is why we need a national registry. Strangely enough, in April of last year, he appeared on those charges, and a county judge set the bail at $15,000, and he was released after posting cash, promising to stay in touch, and he absconded and that is it. The judge said he didn't know he had this record.

Then 2 months later, this man we know now from intense media coverage was arrested in Idaho for kidnaping 8-year-old Shasta Groene and her brother, 9-year-old Dylan. The children had been missing for well over a month—2 months actually—when the bound and bludgeoned bodies of their mother, their older brother and their mother's boyfriend were found at their rural home. This man is now charged with three additional murders and the kidnaping of two children that he held and sexually abused for a number of months.

Dylan's remains were later located, and Shasta Groene, the young girl, was spotted in a Denny's restaurant by a sharp-eyed waitress who called the police, and she was saved.

This case is an example of why there must be a national registry.

Dru's law, which I introduced, has three components. One is the creation of a national registry of sex offenders. The underlying legislation improves on that by not only requiring the national registry but also standardizing the information that will be in the national registry.

Second, Dru's law requires that when a violent, high-risk sex offender is about to be released from incarceration, the local authorities must be notified, the local States attorney must be notified. There is such a high risk to the population of this high-risk offender being released that perhaps there is cause to seek additional civil incarceration, civil commitment, but they can't do that if they don't know about the impending release.

In fact, when a high-risk offender is released from prison, they can't just say: So long, good luck. That is exactly what happens in too many cases.

Martha Stewart is thrown in jail. They put Martha in jail for 6 months, and when she gets out of Federal prison, she gets out of Federal prison wearing an ankle bracelet, an electronic bracelet that allows law enforcement to track her whereabouts.

I can give you an example of a very violent sex offender let out of prison with no maintenance, no monitoring, no electronic bracelet, just: So long, see you later; you served your time. Yes, we will see them again when they create another violent crime, another rape, another murder, another abduction. That is why I support passing this kind of legislation.

This legislation is going to save lives. Again I ask the question, and it is so fundamental: If we send Martha Stewart home with an electronic bracelet on her ankle, we can't do that to violent sex offenders when the psychiatrists at the institute of incarceration have said, ''We believe this person to be at high risk for real offending''?

Nearly three-quarters of the violent sex offenders are going to repeat that offense when released from prison. We know that from statistics. Do we have an obligation to protect children? The answer is, you bet we do, and it is long past the time. That is why this legislation is so very important.

As I said when I started, there is so much here that is partisan in this Chamber and the other Chamber, and there is so much that swirls around all of us in politics that we don't like very much about today. But there are times when we do things that will make a difference, and we do things working together, Republicans and Democrats. This is one of those moments of which we can be proud.

Senator HATCH and Senator BIDEN did a wonderful job. They mentioned their staffs, and that is important. It is always the case that politicians take the bows, but it is important to understand that staff plays a very significant role in helping us write legislation, do the research to get it correct and get it passed.

I thank my colleagues, and I especially say to the parents of Dru Sjodin: I believe that in honor of her memory we have, in this legislation, done something significant. Section 120 is the Dru Sjodin national sex offender public Web site. We create the three elements in Dru's law in this legislation, and I believe, in her memory, we will save other lives.

There are many parents out there today who have lost children, some to the horror of abduction by sexual predators. If this legislation will—and I believe it will—prevent others from experiencing that horror, and if this legislation will—and I believe it will—save children, then we will have done significant work here tonight. It is perhaps little noticed by some. We don't have on legislation of this type perhaps filled Chambers and substantial attention to it, but while it is perhaps little known publicly, what transpires here in the Senate tonight will have a significant influence on the future of children in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Virginia speak next, but also after him, the distinguished Senator from Texas and then the distinguished Senator from Washington, Ms. CANTWELL.

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

The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise this evening in strong support of the Adam Walsh Child Protection and Safety Act of 2006. I commend Senator HATCH for his steadfast leadership, his wisdom, and perseverance in finally getting this measure to the floor for a vote. It is long overdue.

I have always believed that one of the very top, most important responsibilities of government at the Federal, State, or, for that matter, the local level is the safety and security of our people, particularly the most vulnerable people in our society—our children.

When I was Governor of the Commonwealth of Virginia, I made the protection of the people of Virginia, including our children, our top priority. We worked with the legislature to abolish the lenient, dishonest parole system in Virginia that was releasing criminals after serving as little as one-fifth of their sentence. We instituted truth in sentencing in Virginia, and by doing that, when you read in the newspaper or see in the news that a felon has gotten a 20-year sentence, he is serving 20 years, not 4 or 5 years to come back out and prey upon innocent law-abiding citizens again.

Clearly, the abolition of parole, truth in sentencing, and longer sentences for

felons has made Virginia safer. The crime rates are down, and there are tens of thousands of people who will not be victims of crime.

I am going to talk about Adam Walsh, but there are a lot of other victims of crimes. I remember when we were trying to get the legislature and people behind the abolition of parole and truth in sentencing, listening to the stories of loved ones, of parents who would tell their stories, of people released early and where they have preyed upon, killed, or raped again.

I will always remember a lady talking about being raped, and then right after her, another woman was talking about being raped again, a second time, by that same person. That rapist was released early.

I remember talking about a police officer with young children. The police officer was killed on Father's Day in Richmond by someone released early. The story of a young person working in the bakery in Richmond who was killed by someone released early. The story of a mother talking about a violent assault and then the smothering with a pillow of her daughter, and then having to go back to the parole board to recount why that criminal, that murderer, should not be released once again.

Before I became Governor in Virginia, pedophiles were serving an average of 3½ years in prison. Now, with the abolition of parole, and truth in sentencing, their sentences are 26 years rather than 3½ years. Not surprisingly, there are now fewer victims of crime in the Commonwealth of Virginia. However, there continue to be child predators who lurk in the shadows of our society.

Studies show that there are more than 550,000 registered sex offenders in the United States, and there are an estimated 100,000 sex offenders who are missing from the system. Loopholes in this current system have allowed some sexual predators to evade law enforcement and place our children at risk. That is why the national registry aspect of this bill is so important.

Some may wonder, why is there such a focus on sex offenders? Why is there such a focus on pedophiles and sex offenders and rapists? The reason is, if you look at the statistics—and it is not unique to Virginia; it is the way it is across this country—the highest recidivist rate, or the highest repeat offender rate of any crime—even higher than murderers, even higher than armed robbers—is sex offenders. That is why it is so important we have the registry. When someone is caught, first, they are getting a long sentence, and the best way to protect people is having these sex offenders behind bars rather than lurking in a parking garage or trying to lure young children. That is why the focus on sexual predators is so important, in that they have the highest repeat offender rate.

Now, these days, child predators have increased their ability to inflict harm on our children by exploiting new communications technologies, including the Internet. Please understand: I believe the Internet is the greatest invention since the Gutenberg press for the dissemination of information and ideas. It is a wonderful tool. And ever since I have been in the Senate, I have been working to make sure that avaricious State and local tax commissars don't impose 18-percent taxes on the Internet in monthly charges. We don't want the Internet monthly bills to look like a telephone bill. Ron Wyden from Oregon has been a good ally on this.

But the Internet also can create new opportunities for criminals, especially child predators. It is vitally important that we as parents and as elected leaders take the necessary steps to make the Internet as safe as possible for our children, as safe as possible for our children when they are at home, as safe as possible for them at schools, as well as in libraries.

I recently introduced a bill called the Internet Tax Nondiscrimination Act. This bill makes permanent the Internet tax moratorium, which is scheduled to expire next year. This measure also increases the ability of parents to protect their children from Internet predators. In fact, this is still law today. We want to keep this going.

In our bill, we impose a responsibility on Internet service providers to offer customers filtering technology. The ISPs, or Internet service providers, need to limit access to material that would be harmful to minors. This feature will create a powerful, and does create a powerful, financial incentive for ISPs to provide the filtering technology that parents need. Once parents are empowered with this technology, I guarantee you they will use it to protect their young sons and daughters. I am pleased the Senate Commerce Committee approved this bill as part of the telecom reform bill on a vote of 19 to 3.

However, we as a legislative body have much more work to do, especially when it comes to increasing penalties on Internet predators, by giving law enforcement officials the tools they need to catch Internet predators and convict them. This is a key reason I have signed on as a cosponsor of the Adam Walsh Act. This legislation is vitally needed. As I said, it should have been passed many years ago. This legislation honors the memory of a 6-year-old boy named Adam Walsh who was kidnapped and murdered nearly 25 years ago. This bill also recognizes the tireless efforts of his parents, John and Reve Walsh, who have been outstanding advocates for children all across America, in making sure we have some common sense when we are combating violent criminals.

The Adam Walsh Act—and I want to focus on one title—this bill in title 7 includes what is called the Internet Safety Act, sets out several provisions that will dramatically increase Internet safety, including tough new penalties for child exploitation enterprises and repeat sex offenders. This title also creates a new crime—and this is important—a new crime for embedding words or digital images on to the source code of a Web site with the intent to deceive a person into viewing this obscenity. This is vitally important for all people. I tell you, it is important for families and children. This section is going to help stop pornographers from tricking children into visiting their sites with words that are designed to attract innocent young people.

The Internet safety provisions in this measure also fund Federal prosecution resources, including 200 new Assistant U.S. Attorney positions to help prosecute persons for offenses related to sexual exploitation of children, and 45 more computer forensic examiners. These are the experts who will be helpful within the regional computer forensic laboratories in the Department of Justice. They include 10 more Internet Crimes Against Children task forces. These are also important. There is some good work being done in Bedford County, Virginia, in between Lynchburg and Roanoke. The sheriff, Mike Brown, in Bedford County has instituted Operation Blue Ridge Thunder which works on this, but the State and local folks can certainly use the assistance and help of the forensic experts and U.S. attorneys. After all, a lot of this is across State lines. All of these resources are absolutely necessary for the investigation and the prosecution of child sex offenses.

The Internet safety provisions in this bill also expand the civil remedy available to children who have been sexually abused and exploited.

This is vitally important, commonsense legislation that is going to protect and, indeed, it is going to save lives. It is perfect that we pass a bill named after Adam Walsh, a child who lost his life at age 6 to a child predator. It can be Adam Walsh, but to all the parents who are out there who lost a young child to a sexual predator, it can be their name put in here as well. The parents of Adam Walsh have dedicated their lives to making sure there are not other parents grieving with the loss of their son or their daughter. Adam's spirit lives on and the inspiration for action is in this measure, action that will save lives. More children will be able to grow up with the innocence they deserve and the safety they deserve, thanks to the efforts of Adam Walsh's parents and also the wisdom, on a bipartisan basis, of the Senate not to dawdle, but to act. I commend the Senate for acting, particularly those in the committee. I am honored to be a cosponsor, and I look forward to the passage of this act, the signing by the President, and the protection of children all across America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I too rise to support the Adam Walsh Child

Protection and Safety Act of 2006. This act represents landmark, bipartisan legislation to protect the most vulnerable among us: our children. Over the last several months, the House and the Senate met, negotiated, and finally reached agreement on this important measure.

I want to note and, in doing so, commend the tremendous leadership Chairman SPECTER and Senator HATCH, our immediate past chairman of the Senate Judiciary Committee, and their respective staffs, as well as the House Judiciary Committee chairman, JIM SENSENBRENNER and his staff, for all their tireless dedication to this legislation. Many people have devoted time and effort to see this bill through, ensuring that we do everything within our power to protect our children.

The crimes of child abuse and child exploitation are astounding but, unfortunately, all too prevalent. The recent wave of child abductions in this country demonstrates the need for this type of response from the Congress. There is only one way to deal with those who prey on children: They must be caught sooner, punished longer, and watched closer than they are today.

Before I came to the Senate, I was honored to serve as the chief law enforcement officer of the State of Texas as Texas attorney general. There, I instituted a new specialized unit known as the Texas Internet Bureau which was designed to coordinate and direct efforts to fight Internet crimes such as fraud, child pornography, and address privacy concerns, among others. As others here have noted, the Internet is a remarkable tool which has revolutionized the way we live, the way we communicate, and the way we receive information. The problem is, though, there is a dark underbelly to the Internet, and the Texas Internet Bureau was designed to specifically identify Internet predators who were then caught, prosecuted, convicted, and taken off the streets. I am grateful to have had the opportunity to work with my colleagues in the Senate to help continue on this important initiative and to make it available to more and more of our children and, thus, to make America a safer place for our children to grow up.

I want to take a moment to highlight another very important participant in these negotiations who has been noted and praised for his efforts, but I think we can't say enough to recognize his contribution. John Walsh has a longstanding commitment to fighting for child victims and measures to protect children across this country. As has been recounted, his son Adam Walsh was kidnapped from a mall in Florida and murdered in 1981. Since that day, John Walsh has dedicated his life to helping victims of crime, and he has been enormously successful and influential in doing so. It is only appropriate that this bill honors the inspiration he has given to us all in the life of his son Adam Walsh in the process.

As many of you know, John Walsh is the host of ''America's Most Wanted'' and has spent a lot of time and effort working on this bill. This is not the first time he has invested his efforts and expertise in helping Congress address child crime legislation. In the previous Congress, we passed legislation that included the Code Adam Act, which required Federal buildings to establish procedures for locating a child who is missing in Federal buildings.

The title of this current bill appropriately honors Mr. Walsh's efforts, and I am told the President will sign the bill, if we pass it, on July 27, marking the 25th year since the day Adam was abducted.

I do not pretend to understand the pain and trauma the Walsh family or others have had to endure as a result of these terrible crimes against children. But I am eternally grateful for the way John Walsh has used this pain and this trauma to improve the lives of other people and to ensure we take every step within our power to protect our children against like crimes committed against Adam Walsh.

I wish to take a second to highlight other important measures contained in the bill which will enhance existing laws, enhance investigative tools, criminal penalties, and child crime resources in a variety of ways. This bill requires sex offenders to register and, in the case of the most serious offenders, to do so for up to the length of their entire lives. It requires them to report in person at least once each year to update personal information and to take a new photograph. It requires public posting for public access on the Internet of information about sex offenders so it is widely available, and so parents can take steps necessary to protect their children. It forces States to comply with this program or, I should say, persuades them to comply with the program by linking participation to Byrne grant funding, and it punishes with imprisonment up to 10 years those who fail to register, and if they commit a violent crime while unregistered, they can be punished for up to 30 years consecutive to any underlying conviction. It requires the Attorney General of the United States to create Project Safe Childhood, which will integrate Federal, State, and local efforts to prosecute the crime of child exploitation. It increases punishments for any crime of violence against a child, and authorizes grants to States to implement these important programs, and provides them grants to do so.

It also includes many of the provisions of the Internet Safety Act which I cosponsored with Senator JON KYL and others which, among other things, creates a new crime outlawing child exploitation enterprises, and would imprison for a mandatory minimum sentence of 20 years those who act in concert to commit at least three separate violations of Federal child pornography, sex trafficking, or sexual abuse laws against multiple child victims. It also enacts various other important provisions, including making the failure to register as a sex offender a deportable offense for aliens and preventing sex offenders from taking advantage of our immigration laws.

This is one of those fine times in the U.S. Congress where we have come together on a bipartisan basis to do something that rises above partisanship and is enormously significant in terms of improving our quality of life and protecting those who are most vulnerable among us. This Congress continues to act on measures that benefit our Nation and protect our children. It has long been said that societies are ultimately judged on how they treat their elderly and their young. This bill is an important step toward improving the safety of those who are our youngest and most vulnerable.

Finally, Mr. President, I would like to specifically express my gratitude to the many dedicated staff who worked tirelessly on this bill for some time, including Matthew Johnson and Lynden Melmed from my own staff. Additionally, I would like to thank the following staff:

Allen Hicks, Mike O'Neill, Matt Miner, Todd Braunstein, Brett Tolman, Lisa Owings, Bruce Artim, Ken Valentine, Tom Jipping, Dave Turk, Bradley Hayes, Joe Matal, Nicole Gustafson, James Galyean, Amy Blankenship, Jane Treat, Sharon Beth Kristal, Julie Katzman, Noah Bookbinder, Christine Leonard, Lara Flint, Marianne Upton, Preet Baharara, Melanie Looney, Anna Mitchell, Gabriel Adler, Alea Brown, Bradley Schreiber, Mike Volkov, Sean McLaughlin, Bobby Vassar, and Greg Barnes.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to speak about the Adam Walsh Child Protection and Safety Act. I thank the Senator from Utah for his leadership on this legislation over the last several years, and I thank his staff for their hard work and perseverance in pushing this legislation to the Senate floor tonight.

Last June, the entire Nation was horrified by the kidnapping and murders of the Groene family and the tragic crimes upon little Shasta Groene.

Joseph Duncan was a convicted sex offender who beat Brenda Groene; her 13-year-old son, Slade; and her boyfriend, Mark McKenzie to death. Their bodies were found in their home in Idaho on May 16, 2005. The killings captured the national headlines and prompted a massive search for the two Groene children, 8-year-old Shasta and her 9-year-old brother, Dylan.

Six weeks later, on July 2, restaurant workers in Idaho recognized Shasta and called the police. Dylan's remains were found later in western Montana.

This did not have to happen.

In 1980, Duncan was convicted of rape in Washington State. He was sentenced to 20 years in prison and began his sentence in a treatment program. After he was terminated from the program, he

served his sentence in prison until he was released on parole in 1994.

In 2000, he moved to Fargo, where he registered with the North Dakota Sex Offender Registry, but before long he had moved again and both the North Dakota and Washington State registries lost track of him.

In April of 2005, a Minnesota judge released Duncan on bail after he had been charged with child molestation.

Duncan promptly skipped town.

Minnesota issued a warrant for his arrest that May because he had not registered as a sex offender in that State, but by that time it was too late.

On May 16, the Groene family was found dead and it wasn't until July 2 that Shasta was recovered.

Joseph Duncan was essentially lost by three States. He moved from State to State to avoid capture.

No one knew where he was nor even how to look for him.

I say again, this did not have to happen.

There is no worse crime than a crime against a child, and one crime against a child is too many. That is why I have cosponsored the Child Protection Safety Act, because we need better information. We need a better system to keep that information accurate, and we need better standards to keep that system from breaking down when we need it most. The Senate must pass this bipartisan legislation to improve the national sex offender database, to link State tracking systems, and to prevent sex offenders from escaping and moving to other States.

Today there is far too much disparity among State registration requirements and notification obligations for sex offenders. Yes, there is already a National Registry, but it is based on often outdated listings from all 50 States. Worse, there are currently no incentives for offenders to provide accurate information, which helps to undermine the system.

Child sex offenders have exploited this stunning lack of uniformity, and the consequences have been tragic. Twenty percent of the Nation's 560,000 sex offenders are ''lost'' because State offender registry programs are not coordinated well enough.

We take these numbers very seriously in Washington State. In Washington State we have over 19,000 registered sex offenders and kidnaping offenders; more than 2,900 Washingtonians are currently incarcerated for these sex crimes. But we must be tough on these criminals because the national statistics are staggering.

One in five girls is estimated to be a victim of sexual assault. One in ten boys is estimated to be a victim. Only 35 percent of these cases are ever reported to the police. That is why this spring, Washington State passed a tough law that is new in mandating that sex offenders from other States must register with authorities within 3 days upon moving to Washington State. The previous law had been 30 days.

We also established a minimum sentence for certain sex crimes and tougher registration rules. Back in 1990 we were the first State to enact a sexual predator involuntary commitment law that ensures predators who are about to be released after serving their time can be prevented from being released if mental health officials believe that they will endanger the community.

This law has become a national model for other States to follow. Today, these sexual predators are housed on McNeil Island where they cannot hurt our children.

Here is what I know. Local law enforcement needs the tools and information that this legislation will give them to defend our children. It will help us close the gap between Federal and State sex offender registration and notification programs. Every State needs to update one another and the national registry in real time, and we need to recognize that tough punishment today will prevent terrible costs tomorrow.

We must keep our communities safe, and I know that is why the Senate is going to act on this legislation tonight. The Adam Walsh Protection and Safety Act creates this registry on a national level that is so long overdue. It provides strong, practical tools for law enforcement The new registry will expand the scope and duration of sex offender registration and notification requirements. It will keep track of all sex offender information—addresses, employment, vehicle, and other related information. And, as my colleague from North Dakota talked about, with his hard work, it also has a national sex offender Web site registry, the new Dru Sjodin National Sex Offender Web site, so that every American can stay informed.

Now the public will be able to search for sex offender information by geographic radius and zip code, and the bill also, as my colleague from Texas just mentioned, increases the penalties for violent sex crimes against America's children.

It requires that the sex offenders register prior to their release from prison or supervised programs.

America needs this legislation. I am so proud of my colleagues in joining in a bipartisan effort to give law enforcement the tools they need to protect our families and our communities. Let's give them the information and the resources they need to get tough with sex offenders. Let's pass the Adam Walsh Child Protection Safety Act to not only honor John Walsh and his family, but also for all those who have been victims of this hideous crime, and to show that we are willing to work together to be aggressive in taking action and helping to make America safe for our children.

I will yield the floor.

Mr. PRYOR. Mr. President, I rise today to support the Adam Walsh Child Protection Safety Act of 2006, H.R. 4472. I say that as an Arkansan because I know people in Arkansas want to protect our children. I say that as a former attorney general because I know we worked with John Walsh and other people who dealt with missing and exploited children all over the country. We tried to be as active as possible in the attorney general's office in Arkansas. Thirdly, and most important, I say it as a father because I want my children protected like everybody else here and everybody around the country who wants their children protected.

Senator FRIST made a statement a few moments ago about child predators on the Internet. It is a real problem. It is something we in the Congress are trying to deal with in this legislation. It is something we need to keep focused on even though we passed this legislation. We need to keep focused on it so we can make sure that what we have on the books works. I am very proud of the Senate tonight for considering this. I am very proud of the Congress for the way they have handled this and moved this through the process.

I also wish to say another word. There is a program around the country called Code Adam. Actually, an Arkansas company started this—Wal-Mart—several years ago, where they have a little blue sticker on the door of every Wal-Mart. They do a Code Adam procedure in the store if a child is reported missing in the store. I cannot tell you how many children have been saved in Wal-Marts but also in other retail stores that use Code Adam. Wal-Mart has given this idea to anybody who wants to do it. It has worked and it has probably saved dozens, if not hundreds, of children. It is named after Adam Walsh because he was abducted and murdered several years ago.

Lastly, my friend, Colleen Nick, whom I met through my time in the attorney general's office in Arkansas—her daughter Morgan Nick was abducted from a ballfield in Alma, AR, several years ago when Morgan was about 5 years old. Colleen has devoted her life to missing children issues. So I am proud that this passed tonight for Morgan and Colleen and the Nick family because I have talked to them and spent a lot of time with the Nicks. I know the void it creates in a parent's life and in a family's life when one of their children is missing and never found.

Mr. President, I am very proud to support this legislation. I believe it makes America better, stronger, and it puts some teeth in the law that we need. It is something of which we can all be proud.

Mr. GRASSLEY. Mr. President, I rise today in strong support of the Adam Walsh Child Protection and Safety Act. I am proud to be a cosponsor of this bill and am even prouder that we have been able to work across party lines and in both Houses to come up with a bill that we all can support and that will genuinely help protect our children from sexual predators.

My commendations and heartfelt sympathy go out to John and Révé Walsh, Mark Lunsford, and all the other parents and loved ones of children who were taken so violently from those who loved them so dearly. Without the tireless efforts of these folks, this bill might not be on the floor here today, as we near the 25-year mark of the disappearance and murder of Adam Walsh.

The urgency of passing this legislation is clear. The murders of Jessica Lunsford, Sara Lunde, Tiffany Souers, and Jetseta Gage, who was from my home State of Iowa, have been thoroughly covered in the news in recent times. Each of these murders was committed by a repeat sex offender. These cases should open our eyes to the necessity of passing a bill that will protect children from monsters who commit these crimes and ensure that those who do commit the crimes will receive tougher penalties.

As I mentioned, Jetseta Marrie Gage was from my home State of Iowa. I would like to take a moment to talk about the beautiful 10-year-old girl who was sexually assaulted and murdered last year.

On March 24, 2005, Jetseta went missing from her home. Within 12 hours of her disappearance, even before a body had been found, law enforcement officials took Roger Bentley into custody.

Bentley had been previously convicted for committing lascivious acts with a minor. Unfortunately, this man only served a little over 1 year in prison for his previous sex crime conviction. Two days later, due to a tip received by a woman responding to the Amber Alert, Jetseta's body was found stuffed in a cabinet in an abandoned mobile home. She had been sexually molested and suffocated with a plastic bag. I can't help but wonder whether Jetseta would still be alive today had her killer received stricter penalties for his first offense. It breaks my heart to hear about cases like this, but it is even more disheartening when you know that it might have been prevented with adequate sentencing and that hers is just one tragic story in a long list of horrific crimes committed every year.

Child sex offenders are the most heinous of all criminals. I can honestly tell you that I would just as soon lock up all the child molesters and child pornography makers and murderers in this country and throw away the key. As it should all of us, the thought of what these predators do to our innocent children literally makes me sick to my stomach. The thought that we might not do what we could to deter them but also to prevent the same people from committing the same crimes against other children is unacceptable. According to a study funded by the Department of Justice, 5.3 percent of sex offenders were rearrested within 3 years following their release for another sex crime. Also, compared to non-sex offenders released from State prisons, released sex offenders were four times more likely to be rearrested for a sex crime. Even more troubling, according to several federally funded studies, child molesters have an even higher rate of rearrest than rapists.

Three years ago, we passed the PROTECT Act, a bill I worked on with my colleagues to provide the judiciary with the necessary tools to ensure that our children and grandchildren grow up in a safe community, free from child predators. This bill complements the process we started with the PROTECT Act, and adds much needed additional protections for children and for our communities.

The bill before us today includes parts of the Jetseta Gage Prevention and Deterrence of Crimes Against Children Act, a bill that I introduced last year to strengthen penalties for criminals who commit sex offenses against children. It ensures that those who commit heinous crimes against our children are appropriately punished and that anyone thinking of committing similar crimes will think twice about the repercussions. The bill increases penalties for sexual offenses against children, including sexual abuse, murder, kidnapping, sex trafficking, and various activities relating to the production and dissemination of child pornography.

This bill goes far beyond these penalty increases, however. It establishes sex offender registration and notification requirements, essential to aid parents in monitoring their children's environments. It strengthens child pornography prevention laws and sets up grants, studies, and other programs for the safety of children and communities. It delves into Internet crimes, an area that is becoming increasingly important in light of the dangers posed to children and the lack of knowledge on the part of parents, which hampers their ability to protect their children. My good friend from Arizona, Mr. KYL, introduced the bill this section is based on and which I cosponsored.

As the elected representatives of the American people, our foremost duty is to protect those who cannot protect themselves. Child rapes and murders are now being reported on our news programs on a regular basis. We have the power to prevent so many of these crimes by creating stronger deterrents and letting parents know where these sex offenders lurk after they are released. When crimes are committed, the least we can do is ensure that the rapists and murderers won't get the opportunity to hurt another child.

It is a tragedy that it took so many stories like those of Adam Walsh, Jetseta Gage, and Jessica Lunsford for a law of this nature to be proposed. I strongly believe that a vote for this bill can save the lives of children in the future. We have an obligation as legislators to protect our citizenry. We have an obligation as adults to protect our youth. We have an obligation as parents to protect our children. I urge my colleagues to join me in doing just that by voting in favor of this bill.

Mr. NELSON of Florida. Mr. President, the Congress will soon pass important legislation that will better protect children around the country from those who seek them harm. The Adam Walsh Child Protection and Safety Act, H.R. 4472, named after the son of John and Revé Walsh who was killed in Florida almost 25 years ago, is the toughest and most comprehensive sex offender bill in recent years.

This legislation includes a number of changes to safeguard children, including tougher sentences for crimes committed against children, a publicly accessible national database of sex offenders, and a Federal requirement for convicted sex offenders to register their locations with law enforcement officials. The bill also includes a provision, which I authored, to track released sex offenders.

Sadly, events of the recent past highlight the need for us to know the location of convicted sexual offenders if they are released back into our communities.

In my State of Florida, two young girls, Jessica Lunsford and Sarah Lunde, were both murdered by convicted sex offenders within weeks of each other in 2005.

Jessica Lunsford of Homosassa, FL, was a 9-year-old girl who was abducted from her home, raped, and then buried alive by a convicted sex offender who lived 150 feet from her home. Law enforcement had lost track of him and they did not know that he worked at the school that Jessica attended, despite his being a registered sex offender. A few weeks later, 13-year-old Sarah Lunde of Ruskin, FL, was murdered by her mother's ex-boyfriend. He is also a convicted sex offender.

In response to these tragic events, Florida enacted a law that provides tougher sentences for child sex offenders and aids law enforcement in effectively monitoring those sex offenders. The law requires sex offenders, released back into our communities, to wear a device to allow authorities to track them via a global positioning system.

My provision in the Adam Walsh Act provides Jessica Lunsford and Sarah Lunde grants to aid States and local government in purchasing electronic monitoring systems, such as global positioning systems, that will provide law enforcement with real time information on the whereabouts of sex offenders released from prison to within 10 feet of their location. Law enforcement will be able to restrict the movements of sex offenders by programming these systems to alert authorities if a sex offender goes to a park, amusement park, elementary school or other areas determined to be off limits. The ankle bracelets used to monitor their movements are tamperproof and will alert law enforcement in the event that an offender has removed it so law enforcement can immediately act to apprehend the offender.

The grants will provide a total of $15 million to State and local government to help implement laws in order to get tougher on sex offenders released back into their communities with electronic monitoring technology. The bill will provide for $5 million in grants for fiscal years 2007 through 2009. The bill then directs the Attorney General to provide a report to Congress assessing the effectiveness of the program and making recommendations as to future funding levels.

In the United States, there are an estimated 380,000 registered sex offenders, although thousands have disappeared, according to authorities. We have over 30,000 of these sex offenders in the State of Florida. Laws, such as the one in Florida, and the Adam Walsh Act, which will be passed by Congress, are necessary to protect our children. I believe it is important that the Federal Government be appropriately supportive of State and local governments that are addressing this problem. To be effective, tough laws on sexual predators of children must be properly funded, and I believe these tough laws being passed by Federal and State legislatures are worth properly funding when they will protect our children.

Children are our most important treasure and protecting them is one of our most sacred responsibilities. I hope this bill will serve as a living memorial to all the children and serve as some comfort to their families. I hope the Jessica Lunsford and Sarah Lunde grants provided in this bill will allow law enforcement to help prevent other families from suffering similar tragedies.

Mr. KERRY. Mr. President, today the Senate passed the Adam Walsh Child Protection and Safety Act of 2006, which will help prevent the child exploitation by, among other things, creating a national system for the registration of sex offenders. Included in this legislation is a very important provision that I authored with Senator ISAKSON called Masha's Law. Masha's Law is named after a very brave 13-year-old girl—a Russian orphan who was adopted by a Pennsylvania man at the age of 5 and sexually exploited from the moment she was placed in his care. Masha suffered unspeakable atrocities in the hands of her abusive father, a man with a history of child exploitation. She continues to suffer as photographs of this abuse, taken by her father and posted on the Internet, are downloaded every day. Yet Masha does not cower in fear. She is taking a stand. She is using her experiences to demonstrate why the law must change. And it is because of her that we are now closing unacceptable loopholes in our child exploitation laws.

Masha's photographs are among the most commonly downloaded images of child pornography. Law enforcement estimates that 80 percent of child pornography collections contain at least one of her photographs. In fact, it was the high volume of images being distributed by this one individual that raised suspicions and led law enforcement officials to the home of Masha's adopted father. While he is currently in jail accused of sexual abuse and facing Federal charges, the damage to Masha continues every day as her pictures continue to be downloaded. Masha has sought compensation through a little used provision in the Child Abuse Victims' Rights Act of 1986 that provides statutory damages for the victims of sexual exploitation. Nothing will ever compensate Masha for the horrific experiences she has had, but the penalties provided in current law are embarrassingly low—they are one-third of the penalty for downloading music illegally.

According to the Center for Missing and Exploited Children, child pornography has become a multibillion dollar Internet business. With the increasingly sophisticated technology of digital media, child pornography has become easier to produce, transfer, and purchase. We are not doing enough to deter those who post and download child pornography.

Masha's Law would do two things; first it would increase the civil statutory damages available to a victim of child exploitation; and second, it would ensure that victims of child pornography whose images remain in circulation after they have turned 18 can still recover when those images are downloaded. The injuries do not cease to exist simply because the victim has turned 18. They continue and so should the penalties.

These changes are long overdue. I am proud that the Senate has passed this important legislation, and I am grateful to Masha for having the courage to stand up and make her voice heard.

Mr. DEWINE. Mr. President, I am proud to be a cosponsor of the Adam Walsh Child Protection and Safety Act of 2006, which provides law enforcement officers with several important tools to protect our children. In the past three decades, we have all seen and heard about the many tragic cases of children being assaulted and killed by sex offenders. These are absolutely horrifying events, and as legislators, we have an obligation to do all we can to prevent such crimes in the future. We need to improve and enhance sex offender registration and tracking laws and increase penalties for those who violate them, which this act will accomplish.

There are several prongs to this act, which is what will make it successful. The core of this bill establishes a national sex offender registry. Although each State has a registry, there are no uniform standards. There is no easy way to access information from different jurisdictions. This act creates a uniform Federal standard which divides offenders into tiers, depending upon the offense for which they were convicted. It establishes registration guidelines for each tier, including how long a person would need to be registered and how often he or she must come in for a personal verification of the registration information. The act also creates community notification requirements and will make it a felony for sex offenders to fail to register and update their information on a regular basis. The Dru Sjodin National Sex Offender Public Web site will allow the public to search for information on sex offenders by ZIP Code and geographic radius.

All of these changes will help make our tracking laws more effective and will allow parents and members of the local community to be vigilant about the potential dangers of sex offenders in their neighborhoods.

But before we can put a predator can appear on the registry, he needs to be caught and prosecuted. The Adam Walsh Act includes urgently needed resources to assist law enforcement in these endeavors. This act establishes 10 new task forces dealing with Internet crimes against children, 45 new computer forensic examiners to deal exclusively with child sexual exploitation, and 200 new Federal prosecutors—all designated to combat child sexual exploitation.

This act also tries to protect children from being victimized in the first place. It provides grant money for educating parents and children about those who use the Internet to prey upon children. It funds Big Brothers and Big Sisters and includes my bill for the reauthorization of the Police Athletic Leagues. These two programs provide kids with supervision and role models and mentors who can help protect them from predators. In addition, it mandates that potential foster and adoptive parents go through a thorough criminal background check before a child can be placed with them.

Also incorporated in this bill are aspects of the Internet Safety Act which I proudly cosponsored. These include establishing new criminal penalties to keep up with the constantly increasing level of depravity among pedophiles—for example, the child exploitation enterprises provision to prosecute the ''molestation on demand'' child pornographic industry that has sprung up in recent years. Sexual predators of children are among the worst kind of offenders, and it is only right that there are sentencing enhancements for registered sex offenders who reoffend.

This is a good piece of legislation. I am pleased so many of my colleagues support it, and I look forward to its pending passage.

Mr. KENNEDY. Mr. President, in May, the Senate passed the Sex Offender Registration and Notification Act to standardize and strengthen registration and monitoring of sex offenders nationwide. Since its passage, the House and Senate have worked closely to resolve their differences and to improve the overall quality of the legislation. The bill before us today contains difficult compromises, but it has achieved that goal.

This legislation is critically important to safeguard victims of sexual abuse from harm. It will help protect innocent people from violent offenses. It recognizes the victims and all the suffering both they and their families have endured.

With this legislation, we are recognizing the loss of Molly Bish from Warren, MA. At 16, Molly was abducted from her position as a lifeguard, and her family endured terrible uncertainty until her remains were found 3 years later. Molly was a typical teenager who took great joy from life. Her nickname was Tigger, because she was always on the move. She is survived by her parents, John and Magi Bish; her sister, Heather; and her brother, John, Jr., who work every day to keep children safe, honoring her life and her legacy.

With this bill, we also remember with sadness another Massachusetts resident, Alexandra Zapp. Ally was 30 years old when she was attacked and murdered in a public restroom by a repeat sex offender in Bridgewater, MA, in 2002. Ally's friends described her as a strong, smart, and independent woman. She had worked at the USA Sailing Association of Portsmouth, RI, where she was a keelboat training coordinator. Ally is survived by her mother and sister, Andrea and Caroline, and her father and stepmother, Ray and Linda. This legislation is dedicated to her memory, along with the memories of Molly Bish and the many other victims of terrible crimes.

Several changes have been made to this legislation as a result of our work with the House. It is important to make sure that information on offenders who pose a potential threat is available to the public at large, and this bill provides for Internet listing and community notification about such individuals.

At the same time, in order for the registry to be effective, it should be targeted toward those who present the highest risk to our communities. The current version takes a more sweeping approach toward juvenile offenders by expanding their registration requirements. The Senate bill allowed each State to determine whether a juvenile should be included on the registry. This compromise allows some offenders over 14 to be included on registries, but only if they have been convicted of very serious offenses. For juveniles, the public notification provision in this bill is harsh given their low rate of recidivism, which is less than 8 percent according to the most recent studies. For this reason, it is especially important that the bill includes funding for treatment of juvenile offenders. These provisions recognize that juvenile offenders, who have much lower rates of recidivism and have been shown to be much more amenable to treatment than their adult counterparts, shouldn't be lumped together with adult offenders.

The bill also provides increased funding for programs to prevent these offenses before they occur. It also authorizes funding for sex offender treatment and management within the Federal prison system. These provisions will be helpful in reducing the future risks to society by convicted sex offenders. If Congress is serious about addressing this problem, it must commit itself to fully funding the legislation.

All States currently have registration requirements for sex offenders, but this bill will create a system of national tracking and accountability that preserves the ability of individual States to provide additional procedures to assure the accuracy and usefulness of the registries.

Massachusetts has a system that works. We are already doing most of what this bill requires, but our system goes beyond these basic requirements by providing individualized risk assessments of each sex offender who goes on the registry. These individual assessments, combined with hearings allowing offenders to challenge their classification, help ensure that States like Massachusetts can provide the highest quality of information on potential threats to the community while respecting the tremendous impact that community notification can have on offenders' lives. I am pleased that this legislation respects the right of individual States to innovate in this area and does not penalize States who go the extra mile to improve their registries.

For this reason, section 125 of the compromise is very important. Each State will face challenges in the implementation of these new Federal requirements, and States should not be penalized if exact compliance with the act's requirements would place the State in violation of its constitution or an interpretation of the State's constitution by its highest court.

The Massachusetts Supreme Judicial Court has concluded that offenders are entitled to procedural due process before being classified at a particular risk level and before personal information about them is disseminated to the public. Massachusetts has been vigilant in implementing a comprehensive and effective sex offender registry, and it should not lose much needed Federal funding where there is a demonstrated inability to comply with certain provisions of this new Federal law.

No State should be penalized and lose critical Federal funding for law enforcement programs as long as reasonable efforts are under way to implement procedures consistent with the purposes of the act. It is essential that the Federal Government continue to collaborate and to provide support for State and local governments, including the prevention, intervention, and enforcement of antigang and antidrug activities as a result of this bill.

At the same time, the new mandatory minimum sentences in the act aren't justified by any empirical data or sound policy. Mandatory minimums prevent prosecutors and judges from doing what they do best—making individual determinations on sentencing, based on the circumstances of individual cases. With more than 2 million Americans in prison or jail—including 12 percent of all African-American men between the ages of 20 and 34—no one can seriously argue that there is an epidemic of leniency in Federal sentencing. This latest batch of mandatory minimums undermines more than two decades of legislative work devoted to striking a sensible balance between consistent sentencing and the need to provide judges with the discretion to make sure each sentence fits the crime.

Although it is important to have strong penalties for crimes against children, I have major reservations about the broad expansion of the death penalty in this compromised legislation. It is clear that continued imposition of the death penalty will inevitably lead to the wrongful execution of more and more people. Justice Marshall, in particular, wrote powerfully on this issue. He believed that if our citizens knew the truth about the death penalty, ''its disproportionate imposition on racial minorities and the poor, its utter failure to deter crime, and the continuing likelihood of executing the innocent,'' it would be rejected as morally reprehensible.

Last year, the Supreme Court struck down the death penalty for juveniles—persons 17 years old or younger. The Court's ruling was significant. It was long past time to erase that stain from our human rights record. The basic injustice of the death penalty is obvious. Experience shows that imposition of the death penalty inevitably leads to wrongful executions. Many of us are concerned about the racial disparities in the imposition of capital punishment and the wide disparities in the State in its application. The unequal, unfair, arbitray, and discriminatory use of the death penalty is completely contrary to our Nation's commitment to fairness and equal justice for all, and we need to do all we can to correct this fundamental flaw.

Finally, the national registry of substantiated cases of child abuse in this bill should not be implemented until Congress has a full understanding of its scope and effectiveness. The proposed registry raises serious implementation challenges and could create an additional and unnecessary burden for States. Not all States maintain the same registry information, and most States maintain different rules on disclosure. Tribal entities, which are included in this proposed registry, currently maintain no registries at all.

I am concerned that this registry raises serious privacy concerns by including information on cases without the opportunity for due process. For this reason, it is important that the study on establishing data collection standards be completed before such a

registry is established. Current standards for inclusion in child abuse registries vary greatly, with some requiring credible evidence and others requiring no standard other than the judgment of the case worker.

During the most recent reauthorization of the Child Abuse Prevention and Treatment Act, we improved current child abuse systems to ensure that law enforcement has the information it needs to pursue and prosecute cases.

A new provision was added to require States to ''disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, which has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect.'' Rather than developing additional registries and reporting requirements, States need Federal assistance to effectively carry out their roles and responsibilities under CAPTA. I am concerned that this new registry will have limited value in improving or standardizing State recordkeeping for child abuse and neglect cases.

Despite these provisions, I commend the work that has been done on this bill. Without further delay, it is important that we get this bill to the President so that it can be signed on July 27th, the 25th anniversary of the abduction of Adam Walsh, and to honor all of the work his parents have done in his memory to protect children in communities across the country.

Mr. BYRD. Mr. President, the foundation of democracy lies in a government that reflects the voice of its citizens. The Constitution, the beloved document that chartered our system of government, makes this clear. ''We the people'', are the very first words of our Constitution: ''We the people.'' This is no mistake, for our Founders sought to create a government that would reflect the will of those who send us here.

Voting is the underpinning of our democratic process. In an address to Congress, President Lyndon B. Johnson said that, ''In a free land where men move freely and act freely, the right to vote freely must never be obstructed.'' With the act of casting one's ballot, each citizen has ensured a place in the democratic process, fulfilling the civic responsibility that each and every one of us must safeguard and cherish. All citizens deserve this right, and all should utilize it.

Like so many worthwhile initiatives, safeguarding the freedoms of democracy can sometimes exact a heavy toll. Wars have been fought on our own soil to ensure these freedoms, and our country's history has been blemished with the events of a less enlightened time. But even through strife and toil, our democracy emerged intact, our Republic strengthened by the sacrifices made by the citizens who fought for equality and the right to vote.

I met yesterday with Mr. James Tolbert, President of the West Virginia NAACP, and other members of the West Virginia NAACP delegation. They were here in Washington D.C. as part of a national effort to spearhead the reauthorization of the Voting Rights Act. I was proud to assure them of both my cosponsorship of the measure and my support for the reauthorization.

While the various reauthorizations of the Voting Rights Act have forged the pathway to the polls for all Americans, the ability to vote is but half of the process. Democracy works best when the people are vigilant in protecting of their rights, and engage in the electoral process. Our democracy is strongest when there is free and open access to the polls for everyone, and when the people embrace the vote as both a right and a responsibility.

Indeed, the decades that have followed the initial passage of the Voting Rights Act have witnessed the progress of our Nation. To continue in our efforts, we have only to look to past successes for inspiration. To be ardent in the defense of our democracy is to preserve it for the generations to come.

Mr. MCCONNELL. Mr. President, I rise to speak in strong support of the Adam Walsh Child Protection and Safety Act of 2006. This bill will strengthen our power to keep America's children safe from sexual predators and creates the National Sex Offender Registry, which will keep track of all sex offender information nationwide. It will also create the Dru Sjodin National Sex Offender Public Web site, so that every American will have the ability to search for information on potential sexual predators in their own community.

I have had a personal interest in children's welfare and child-safety issues for many years, predating my time in the Senate, in fact. Before being elected to this Chamber, I served as judge-executive of Jefferson County, KY, from 1977 to 1984. Jefferson County contains Louisville, my hometown, and the judge-executive position was the county's chief executive.

In 1981, we hosted in Louisville the first-ever national conference on rescuing missing and exploited children. Ernie Allen, who was on my staff at the time and organized the conference, is today the head of the National Center for Missing and Exploited Children. And that conference was keynoted by John Walsh. At the time, Mr. Walsh was not yet the television fixture and hero to millions of parents he is today but a private citizen whose 6-year-old son, Adam, had been tragically kidnapped and murdered earlier that same year.

That event began a decades-long friendship between John and me, centered around this issue. Together, we lobbied Congress—and I remind you, I was not yet a Senator at this time—for legislation that would create a nationwide organization to track missing kids. In 1984, our efforts bore fruit, and President Ronald Reagan signed the bill creating the National Center for Missing and Exploited Children as a public-private partnership.

I believe government must do all it can to support groups such as the NCMEC and others and our law enforcement agencies in their efforts to find missing children, return them to their families, and shield them from sexual predators. The work these groups do is vital to protecting families, and I applaud their dedication and compassion.

Passage of this bill will further the mission of comforting parents everywhere and protecting our children. The National Sex Offender Registry will contain up-to-date data on all sex offenders nationwide, and there are harsh penalties for any offender who does not register.

The bill imposes tougher penalties for sex offenses and violent crimes against children. It also allows for civil commitment procedures for any sex offenders who demonstrate while incarcerated that they cannot be trusted to be unleashed on society.

The bill addresses child exploitation over the Internet with stringent Internet safety provisions. It also contains several worthy programs, grants, and studies to address child and community safety.

I would especially like to note that the bill strengthens the pornography recordkeeping and labeling requirements passed by Congress in 1988 to protect children from exploitation by pornographers. These provisions were originally part of S. 2140, the Protecting Children from Sexual Exploitation Act of 2005, sponsored by my good friend from Utah, Senator HATCH.

I was pleased to join him as a cosponsor of that bill and am doubly pleased now to see these provisions included in this bill, which I feel confident in saying will soon reach the President's desk and receive his signature.

Finally, the portion of this legislation that parents may find the most comforting is the creation of the Dru Sjodin National Sex Offender Public Web site. Parents will now have the power to search for sex offenders in their own community. The good that can come from this power to arm parents with the right information cannot be measured.

I ask my colleagues to join me in commending John Walsh for his commitment to this important issue. His drive to see that the tragedy that befell his own family does not fall on another has not diminished in the 25 years I have known him. I am glad that we can honor John by naming this important legislation after his beloved son.

Those who would prey on the weakest among us—our children deserve to feel the full weight of the law brought down on them. It is hard to imagine a crime that does more to destroy families or dreams of a bright future. This legislation will ensure that kids, parents, and law enforcement agencies have the tools they need to fight child predators and sexual criminals. For that reason, I am proud to support its passage.

Mr. KYL. Mr. President, I rise today to comment on the Adam Walsh Child Protection and Safety Act. This legislation will create a national sex offender registry that will make it possible for law enforcement and concerned citizens to track sexual predators. The bill also includes tough penalties that will ensure that these individuals will actually register. There currently are over 100,000 sex offenders in this country who are required to register but are ''off the system.'' They are not registered. The penalties in this bill should be adequate to ensure that these individuals register. In addition to allowing up to 10 years in prison for an offender who fails to register, the bill also imposes a mandatory 5 years in prison for an offender who has neglected his obligation to register and commits a crime of violence.

I would like to focus my remarks on legislation that I have introduced that has been incorporated in this final bill. I am particularly pleased to see that the bill maintains the ChildHelp National Registry of Cases of Child Abuse and Neglect. Section 663 of the bill instructs the Department of Health and Human Services to create a national registry of persons who have been found to have abused or neglected a child. The information will be gathered from State databases of child abuse or neglect. It will be made available to State child-protective-services and law-enforcement agencies ''for purposes of carrying out their responsibilities under the law to protect children from abuse and neglect.'' The national database will allow States to track the past history of parents and guardians who are suspected of abusing their children. When child-abusing parents come to the attention of authorities—when teachers begin to ask about bruises, for example—these parents often will move to a different jurisdiction. A national database would allow the State to which these parents move to know the parents' history. It will let a child-protective-services worker know, for example, whether he should prioritize investigation of a particular case because the parent has been found to have committed substantiated cases of abuse in the past in other States. Such a database also would allow a State that is evaluating a prospective foster parent or adoptive parent to learn about past incidents of child abuse that the person has committed in other States.

I am also proud to see that the Internet SAFETY Act, which I introduced with several colleagues earlier this year, has been incorporated as title VII of this bill. This title includes the following important provisions:

Section 701 makes it a criminal offense to operate a child exploitation enterprise, which is defined as four or more persons who act in concern to commit at least three separate violations of Federal child pornography, sex trafficking, or sexual abuse laws against multiple child victims. This offense is punished by imprisonment for 20 years up to life.

Section 702 provides that if an individual who is required to register as a sex offender under Federal or State law commits specified Federal offenses involving child pornography, sex trafficking, or sexual abuse against a minor victim, the offender shall be imprisoned for 10 years in addition to any penalty imposed for the current offense.

Section 703 makes it a criminal offense to embed words or digital images into the source code of a Web site in order to deceive people into viewing obscenity on the Internet. Offenses targeting adults are subject to up to 10 years imprisonment; offenses targeted at child victims are subject to up to 20 years imprisonment.

Section 704 authorizes appropriations for the U.S. Attorney General to hire 200 additional Assistant United States Attorneys across the country to prosecute child pornography, sex trafficking, and sexual abuse offenses targeted at children.

Section 705 authorizes appropriations for the hiring of 30 additional computer forensic examiners within the Justice Department's Regional Computer Forensic Laboratories, and 15 additional computer forensic examiners within the Department of Homeland Security's Cyber Crimes Center. The additional computer forensic examiners will be dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

Section 706 authorizes the Office of Juvenile Justice and Delinquency Prevention to create 10 additional Internet Crimes Against Children, ICAC, Task Forces.

Finally, section 707 of the Internet SAFETY title expands the civil remedies for sexual offenses by allowing the parents of a minor victim to seek damages, and by allowing a minor victim to seek damages as an adult.

Title II of today's bill also includes a number of penalty increases and other improvements to Federal criminal sex offenses. Many of these provisions appeared in the Internet SAFETY Act, as well as in the Jetseta Gage Act, which was introduced by Senator GRASSLEY in 2005 and of which I was an original cosponsor. Section 211 suspends the statute of limitations for all Federal felony offenses of sexual abuse, sex trafficking, or child pornography. Other provisions of title II increase penalties for coercion and enticement by sex offenders, conduct relating to child prostitution, aggravated sexual abuse, sexual abuse, abusive sexual contact, sexual abuse of children resulting in death, and sex trafficking of children. Title II also makes sexual abuse offenses resulting in death eligible for the capital punishment, and expands the predicate offenses justifying mandatory repeat-offender penalties for offenses involving child pornography and depictions of the sexual exploitation of children. Finally, title II adds sex trafficking of children to the set of repeat offenses that are subject to mandatory life imprisonment.

Another provision that I have pursued during this Congress and that is included in this final bill is section 212, which extends several of the guarantees of the 2004 Crime Victims' Rights Act to Federal habeas corpus review of State criminal convictions. Because such cases involve Federal courts but State prosecutors, this extension is limited to those provisions of CVRA that are enforced by a court—Congress cannot compel State prosecutors to enforce a Federal statute. The victims' rights extended by section 212 to Federal habeas proceedings are the right to be present at proceedings, the right to be heard at proceedings involving release, plea, sentencing, or parole, the right to proceedings free from unreasonable delay, and the right to be treated with fairness and with respect for the victim's dignity and privacy.

The bill also makes some technical improvements to the DNA Fingerprint Act, which Senator CORNYN and I introduced last year and which was enacted into law as an amendment to the reauthorization of the Violence Against Women Act at the beginning of this year. Section 155 of today's bill modifies the authority granted to the Federal Government by the DNA Fingerprint Act to collect DNA samples from Federal arrestees. Under current law, the Federal Government may collect a DNA sample from any person arrested for a Federal offense, but the authority to collect DNA from persons convicted of a Federal offense is limited to felonies and certain misdemeanors. Section 155 corrects this anomaly by including convictions in the Federal sample-collection regulatory authority, thus allowing the Federal Government to collect DNA from all persons convicted of a Federal crime. The 2006 Act also allows DNA to be collected from all arrestees, but in the case of persons detained under Federal authority this authority is limited to non-U.S. persons—i.e., foreign visitors who are neither U.S. citizens nor permanent residents. Problems might arise in the case of U.S. persons who are detained and facing Federal criminal charges, but who were not arrested by Federal authorities. Examples include persons who are being prosecuted federally but were arrested by the State officers participating in a joint Federal-State task force, and persons who turn themselves in to Federal authorities without being formally arrested. Arguably, the 2006 act's arrest authority should extend to such individuals—they are constructively arrested. Section 155 eliminates any ambiguity and possibility of litigation over these matters by expressly granting the Federal Government the authority to collect DNA samples from individuals facing Federal charges.

Finally, I would like to take a moment to recognize all of the staff who worked so hard to see this bill through to completion. Please allow me to

thank Ken Valentine and Tom Jipping of Senator HATCH's staff, Dave Turk of Senator BIDEN's staff, Julie Katzman and Noah Bookbinder of Senator LEAHY's staff, Nicole Gustafson of Senator GRASSLEY's staff, as well as Chad Groover, who has since left Senator GRASSLEY's office but who played a critical role in developing many of the penalty enhancements included in title II, Christine Leonard of Senator KENNEDY's staff, Lara Flint of Senator FEINGOLD's staff, Nate Jones of Senator KOHL's staff, Sharon Beth Kristal of Senator DEWINE's staff, Reed O'Connor of Senator CORNYN's staff, Jane Treat of Senator COBURN's staff, Greg Smith of Senator FEINSTEIN's staff, Marianne Upton of Senator DURBIN's staff, Bradley Hayes of Senator SESSIONS's staff, Bradley Schreiber of Mr. FOLEY's staff, and last but not least in this group, Brooke Bacak of my Republican Policy Committee staff.

I would especially like to thank Allen Hicks and Brandi White of Senator FRIST's staff, who were very helpful in securing the inclusion of the Child-Abuse Registry in this bill, Matt Miner of Senator SPECTER's staff, who played a critical role in negotiating the final bill, and Mike Volkov, Sean McLaughlin, and Phil Kiko of Mr. SENSENBRENNER's staff. The bill that we have today would not exist were it not for the professionalism, expertise, and dedication of the SENSENBRENNER staff. Often it is easy in Congress simply to pass any bill dealing with a subject so that we can say that we have addressed the problem. This is not such a bill. This is a strong, tough bill that will make a difference in the safety and security of our Nation's children. It is a bill of which we can all be proud, and Mr. SENSENBRENNER's staff deserves recognition for their contribution to that result.

Mr. LEAHY. Mr. President, back in May 2005, with the leadership of Senator SPECTER, Senator BIDEN, Senator KENNEDY, and others, the Senate Judiciary Committee approved an important child safety bill, S. 1086. The committee worked tirelessly to craft a prudent, bipartisan bill that would assist States in their ongoing efforts to protect children through tighter monitoring of known sex offenders. It was a good bill, and it passed the full Senate in May of this year by unanimous consent.

Now, extensive bipartisan discussions with the House have produced a revised version of the bill, which the Senate is voting on today. The new bill is better in a few ways than the Senate-passed bill that we produced and also, regrettably, takes some steps backward. While this new bill is not the bill I would have written, I intend to support it and expect that it will pass.

As a former prosecutor, and as a father and grandfather, I know that there is no higher duty than to protect our society's children, to take every step possible to prevent them from coming to harm, and to punish those who attempt to or succeed in harming them. We have never debated whether children should be protected. Of course they should. The only debate is about how they should be protected, and how best to deploy and utilize limited resources to deter and punish those who would prey on them.

Over the last 30 years, I have worked closely with others to write and enact legislation aimed specifically at protecting children and assisting victims. In the last Congress, Senator HATCH and I joined to introduce the PROTECT Act, which provided prosecutors and law enforcement with tools necessary to combat child pornography and human trafficking. The final legislation passed by Congress included a number of provisions that I had either authored or supported, such as the National AMBER Alert Network Act; the Protecting Our Children First Act, which reauthorized funding for the National Center for Missing and Exploited Children; and legislation to amend the Violence Against Women Act to provide transitional housing assistance grants for child victims of domestic violence.

In addition, I am pleased that the Senate has acted on other legislation for children and crime victims that I have sponsored. These include the 21st Century Department of Justice Appropriations Authorization Act, which among other things included important grant funds for the Boys and Girls Clubs of America, and established the Violence Against Women Office in the Justice Department. In 2004, the President signed into law the Justice For All Act, a package of criminal justice reforms that, among other things, authorized funds to reduce rape kit backlogs and enumerated crime victims' rights.

I am glad that this new consensus legislation to protect children honors the efforts of John and Revé Walsh, who have worked so hard to ensure that other families would not experience the tragedy that befell their family. It has been my privilege to work for many years with the Walshes and with the National Center for Missing and Exploited Children, in which they have played such an instrumental role, to take many important steps to keep children and families safe. I commend and thank John Walsh once again for his passionate advocacy on behalf of the Nation's children over many, many years.

I am also glad that members of both parties in both bodies ultimately agreed with me and with the distinguished Senate Republican and Democratic leaders that we should prioritize finishing and passing legislation to protect children from sexual predators, without tying this crucial legislation to other more difficult issues. The Senate has passed court security legislation, for which I was a principal cosponsor, as part of S. 2766, and we have been working to settle differences between our legislation and the other body's court security proposals. Court security legislation should pass this year, but it would not have been right to endanger either the court security bills or this crucial child protection legislation by tying them together.

Gang legislation is on a separate track entirely. It is just getting started in the Senate. Passing legislation to protect children from sexual predators has been my first priority. Seeking simultaneously to resolve extensive differences over provisions in the gang bill and other crime legislation could have caused us to miss this chance. It is commendable that, in the end, both bodies chose to focus on passing sex offender legislation and not to jeopardize this by tying this bill to more controversial measures.

The gang bill is just now before the Judiciary Committee, which is the appropriate place to start work on a complex and important piece of criminal justice legislation. It is a new and very different version of this bill. It will be important to hold a hearing on this bill to listen to the Federal, State, and local law enforcement officers who are combating gang violence on a regular basis, and from the organizations that are working to keep kids out of gangs. Gang violence is a disturbing and difficult menace in our communities, and as we craft solutions to help address these issues we should strive to get it right. We have done the right thing by finalizing this important child protection legislation first, before turning to that and other difficult tasks.

When S. 1086 was first introduced in May 2005, serious concerns were raised by members of the Judiciary Committee, State attorneys general, the Department of Justice, and others. Through an impressive, bipartisan effort these concerns were largely addressed. I appreciate that Senators, and now House Members, of both parties took these concerns to heart and revised this bill in ways that will increase the protection of children from the most dangerous sex offenders, while not overwhelming the States with requirements that could hinder their own efforts. I believe that this new bill takes a few unfortunate steps back from the well thought out Senate version, but it still achieves many of the crucial goals we identified. The resulting bill ensures that each State will have an effective sex offender registry and that all States will share registry information—all of which will help keep our children safer.

I am glad that this bill addresses my concerns and that of many others of both parties in the Senate in giving significant discretion to the States in the handling of juvenile offenders. Juvenile justice has always been a province of the States, and State legislatures, prosecutors, and judges have developed significant expertise in distinguishing which juvenile offenders represent a continuing threat to society and which juveniles, with appropriate treatment and monitoring, can turn

themselves around and become contributing members of society.

This bill correctly allows the States, in many cases, to use their expertise—and they know more about these issues than we do here in Washington—to decide which juveniles should be on sex offender registries, to what extent, and for how long. It also appropriately requires the States to include the most egregious juvenile offenders, who do represent a threat to others, on their sex offender registries. I think the bill goes too far in a few cases in limiting States' discretion to determine which juveniles should be placed on registries and to allow those juvenile offenders who have lived cleanly and turned their lives around to get off of registries. But overall, this bill strikes an acceptable balance on this issue, and I am glad that those of us who were concerned about appropriate deference to the expertise of the States spoke out and were heard to some extent.

This bill takes a good if small first step toward what should be one of our most important priorities in keeping our children safe from sex offenders: treatment. While the most dangerous sex offenders may be predisposed to reoffend and should be treated accordingly, many studies have shown that people who commit less serious sex offenses often, with appropriate treatment, do not present a significant risk of recidivism and can become responsible members of society. One of the best ways to protect our children is to help as many low-risk offenders as possible turn their lives around, so that our scant law enforcement resources can be focused on those dangerous offenders who are a demonstrable threat to our children. In addition to the Bureau of Prisons Program included in S. 1086, the current bill includes a new program directed specifically to the treatment of juvenile sex offenders, who have been proven to be especially responsive to treatment. This is a welcome addition to the bill, and one we should build on in the future.

I want to direct the attention of my colleagues to title V of the bill, which makes substantial amendments to section 2257 of title 18. By way of background, Congress passed the original version of section 2257 in 1988, as a means to help ensure that minors were not being exploited by the adult, hard-core pornography industry in violation of the child exploitation laws. In 1989, the District Court for the District of Columbia found that this original version violated the first amendment. In 1990, Congress responded to the District Court decision by significantly narrowing the scope of section 2257.

The House bill proposed an expansion of section 2257 beyond what was held unconstitutional before the 1990 amendments, and beyond the pornography industry and those who exploit children. The proposed expansion of section 2257 gave rise to legitimate concerns, expressed by groups as far-ranging as the Chamber of Commerce, the Motion Picture Association of America, the American Hotel and Lodging Association, the American Library Association, and the American Conservative Union, that its record-keeping and labeling requirements, and associated criminal liability, might now affect an array of mainstream, legitimate, and first-amendment-protected activities and industries. These industries are leaders in protecting children employed in their industries and are far removed from the problem that the legislation purportedly sought to address. Subjecting them to the burdens of a recordkeeping and labeling statute intended for the pornography industry would create substantial burdens of compliance without any added benefit in the wholly legitimate and vital cause of actually safeguarding the security and welfare of children.

Because the focus of these requirements is adult pornography and the protection of children, not mainstream visual depictions and activities that do not threaten children, the new bill includes provisions intended to limit the reach of these requirements to those who are actually exploiting children. Most notably, section 2257A(h) enables law-abiding, legitimate businesses, which create and commercially distribute materials that are not, and do not appear to be, child pornography, to certify to the Attorney General that, pursuant to existing laws, labor agreements, or industry standards, they regularly and in the normal course of business collect the name, date of birth, and address of performers employed by them. This recognizes that such legitimate, law-abiding industries in fact routinely collect the information necessary to demonstrate their compliance with the child protection laws and that for this reason they were never intended to be the focus of this more extensive recordkeeping and labeling statute. Businesses that so certify and thus exhibit their good faith can avoid some of the more onerous requirements, and associated criminal liability, rightfully placed on others whose compliance is more likely to further the interest of protecting children.

By way of illustration, the motion picture industry currently operates under a panoply of laws, both civil and criminal, as well as regulations and labor agreements governing the employment of children in any production. They check work permits, require parents or guardians to be present at all times during production, and in some cases even obtain court approval for the employment of the children in films and television shows. It is fair to say that the film and television industries are a leader among industries in safeguarding the interests of children in the workplace. Yet in the absence of the certification provision in section 2257A(h), these studios would be subjected to the same extensive record-keeping and labeling requirements as a hard-core pornographer is under this bill, as would a host of other legitimate entities throughout the distribution chain for mainstream motion pictures and television shows.

The focus of the underlying statute should remain on helping apprehend child predators and not on legitimate businesses that have no role in harming children. Under section 2257A(h), motion picture companies that certify to the Department of Justice that they collect the name, date of birth, and address of all the performers employed by them, for purposes of compliance with existing laws, such as filling out an I–9 form or W–4s for tax purposes, or pursuant to labor agreements or their normal business practices, will not be subject to the more burdensome requirements of this statute. Establishing this regime will have the additional benefit of allowing the Department of Justice to focus their limited resources in areas where they should be focused—pursuing those who harm children. This provision has been in effect for 18 years and yet has not been used. It is my hope that the Department of Justice, having obtained the amendments they sought, will begin to enforce the law and focus on those who harm children, and not on those legitimate businesses that do not.

Other exemptions in the bill exclude from the recordkeeping requirements and annual certification regime providers of Internet access, telecommunications, and online search tools, as well as online hosting, storage, and transmission services, so long as the provider does not select or alter the content. It is ironic that the broadest exemptions are granted to the providers of various types of Internet and telecommunications services, even though the advent of the Internet is cited in the original version of this bill as greatly increasing the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. Notwithstanding these exemptions, nothing in this bill can or should be construed to impair the enforcement of any other Federal criminal statute or to limit or expand any law pertaining to intellectual property against these entities.

Regrettably, the core, bipartisan bill to strengthen State sex offender registration programs was joined in both the House and the Senate to unrelated provisions aimed at creating additional mandatory minimum sentences. I agree with the U.S. Judicial Conference and the vast majority of Federal judges and practitioners that harsh, inflexible mandatory sentencing laws are a recipe for injustice. In its letter dated March 7, 2006, regarding the House bill, the Judicial Conference, headed by Chief Justice John Roberts, wrote that mandatory minimum sentences undermine the sentencing guideline regime Congress established under the Sentencing Reform Act of 1984 by preventing the systemic development of guidelines that reduce unwarranted disparity and provide proportionality and fairness in punishment.

Mandatory sentences also tie prosecutors' hands in these cases where it is most important that they have the discretion to plea bargain, especially considering how difficult it can be to prepare children emotionally and psychologically to testify against their abusers.

When addressing this issue in committee last year, Senators from both sides of the aisle agreed to limit the imposition of new mandatory minimum sentences to the most serious and violent crimes against children, rather than to myriad lesser crimes as was originally proposed. The new bill backslides from this agreement to an unfortunate extent. If we are going to establish mandatory minimum sentences, we should at least proceed in a thoughtful and coherent way, with some understanding of the range of offense conduct that may be covered and the sorts of sentences that are being imposed under current law. Instead, we simply pluck ever-higher numbers out of thin air. Congress greatly increased the penalties for most sex offenses just 3 years ago, in the PROTECT Act. Nothing has changed since then to warrant this new round of arbitrary sentence inflation.

Another controversial measure included in the House-passed bill was a proposal to strip Federal courts of jurisdiction to review constitutional errors in sentencing that a State court has deemed harmless. The Senate Judiciary Committee reviewed this jurisdiction-stripping provision last year, during its consideration of the so-called Streamlined Procedures Act, S. 1088. That bill—and this provision in particular—was strongly opposed by a broad coalition of organizations, including the United States Judicial Conference. Following hearings, the committee specifically rejected this provision by adopting a substitute amendment that stripped it out in its entirety; the substitute then died in committee without further action. To include such an extraneous and deeply flawed provision in the current bill would have been wrong, and it is a credit to this bill that it has been removed.

Another area of concern is a provision that was also included in the Senate's comprehensive immigration bill. The provision prohibits the approval of a visa application for the relative of a U.S. citizen or legal resident based on the citizen or resident's conviction for any of the sex offenses enumerated in the bill. This provision casts a wide net, and in many cases will harshly and unnecessarily penalize people seeking entry to the United States who have a family member in the country, but where the citizen or resident poses no threat to the individual seeking entry.

The bill gives the Secretary of DHS discretion to assess these applications on a case-by-case basis and waive the denial, and I hope this will turn out to be more than just an empty gesture. Given that this bill greatly expands the crimes sufficient to deny an application, I urge the Secretary to give thoughtful consideration to each case in which a waiver is sought. In a case of a citizen who is on the path to rehabilitation or whose crime was relatively minor, denial of a family member's support would serve no rational purpose and would undermine the goals of family unity. I hope the Secretary will actively use this waiver authority to limit the broad reach of this provision to those cases where a citizen or legal resident genuinely poses a threat to a family member seeking entry.

This legislation requires the Secretary of Health and Human Services to create a national registry of substantiated cases of child abuse and neglect which would, when fully implemented over time, serve the purpose of enabling child protective service agencies to identify an adult's past child maltreatment history in other States, without having to check every individual State child protective service central registry. Improving the ability of child protective service agencies to collect information on prior cases of child maltreatment by a named adult is a worthy objective. However, to rush into the creation of such a national registry, without deliberate consideration and evaluation first of the wide variation in how State child abuse and neglect data on substantiated cases identifies the perpetrator of the abuse or neglect and the specifics of their maltreatment—what the bill calls the nature of the substantiated case—would be reckless.

For that reason, the legislation also mandates the HHS Secretary to conduct a study on the feasibility of establishing data collection standards for a national child abuse and neglect registry. Clearly, such a study should be completed before the Federal Government begins to implement the creation of such a registry and to collect registry information from the States. We need to know what we are working with before we create a system which might give the public a false sense of security or violate the due process rights of children and families alike. Caution is advised in moving forward on this matter in order to develop an information system which is both fair and reliable.

The legislation also requires the HHS Secretary to establish standards for how, and to whom, this national registry information will be disseminated. In view of the sensitivity of this registry, which is to include information historically maintained only at the state or local child protective service agency level, I urge the Secretary, in consideration of these standards and before collecting any national registry data, to be cognizant of past congressional concerns related to the protection of legal rights of families, as reflected in 42 U.S.C. 5106(b)(2)(A)(xix), and for a fair appellate process for individuals who disagree with a substantiated finding of abuse or neglect, as reflected in 42 U.S.C. 5106(b)(2)(A)(xv)(2). Both of these are provisions of the Child Abuse Prevention and Treatment Act.

Significantly, the legislation does not provide any new financial or technical assistance to States to improve or standardize their child protective services substantiated case record-keeping systems, or to support States in the added burden of preparing for, and transferring data to, a new national registry. Not all States maintain the same registry information. Some States do not record registry entries by name of perpetrator but rather by name of child; some States no longer maintain registries at all. Most tribes, which are included in the legislation, maintain no registries at all. Without this important additional technical and financial assistance to the States, the quality of the information collected would likely be uneven and at times unreliable. This is a serious deficiency in the legislative mandate for the creation of a national registry of child abuse and neglect cases, one that I hope will be corrected through a targeted appropriation that focuses on helping State child protective service agencies upgrade their central registries or comparable systems of case-specific data.

I am pleased that the bill includes my proposal to authorize grants to Big Brothers and Big Sisters of America and the National Crime Prevention Council. Big Brothers and Big Sisters provides valuable mentoring services to young people across the country, and supporting their mission is a valuable investment that will reap measurable rewards. The National Crime Prevention Council helps communities across the country understand and address the causes of crime. Grants to this organization help communities become active in crime prevention at the grassroots level, and encouraging their continued efforts is something we should all strongly support.

I am also pleased that the sponsors of this bill agreed to incorporate S. 2155, popularly known as Masha's Law. This legislation, named after a Russian orphan who was sexually exploited by her adoptive father, will increase the civil statutory damages available to victims of child exploitation. It will also ensure that victims of child pornography whose images remain in circulation after they have turned 18 can still recover when those images are downloaded.

I am also pleased that the bill includes authorization of $12 million for grants to the Rape, Abuse & Incest National Network, known as RAINN, for operation of its National Sexual Assault Hotline and for the other important work RAINN does to assist victims of sexual assault and to help prevent and prosecute sexual assault. I want to congratulate RAINN for recently logging the one-millionth call to its 24–hour telephone hotline.

RAINN, in helping a million crime victims, has not only made their lives better, but has also contributed greatly to the decrease in sexual violence in this country. I am honored that RAINN's founder and president, Scott Berkowitz, thanked me in connection with this important milestone for having supported the establishment of the National Sexual Assault Hotline.

Finally, I want to thank the Vermont Attorney General's Office and other concerned Vermont officials for prompt and constructive comments on multiple drafts of this legislation. Vermonters have worked hard to produce and improve our State's sex offender registry program in ongoing efforts to make it useful to law enforcement agencies and the general public in providing information regarding individuals who have proved a demonstrable threat to the public. In light of the mobility inherent in American society, cooperation and coordination among the various States improves the effectiveness of each State's registry, and the Federal assistance this bill provides will enhance that cooperation and coordination.

Mr. SPECTER. Mr. President, I will seek recognition in a moment, but for the time being, 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. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. SPECTER. Mr. President, I support the pending legislation to pass the Adam Walsh Child Protection and Safety Act of 2006. This legislation is named for Adam Walsh, a child who was abducted and murdered. Adam's father, John Walsh, has diligently pursued efforts to save other children from the fate which befell Adam by working to enact Federal legislation which will establish a national registry for sex offenders.

The National Center for Missing and Exploited Children estimates that there are at least 100,000 sex offenders who are not accounted for by law enforcement. John Walsh estimates the figure to be higher, approximating 150,000.

Statistics show that sex offenders prey most often on juveniles; that two-thirds of the sex offenders currently in State prisons are there because they have victimized a child. Compared with other criminals, sex offenders are four times more likely to be rearrested for a sex crime. It is estimated that some 500,000 children are sexually abused each year. According to Department of Justice statistics, child molesters have been known to re-offend as late as 20 years after their release from prisons.

There are currently State laws which require registration of sex offenders, but unfortunately they have proved to be relatively ineffective, which requires the Federal Government to act on the national level.

I first met John Walsh after the disappearance of his son, Adam, some 25 years ago, when I was chairman of the Subcommittee on Juvenile Justice, a subcommittee of the Senate Judiciary Committee. At that time, in conjunction with Senator Paula Hawkins of Florida, we took the lead in establishing the Missing Children's Act of 1982, which has been very successful in locating children, where, in a variety of ways—on billboards, on milk cartons, on posters—missing children were identified and publicized. Many missing children were recovered.

In the intervening 25 years, John Walsh has undertaken a national crusade. He has been instrumental in advocating and persuading both the House and the Senate to move ahead with this legislation. He has had very strong support from the leadership of Senator HATCH, the former chairman of the Judiciary Committee. Senator HATCH has promoted this legislation, has initiated meetings, organized a meeting with John Walsh in the last several days in the Office of the majority leader where we organized plans to get this bill enacted so that it will be ready for signing by the President on July 27th, which is the anniversary of the abduction of Adam Walsh.

It has been a prodigious job to get this bill cleared on both sides, not having anything added on to it, and many efforts were made so that it would be enacted in time to mark the anniversary of the abduction of Adam Walsh. For that timetable, Senator HATCH deserves a great deal of credit.

As is well known, Senator HATCH chaired the Senate Judiciary Committee for many years. His leadership is still a very key factor, especially on this legislation.

I compliment my colleague, Senator RICK SANTORUM, as well as Senator KYL, Senator DEWINE, Senator TALENT, and others, for their support in producing this bill, which will protect children with the assistance of some 200 new Federal prosecutors, 45 new computer forensic experts to prevent child pornography, 20 new Internet Crimes Against Children Task Forces, and the Department of Justice's Project Safe Childhood Program and new SMART Office, which are both dedicated to protecting children from sex offenders.

A special note of commendation is due to Senator SANTORUM for his work on two important components of the bill: First, on Project Safe Childhood and second, on the Safe Schools Act. These provisions and others will help stop sex offenders such as Brian McCutchen, who was sentenced last year to 35 to 70 years in a Pennsylvania prison for attempting to murder and rape an 8-year-old Philadelphia girl in a public restroom. He was a repeat offender. He had been convicted of assaulting a 9-year-old girl in a similar public restroom attack in Manayunk, PA, in 2001. Had the provisions of the law been in place 2 years ago, the second crime might not have happened because the community would have been on notice of McCutchen's first attack on a little girl.

I know from my work as district attorney of Philadelphia the impact of sex crimes on children. To be a victim of a crime is a horrible experience for anyone, but to be a child and the victim of a sex crime leaves an indelible imprint—hard to shake, hard to forget, traumatic, and of gigantic importance in the balance of that child's life.

We are taking a very important step forward. I thank and commend John Walsh for his leadership and again thank and commend Senator HATCH for his leadership in the Senate on this important issue. I thank Chairman SENSENBRENNER, the chairman of the House Judiciary Committee, for his cooperation and coordination, and also to the staffs.

I will single out especially Michael O'Neill, who is chief counsel and staff director for the Senate Judiciary Committee.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as far as I know, other than the few remarks I will make right now, I think Senator FRIST is the only speaker remaining on our sex offender bill.

I would feel bad if I did not mention a number of the staff people who have helped us on this bill. My own staffer, Ken Valentine, who is a Secret Service agent, has been serving as a detailee in my office and has really carried the mail on this like few members of the Senate staff I have ever known.

Tom Jipping, on my staff; Dave Turk, on Senator BIDEN's staff, had a great deal to do with this, as well. Bradley Schreiber, with Mr. FOLEY's staff; Mike O'Neill, of Senator SPECTER's staff; Mike Miners, Senator SPECTER's chief counsel, crime counsel; Todd Braunstein, with Senator SPECTER; Matt McPhillips, with Senator SPECTER; Julie Katzman, with Senator LEAHY; Bruce Cohen, Senator LEAHY's chief of staff on the Judiciary Committee; Noah Bookbinder, with Senator LEAHY; Christine Leonard, with Senator KENNEDY. Senator KENNEDY has played a significant role here. He was willing to withdraw the hate crimes bill so that this bill would pass readily through both bodies. I am very grateful to him.

Reed O'Connor of Senator CORNYN's staff; Nicole Gustafson of Senator GRASSLEY's staff; Sharon Beth Kristal, Senator DEWINE's staff; Gabriel Adler, of Senator DORGAN's staff; Joe Matal, from Senator KYL's staff; Avery Mann, from America's Most Wanted, who played a significant role here; Bradley Hayes, from Senator SESSIONS' staff; Lara Flint, from Senator FEINGOLD's staff; Cindy Hayden, from Senator SESSIONS' staff; Allen Hicks, of course, from Senator FRIST's staff; and Brandi White, from Senator FRIST's staff.

Of course, I would like to mention Michelle Laxalt, who took a great personal interest in this bill and from the outside helped us a great deal. We want to thank the National Center for Missing and Exploited Children, especially Ernie Allen, John Libonati, Robbie Callaway, and Carolyn Atwell-Davis, who has carried so many balls for us here, and Manus Cooney, who used to be chief of staff under me on the Judiciary Committee.

And then I would like to pay respect to just some of the victims who really helped with this bill: Elizabeth and Ed and Lois Smart; Linda Walker, the mother of Dru Sjodin; Mark Lunsford; Erin Runnion; Marc Klass; Polly Franks, Patty Wetterling; and last but not least—really, really, we can never thank them enough, John and Reve Walsh.

So with that, Mr. President, I yield the floor.

Mr. REID. Mr. President, the Senate is about to take an important step to improve the safety of our Nation's children. Very shortly, we will pass the Adam Walsh Child Protection and Safety Act, also known as the Sex Offender Registration and Notification Act. I am proud to be a cosponsor of this significant legislation.

The Senate passed an earlier version of this bill by unanimous consent on May 4, nearly 2 months ago. Since then, Senators SPECTER and LEAHY have conducted bipartisan negotiations with the House, which had passed a different version.

Today, I am pleased to say that negotiations have resulted in a strong bill that will soon pass both Chambers and become law. I appreciate the willingness of all Members to put aside unrelated controversial issues so that we could focus on the core purpose of this bill—protecting children.

Next Thursday, the 27th of July, is the 25th anniversary of the abduction and murder of 6-year-old Adam Walsh. Since then, the work of Adam's father, John Walsh, demonstrates that a single person can make a difference in our country and our world.

Following the tragic event involving their son, John and Reve Walsh founded the National Center for Missing and Exploited Children. John Walsh's TV program, ''America's Most Wanted,'' has led to the apprehension of thousands of criminals. And now John Walsh has been the driving force behind this bill.

The legislation establishes a national sex offender registry which will make it easier for local law enforcement to track sex offenders and prevent repeat offenses. The bill also authorizes much needed grants to help local law enforcement agencies establish and integrate sex offender registry systems.

My home State of Nevada has been a leader in this movement. Our State recently made changes to improve the accuracy and reliability of the Nevada registry requirements. This Federal bill will strengthen those efforts.

Donna Coleman, past president of the Children's Advocacy Alliance based in Henderson, NV, was instrumental in getting our State laws changed. She is another example of how one person can make a difference, and I applaud her work.

Not all States have been as vigilant as Nevada, and that is a problem when sex offenders cross State lines. The bill before us will establish uniform rules for the information sex offenders are required to report and when they are required to report it. It will also give law enforcement agencies the tools they need to enforce these requirements.

A number of Senators have been leaders in this legislative effort. In addition to Chairman SPECTER and Ranking Member LEAHY, I appreciate the hard work of Senators BIDEN, DORGAN, HATCH, KENNEDY, and others. I thank the majority leader for making this bill a priority. I hope the House will follow suit and send this bill to the President for his signature without delay.

The PRESIDING OFFICER (Mr. ALLEN). The majority leader is recognized.

Mr. FRIST. Mr. President, 25 years ago this month, Reve Walsh took her 6-year-old son Adam shopping with her. They were looking for lamps at a local department store—a short mile from their home—when Adam was abducted. Sixteen days later, Adam's body was positively identified. To date, no one has been indicted for this horrific crime.

As parents, John and Reve Walsh's worst nightmare had become a reality. As a father of three sons, I cannot imagine what pain this caused the Walsh family.

Through their tears and grief, John and Reve Walsh transformed the tragedy of Adam's death into a lifelong commitment—a commitment to protect children from abduction, abuse, and exploitation.

John and Reve have been on the forefront of most major child protection legislation passed by this Congress over the last 25 years: the Missing Children's Act of 1982; the Missing Children's Assistance Act of 1984, which founded the fantastic National Center for Missing and Exploited Children; the Protect Act of 2003, which established a nationwide Amber Alert network to coordinate rapid emergency responses to missing child alerts—and, most recently, the Adam Walsh Child Protection and Safety Act of 2006, which is before us today.

This important legislation establishes a national sex offender registry, publicly available and searchable by ZIP Code; creates a national abuse registry; toughens penalties for crimes against children; and cracks down on the growing crisis of Internet predators and child pornography.

John's and Reve's tireless dedication is an inspiration to parents of child victims and millions of American families. I am proud to have worked with John and the National Center for Missing and Exploited Children on this legislation. I am confident that the legislation will save the lives of thousands of children.

I thank John Walsh, Ernie Allen, president of the National Center, and Carolyn Atwell-Davis, along with the rest of the dedicated staff at the National Center, for the truly amazing work they do, on a daily basis, to protect our Nation's children.

In March, John came by my office to talk about the importance of a national sex offender registry. He told me that this was the most important piece of legislation he had seen in over two decades of advocating for children's issues.

I promised John then that I would make passing this critical piece of legislation a priority. And I am proud to tell John—to tell our Nation's children, parents, and law enforcement—that the U.S. Senate has not only heard your concerns, but we are acting tonight to address them.

The Adam Walsh bill—so named to honor the upcoming 25th anniversary of his death and the memory of other child victims and their families—has many components designed to protect our Nation's children.

First, the bill establishes a national sex offender registry. Currently, there are more than 550,000 registered sex offenders in the United States, and at least 100,000 of them are missing.

Loopholes in the current system allow some sexual predators to evade law enforcement, placing our children at risk. While many States, including my own home State of Tennessee, have registries, this information is not always shared with other States. By creating a national registry, we are closing the loopholes that allow offenders to slip through the cracks. And we are encouraging law enforcement at all levels—local, State, and Federal—to collaborate and to share information.

The registry will make it easier for law enforcement to act on a tip, to identify and intercept offenders before they can strike again, before they can repeat their crimes and victimize more children.

The national registry will be publicly accessible via the Internet and searchable by ZIP Code. This empowers parents. It gives them the tools they need to learn whether a neighbor down the street has a history of sexual violence so they can protect their children from harm.

Further, the bill increases the penalty for failure to register from a misdemeanor to a felony. It enhances registration requirements, by mandating that offenders register more often and in person, rather than by mail.

By strengthening these requirements, we are sending a message loudly and clearly to sex offenders: If you don't register, we will find you, and you will go to jail.

The bill also toughens penalties for violent crimes against children, including sex trafficking of children, coercion

or enticement of child prostitution, and sexual abuse.

Another aspect of this bill is the creation of a child abuse registry. I want to thank Senators KYL and ENZI for their hard work in helping to get this provision included in the bill.

This legislation was recommended by Childhelp, a children's advocacy organization with whom my wife Karyn and many of our Senate spouses are proud to be associated.

Every day, four children die as a result of child abuse, and every day Childhelp is on the frontlines working to prevent child abuse and treat victims of such abuse. They explained to me that while many States have child abuse registries, this information is not shared with other States.

This is especially problematic with child abusers. They often relocate when questions are raised by a teacher, a neighbor, or a doctor about whether a child is being abused.

By creating a national child abuse registry, we will tear down the information barrier and enable Child Protective Services professionals in different States to share information critical to child abuse investigations.

The final component of this bill addresses the sexual exploitation of children over the Internet—and the growing crisis of child pornography, an estimated $20 billion a year industry.

The Internet has become the anonymous gateway for child predators to make contact with children, to win their confidence, and to victimize them.

Current data show that of the 24 million child Internet users, 1 in 5 has received unwanted sexual solicitations online—1 in 5. And as a recent ''Dateline NBC'' series called ''To Catch A Predator'' vividly demonstrated, many of these cyber-stalkers are more than eager to trap their young online victims in a real-world nightmare.

The bill provides additional resources to combat this growing problem by adding 200 new Federal prosecutors to prosecute crimes involving the sexual exploitation of minors; by creating 10 new Internet Crimes Against Children Task Forces, which bring local, State, and Federal law enforcement together to collaborate in solving these crimes; by adding 45 new forensics examiners to accelerate processing of online evidence of child exploitation; and by providing grants for programs to educate children and parents on Internet safety.

We must continue to do more to protect our children. American families should not have to live in fear of child predators lurking in the shadows of our neighborhoods or enticing our children online.

I want to thank my colleagues on both sides of the aisle for their efforts, for giving life to this critical piece of legislation. This is clearly a bipartisan, bicameral bill that has overwhelming support. I am pleased we were able to unite, Democrats and Republicans, in this body and, indeed, House with Senate.

In the Senate, I especially want to recognize my colleague, Senator HATCH, for his tireless efforts on this bill—the champion, the leader, the one with the bold vision, without whom simply this would not have happened.

I want to thank Chairman SPECTER and Senators SANTORUM, KYL, and DEWINE, for all their hard work on bringing this legislation to fruition.

Also, I want to thank Speaker HASTERT and Majority Leader BOEHNER and Chairman SENSENBRENNER and Congressman FOLEY for their commitment to this issue.

I urge my colleagues to join me in voting for this Adam Walsh bill, and look forward to a future that is safer for our children.

Mr. President, I do not believe there are any further speakers on the bill; therefore, I yield back all time and ask unanimous consent that the Senate now proceed to third reading and a vote on H.R. 4472, with all of the provisions of the agreement remaining in place. I ask unanimous consent, after passage, that the title amendment be read and agreed to.

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

The question is on the engrossment of the amendment and third reading of the bill

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 4472), as amended, was passed.

Mr. HATCH. 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 clerk will please read the amendment to the title.

The assistant legislative clerk read as follows:

Amend the title to read as follows: ''To protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.

The PRESIDING OFFICER. Without objection, the amendment to the title is agreed to.

The amendment (No. 4687) was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

CHILD CUSTODY PROTECTION ACT

Mr. ENSIGN. Mr. President, I rise to speak today about the Child Custody Protection Act. A bill the Senate will debate shortly. I believe, as a father of three children, including one daughter, it is a very important piece of legislation.

Good people can disagree on issues even of profound moral consequence. Most Americans, even those who consider themselves pro-choice, believe there should be at least some restrictions on abortion.

I believe this is one of those situations where we should be able to come together and find some common ground. The Child Custody Protection Act simply states that if an adult willfully takes a minor child across State lines to get an abortion, for the purpose of avoiding a State's parental consent or notification law that would be a Federal crime for that adult.

Judicial bypass is an integral part of all effective parental consent laws. So for those concerned about the cases of parental rape or incest and what a child does in that case?—there is a judicial review, a judicial bypass available. The Child Custody Protection Act would only apply in those States parental consent or notification laws in place.

This is an important piece of legislation, especially for parents as many of these cases involve a 20-something-year-old male who has impregnated a young teenager, often a 13, 14, 15-year-old girl, which has ended in a secret abortion.

Now because your little girl had become pregnant and this 20-something-year-old realized that is a crime of statutory rape, they want to dispose of the evidence. So they decide to talk your little girl into going across State lines for an abortion because your State law requires parental notification or parental consent for such a procedure. They go to the State next door, take care of the abortion, and you, the parent, know nothing about it. How would you feel as a parent in a situation such as that?

Even further, abortion is a surgical procedure. Our kids are not even allowed to get an aspirin in school without parental consent. They are not allowed to take a field trip without parental consent. They are not allowed to take sex education classes without parental consent. Yet, remarkably, it is not against the law evade parental consent or notice requirements to take a child across State lines to get a surgical procedure, a surgical abortion.

It is time for legislation such as the Child Custody Protection Act. I realize that emotions run high on both sides of the abortion issue. They run deeply and have divided our country for some time. We need to look for a place of common ground. A place where reasonable people should be able to come together and agree to at least have this one restriction on abortion, agree that parents should be involved in the decisions, especially the medical decisions, involving their children. The Child Custody Protection Act does just that.

This is legislation where we preserve parent rights, we preserve State rights, and we do something that approximately 80 percent of the American people support.

As we debate this bill over the next several days, I hope people will take an honest look at the intent of this legislation. I hope people will not automatically, because the word ''abortion'' is contained in this legislation, say: I can't vote for such a measure because it contains abortion language. I hope people will say: Let's find the common ground. Let's look for things that are reasonable and come together on an issue that should be agreed on to protect our children, our daughters.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF NEIL M. GORSUCH TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

NOMINATION OF BOBBY E. SHEPHERD TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

NOMINATION OF DANIEL PORTER JORDAN III TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

NOMINATION OF GUSTAVO ANTONIO GELPI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Neil M. Gorsuch, of Colorado, to be United States Circuit Judge for the Tenth Circuit; Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit; Daniel Porter Jordan III, of Mississippi, to be United States District Judge for the Southern District of Mississippi; and Gustavo Antonio Gelpi, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. In my capacity as chairman of the Judiciary Committee, I seek recognition to speak briefly on four judicial nominees currently before the Senate.

I begin with the nomination of Neil M. Gorsuch to be a judge for the U.S. Court of Appeals for the 10th Circuit. Mr. Gorsuch has an excellent academic background with a bachelor's with honors from Columbia University, 1988, a law degree with honors from Harvard Law School in 1991, a Doctorate of Philosophy from Oxford University in 2004.

He clerked for Judge David Sentelle of the Court of Appeals for the District of Columbia. He was a law clerk for Supreme Court Justice Byron White and Supreme Court Justice Anthony Kennedy.

He was a partner in the distinguished law firm of Kellogg, Huber, Hansen, and principal deputy to the Associate Attorney General for the Department of Justice from 2005 to the present.

I also support the nomination of Bobby Ed Shepherd to be a judge for the U.S. Court of Appeals for the Eighth Circuit.

He is a candidate with an excellent academic record. He earned his bachelor's degree, magna cum laude, in 1973 from Ouachita Baptist University, and law degree with high honors from the University of Arkansas in 1976. He had a varied legal practice as a solo practitioner and as a partner with various law firms, most recently Landers & Shepherd. In 1991, Judge Shepherd was elected a circuit-chancery judge for the 13th judicial district for the State of Arkansas. Since 1993 he has served as a United States Magistrate Judge for the United States District Court for the Western District of Arkansas.

Judge Shepherd, like Mr. Gorsuch, has come to this position with unanimous approval. We expect their confirmation on a voice vote later today.

I also support the nomination of Daniel Porter Jordan III to be a judge for the United States District Court for the Southern District of Mississippi.

He received a bachelor's degree from the University of Mississippi in 1987 and a law degree from the University of Virginia Law School in 1993. He was a legislative assistant to Senator TRENT LOTT. He was an associate of the law firm of Butler, Snow from 1993 to 1999 and has been an equity member, equivalent of partner, since 2000.

Again, Mr. JORDAN has, I believe, unanimous support. We expect him to be confirmed later this evening on a voice vote.

I also support the nomination of Gustavo Antonio Gelpi to be U.S. District Judge for the District of Puerto Rico. Mr. Gelpi has a bachelor's degree from Brandeis University and a law degree from Suffolk University Law School. He was a law clerk to Federal Judge Juan Perez-Gimenez and later served in the Office of the Federal Public Defender, before joining the Puerto Rican Department of Justice. At that Department he served as an assistant to the Attorney General of Puerto Rico before becoming Deputy Attorney General for the Puerto Rican Office of Legal Counsel.

I ask unanimous consent the complete resumes of these distinguished nominees be printed in the RECORD.

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

NEIL M. GORSUCH

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Birth: Aug. 29, 1967, Denver, Colorado

Legal Residence: Virginia

Education: B.A. with honors, Columbia University, 1988; J.D. with honors, Harvard Law School, 1991; D. Phil., Oxford University, 2004.

Employment: Law clerk, Judge David B. Sentelle, United States Court of Appeals for the D.C. Circuit, 1991–1992; Law clerk, U.S. Supreme Court justices Byron White and Anthony Kennedy, 1993–1994; Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC, 1995–2005 (partner 1998–2005; associate 1995–1997); Principal Deputy to the Associate Attorney General, United States Department of Justice, 2005–present.

Selected Activities: American Bar Association, c. 2002–present; American Trial Lawyers Association, c. 2002–present; Phi Beta Kappa; Republican National Lawyers Association; Member of the New York, Colorado, and District of Columbia bars.

Neil M. Gorsuch was nominated by President Bush to be a Judge on the U.S. Court of Appeals for the Tenth Circuit on May 10, 2006. A hearing was held on his nomination on June 21, 2006. He was reported out of the Committee on July 13, 2006 by a voice vote.

Mr. Gorsuch received his B.A. from Columbia University in 1988, where he graduated with honors. In 1991, he received his J.D. from Harvard Law School, again graduating with honors. In 2004, he received a doctorate in legal philosophy from Oxford University.

Mr. Gorsuch has had a brilliant career as a lawyer and scholar.

Following law school he served as a law clerk to Judge David B. Sentelle of the U.S. Court of Appeals for the D.C. Circuit.

He then had the rare distinction of clerking for two Supreme Court justices. Between 1993 and 1994, he served as a law clerk to Justices Byron White and Anthony Kennedy. Mr. Gorsuch's work with Justice White occurred just after the justice retired from the Supreme Court, so he assisted the former justice with his work on the Tenth Circuit, where he sat by designation.

In 1995, Mr. Gorsuch joined the law firm of Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC, where he served as an associate until 1997 and as partner from 1998 to 2005. At Kellogg, he handled a wide range of commercial matters, including contracts, antitrust, RICO, and securities fraud.

Since June 2005, Mr. Gorsuch has served as Principal Deputy to the Associate Attorney General, Robert McCallum. The Associate Attorney General, of course, is the third ranking officer in the Department of Justice. As his Principal Deputy, Mr. Gorsuch assists in managing the Department's civil litigation components which include the Antitrust, Civil, Civil Rights, Environment, and Tax Divisions.

Mr. Gorsuch has received a unanimous ''Well Qualified'' rating from the American Bar Association.

BOBBY ED SHEPHERD

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Birth: November 18, 1951, Arkadelphia, Arkansas.

Legal Residence: Arkansas.

Education: B.A., magna cum laude, 1973, Ouachita Baptist University; J.D., with high honors, 1975, University of Arkansas School of Law.

Employment: Associate, Spencer, Spencer & Shepherd, P.A., 1981–1984; Attorney, solo practice, 1984–1987; Partner, Landers & Shepherd, 1987–1990; Circuit-Chancery Judge, 13th Judicial District, State of Arkansas, 1991–1993; U.S. Magistrate Judge, U.S. District Court for the Western District of Arkansas, 1993–present.

Selected Activities: Director, Boys and Girls Club of El Dorado, 1985–present; Member, Arkansas Bar Association; Member,

House of Delegates, 1985–1986; Member, Executive Council, 1985–1988; U.S. Army Reserve, 1973–1981—honorably discharged as First Lieutenant.

President Bush nominated Magistrate Judge Bobby E. Shepherd to be a Judge on the U.S. Court of Appeals for the Eight Circuit on May 18, 2006. He received a hearing on June 28. He was reported out of Committee on July 13, 2006 by a voice vote.

Judge Shepherd has a long and distinguished legal career in Western Arkansas during which he has handled a wide range of legal issues, both civil and criminal, as a judge and as an advocate.

Judge Shepherd received his B.A., cum laude, from Ouachita Baptist University in 1973 and his J.D., with high honors, from University of Arkansas School of Law in 1976.

Upon graduating from law school, he embarked on a career as a private attorney in western Arkansas. Practicing as either a solo practitioner or in small partnerships, Judge Shepherd was a true general practitioner. He handled personal injury cases, collections, domestic relations, probate, criminal defense, banking, real estate and other matters. During this period of his career he tried over 150 cases to verdict.

In 1991, Judge Shepherd was elected as a Circuit-Chancery Court Judge in Arkansas's 13th Judicial District. In that capacity he presided in over 30 major felony jury trials including capital murder cases.

Since 1993, Judge Shepherd has served as a United States Magistrate Judge in the Western District of Arkansas.

The American Bar Association has unanimously rate Judge Shepherd ''Well Qualified'' to serve on the Eighth Circuit.

DANIEL PORTER JORDAN III

DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

Education: B.B.A., 1987, University of Mississippi; J.D., 1993, University of Virginia Law School.

Employment: Legislative Assistant, Office of Senator Trent Lott, 1989–1990; Associate, Butler, Snow, O'Mara, Stevens, & Cannada, 1993–1999; Equity Member, Butler, Snow, O'Mara, Stevens, & Cannada, 2000-present.

Selected Activities: Member, Mississippi Bar Association—Secretary/Treasurer, Litigation Section, 2005-present; Member, Board of Directors, 2002-present; Member, Nominating Committee, 7th Circuit Court District, 1999—Member, American Bar Association, Tort Trial & Insurance Practice Section; Member, International Association of Defense Counsel; Coordinator, Mississippi Volunteer Lawyer Project: Stewpot Legal Clinic, 2005-present; Special Counsel, City of Jackson; Chairman, Madison County Republican Party, 2001–2004.

Daniel Porter Jordan III, was nominated by President Bush to be a Judge on the U.S. District Court for the Southern District of Mississippi on April 24, 2006. His hearing was on June 15, 2006 and he was voted out of the Judiciary Committee on July 13, 2006.

Mr. Jordan received his B.B.A. from the University of Mississippi in 1987, and his J.D. from the University of Virginia School of Law in 1993.

Mr. Jordan has had a distinguished legal career and will bring significant legal experience to the Federal bench. Prior to attending law school, Mr. Jordan was a Legislative assistant for Senator Trent Lott. Following law school, Mr. Jordan joined Butler, Snow, O'Mara, Stevens & Cannada as an Associate. Since 2000, Mr. Jordan has been an Equity Member of the firm, focusing on products liability litigation. More recently, he has gained significant experience mediating cases.

Mr. Jordan has been very involved with the Mississippi Bar Association, including serving as a member of the Board of Directors and both Secretary and Treasurer of the Litigation Section.

Mr. Jordan has been active in pro bono activities and was awarded the Hinds County Bar Association Pro Bono Award in 2005.

Mr. Jordan received a ''qualified'' rating by the American Bar Association.

GUSTAVO ANTONIO GELPI

U.S. DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

Birth: 1965, San Juan, Puerto Rico.

Legal Residence: Puerto Rico.

Education:

1983–1987, Brandeis University, B.A. degree.

1988–1991, Suffolk University Law School, J.D. degree.

Bar Admittance: 1992, Puerto Rico.

Experience: 1991–1993, United States District Court, District of Puerto Rico, Law Clerk to the Hon. Juan M. Perez-Gimenez.

1993–1997, Office of Federal Public Defender, Assistant Federal Public Defender.

1997–1999, Puerto Rico Department of Justice, Assistant to the Attorney General (1997). Deputy Attorney General for the Office of Legal Counsel (1997–1999).

1999–2000, Commonwealth of Puerto Rico Solicitor General.

2001, McConnell Valdés, Special Litigation Counsel.

2001–present, United States District Court, District of Puerto Rico, United States Magistrate Judge.

Judge Gelpi was nominated by President Bush to be a Judge on the U.S. District Court for the District of Puerto Rico on April 24, 2006. He received a hearing on June 15. He was reported out of Committee on July 13, 2006 by a voice vote.

Judge Gelpi graduated from Brandeis University in 1987, and received his J.D. from the Suffolk University Law School in 1991.

He began his legal career clerking for the Honorable Juan M. Perez-Gimenez on the U.S. District Court for the District of Puerto Rico.

Following his clerkship, Judge Gelpi joined the Office of the Federal Public Defender for the District of Puerto Rico as an Assistant Federal Public Defender. In that capacity he provided legal assistance to indigent defendants in criminal cases. During his time in the Public Defender's Office, he served as Special Counsel to the U.S. Sentencing Commission where he worked on revisions to the Sentencing Guidelines.

In 1997, Judge Gelpi joined the Puerto Rico Department of Justice as Assistant to the Attorney General, later that year he joined the Department's Office of Legal Counsel.

In 1999, Judge Gelpi began serving as Puerto Rico's Solicitor General.

Following a year as Solicitor General, Judge Gelpi entered private practice with San Juan firm McConnell Valdés where he worked on commercial litigation.

In 2001, Judge Gelpi was appointed to serve as U.S. Magistrate Judge for the District of Puerto Rico. In that capacity, his recommendations have consistently been adopted by the District Court.

The American Bar Association unanimously rated Judge Gelpi ''Qualified.''

Mr. LEAHY. Today the Senate will confirm four more lifetime appointments to our Federal courts, including two more nominees to important Federal circuit courts. Judge Bobby E. Shepherd, who has been nominated for a seat on the U.S. Court of Appeals for the Eighth Circuit, is a U.S. magistrate judge and former Arkansas State circuit-chancery judge who has the support of both home State Democratic Senators. We were pleased to be able to expedite his nomination through the committee and bring him to the floor so quickly. Neil Gorsuch has been nominated to the Court of Appeals for the Tenth Circuit. I know that Senator SALAZAR is pleased that we were able to move his nomination quickly as well. Today we also consider two district court nominees, Daniel P. Jordan, III, who has been nominated to be a judge on the U.S. District Court for the Southern District of Mississippi, and Gustavo A. Gelpi, who has been nominated to be a judge on the U.S. District Court for the District of Puerto Rico. I have heard plaudits from around the country for Judge Gelpi.

When they are confirmed, Judge Shepherd and Mr. Gorsuch will be the fifth and sixth circuit court nominees confirmed this year. Along with Judge Gelpi and Mr. Jordan, we will have confirmed 28 judges this year. This far surpasses the total number of judges confirmed in the 1996 congressional session, when Republicans controlled the Senate and stalled the nominations of President Clinton in an election year. In the 1996 session, Republicans would not confirm a single appellate court judge, compared to six already this year. All 17 confirmations in 1996 were district court nominees. That is the only session I can remember in which the Senate refused to consider a single appellate court nomination. That was part of their pocket filibuster strategy to stall and maintain vacancies in an election year with the hope that a Republican President could pack the courts and tilt them decidedly to the right. In the important DC Circuit, the confirmation of Brett Kavanaugh was the culmination of the Republicans' decade-long attempt to pack the DC Circuit that began with the stalling of Merrick Garland's nomination in 1996 and continued with the blocking of President Clinton's other well-qualified nominees, Elena Kagan and Allen Snyder.

The 28 judicial nominations confirmed this year by the Republican-controlled Senate surpasses the number of judges confirmed last year, 22. During the 17 months I was chairman of the Judiciary Committee and the Senate was under Democratic control, we confirmed 100 of President Bush's nominees. After today, in the last 2 years under Republican control, the Senate will have confirmed 50. So the fact that the Senate has now confirmed more nominees in the past 5½ years, 255, than in the last 5½ years of the Clinton administration is due in no small part to the much faster pace of confirmations of this President's nominees when Democrats controlled the Senate.

I am pleased that the Republican leadership has scheduled debate and consideration of these nominations and am glad that the Republican leadership is taking notice of the fact that we can cooperate on swift consideration and

confirmation of nominations. Working together, we can confirm four judges today. I commend the Republican Senate leadership for passing over the controversial nominations of William Gerry Myers III, Terrence W. Boyle, and Norman Randy Smith. The Republican leadership is right to have avoided an unnecessarily divisive debate over these nominations that were reported on a party-line vote.

The President and Senate Republican leadership have too often, though, chosen to pick fights over judicial nominations rather than focus on filling vacancies. Judicial vacancies have now grown to well over 40 from the lowest vacancy rate in decades. More than half these vacancies are without a nominee. The Congressional Research Service has recently released a study showing that this President has been the slowest in decades to nominate and the Republican Senate among the slowest to act. If they would concentrate on the needs of the courts, our Federal justice system, and the needs of the American people, we would be much further along.

I congratulate the nominees on their confirmations today and hope that they prove to be the kind of judges who understand the central role of the courts as a check and balance to protect the rights of all Americans.

Mr. ALLARD. Mr. President, it is my pleasure to rise in support of Neil M. Gorsuch, President Bush's nominee to the U.S. Court of Appeals for the Tenth Circuit. Mr. Gorsuch is an extraordinarily well qualified nominee. I begin by thanking Chairman SPECTER for swiftly and unanimously reporting this nominee out of committee. I also thank Majority Leader FRIST for bringing this nomination to the floor for timely consideration.

As a fifth-generation Coloradan, I am pleased that President Bush chose a nominee with deep Colorado roots. Born in Denver, Mr. Gorsuch is a fourth-generation Coloradan who, if confirmed, would carry on his family history of public service to the State of Colorado. In fact, some may recognize Mr. Gorsuch from his service as a Senate page in the early 1980s. It was in the Senate he made his foray into public service and developed a passion for it that he exudes today.

If I were asked to succinctly characterize Mr. Gorsuch, I would have to say well rounded—well rounded educationally, professionally, and personally.

Mr. Gorsuch pursued a rigorous and geographically diverse course of academic study. He earned his undergraduate degree from Columbia University, including a summer at the University of Colorado; his law degree from Harvard; and a doctorate in legal philosophy from Oxford University.

Mr. Gorsuch began his distinguished professional career as a law clerk to Judge David Sentelle on the U.S. Court of Appeals to the DC Circuit. He then went on to clerk for two Supreme Court Justices, Justice Kennedy and Colorado's own Byron White. Following his prestigious clerkships, Mr. Gorsuch entered private practice. While in private practice, Mr. Gorsuch litigated matters for clients large and small, ranging from individuals to nonprofits to corporations. Moreover, he litigated cases on a range of issues from simple contract disputes to complex antitrust and securities fraud matters. He left private practice in 2005 to return to public service, this time at the U.S. Department of Justice where he currently serves as the principal deputy to the Associate Attorney General.

Looking collectively at his career, the picture of an appellate judge in training emerges. Mr. Gorsuch has served in all three branches of Government, including the highest levels of the judicial and executive branches. He has represented both plaintiffs and defendants. He has represented both individuals and corporations. He has litigated civil cases and criminal cases. He has litigated in both Federal and State courts. In sum, the breadth and depth of Mr. Gorsuch's experience makes him ideally suited to serve on the Federal appellate bench.

While Mr. Gorsuch is highly qualified, I also promised the people of Colorado I would support judicial nominees who would rule on the law and the facts before them, not judges who would legislate from the bench. My support for Mr. Gorsuch today is consistent with that promise. From my conversations with Mr. Gorsuch, I am certain he recognizes the proper role of the judiciary. The role of the judiciary is to interpret the law, not make the law. I believe Mr. Gorsuch is temperamentally and intellectually inclined to stick to the facts and the law in cases that would come before him and that he would refrain from legislating from the bench.

Moreover, Mr. Gorsuch's personal views would not determine the course of cases that come before him. Mr. Gorsuch himself says:

> Personal politics or policy preferences have no useful role in judging; regular and healthy doses of self-skepticism and humility about one's only abilities and conclusions always do.

I believe this statement also speaks to Mr. Gorsuch as a person. He is humble, unassuming, polite, and respectful. This sentiment is reflected in numerous letters pouring into my office from people of all political persuasions who have worked with him over the years. Mr. Gorsuch possesses the temperament befitting an appellate judge.

In conclusion, Mr. Gorsuch is a top-flight nominee whom I am proud to introduce to my colleagues today. I urge my colleagues to support his confirmation.

Mr. SALAZAR. Mr. President, I am pleased to speak today in support of the nomination of Neal Gorsuch to the Tenth Circuit Court of Appeals.

At a time when too many judicial nominations are bogged down by partisan and ideological rancor, it is heartening to see a nominee on whom Senators from both parties can agree.

While Mr. Gorsuch has spent the majority of his professional life in Washington DC, his roots in the state of Colorado are strong—going back four generations. Once confirmed, he will return to Colorado where I hope that he will live up to the standard set by a long line of distinguished jurists from our State, including the late Justice Byron White.

At the young age of 38, Mr. Gorsuch has already had an impressive legal career. After earning degrees from Columbia University, Harvard Law School, and Oxford University, he went on to clerk on the DC Circuit and U.S. Supreme Courts.

Following his clerkships, he spent nearly 10 years in private practice before becoming Principal Deputy to the Associate Attorney General of the United States—where he helps manage the Department's civil litigation.

I have had the chance to visit with Mr. Gorsuch and learn about both his personal background and his professional experience. I found him to be intelligent, thoughtful, and appreciative of the great honor it is to be nominated to the Federal bench. It is no surprise, then, that the ABA rated him unanimously well qualified.

Of course, it takes more than a great resume to be a great judge. In addition to professional excellence as a lawyer, a judicial nominee should have a demonstrated dedication to fairness, impartiality, precedent, and the avoidance of judicial activism—from both the left and the right.

I believe that Mr. Gorsuch meets this very high test—and I believe he will make a fine addition to the Tenth Circuit Court of Appeals.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise in support of a very fine person whom President Bush has nominated to be on the U.S. Court of Appeals for the Eighth Circuit. His name is Bobby Shepherd. He will replace a very outstanding circuit court judge named Morris Arnold who is taking senior status. Judge Arnold has become a legal institution in the State of Arkansas and on the Eighth Circuit and in the Federal court system. He has absolutely done a fantastic job during his legal career of serving his country. He has decided to take senior status.

I am thrilled President Bush has selected Bobby Shepherd to replace him on the Eighth Circuit. Judge Shepherd has been a U.S. magistrate in the District Court for the Western District of Arkansas for almost 13 years. One thing I have noticed about Judge Shepherd is, even though I practiced law in Arkansas since 1988, I have never heard one person say a bad word about Judge Bobby Shepherd.

He was an elected court judge before he was a magistrate. He prides himself on being able to work out the litigation between or among the parties before the necessity of a trial. That is a

great quality for a trial court judge and a Federal magistrate to try to unclog the court system by finding a resolution before you have to go to the expense and the time and the judicial resources of going to trial.

Prior to his being a magistrate, he was an elected circuit court judge which is a trial court judge in Arkansas. He served there admirably. He practiced law in private practice for 14 years. He is a University of Arkansas School of Law graduate, and received high honors at the university. He went to college at Ouachita Baptist University, and served our Nation in the U.S. Army Reserve. He is a director of the Boys and Girls Club of El Dorado, AR, and has volunteered through the boys clubs and other organizations for over 20 years in that community. He also happens to be a deacon and trustee of the First Baptist Church in his hometown of El Dorado.

I thank my colleagues, especially Senators SPECTER and LEAHY, for their decision to move this nomination swiftly, and also Senator HATCH who chaired the confirmation hearing and did an outstanding job through that process. Senator LINCOLN and I were able to be there to introduce him.

President Bush made a rare find in nominating Judge Shepherd. He has totally avoided controversy. But one thing about him is, when Judge Arnold announced he was going to take senior status, very quickly a consensus grew around this Federal magistrate down in El Dorado, AR. Democrats and Republicans support him; Independents and Libertarians support him. People in his community, people outside his community, lawyers of all stripes, whether they are plaintiffs lawyers, defense lawyers, criminal defense lawyers, prosecutors, unanimously people think he is the right person to be on the Eighth Circuit Court of Appeals.

He has an outstanding reputation as a fair and studious judge. Around the State I have heard nothing but praise from my colleagues in the legal community of this decision by President Bush. In fact, the American Bar Association rated him unanimously well qualified.

When I look at judges, whether they are from Arkansas or other places, I have three criteria: First, are they qualified; second, do they have the proper judicial temperament; and third, do they have the ability to be fair and impartial.

He passes all three tests with flying colors. He is eminently qualified. He has proven beyond any doubt that he has the right temperament, and he has proven to all who have ever seen him in action or been before him that he is fair and impartial. I am confident that Judge Shepherd will bring these qualities and many more to the Eighth Circuit. I, as well as Senator LINCOLN, heartily endorse this nomination and am proud to be part of this nomination process, and I am certainly proud to give him my vote.

Mrs. LINCOLN. Mr. President, I rise in support of the nomination of Judge Bobby Shepherd to become the next member of the United States 8th Circuit Court of Appeals.

Based on my review of the record, my visits with Judge Shepherd, and feedback I have received from members of the Arkansas legal community who know Judge Shepherd well, I believe he is qualified to serve in this position, and I support his nomination.

Judge Shepherd was born in Arkadelphia, AR. After high school, Bobby graduated magna cum laude from Ouachita Baptist University in 1973. He then continued his education by earning a law degree from the University of Arkansas, graduating with high honors.

After law school, Judge Shepherd began his professional career as an attorney in private practice at Spencer & Spencer law firm in El Dorado. From 1984 to 1987, he worked as a solo practitioner. In 1991, he began his career as a jurist serving as a Circuit-Chancery judge for the 13th District of Arkansas until his appointment as a Magistrate Judge for the Western District of Arkansas in 1993.

Throughout Judge Sheperd's nomination process numerous Arkansans from all walks of life have contacted me urging me to support Judge Shepherd. Some of these people had been advocates in Judge Shepherd's courtroom and others simply considered themselves his friends. To a person, they all found Judge Shepherd to be a man of honor, respected by his peers and in his community.

In closing, I thank Chairman SPECTER and Senator LEAHY for working with Judge Shepherd and me in moving his nomination forward. I appreciate their consideration of this nominee and urge every Member of the Senate to support his confirmation.

Mr. COCHRAN. Mr. President, I am pleased to recommend to the Senate the confirmation of David P. Jordan as U.S. district judge for the Southern District of Mississippi.

His education, experience, and good moral character equip him with the qualifications to serve with distinction on the Federal bench. I have known Dan Jordan's parents since we were classmates at the University of Mississippi, and I have had the opportunity to follow their son's development and achievements over the years. He had remarkable success as a student and was a gifted athlete at his high school in Richmond, VA, where his father was a professor of history and chief executive of the foundation that maintains Thomas Jefferson's famous house and serves as a center for research as well as programs relating to early American history and public service.

Dan Jordan has earned a reputation for integrity and excellence as a lawyer in my State. He is widely respected for his sense of fairness and his keen intelligence. He is highly regarded by the lawyers in our State and was elected chairman of the Young Lawyers' Section of the Mississippi State bar. He is a partner in one of the largest and most prestigious law firms in Mississippi.

I am confident he will serve with distinction and reflect great credit on the Federal judiciary. I urge the Senate to confirm him.

Mr. LOTT. Mr. President, it is my pleasure to speak in support of the nomination of Daniel Jordan. I am glad that the President agreed with my high opinion of Dan and nominated him to the U.S. District Court for Southern Mississippi. In Mississippi, Dan's nomination has received broad bipartisan support and praise. He is a well-respected litigator, and even those who have sometimes opposed him in the courtroom feel he is an excellent choice to serve in the Federal judiciary.

Dan comes from a wonderful family that I have known for a long time. I know that they must be extremely proud of him and all that he has accomplished. I, too, have enjoyed watching him develop into an outstanding father, lawyer, and a respected Mississippian.

Dan is a cum laude graduate in economics from University of Mississippi, where he was inducted into the University's Hall of Fame. In 1993, he received his J.D. from the University of Virginia—where he was on the editorial board of the Journal of Law and Politics. He is currently engaged in the general practice of law as a partner with Butler, Snow, O'Mara, Stevens & Cannada—the largest law firm based in Mississippi.

In his private practice, Dan has gained broad experience and demonstrated the knowledge, professionalism, fairness, temperament, and skill that make him ideally suited for the Federal bench. Dan is a member of the International Association of Defense Counsel. He serves on the Executive Committee of the Mississippi Bar's General Litigation practice group. Dan is a past-president of the Jackson Young Lawyers Association. He served on the Hinds County Bar Association Board of Directors, the Mississippi Young Lawyers Board of Directors, as liaison to the Bench and Bar Relations Committee of the Hinds County Bar Association and as special prosecutor for the Board of Bar Admissions.

With Federal judicial nominations, it is important that we recognize the honorable service of those who choose to leave private practice to serve. However, Dan's service is not surprising. He has a history of public service. Before attending law school, Dan gained experience while working for the U.S. Department of Interior and later as a legislative aide on my Senate staff.

Since returning to Mississippi and entering private practice, he has continued to find time to serve his community and profession in many ways. He has served as the coordinator for

the Jackson, MS-based Stewpot Legal Clinic—an organization providing legal assistance to the homeless. He has worked with Habitat for Humanity and served as a committee chairman for the Metropolitan Crime Commission. His tireless work has prompted leaders in the Jackson, MS, philanthropic community to laud his efforts and impact.

He has been named one of Mississippi's Top 40 under 40 by the Mississippi Business Journal and honored as Jackson's Finest by the Mississippi M-S (Multiple Sclerosis) Foundation. He is an active member of Christ United Methodist Church in Jackson, MS, and is a loving husband and father of two.

The President's nomination of Dan Jordan comes as no surprise, given his education, experience, reputation, and temperament. I believe that when confirmed, Dan will excel as a fair, honest, measured, and capable judge. I am proud to have the opportunity to voice my full support for Dan's nomination, and I look forward to his confirmation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, I yield back all time on the judge nominations.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nominations, en bloc?

The nominations were confirmed, en bloc.

The PRESIDING OFFICER. The President shall be immediately notified of the Senate's action.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

AMERICANS IN LEBANON

Ms. STABENOW. Mr. President, earlier this week I spoke about the fact that there would be tremendous hardship on people who are currently in Lebanon—American citizens leaving in the midst of a war zone. The stated policy, earlier this week, was to require people to pay a fee to leave, and I am appreciative of the fact that, after speaking out and after introducing a bill that, in fact, would allow them to waive the fees, in fact, the Secretary of State has done that.

I appreciate the fact that they are proceeding with that and the fact that people are now beginning to move from the region. I urge that that continue to happen as quickly as possible. We have many innocent people in harm's way. We need to remember that and do everything we possibly can to protect them.

MIDDLE EAST CRISIS

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly about the situation with Hamas attacking Israel from the south, the Hezbollah attacking Israel from the north, and the actions of Israel in defending herself in accordance with international law under article 51 of the United Nations charter.

The action against Israel from the south was provoked by Hamas and the Palestinian Authority with the kidnapping of an Israeli soldier and the firing of rockets into southern Israel. The action against Israel from the north was provoked by Hezbollah firing rockets into northern Israel. Regrettably, the conflict has escalated but the parties responsible for the conflict are Hamas to the south and Hezbollah to the north.

The action of Hezbollah comes as a surrogate for Syria and from Iran. An Israeli ship was struck by an Iranian missile in conjunction with other circumstantial evidence of Iran having so-called advisers in Lebanon. There is strong reason to believe that the rocket was fired by Iran—not conclusive, but strong reason to believe. If so, it is an act of war.

The United Nations ought to call Iran and Syria on the carpet to explain their conduct in backing Hezbollah, in providing personnel to do more than train Hezbollah, more than advisers being integral parts of the military offensive of Hezbollah.

The Israelis living in northern Israel have complained about Hezbollah having a knife at their throat. With so many rockets poised on the southern Lebanese border and with a provocation of Hezbollah, it certainly warrants the action which has been taken by Israel on the premises.

It is regrettable that there have been civilian casualties, but I do believe that Israel has made every reasonable and realistic effort to minimize such casualties. There is inevitably collateral damage in war, but this is an occasion when the international community ought to call Iran and Syria to task for their provocative acts for using Hezbollah as a surrogate.

In the context of what has happened, I think President Bush was entirely correct in his statements that Israel had a right to defend itself against Hezbollah in the north and a right to defend against Hamas in the south.

Mr. President, I speak today about the recent unprovoked and coordinated attacks that have been launched on Israel by Hezbollah in Lebanon and Hamas in Gaza. These provocative attacks are further highlighting the role both Iran and Syria play in supporting Hezbollah. Israel is now forced to fight a defensive war on two fronts as Hezbollah terrorists and Palestinian militants are committing countless acts of aggression towards Israel.

Israel's response to Hamas's and Hezbollah's continuing bombardment of Israel, the murder of its soldiers, and the capture of three Israeli soldiers is justified. Israel unilaterally evacuated settlements and military bases in Gaza last September after an occupation since the 1967 Middle East war. It has not returned with significant forces since then, despite near-daily rocket fire from the Gaza strip into southern Israel. As recognized by the U.N., Israel completely pulled out of Lebanon in 2000, despite missile fire from Southern Lebanon into Israel. The capture of Israeli soldiers was unprovoked by Israel. Were the United States bombarded by Kassams and Katyusha and were its soldiers kidnapped we would also respond with force—proportionate force—the force necessary to cease the bombardments and kidnappings. Yet again, the Middle East faces a crisis brought on by those opposed to the peace that is sought by so many.

On September 12, 2005, to the jubilation of the Palestinians living in Gaza, Israel unilaterally withdrew its military and civilian presence from every inch of Gaza as part of a bold and courageous effort to reduce the tensions with Palestinians and enable them to better build a strong society on their own territory. The Palestinians in Gaza wasted no time destroying all Jewish houses of worship that were left behind in Gaza, but the world, including the Israelis, remained silent because they did not want anything to derail this sincere effort for peace. Just several months later, the Palestinians elected Hamas, a terrorist organization, to lead its government. During this time, Kassam missles have been regularly launched from Gaza into Israel and on June 25th, Palestinian gunmen within Hamas captured a 19-year old Israeli soldier, Corporal Gilad Shalit, and killed two others, at an army post within Israel. Corporal Shalit is the first Israeli soldier to be kidnapped by a Palestinian armed group since 1994. Israel immediately demanded release of the soldier. Hamas responded by offering only to provide information about Corporal Shalit, not his release, in exchange for the release of over 400 Palestinians in Israeli jails. Israel rightly refused an exchange, and hoped that international pressure would succeed. Having waited 3 days, on June 28th, Israeli troops pushed into Gaza to find and free Corporal Shalit.

President Bush appealed to Palestinian Fatah leader, Abbas and our Middle-East allies to exert pressure on Hamas to free Corporal Shalit. The U.S. ambassador to the UN, John Bolton, called on the Syrian president, Bashar Assad to arrest Hamas leader Khaled Mashaal, who is harbored in

that country. Additionally, Egypt and Jordan urged Syria to use its influence with Hamas to win Shalit's release. With no soldier and no prospect of his release, Israel continued its offensive, arresting 60 Palestinian officials and launching air strikes on bridges to prevent movement of Shalit, on weapon storage sites, and on Gaza's central power station. Hamas continued to launch Kassam missiles into Israel targeting civilian population centers; and Palestinian militants, seeking cover among Palestinian civilians, used RPGs, grenades, mines, and assault rifles to impede Israel's actions. This is how the Palestinian leadership responds to Israel's genuine actions for peace. The Israelis endured great political and emotional divisions when they forcibly removed their own people from Gaza, but they thought these sacrifices were necessary for a lasting peace. The Israelis demonstrated remarkable restraint in the face of these attacks from Gaza and in the initial days of the kidnapping of Corporal Shalit. But, when it became clear that Hamas did not share Israel's desire for peace, they had no choice to respond with force.

Then on July 12th, Hezbollah killed eight soldiers and captured two more from within Israel, near the border with Lebanon. Hezbollah leader Sheik Hassan Nasrallah said that this was not in response to Israel's recent air strikes in Gaza, but was something they had wanted to do for ''over a year''. Hezbollah's killing of eight Israeli soldiers and the kidnapping of two others represents an unprovoked act of war against Israel. Israel fully withdrew from southern Lebanon in May 2000. This peaceful step by Israel was certified by the U.N. Security Council as having met the requirements of U.N. Security Council Resolution 425, which called for an Israeli withdrawal and for Lebanon to assert control over the area vacated by Israel.

Israel rightfully opposes any prisoner exchange with Hamas or Hezbollah. Israel cannot send the message that it will release hundreds of prisoners each time Hamas and Hezbollah capture an Israeli, soldier or civilian. That would only encourage more kidnappings, and increase the power of Hamas and Hezbollah resulting in greater instability to the region and undermining the peace process.

Following Hezbollah's kidnapping, its firing of Katyusha rockets into northern Israel and demand for a prisoner swap, Israel responded with military force directed at Hezbollah's infrastructure in Lebanon, accurately calling Hezbollah's actions an act of war. Israel struck Beirut's airport to prevent the removal of the Israeli soldiers and to disrupt military supplies, struck Hezbollah's television station, and struck numerous roads, bridges and Hezbollah quarters to disrupt communication. Hezbollah responded with increased and deeper rocket attacks, which for the first time reached far enough into Israel to strike Haifa, 20 miles over the border. These far reaching missiles appear to be built by the Iranians and pose an extreme threat that Israel has not previously faced with Hezbollah. In 2004, the United Nations passed a resolution calling for Hezbollah to be disarmed. Not only has no serious effort been undertaken to disarm them, but rouge regimes continue to supply them with new weapons, training, and other support. The world should unite in its outrage at this behavior by Hezbollah and its allies and unite behind Israel and the forces of peace to bring a swift end to this conflict and to press for the safe return of Israel's soldiers and the enforcement of the UN resolution.

It is worth noting that while Israel has responded with strong force in its attempts to rescue its soldiers and root out the terrorist networks on its borders, it has made great efforts to minimize civilian casualties. Israel regularly drops pamphlets to warn civilians of upcoming actions and attempts to secure meaningful intelligence so that its strikes are targeted on the people and places involved in terrorist activity. These are courtesies that the Hamas and Hezbollah do not extend.

As we all now know, these actions of Hezbollah and Hamas can be seen as an extension of aggression from Iran and Syria. Iranian president, Mahmoud Ahmadinejad has publicly stated his desire to ''wipe Israel off the face of the map.'' The Iranians have helped Hezbollah launch hundreds of missiles into Israel and have provided Hezbollah $100 million annually. Syria provides the home, safe haven and command center to Hamas leader, Khaled Mashaal, and it continues to sponsor acts of terrorism. The timing of these attacks served to destabilize negotiations between the Hamas and Fattah Palestinian parties, derailing progress in the peace process. The events also distract the international community from Iran's nuclear ambitions at a time of heightened pressure on the Iranian government to curtail its program.

I support the President's statement that calls for an unconditional release of the captured soldiers, and holds Syria and Iran accountable for Hezbollah's actions but I encourage him to do more. There is opportunity for hope in this crisis. Many Palestinians and Lebanese citizens do not support the aggressive actions of Hezbollah or Hamas's military wing. The international community must support the Lebanese government and the Palestinian Authority in representing their many moderate citizens who seek peace and security for their families and communities. Now is the time for the forces of peace and moderation in Lebanon to not only aspire for peace but take action to stop Hamas and Hezbollah from pulling their people into deeper conflict. If terrorist factions continue to attack Israel and capture Israeli soldiers, Israel is left with no other choice but to defend its people and its borders.

I have made many trips to Israel and the Arab countries in the Middle East and am deeply saddened by the recent events. I will continue to support peace in the region and oppose all acts of terrorism.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 45 young Americans who have been killed in Iraq since April 6. This brings to 595 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 23 percent of all U.S. deaths in Iraq.

LCpl Juana Navarro Arellano, 24, died April 8 from wounds received while supporting combat operations in the Al Anbar province of Iraq. She was assigned to the 9th Engineer Support Battalion, 3rd Marine Logistics Group, III Marine Expeditionary Force, Okinawa, Japan. She was from Ceres, CA.

Cpl Richard P. Waller, 22, died April 7 from wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to the 1st Battalion, 1st Marine Regiment, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Eric A. Palmisano, 27, died April 2 after the truck he was riding in rolled over in a flash flood near Al Asad, Iraq. Palmisano was listed as Duty Status—Whereabouts Unknown until his body was recovered April 11. He was assigned to 1st Transportation Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Joseph A. Blanco, 25, died of injuries sustained in Taji, Iraq on April 11 when an improvised explosive device detonated near his Bradley Fighting Vehicle and he subsequently came under small arms fire during combat operations. He was assigned to the 7th Squadron, 10th Cavalry Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. He was from Bloomington, CA.

LCpl Marcus S. Glimpse, 22, died April 12 as the result of an improvised explosive device while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Huntington Beach, CA.

LCpl Philip J. Martini, 24, died April 8 of a gunshot wound while conducting combat operations in the Al Anbar Province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Salem Bachar, 20, was killed due to enemy action in the Al Anbar Province of Iraq on April 13. He was assigned to Headquarters Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Chula Vista, CA.

LCpl Stephen J. Perez, 22, was killed due to enemy action in Al Anbar Province, Iraq on April 13. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Petty Officer 3rd Class Marcques J. Nettles, 22, died April 2 when the truck he was riding in rolled over in a flash flood near Al Asad, Iraq. He was previously listed as Duty Status—Whereabouts Unknown. His body was recovered April 16. He was assigned to 1st Combat Logistics Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Kyle A. Colnot, 23, died of injuries sustained in Baghdad, Iraq on April 22 when an improvised explosive device detonated near his vehicle causing a fire. He was assigned to the 1st Squadron, 67th Armored Battalion, 2nd Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. He was from Arcadia, CA.

LCpl Aaron W. Simons, 20, died April 24 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. He was from Modesto, CA.

Pfc Raymond L. Henry, 21, died on April 25, in Mosul, Iraq, when an improvised explosive device detonated near his vehicle during combat operations. He was assigned to the 1st Battalion, 17th Infantry Regiment, 172nd Stryker Brigade Combat Team, Fort Wainwright, AK. He was from Anaheim, CA.

LCpl Michael L. Ford, 19, died April 26 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to the 1st Tank Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Cpl Brandon M. Hardy, 25, died April 28 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Lea R. Mills, 21, died April 28 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Edward G. Davis III, 31, died April 28 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Robert L. Moscillo, 21, died May 1 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Elisha R. Parker, 21, died May 4 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Pfc Benjamin T. Zieske, 20, died of injuries sustained in Kirkuk, Iraq on May 3 when an improvised explosive device detonated during a dismounted combat patrol. He was assigned to the 1st Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, KY. He was from Concord, CA.

LCpl Leon B. Deraps, 19, died May 6 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to the 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Benito A. Ramirez, 21, died May 21 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Robert G. Posivio III, 22, died May 23 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Pfc Steven W. Freund, 20, died May 23 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpt Nathanael J. Doring, 31, died May 30 following a nonhostile helicopter accident near Al Taqaddum, Iraq, on May 27. He was assigned to Marine Light/Attack Helicopter Squadron-169, Marine Aircraft Group-39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Richard A. Bennett, 25, died May 30 following a nonhostile helicopter accident near Al Taqaddum, Iraq, on May 27. He was assigned to Marine Light/Attack Helicopter Squadron-169, Marine Aircraft Group-39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Ryan J. Cummings, 22, died June 3 from wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Spc Issac S. Lawson, 35, died in Baghdad, Iraq, on June 5 of injuries sustained when an improvised explosive device detonated near his vehicle during combat operations. He was assigned to the National Guard's 49th Military Police Brigade, Fairfield, CA. He was from Sacramento, CA.

Spc Luis D. Santos, 20, died on June 8 in Buhritz, Iraq, when an improvised explosive device detonated near his military vehicle. He was assigned to Headquarters and Headquarters Company, 1st Battalion, 68th Armor Regiment, 4th Infantry Division, Fort Carson, CO. He was from Rialto, CA.

Hospitalman Zachary Mathew Alday, 22, was killed on June 9 while conducting combat operations against the enemy in the Al Anbar Province of Iraq. He was assigned to 7th Marines, Regimental Combat Team 7, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Brent B. Zoucha, 19, died June 9 of wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Salvador Guerrero, 21, died June 9 of wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. He was from Los Angeles, CA.

Cpl Michael A. Estrella, 20, died June 14 while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 3rd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Marine Corps Base Kaneohe Bay, Hawaii. He was from Hemet, CA.

Cpl Christopher D. Leon, 20, died June 20 from wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 5th Air Naval Gunfire Liaison Company, III Marine Expeditionary Force, Okinawa, Japan. He was from Lancaster, CA.

SSgt Benjamin D. Williams, 30, died June 20 while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Pfc Christopher N. White, 23, died June 20 while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Brandon J. Webb, 20, died June 20 while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Jason J. Buzzard, 31, died on June 21 in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. He was assigned to E Company, 2nd Battalion, 8th Infantry Regiment, 4th Infantry Division, Fort Hood, TX. He was from Constantinople, CA.

Cpl Jason W. Morrow, 27, died June 27 from wounds received while conducting

combat operations in the Al Anbar province of Iraq, on June 26. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Riverside, CA.

Pfc Rex A. Page, 21, died June 28 from wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Spc Christopher D. Rose, 21, died on June 29 of injuries sustained from an improvised explosive device during combat operations in Baghdad, Iraq. He was assigned to the 1st Battalion, 67th Armored Regiment, 2nd Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. He was from San Francisco, CA.

Cpl Ryan J. Clark, 19, died on June 29 at Brooke Army Medical Center, San Antonio, TX. He died of injuries sustained on June 17, in Ar Ramadi, Iraq, when an improvised explosive device detonated near his military vehicle. He was assigned to C Company, 40th Engineer Battalion, 1st Armored Division, Baumholder, Germany. He was from Lancaster, CA.

Sgt Thomas B. Turner, Jr., 31, died on July 14 at Landstuhl Regional Medical Center, Landstuhl, Germany. He died of injuries sustained on July 13, in Muqdadiyah, Iraq, when multiple improvised explosive devices detonated near his military vehicle. He was assigned to the 1st Squadron, 32nd Cavalry Regiment, 101st Airborne Division, Fort Campbell, Kentucky. He was from Cottonwood, CA.

Sgt Andres J. Contreras, 23, died on July 15 of injuries sustained when his vehicle encountered an improvised explosive device in Baghdad, Iraq during combat operations. He was assigned to the 519th Military Police Battalion, 1st Combat Support Brigade, Fort Polk, LA. He was from Huntington Park, CA.

SSgt Jason M. Evey, 29, died on July 16 of injuries sustained when his Bradley Fighting Vehicle encountered an improvised explosive device during combat operations in Baghdad, Iraq. He was assigned to the 1st Squadron, 10th Calvary Regiment, 2nd Brigade Combat Team, Fort Hood, TX. He was from Stockton, CA.

Spc Manuel J. Holguin, 21, died on July 15 in Baghdad, Iraq, of injuries sustained when his dismounted patrol encountered an improvised explosive device and small arms fire. He was assigned to Headquarters and Headquarters Company, 2nd Battalion, 6th Infantry Regiment, 1st Armored Division, Baumholder, Germany. He was from Woodlake, CA.

I also pay tribute to the three soldiers from or based in California who have died while serving our country in Operation Enduring Freedom since April 6.

Spc Justin L. O'Donohoe, 27, died east of Abad, Afghanistan, in the Kunar province, on May 5, when his CH–47 Chinook helicopter crashed during combat operations. He was assigned to the 71st Cavalry Regiment, 10th Mountain Division, Light Infantry, Fort Drum, NY. He was from San Diego, CA.

Sgt Bryan A. Brewster, 24, died east of Abad, Afghanistan, in the Kunar province, on May 5 when his CH–47 Chinook helicopter crashed during combat operations. He was assigned to the 3rd Battalion, 10th Aviation Regiment, 10th Mountain Division, Light Infantry, Fort Drum, NY. He was from Fontana, CA.

Cpl Bernard P. Corpuz, 28, died in Ghanzi, Afghanistan, on June 11 from wounds sustained when his convoy came under enemy small arms fire and an improvised explosive device detonated during combat operations. He was assigned to the 303rd Military Intelligence Battalion, 504th Military Intelligence Brigade, Fort Hood, TX. He was from Watsonville, CA.

PRESIDENTIAL ENVOY FOR SUDAN REMARKS

Mr. DEWINE. Mr. President, I wish to discuss a critical issue that I have addressed in this Chamber numerous times in the last several years, and that is the situation in Darfur. It is truly a shame that in July of 2006, the horrendous conditions and continued violence look very similar to that which first caught our attention in 2003.

Despite the recent peace agreement that was reached in early May between the Government of National Unity and one faction of the largest rebel group, the violence on the ground has continued unabated. This has led to a tenuous humanitarian situation.

According to the United Nations Children's Fund Darfur Nutrition Update for June 2006, malnutrition rates and admissions to therapeutic feeding centers are rising across Darfur. Under difficult conditions, our Government has done a tremendous job in providing assistance to the people of Darfur, including contributing over 80 percent of the food delivered in Darfur by the World Food Program. Unfortunately, our Government's efforts are not enough. Other donors must increase their contributions and fulfill the pledges they made.

To make these matters worse, the Government of Sudan blatantly refuses a U.N. peacekeeping mission in Darfur, leaving the African Union to try and enforce peace, which it has been unable to do thus far.

For these reasons, I am encouraging President Bush to appoint a Presidential envoy for Sudan as soon as possible. The fiscal year 2006 emergency supplemental includes a provision offered by Senator BIDEN and myself to create a Presidential special envoy and an office in the State Department to support it. This envoy is charged with working to resolve the conflict in Darfur, facilitating implementation of the Comprehensive Peace Agreement between the north and south Sudan, and resolving other internal and regional conflicts.

The timing of this appointment could not be more critical. Deputy Secretary of State Bob Zoellick is departing and other key administration officials that have been working on Sudan are rotating to new positions. I want to personally thank Secretary Zoellick for his commitment to peace in Sudan. His tireless efforts were at the forefront of this administration's clear commitment to this troubled country.

I urge the President to appoint a trusted leader who is committed to bringing about peace in Sudan once and for all.

The thought of making similar statements about Darfur in 2009 is unacceptable.

WATER RESOURCES DEVELOPMENT ACT

Mr. INHOFE. Mr. President, during yesterday's debate on the Water Resources Development Act, Senator SARBANES, Senator JEFFORDS, and I agreed to submit for the RECORD a colloquy clarifying the intent of a provision authorizing the Poplar Island expansion project in Maryland. Unfortunately, this colloquy was inadvertently left out. I ask unanimous consent that the colloquy be printed in the CONGRESSIONAL RECORD at this point and that the permanent RECORD be corrected so that this colloquy appears with the rest of yesterday's debate on the bill.

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

Mr. SARBANES. Mr. President, I would like to engage the distinguished chairman in a colloquy with respect to the provisions in section 1001(a)(20), authorizing the Poplar Island Expansion, Maryland.

Mr. INHOFE. I would be happy to respond to the Senator from Maryland.

Mr. SARBANES. I would simply like to clarify that it is the intent of the committee that this provision authorizes construction of a 575–acre addition to the existing 1,140–acre Poplar Island, MD, beneficial use of dredged material project which is presently under construction and authorizes an additional $256.1 million for that expansion.

Mr. INHOFE. The Senator from Maryland is correct. Section 1001(a)(20) authorizes the Secretary to construct the expansion of the Poplar Island, MD, project in accordance with the Report of the Chief of Engineers dated March 31, 2006, at an additional total cost of $256,100,000. This will increase the overall environmental restoration project at Poplar Island from 1,140 acres to approximately 1,715 acres and bring the total cost of the existing project and the expansion project to $643.4 million, with an estimated Federal cost of $482.4 million and an estimated non-Federal cost of $161 million.

Mr. JEFFORDS. I concur that this is the committee's intent.

Mr. SARBANES. I thank the chairman and ranking member for this clarification and for including this provision which is vitally important for the Port of Baltimore and the Chesapeake Bay.

Mr. COBURN. Mr. President, I thank you for having this important debate

regarding our Nation's aging infrastructure and for allowing this body to discuss the merits of Corps of Engineers reform.

As you know, I supported allowing this bill to come to the Senate floor for consideration. Congress has not passed a water resources authorization bill since 2000, and particularly in the wake of Hurricane Katrina, this debate is long overdue. While many attempted to derail consideration of this debate, I did not because I believed that we must have this discussion in the open.

That being said, I have deep concerns regarding the legislation that is before us today. Specifically, I am concerned that we are missing a historic opportunity to incorporate the many lessons learned since the last WRDA bill passed in 2000. Consider the following developments that highlight the critical need for reform of the Corps of Engineers:

The Government Accountability Office (GAO) reported in March 2006 that ''the cost benefit analyses performed by the Corps to support decisions on Civil Works projects . . . were generally inadequate to provide a reasonable basis for deciding whether to proceed with the project . . .'' GAO–06–529T—Corps of Engineers: Observations on Planning and Project Management Processes for the Civil Works Program (March 15, 2006)

In remarking on the fact that the Corps reprogrammed over $2.1 billion through 7,000 reprogramming actions in fiscal years 2003 and 2004, the GAO noted that the Corps' practice was often ''not necessary'' and is ''reflect[ive] of poor planning and an absence of Corps-wide priorities for its Civil Works priorities.'' GAO–06–529T—Corps of Engineers: Observations on Planning and Project Management Processes for the Civil Works Program (March 15, 2006)

In a report to Congress in 2003 regarding the Sacramento flood protection project, the GAO found that the Corps used ''an inappropriate methodology to calculate the value of protected properties'' and failed to properly report expected cost increases. Consider the projected costs for the three primary Sacramento projects: the Common Features Project increased from $57 million in 1996 to $370 million in 2002; the American Features project increased from $44 million in 1996 to $143 million in 2002; and the Natomis Basin component has ballooned from an early estimated cost of $13 million, to $212 million in 2002. GAO–04–30—Corps of Engineers: Improved Analysis of Costs & Benefits Needed for the Sacramento Flood Control Project.

Thanks to a Corps whistleblower and a subsequent investigation by the Army inspector general, we know that the Corps: ''manipulated the economic analyses of the feasibility study being conducted on the Upper Mississippi lock expansion project in order to steer the study to a specific outcome.'' Furthermore, the investigation revealed that a Corps official knowingly directed that ''mathematically flawed'' data be used to justify the project. High-ranking Corps officials also were criticized for giving ''preferential treatment to the barge industry . . .'' by allowing industry representatives to become direct participants in the economic analysis.'' U.S. Office of Special Counsel: Statement of Elaine Kaplan. Special Counsel, U.S. Office of Special Counsel (December 2000).

I could add several more examples, including the many lessons we have learned in the wake of Katrina, but my point is clear: the processes used for project justification, for long-term planning, for cost containment, and for project accountability are fundamentally flawed and do not serve the best interests of American taxpayers. For too long, we have allowed project costs to soar, routinely accepted inaccurate studies to justify large projects, and rarely, if ever, asked the tough questions of Corps officials.

Congress plays a central role in the oversight of all Federal agencies, and with respect to the Corps, we have failed taxpayers miserably. Why? Perhaps a better question would be to ask who benefits most from lax congressional oversight. I would argue that Members themselves are the real winners. We get the projects we want, regardless of the cost or the overall impact on critical national infrastructure, and the Corps is allowed to operate as it pleases. This environment—with every incentive for construction and little or no incentive for accountability—is a recipe for disasters of all sorts.

The only way to fix this problem in the long term is to bring fiscal transparency and oversight to this process.

First and foremost, we have to develop our ability to prioritize authorized Corps projects. The Corps currently faces a $58 billion dollar project backlog that will take many decades to resolve, and this bill will add over $10 billion more to that backlog. Many worthwhile projects, already debated and authorized by previous Congresses, languish in the annual competition for appropriations. Taking their place in line are politically popular projects that rarely address vital national infrastructure needs. Again, we are failing taxpayers.

I am pleased to see the amendment offered by my colleagues, Senators FEINGOLD and MCCAIN, that will squarely address this lack of prioritization. The tools that will be provided by this amendment will strengthen the ability of Members of Congress to analyze the hundreds of authorized Corps projects and determine which are in the best interests of our Nation. Congress maintains its discretion to fund whichever projects it deems most appropriate, but we will do so with an abundance of new data that will highlight critical national infrastructural needs. Funds are increasingly limited, and we have a responsibility to prioritize projects based on their impact.

Second, in our efforts to improve this important process, Congress must consider ways to bring greater oversight to the Corps. The many instances of wrongdoing in the Corps project justification process make clear that we must do better. With billions of dollars at stake and often thousands of lives hanging in the balance, we simply cannot allow for manipulation and undue influence in the justification study process.

Again, I am pleased to see the efforts of Senators MCCAIN and FEINGOLD in addressing this void. The Corps has proven itself incapable of mending these problems on its own, and nowhere is this more apparent than in the project justification process. It is imperative that outside experts, with no stake in large-scale construction proposals, be allowed to review these types of Corps studies. While I may have designed the amendment in a slightly different manner, I look forward to supporting the MCCAIN-FEINGOLD approach that will allow for a truly independent and time-sensitive review by a panel of experts. At the end of the day, Congress still makes the final decision on which projects to fund, and in no way will this amendment impact our constitutional obligations or slow project construction. We can still fund wasteful and inefficient spending if we so desire. If we pass this amendment, at least we will ensure that the studies we cite are accurate. We owe that to the American public.

I am grateful to my colleagues for the countless hours they have spent in putting this bill together. I know the road that led to this debate today was not an easy one, and it has been a long and difficult journey. As we embark on this debate and in our legitimate desire to pass this legislation, however, we must not overlook the critical need for Corps reform. The many lessons we have learned since WRDA 2000 are as numerous as they are pressing. The Corps of Engineers is staffed by many dedicated and hard-working Americans, many of whom are in my State. The agency itself, however, is ailing and demands our attention. If the Corps is to continue to meet the mandate it has been given and serve the needs of the American taxpayer, we must not move forward without the incorporation of new oversight and transparency.

America's waterways and flood control projects have played an important role in protecting our communities and in spurring agricultural and industrial commerce. Unless we can reform the Corps, though, their impact will increasingly diminish. As it stands today, the Corps is not accountable to Congress, and ultimately, it is not accountable to the American taxpayer. We have a historic opportunity to change this environment, and we must seize it.

Mr. LIEBERMAN. Mr. President, I rise today in support of amendment No. 4684, the McCain-Feingold-Prioritization amendment, to the Water Resources Development Act.

The city of New Orleans has been under a constant threat of flooding from the ''big one'' ever since it was founded in 1718. Though the city has survived, its flood control defenses have been tested and occasionally overwhelmed. There was the great flood of 1927 when the Mississippi River spilled into the city, and there was Hurricane Betsy in 1965, which, according to Senator Russell Long of Louisiana, ''picked up ... [Lake Pontchartrain]

and put it inside New Orleans and Jefferson Parish.''

In the same year that Betsy inundated the city, Congress authorized a hurricane protection project to protect the city. That project was supposed to take 13 years, cost $85 million, and, according to the Army Corps, protect greater New Orleans from the equivalent of a fast-moving category 3 hurricane.

In the Senate Homeland Security and Governmental Affairs Committee's investigation into the preparation for and response to Hurricane Katrina, our committee learned that that project was still a decade or more away from completion—close to 50 years after this body authorized its construction—and the total cost of the project had ballooned to more than $750 million. In addition, the project did not provide the level of protection for New Orleans and the region that it was expected to provide.

There were many reasons for the delay, including natural ones such as the subsidence of the land in southeastern Louisiana. Building levees in this part of the country required the Army Corps to return time and time again to add additional layers to the levees, known as lifts, to accommodate for the sinking soils.

But there were also manmade reasons for the delay, such as the absence of Federal funding. In recent years, local Army Corps officials have had to scramble to move these Louisiana hurricane protection projects forward. Local Army Corps officials had to urge local levee boards to contact their congressional delegation to ask for financial help to restore levees to their original design height, and on two recent occasions, the Army Corps had to rely on the local levee districts, which share in the cost of these projects, to advance them money so they could continue construction of segments of the hurricane protection system.

As the Corps of Engineers' own Interagency Performance Evaluation Taskforce, or IPET, investigators observed, if one part of the levee system comes up short, it can compromise the entire protection system. Yet this levee system, which was supposed to be protecting one of America's most vulnerable cities, was never finished, and as a result, when Katrina hit last August, dire consequences ensued.

We learned from Katrina that there is a need to focus limited Federal resources on finishing flood control projects that are critical to our Nation's health, safety, and welfare. The Army Corps' current process to do this is inadequate. As the GAO testified before the House in March, ''The Corps' planning and project management processes cannot ensure that national priorities are appropriately established across the hundreds of civil works projects that are competing for scarce federal resources.''

The McCain-Feingold amendment on prioritization, which I am proud to cosponsor, will address this problem by requiring the Water Resources Planning Coordinating Committee, which the underlying WRDA Bill already establishes for other purposes to evaluate the importance of Corps projects in three different categories—storm damage reduction projects, navigation projects, and environmental restoration projects. The amendment also requires the committee to rank projects in each category so that Congress, and the Corps itself, can determine what projects are the most important to pursue and most worthy of funding. The Coordinating Committee will then submit its report to Congress and make the report available to the public.

With that information, Congress can make better decisions about how to spend scarce Federal resources on critical infrastructure projects across the country. We have to learn from Katrina and we should never again allow a project that is so critical to the very livelihood of so many to languish because we did not give it the priority it deserved.

I know many of my colleagues are concerned that this amendment will remove authority from individual Members about how to spend Army Corps dollars. I understand that concern, but the reality is that the Corps has more work to do than funding to do it. This WRDA bill will add another $10 to $12 billion in Army Corps projects on top of the estimated $58 billion in backlogged Army Corps projects that are authorized but not yet funded. Without some system of prioritizing projects, as this amendment would require, we run the risk of another Katrina-like situation where critical projects are not given the priority they deserve. On the other hand, by requiring the Corps to prioritize projects in each category—flood control, navigation, and environmental restoration—we can ensure that there is a balance among the types of projects that are funded and that the most important and cost-effective projects in each category get the attention they deserve.

Water resources projects are important to each and every State, but we need to heed the lessons of Katrina and make sure that we spend our tax dollars where they are most needed.

I urge my colleagues to support this critical amendment.

GLOBAL WARMING POLLUTION REDUCTION ACT OF 2006

Mr. AKAKA. Mr. President, I want to express my appreciation to my good friend and colleague, Senator JEFFORDS, for his hard work and leadership in developing comprehensive legislation that will assist in decreasing U.S. greenhouse gas emissions. I am proud to join him, along with my other colleagues Senators BINGAMAN, BOXER, KENNEDY, LEAHY, LAUTENBERG, and REED in introducing the Global Warming Pollution Reduction Act of 2006, GWPRA. This bill sets the United States on a path to reducing emissions to 1990 levels by 2020 through a 2 percent annual reduction from 2010 through 2020, as well as achieving by 2050 emissions that are 80 percent below 1990 levels.

The global warming debate began in Hawaii over 30 years ago when the Mauna Loa Climate Observatory first documented evidence of increased carbon dioxide levels in the Earth's atmosphere. The international scientific community now concurs that human activities are altering the climate system. The U.S., which is the world's largest emitter of greenhouse gases, must be accountable as a leader in reducing emissions and combating the threats resulting from global warming.

My home State of Hawaii is disproportionately susceptible to increases in sea level rise and ocean temperature, which jeopardize public safety, economic development, cultural resources, and the health of our unique island ecosystems and wildlife. It is clear that coastal States will also face similar challenges caused by sea level rise resulting in flooding of low-lying property, loss of coastal wetlands, beach erosion, saltwater contamination of drinking water, and damage to coastal roads and bridges. Climate models forecasting intense storms and severe weather further threaten Hawaii's capacity to respond to natural disasters and acquire immediate relief from neighboring states. Remote and rural areas are likely to be confronted with similar issues of self-sufficiency and limited access to assistance.

I am very concerned about the impact of fossil fuel emissions on the health of our planet and believe that we must actively seek solutions to curb the buildup of greenhouse gases. This bill sets energy efficiency targets to assist both the industry and energy consumers in meeting these standards. This legislation lays out ambitious goals to minimize U.S. emissions and assist in the stabilization of global atmospheric greenhouse gas concentrations.

We must invest in technology research to control greenhouse gas emissions. Encouraging renewable energy technologies will play a crucial role in successfully meeting the objectives of this legislation. Under the guidance provided by this bill, I firmly believe the State of Hawaii, along with the rest of the United States, will be poised to substantially reduce greenhouse gas emissions. But Federal support is vital to accomplishing our goals to combat global warming.

I appreciate the technical assistance provided by the Hawaii Natural Energy Institute and the Hawaii Department of Business, Economic Development and Tourism. I remain committed to working with them, other stakeholders in Hawaii, and my colleagues, under the leadership of Senator JEFFORDS, to enact this legislation that will improve the health of our planet and the quality of life for all Americans. Senator

JEFFORDS is a dedicated advocate for environmental protection. With the GWPRA, he leaves a legacy to guide and inspire future generations to actively address the issue of global warming. I encourage my colleagues to join Senator JEFFORDS in supporting this worthy initiative.

THIRTY-SECOND ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

Mr. REED. Mr. President, today, on behalf of the Greek Cypriot population of Rhode Island, and Greek Cypriots around the world, I recognize the 32nd anniversary of the Turkish invasion of Cyprus.

Shortly before dawn 32 years ago today, heavily armed Turkish troops landed on the northern coast of Cyprus launching the invasion and subsequent occupation of Northern Cyprus. Over the next 2 months, over 200,000 Greek Cypriots, an overwhelming 82 percent of the island's population, were forced to seek refuge in the southern Greek controlled portions of Cyprus. Turkey eventually called a ceasefire after seizing 37 percent of the island. To this day Turkey is the only country that recognizes the self-declared ''Turkish Republic of Northern Cyprus.''

Over the last 30 years, the United Nations Security Council and General Assembly have striven to resolve this ongoing territorial dispute through multiple failed peace talks and resolutions. While many years and much thought has gone into determining an equally agreeable solution, talks between the Greek Cypriot south and the Turkish Cypriot north constantly end in a stalemate.

However, hope was renewed this month when the United Nations began drafting recommendations on reviving stalled peace talks between this war-divided island's Greek and Turkish Cypriot communities. Furthermore, Cyprus President Tassos Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat were hailed by the Cyprus Parliament Speaker Demetris Christofias as taking positive steps toward restarting the Cyprus peace talks.

We must applaud the continued efforts of the United Nations and the renewed focus of the Cypriot leaders to reunite a divided Cyprus and remain committed to ushering the settlement process forward. Cypriot, Mediterranean, and U.S. interests will benefit from a settlement that addresses all legitimate concerns of both sides and promotes the stability of a hostile region.

Much like the Greek proverb, ''learn to walk before you run,'' Cypriot leaders must take small steady steps forward and continue forward even when the road looks unpaved. There is a path that leads to the reunification and peace between these two communities. Traversing this path, however, will take patience and tolerance.

DM&E RAILROAD LOAN FROM THE FEDERAL RAILROAD ADMINISTRATION

Mr. DAYTON. Mr. President, I have arisen previously to talk about a proposal of the DM&E Railroad to reconstruct its rail line across southern Minnesota in order to run up to 36 unit coal trains, rail cars containing grain and other agricultural products, and possibly shipments of hazardous materials. The DM&E is presently seeking a $2.5 billion low-interest loan from the Federal Railroad Administration for this project, which the company initially said would be financed to the private capital markets.

Evidently unable to attract that necessary financing, DM&E has now turned to the American taxpayer to assume the enormous financial risk that such a project entails. If the project were to be successful, the financial benefits would go to DM&E's executives and investors. If the project were to fail, the losses would be paid by American taxpayers. It is for that reason that I have urged the Administrator of the Federal Railroad Administration and the U.S. Secretary of Transportation, who have the ultimate decision-making authorities, to exercise all necessary due diligence before their decisions about this enormous financing.

Previously, I have also expressed the strongest possible concern about DM&E's intention to run this rail line through downtown Rochester, MN, and immediately adjacent to the world-renowned Mayo Clinic. Mayo Clinic and Rochester City officials vehemently oppose DM&E's intended route and maintain that it would be catastrophic to their clinic and their city. I agree.

The Mayo Clinic is known and respected nationally and worldwide for its medical excellence. Last year, the Mayo Clinic saw over 1,700,000 patients who came from throughout Minnesota, our country, and the world to seek the best possible medical care. The Mayo Clinic is the largest private employer in Minnesota, employing over 28,000 people, including 2,400 physicians.

In addition to the serious financial questions surrounding this project and major environmental concerns across its intended route, new information has just come to light that demonstrates even more conclusively how unacceptable its proposed route through downtown Rochester, MN, and adjacent to the Mayo Clinic would be. According to a report released today by the Mayo Clinic, but using public, factual information, DM&E has one of the very worst safety records in the entire U.S. railroad industry. In fact, last summer, Mr. Kevin Sheiffer, President and CEO of DM&E's parent company, told DM&E employees, in their newsletter, ''We have a very poor safety record.''

The report discloses that from 2000 through 2005, the DM&E reported train accidents at a rate 7.5 times higher than the national average; during 2005, the DM&E's rate of accidents at crossings was 2.3 times higher than the national average; the DM&E had the highest rate of employee casualties among regional freight railroads in 2004, and was a close second in 2003 and 2005; during the past 10 years, DM&E had 107 accidents involving trains carrying hazardous materials, including a record 16 in 2005; and since 2003, when the Federal Railroad Administration loaned DM&E $233 million, DM&E's main track accident rate has soared to eight times the national rate—a 175 percent increase over its pre-loan rate.

Mr. President, I ask unanimous consent that the the overview of this report, ''The Sum of All Fears: Unsafe Railroad Plus Unsafe Plan Equals Disaster,'' and the forwarding letter from the Mayo Clinic to The Honorable Joseph H. Boardman, Administrator of the Federal Railroad Administration, be printed in the RECORD.

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

JULY 20, 2006.

Hon. JOSEPH H. BOARDMAN,
Administrator, Federal Railroad Administration, Washington, DC.

DEAR ADMINISTRATOR BOARDMAN: On May 8, 2006, the County of Olmsted, the City of Rochester, Mayo Clinic, and the Rochester Area Chamber of Commerce submitted an independent study by a prestigious accounting firm setting forth detailed reasons why granting a $2.5 billion loan to the Dakota, Minnesota and Eastern Railroad (DM&E) posed a substantial risk to the American taxpayers that the loan will not be repaid. We believe that documented risk to the taxpayers is reason enough for the loan to be denied.

In addition to the substantial risk of default, the public safety impact of any loan to the DM&E must be considered, especially given the DM&E's abysmal safety record as outlined in the enclosed analysis. In light of the DM&E's record as the most unsafe regional railroad in America, granting a $2.5 billion loan to the DM&E would clearly and dramatically increase the public safety risk to the residents of Rochester and the patients and physicians at Mayo Clinic. It would also violate the statutory admonition that the Secretary of Transportation shall give priority to projects that ''enhance the public safety,'' and undermine the Federal Railroad Administration's (FRA) statutory obligation to ''carry out all railroad safety laws.''

The proposed loan would not enhance the public safety. To the contrary, the proposed loan would fund a project that could have terrible consequences for the residents of Rochester, Minnesota, and the patients, doctors and scientists at Mayo Clinic. Transporting hazardous materials, at high speeds, on one of the country's most dangerous railroads, is an ''accident'' waiting to happen. If that accident were to occur in the City of Rochester near Mayo Clinic, then the consequences could be catastrophic.

The safety problems at the DM&E are well documented by the FRA itself. Last October, the FRA cited the DM&E for ''numerous problems with management and implementation of [its] safety program.'' The FRA should carefully consider the safety consequences because granting the proposed loan would simply reinforce the DM&E's attitude that safety does not matter. We believe that denying the loan would make it clear that safety comes first.

For these reasons (and the reasons set forth in our May 8, 2006 submission), we respectfully submit that the DM&E's loan request should be denied. We also reiterate our previous request for the opportunity to meet with you to discuss the merits of our submissions.

Sincerely,

MAYOR ARDELL BREDE,
City of Rochester.
GLENN S. FORBES, M.D.
CEO, Mayo Clinic Rochester.
JOHN WADE,
President, Rochester Area Chamber of Commerce.
DENNIS L. HANSON,
President, Rochester City Council.
KENNETH D. BROWN,
Chair, Olmsted County Commissioners.

THE SUM OF ALL FEARS: UNSAFE RAILROAD PLUS UNSAFE PLAN EQUALS DISASTER

OVERVIEW

The Dakota, Minnesota and Eastern Railroad (DM&E), a regional freight railroad, is seeking a $2.5 billion loan from the United States government, backed by the American taxpayers, for a major expansion that would allow trains to carry coal and other freight, including hazardous materials, through the heart of downtown Rochester—a few hundred feet from Mayo Clinic—at speeds up to 50 miles per hour. The DM&E refuses to limit the number of trains through Rochester and refuses to restrict the type of cargo it carries through Rochester near Mayo Clinic.

The Secretary of Transportation must consider the effects of such a loan on the public safety and a loan should not be granted to the DM&E because it would expose Rochester and Mayo Clinic to the safety risks inherent in the transportation of hazardous materials by a railroad with long-standing safety problems.

The DM&E has one of the worst safety records of all U.S. railroads:

1. From 2000 through 2005, the DM&E reported train accidents at a rate 7.5 times higher than the national average;
2. During 2005, the DM&E's rate of accidents at crossings was 2.3 times higher than the national average;
3. The DM&E had the second-highest rate of employee casualties among regional freight railroads in 2004 and 2005;
4. During the past 10 years, DM&E had 107 accidents involving trains carrying hazardous materials, including a record 16 in 2005; and
5. Since 2003, when the Federal Railroad Administration (FRA) loaned DM&E $233 million, the DM&E's main track accident rate has soared to eight times the national rate—a 75 percent increase over its pre-loan rate.

The U.S. government has repeatedly identified safety problems at the DM&E. In 2002, the DM&E signed an Expedited Consent Agreement with the Environmental Protection Agency (EPA) agreeing to pay a civil penalty and correct violations of federal regulations. In 2005, the Occupational Safety & Health Administration (OSHA) cited and fined the DM&E for serious safety violations. The FRA placed the DM&E under a Safety Compliance Agreement in October 2005.

The DM&E has claimed that its abysmal safety record is the result of old track, but the FRA has rejected that excuse—most recently in its October 2005 Safety Compliance Agreement. During the past six years track defects caused only about one-half of the DM&E's train accidents and track defects had nothing to do with the company's high rate of accidents at highway-rail crossings or its high rate of employee casualties. New track will not change the company's cavalier attitude toward safety.

In 2003, the FRA entered into a $233 million loan agreement with the DM&E. Since that time the DM&E's poor safety record has gotten materially worse—not better. There is simply no reason to believe that lending the DM&E another $2.5 billion would change the result or the company's approach to safety.

Rochester, Minnesota, is home to 40 per cent of all the people who live along the DM&E's proposed expansion route. Rochester is also home to Mayo Clinic, one of the world's leading medical centers. Many of Mayo's patient-care facilities are within hundreds of feet of the DM&E's tracks—at ground level. An accident involving the spill of hazardous materials near Mayo Clinic, with its vulnerable patient population, would be disastrous. The safety risks posed by an unsafe railroad transporting hazardous materials at high speeds near a world-renowned medical center should not be subsidized by the U.S. government. It is wrong for a safety organization like the FRA to reward a company for disregarding the safety of the public and its own employees. The American people would be shocked to learn that the U.S. government is considering giving an unsafe railroad one of the largest loans to a private company in the history of the United States of America.

ADDITIONAL STATEMENTS

GLENDALE HIGH SCHOOL REACHING JUNIOR G8 SUMMIT

● Mrs. FEINSTEIN. Mr. President, I would like to take the opportunity to congratulate the students of Glendale High School on becoming the U.S. representative at the Junior G8 Summit.

For the first time in 30 years, the annual G8 Summit will include an official exchange between children aged 13 to 17 and G8 leaders. Glendale High School beat out 14 other schools for this once-in-a-lifetime chance to represent the United States at the Summit.

The Junior 8 Youth Forum will provide the participants from all over the world a platform from which they can express their opinions on issues such as infectious diseases, violence, corruption, education, energy, and security. The U.S. team and their international counterparts will meet in order to draft a communique which eight of them will present to the G8 leaders.

These students could not have achieved this memorable accomplishment without tremendous support and encouragement from their dedicated teachers and parents.

I would also recognize team members Shaunt Attarian, Rigo Benitez, Edgar Hernandez, Sergio Maciel, Viannca Montesino, Elaine Panlaqui, Diana Perez, and Kelly Velasquez for their poise and determination in working towards receiving this honor.

All eight team members have spent time and energy for over 6 months preparing to represent the United States with respect and intelligence at this prestigious event. The Glendale High School Junior G8 team should be commended for their efforts and stand as an inspiration to us all.

Once again, I would like to honor the entire Glendale High School Junior G8 Team on a well-deserved victory. Each of these students holds wonderful promise, and I applaud them for their many achievements. Their futures are bright, and their performance will continue to serve as a model for those who follow in their footsteps.●

CONGRATULATING BALDWIN HIGH SCHOOL CHEERLEADERS

● Mr. AKAKA. Mr. President, I wish to congratulate the Baldwin High School cheerleading team, from Wailuku, Maui, HI, who on March 25, 2006, won a national title at the National Cheerleaders Association U.S. Championship.

The Baldwin cheerleaders placed first in the small varsity coed division against teams from the Western United States Radford High School, also from my State of Hawaii, was the second place team to Baldwin High School. The Baldwin cheerleaders were then named grand champions for placing highest in the most divisions, beating out 144 other participating teams.

I am proud not only of the impressive achievements but also of the humility and sportsmanship that the team displayed. The team represented the State of Hawaii very well.

I recognize the sacrifices many family members and friends made to support the team. These young men and women would not have been able to enjoy the athletic competitions if it were not for the moral and financial support of their families and community. I applaud these efforts and wish all the players and their families the best in their future endeavors. Finally, I recognize the hard work and dedication of the participants and coaches.

I ask to have printed in the RECORD the team's roster as reported by The Maui News.

The material follows.

Niki Fernandez, Jayme-Lynn Kashiwamura, Cory Manibog, Shawna Matsunaga, Keoni Mawae, Gillian Platt, Tiare Pimental, Sherise Shimabuku, Zeyuna Tabernero, Jenna Takushi, Kamala Klask and Lavancia ''Anela'' Winn

Head Coach JoAnn Yap and Assistant Coach Matt Balangitao●

TRIBUTE TO KATHY A. RUFFING

● Mr. GREGG. Mr. President, I take a moment to recognize someone who has provided invaluable assistance to the Budget Committee for many years. After 25 years of service at the Congressional Budget Office, or CBO, as we call it, Kathy A. Ruffing will be retiring at the end of this month.

During her tenure at CBO, Ms. Ruffing earned a well-deserved reputation for tirelessly producing high-quality analyses on a wide range of topics including interest costs and the Federal debt, Federal pay, immigration,

and Social Security. In particular, Members and their staffs came to depend on Kathy's thorough knowledge of the Social Security Program as they developed proposals for addressing the program's financial status and benefit structure. She also made major contributions to CBO's reports on the economic and budget outlook and the reestimates of the President's budget. Her analyses always displayed those characteristics of CBO's reports that we in the Congress most value—impartiality, clarity, and comprehensiveness. In fact, Kathy was a principal architect of the formats of many tables on which the Budget Committee has come to rely so heavily.

The Congress will feel the loss of a dedicated public servant who selflessly worked extraordinary hours in helping us advance the legislative process. We will miss Kathy's expertise and counsel.

I know that I speak for all of the Members who have served on the Budget Committees of the House and Senate during the past 25 years and all of our staff when I express our gratitude to Kathy for all of her contributions to the legislative process.●

MESSAGES FROM THE HOUSE

At 9:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 810) to amend the Public Health Service Act to provide for human embryonic stem cell research, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

ENROLLED BILL 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:

H.R. 5117. An act to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

At 12:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2389. An act to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

H.R. 5683. An act to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3711. A bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

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–7585. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the date on which a report on the budgeting of the Department of Defense for the sustainment of key military equipment will be submitted; to the Committee on Armed Services.

EC–7586. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department, received on July 17, 2006; to the Committee on Armed Services.

EC–7587. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2006–2007 Marketing Year'' (Docket No. FV06–985–2 IFR) received on July 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7588. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus Thuringiensis Cry1A.105 Protein and the Genetic Material Necessary for Its Production in Corn in or on All Corn Commodities; Temporary Exemption From the Requirement of a Tolerance'' (FRL No. 8076–5) received on June 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7589. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, the Bank's 2005 Statement on System of Internal Controls, audited financial statements, and Report of Independent Auditors on Internal Control over Financial Reporting; to the Committee on Banking, Housing, and Urban Affairs.

EC–7590. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's 92nd Annual Report, which covers the Board's operations for calendar year 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–7591. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–7592. A communication from the Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the Commonwealth of Massachusetts as a result of the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005, and continuing, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7593. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Debenture Interest Payment Charges'' ((RIN2502–AI41)(FR–4945–F–01)) received on July 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7594. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project''; to the Committee on Energy and Natural Resources.

EC–7595. A communication from the Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations and Leasing in the Outer Continental Shelf (OCS)—Recovery of Costs Related to the Regulation of Oil and Gas Activities on the OCS'' (RIN1010–AD23) received on July 18, 2006; to the Committee on Energy and Natural Resources.

EC–7596. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06–155–06–169); to the Committee on Foreign Relations.

EC–7597. A communication from the Department of State, transmitting, pursuant to law, a report relative to the Development Assistance and Child Survival and Health Programs Fund; to the Committee on Foreign Relations.

EC–7598. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Section 589 of the Foreign Operations, Export Financing, and Related Programs Act, 2006 (''the Act'') in regards to permitting the continued use of funds appropriated by the Act for assistance to the Government of the Russian Federation; to the Committee on Foreign Relations.

EC–7599. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the semi-annual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Finance.

EC–7600. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to a program to be initiated in Nepal by the U.S. Agency for International Development's Office of Transition Initiatives (OTI); to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

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

POM–393. A resolution adopted by the House of Representatives of the Legislature of the State of Florida relative to urging Congress to support a National Catastrophe

Insurance Program; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE MEMORIALS NO. 541

Whereas, during the 2004 and 2005 hurricane seasons, the State of Florida was devastated by eight hurricanes and four tropical storms, causing approximately $35 billion in estimated gross probable insurance losses, and

Whereas, the hurricanes from the 2004 and 2005 hurricane seasons have produced high winds, coastal storm surges, torrential rainfalls, and flooding resulting in significant damage to Florida and the Gulf Coast states, which has resulted in displacement of policyholders from their dwellings, loss of personal belongings and contents, closing of businesses and financial institutions, and temporary loss of employment and has created numerous health and safety issues within our local communities, and

Whereas, in 1992, Hurricane Andrew resulted in approximately $20.8 billion in insured losses and was previously the costliest catastrophe in the United States, but Hurricane Katrina alone left the Gulf Coast states with an estimated loss of approximately $35 billion, and

Whereas, natural disasters continually threaten communities across the United States with extreme weather conditions that pose an immediate danger to the lives, property, and security of the residents of those communities, and

Whereas, the insurance industry, state officials, and consumer groups have been striving to develop solutions to insure mega-catastrophic risks, because hurricanes, earthquakes, tornadoes, typhoons, floods, wildfires, ice storms, and other natural catastrophes continue to affect policyholders across the United States, and

Whereas, on November 16 and 17, 2005, insurance commissioners from Florida, California, Illinois, and New York convened a summit to devise a national catastrophe insurance plan which would more effectively spread insurance risks and help mitigate the tremendous financial damage survivors contend with following such catastrophes: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States is urged to support a National Catastrophe Insurance Program. Policyholders require a rational insurance mechanism for responding to the economic losses resulting from catastrophic events. The risk of catastrophes must be addressed through a public-private partnership involving individuals, private industry, local and state governments, and the Federal Government. A national catastrophe insurance program is necessary to promote personal responsibility among policyholders; support strong building codes, development plans, and other mitigation tools; maximize the risk-bearing capacity of the private markets; and provide quantifiable risk management through the Federal Government. The program should encompass:

(1) Providing consumers with a private market residential insurance program that provides all-perils protection.

(2) Promoting personal responsibility through mitigation; promoting the retrofitting of existing housing stock; and providing individuals with the ability to manage their own disaster savings accounts that, similar to health savings accounts, accumulate on a tax-advantaged basis for the purpose of paying for mitigation enhancements and catastrophic losses.

(3) Creating tax-deferred insurance company catastrophe reserves to benefit policyholders. These tax-deferred reserves would build up over time and only be eligible to be used to pay for future catastrophic losses.

(4) Enhancing local and state government's role in establishing and maintaining effective building codes, mitigation education, and land use management; promoting state emergency management, preparedness, and response; and creating state or multistate regional catastrophic risk financing mechanisms such as the Florida Hurricane Catastrophe Fund.

(5) Creating a national catastrophe financing mechanism that would provide a quantifiable level of risk management and financing for mega-catastrophes; maximizing the risk-bearing capacity of the private markets; and allowing for aggregate risk pooling of natural disasters funded through sound risk-based premiums paid in correct proportion by all policyholders in the United States. Be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–394. A resolution adopted by the Senate of the Legislature of the State of Massachusetts relative to memorializing the Congress of the United States to provide relief from growing energy costs; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, high fuel prices have a negative impact on the standard of living of consumers and high fuel prices have a negative impact on the productivity of businesses; and

Whereas, according to the United States Department of Energy, Massachusetts citizens pay some of the highest energy prices in the Nation, behind only Hawaii and Washington, DC; and

Whereas, as of May 12, 2006, AAA reports the current average price of a gallon of gasoline in Massachusetts to be $2.93, up from $2.186 only a year ago; and

Whereas, as of May 2, 2006, the Massachusetts Division of Energy Resources reported the average price of a gallon of heating oil in Massachusetts to be $2.58, up from $1.91 and $1.49 at this time of the year in 2005 and 2004 respectively; and

Whereas, home heating and electricity expenditures for Massachusetts residents are expected to be up by over one third this year (October 2005–October 2006), this being an average increase of $700 per family or 0.6 percent of personal income; and

Whereas, high fuel prices impose an especially high burden on low-income families and the United States Department of Energy found that the average American spends 3.5 percent of their income on energy bills, but low-income households average 14 percent of their income; and

Whereas, the President's 2006 budget included cuts of some $9.7 million over the next 4 years to the low-income home energy assistance program, which benefits many Massachusetts seniors; and

Whereas, according to a 2005 National Consumer Law Report, as a result of 3 of the past 4 years having unprecedented heating oil and natural gas prices, Massachusetts' residential consumers have higher averages than they have ever faced and community action agencies are reporting more aggressive collection activities from some utilities as well as encountering greater difficulty negotiating payment plans for low-income customers; and

Whereas, poor road conditions exacerbate the impact of high fuel costs by reducing fuel economy; and

Whereas, according to a 2005 United States Department of Transportation report of road conditions reported in 2004, only 1,659 miles of Massachusetts' roads were classified as good to very good compared with 3,748 miles of roads classified as mediocre to poor; and

Whereas, a report by the American Society of Civil Engineers found that 71 percent of Massachusetts' major roads are in poor or mediocre condition and driving on roads in need of repair costs Massachusetts' motorists $2,300,000,000, or $501 per motorist, annually in extra vehicle repairs and operating costs; and

Whereas, this same report found that 51 percent of Massachusetts' bridges are structurally deficient or functionally obsolete; and

Whereas, oil companies have reported record quarterly profits for the first quarter of 2006: Now therefore be it

Resolved, that the Massachusetts Senate memorializes the Congress and the President of the United States to immediately institute a windfall profits tax on energy companies which have benefited from the current circumstances, the proceeds of which shall be distributed to the States for the purpose of providing relief to motorists, homeowners and businesses through policies and programs that provide direct subsidy to low and moderate income consumers and small businesses, and some of the proceeds may also be used for road and bridge work and programs which promote the development and use of alternative energy and fuels; and be it further

Resolved, that a copy of these resolutions shall be transmitted forthwith by the Clerk of the Senate to the President of the United States, presiding Members of each House of the Congress of the United States, and the Members thereof from the Commonwealth.

POM–395. A resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to appropriating sufficient funds for the recovery of the shrimp industry and voting against the repeal of the ''Byrd Amendment''; to the Committee on Finance.

HOUSE RESOLUTION NO. 117

Whereas, Louisiana is the nation's largest producer of wild-caught shrimp and has the nation's only warm water shrimp cannery; and

Whereas, before Hurricanes Katrina and Rita, Louisiana generated an estimated one hundred twenty million pounds of wild-caught shrimp and sold approximately nine thousand commercial shrimp gear licenses; and

Whereas, Louisiana shrimpers constitute the largest community of shrimpers in the Atlantic and Gulf of Mexico regions; and

Whereas, due to Hurricanes Katrina and Rita, the shrimp industry suffered devastating economic and infrastructure losses; and

Whereas, due to the hurricanes, assessments estimate that for the shrimp industry the total potential production lost at the retail level is approximately nine hundred nineteen million dollars; and

Whereas, the influx of foreign shrimp sold at below market prices causes domestic prices to drop to levels at which domestic producers are unable to survive in the industry; and

Whereas, the United States House Committee on Ways and Means recommended a repeal of the provision of the Continued Dumping and Subsidy Offset Act commonly known as the ''Byrd Amendment''; and

Whereas, the ''Byrd Amendment'' required duties to be collected under antidumping and countervailing duty orders and required payment to eligible domestic producers who initiated the petition which resulted in the imposition of the duties; and

Whereas, Louisiana was one of the original states to initiate a petition against foreign shrimp producers; and

Whereas, taking into consideration the potential repeal of the ''Byrd Amendment'' and the effects of Hurricanes Katrina and Rita, the shrimp industry and the state of Louisiana stand to suffer severe financial losses: Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana memorializes the Congress of the United States to appropriate sufficient funds for the recovery of the shrimp industry. Be it further

Resolved, That the House of Representatives of the Legislature of Louisiana memorializes the Congress of the United States to vote against the repeal of the ''Byrd Amendment''. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–396. A joint resolution adopted by the Legislature of the State of Utah relative to supporting the Working Families Economic Development Initiative; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 23

Whereas, insufficient income contributes to many of the social and human service needs in our state;

Whereas, the Federal Earned Income Tax Credit (EITC) provides tax relief and income support to low-income working families;

Whereas, the EITC lifts millions of individuals out of poverty each year in the United States by supporting work and self-sufficiency while reducing the need for public assistance;

Whereas, each year, the EITC helps approximately 130,000 households in Utah and brings more than $220,000,000 into Utah's economy;

Whereas, increasing Utah's utilization of the EITC to the national average would help approximately 40,000 eligible households and bring an additional $80,000,000 into Utah's economy;

Whereas, an increase of $80,000,000 each year in EITC benefits would generate over $300,000,000 per year in state and local economic activity;

Whereas, 211 INFO BANK, a community services and referral system, provides callers with tax credit help, including eligibility rules, and directs workers to nearby VITA sites for needed tax forms and assistance; and

Whereas, increasing EITC utilization represents a highly cost-effective economic development strategy: Now, therefore, be it

Resolved, That the Legislature of the State of Utah encourages departments of Utah State Government to identify and utilize existing and potential public/private partnerships to inform citizens about the availability of the Federal Earned Income Tax Credit and Volunteer Income Tax Assistance programs. Be it further

Resolved, That the Legislature of the state of Utah encourages each state entity to work in partnership with private outreach campaigns to identify and utilize existing communications mechanisms to inform Utahns about the availability of the EITC and VITA programs, which may include state publications, websites, human resource materials and communications, correspondence and forms from the State Tax Commission, targeted printed materials, caseworker and client interactions, and application materials for state assistance and state licenses. Be it further

Resolved, That the Legislature of the state of Utah encourages each state entity to utilize existing state infrastructure, where appropriate, to support EITC outreach and statewide availability of the VITA program, which may include utilizing Department of Workforce Services Employment Centers and other appropriate locations as VITA sites, staffed by trained VITA volunteers, between January and April, encouraging local school districts to integrate EITC outreach and VITA services into their parent involvement and community school efforts, and utilizing economic development tools and negotiations to encourage and support EITC outreach and employment-based VITA sites where appropriate. Be it further

Resolved, That copies of this resolution be sent to each department of Utah State Government.

POM–397. A concurrent resolution adopted by the Legislature of the State of Utah relative to promoting Utah's Legislators Back to School Program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 2

Whereas, civic education is a vital tool to promote greater understanding of the legislative process and the role of legislators in representative democracy and to build public trust and confidence;

Whereas, Utah legislators acknowledge the Constitution of the United States, the supreme law of the land, which establishes a democratic form of government and provides the principle for self government, government by the people;

Whereas, Benjamin Rush, a signer of the Declaration of Independence stated, ''There is but one method of rendering a republican form of government . . . by disseminating the seeds of virtue and knowledge through every part of the state by means of proper places and modes of education . . . and this can be done effectively only by the aid of the legislature'';

Whereas, Utah legislators, students, teachers, and administrators realize the importance of compromise in reconciling competing interests in a diverse society;

Whereas, the National Conference of State Legislatures (NCSL) established America's Legislators Back to School Program, a bipartisan program for legislators across the nation to impart greater understanding of the necessity for debate, negotiation, and compromise in the legislative process of developing effective public policy, and to engage future voters and leaders in a dialogue about the value of representative democracy and to adapt to each individual state;

Whereas, this civic education program helps to instill the values of representative democracy, strengthen the democratic process, and encourage students to play a responsible role in their government; and

Whereas, Utah legislators have ranked in the top 3% of the nation for participation in this program since 2002: Now, therefore, be it

Resolved, That the Legislature and the Governor recognize Utah's Legislators Back to School Program and urge each member of the Legislature to visit students in classrooms during the school year; and be it further

Resolved, That a copy of this resolution be sent to the State Board of Education and the executive director of the National Conference of State Legislatures.

POM–398. A concurrent resolution adopted by the Legislature of the State of Utah relative to the harmful effects of tobacco, alcohol, and drugs on youth; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 3

Whereas, 90% of tobacco users start before they reach the legal age of 19;

Whereas, 74% of adults reported that they had started using alcohol before the legal drinking age of 21;

Whereas, the average age of beginning tobacco users is 11–12 years old;

Whereas, the average age of first time alcohol users is 12 years old;

Whereas, 1,000 youth try their first cigarette each day;

Whereas, motor vehicle crashes are the leading cause of death for 15- 20-year-olds and alcohol is involved in more than half of these fatalities;

Whereas, approximately 52% of surveyed youth ages 12 to 17 who were daily cigarette smokers and 66% of youth who were heavy drinkers also used illicit drugs in the month prior to being surveyed;

Whereas, these harmful substances negatively effect every aspect of a youth's life as well as the lives of those around them;

Whereas, once youth have started using tobacco, alcohol, or illicit drugs it is very difficult for them to stop;

Whereas, these substances cut short the lives and future of many youth by causing death and disease;

Whereas, tremendous strides have been made in reducing tobacco, alcohol, and illicit drug use among youth;

Whereas, there is still more that needs to be done to address this continuing challenge;

Whereas, for every dollar spent on prevention programs, America saves seven dollars in the cost of public aid, special education, and treatment services;

Whereas, youth are a resource and a catalyst for change in the lives of youth and have proven to be a critical first line of defense in building resiliency among their peers;

Whereas, the Weber-Morgan Governing Youth Council and other youth groups are working hard to promote positive lifestyles and combat the negative effects of tobacco, alcohol, and illicit drugs on the lives of youth in Utah; and

Whereas, the fight against the use of tobacco, alcohol, and illicit drugs must continue, and become even more successful, if youth are to be spared the self-destructive effects of these harmful substances: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, strongly urge educators in Utah's public education system to utilize Prevention Dimensions, the state Safe and Drug Free School curriculum to educate the state's youth concerning substance abuse. Be it further

Resolved, That the Legislature and the Governor strongly urge the citizens of Utah to increase awareness of the destructive effects of tobacco, alcohol, and illicit drugs on Utah's youth. Be it further

Resolved, That the Legislature and the Governor recognize local youth councils and other youth groups for their invaluable efforts in helping to keep their peers from getting caught in the trap of tobacco, alcohol, and illicit drug use, and helping those caught in the grip of these harmful substances. Be it further

Resolved, That a copy of this resolution be sent to each of the state's school districts.

POM–399. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts relative to apologizing to all Native American peoples on behalf of the United States; to the Committee on Indian Affairs.

SENATE JOINT RESOLUTION NO. 15

Whereas, throughout history, the Commonwealth of Massachusetts has been instrumental in the struggle to establish democracy and secure the rights and liberties of Americans; and

Whereas, the declaration of rights of the Commonwealth of Massachusetts was the first enumeration of civil rights and liberties by Americans, which served as a model for the United States Constitution and Bill of Rights; and

Whereas, the Commonwealth of Massachusetts has a rich native American history with indigenous tribes such as Massachuset from Suffolk county, the Nipmuc from central Massachusetts, the Stockbridge from Berkshire county and the Wampanoag from Cape Cod and the islands; and

Whereas, the Commonwealth of Massachusetts acknowledges the long history of official depredations and ill-conceived policies by the United States government regarding native American tribes and believes that the Congress of the United States should offer an apology to all native peoples on behalf of the United States; and

Whereas, the ancestors of today's native peoples have inhabited the land of the present day United States since time immemorial and for thousands of years before the arrival of peoples of European origin; and

Whereas, the native peoples have for millennia honored, protected and stewarded this land that we cherish; and

Whereas, the United States government has violated many of the treaties ratified by Congress and other diplomatic agreements with native American tribes; and

Whereas, despite continuing maltreatment of native peoples by the United States, the native peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more native people have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group; and

Whereas, native peoples are endowed by their creator with certain unalienable rights, and that among those are life, liberty, and the pursuit of happiness; Now, therefore, be it

Resolved, That the Massachusetts Senate hereby urges the Senate and House of Representatives of the United States to pass, pending Senate Joint Resolution 15, apologizing to all native American peoples on behalf of the United States of America; and be it further

Resolved, That a copy of these resolutions be forwarded by the clerk of the Senate to the clerks of the Senate and House of Representatives of the United States.

POM–400. A concurrent resolution adopted by the Legislature of the State of Kansas relative to extending certain provisions of the Voting Rights Act of 1965; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 5037

Whereas, on March 7, 1965, a group of civil rights marchers gathered at the Edmund Pettus bridge in Selma, Alabama, and their efforts to advance equal voting rights brought a brutal and bloody response. Eight days later President Johnson called for a comprehensive and effective voting rights bill to guarantee to our citizens the rights contained in the 14th and 15th amendments to the United States constitution. A bipartisan congress approved landmark legislation, and on August 6, 1965, President Johnson signed the Voting Rights Act into law; and

Whereas, considered one of the most successful pieces of civil rights legislation ever adopted, the act bans literacy tests and poll taxes, outlaws intimidation during the electoral process, authorizes federal election monitors and observers and creates various means for protecting and enforcing racial and language minority voting rights. The act was amended in 1975 to facilitate equal political opportunity for language minority citizens and in 1982 to protect the rights of voters with disabilities; and

Whereas, despite noteworthy progress from 40 years of enforcement of the act, voter inequities, disparities and obstacles still remain for many minority voters; and

Whereas, Section 5 of the act is scheduled to expire in 2007. This section contains a special enforcement provision targeted at those areas of the country where congress believes the potential for discrimination to be high and prohibits any change affecting voters until the attorney general has determined that the change will not worsen the ability of minority voters to vote. Sections 4(f) and 203 will also expire in 2007. These sections require bilingual voting assistance for language minority communities in certain jurisdictions. The language minority provisions apply to four language minority groups: American Indians, Asian Americans, Alaskan natives and persons of Spanish heritage; and

Whereas, The Voting Rights Act is a critical link in the struggle to enfranchise the politically marginalized. Without reauthorization of these special provisions of the act, America risks a resurgence of voter discrimination: Now, therefore, be it

Resolved, By the House of Representatives of the State of Kansas, the Senate concurring therein, That the Kansas legislature memorializes the Congress of the United States to extend these critical provisions of the Voting Rights Act of 1965; and be it further

Resolved, That the Secretary of State provide an enrolled copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Kansas legislative delegation.

POM–401. A joint resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to proposing an amendment to the Constitution concerning eminent domain; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 25

Whereas, the phrase ''life, liberty and the pursuit of property'' in the Declaration of Independence was changed to ''Life, Liberty, and the Pursuit of Happiness'' in order to encompass more fully the natural rights doctrine; and

Whereas, President Thomas Jefferson, drafter of The Declaration of '' Independence wrote, ''We owe every . . . sacrifice to ourselves, to our federal brethren, and to the world at large to pursue with temper and perseverance the great experiment which shall prove that man is capable of living in a society, governing itself by laws self-imposed, and securing to its members the enjoyment of life, liberty, property, and peace; and further to show, that even when the government of its choice shall manifest a tendency to degeneracy, we are not at once to despair but that the will and watchfulness of its sounder parts will reform its aberrations, recall it to its original and legitimate principles, and restrain it within the rightful limits of self-government''; and

Whereas, President James Madison, drafter of the Constitution of the United States of America, and of the First Ten Amendments of the Constitution of the United States of America stated: ''Government is instituted to protect property of every sort. . . . This being the end of government . . . that is not a just government, nor is property secure under it, where the property which a man has . . . is violated by arbitrary seizures of one class of citizens for the service of the rest''; Now, therefore, be it

Resolved, by the Senate and House of Representatives in General Court convened, That the general court or New Hampshire encourages the Congress to propose an amendment to the Constitution of the United States stating that real property can only be taken by eminent domain for public use such as the construction of forts, government buildings, and roadways; and be it further

Resolved, That copies of this resolution be sent by the House clerk to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and the New Hampshire congressional delegation.

POM–402. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana memorializing the Congress of the United States to adopt an amendment to the Constitution of the United States to define marriage in the United States as the union between one man and one woman; to the Committee on the Judiciary.

Whereas, President Bush recently remarked, After more than two centuries of American jurisprudence, and millennia of human experience, a few judges and local authorities are presuming to change the most fundamental institution of civilization''; and

Whereas, the efforts of nineteen states to protect traditional marriage by way of a constitutional amendment defining marriage as the union between one man and one woman are a clear sign to the rest of the country and to the United States Congress that the citizens of these states are in support of the traditional definition of marriage; and

Whereas, an amendment to the Constitution of the United States is the most democratic manner by which to curb the power of judges whose agenda affronts the beliefs of the Founding Fathers of this nation and the will of the American people; and

Whereas, the United States Senate is scheduled to vote on the Marriage Protection Amendment to the Constitution of the United States during the week of June 5, 2006; and

Whereas, the Marriage Protection Amendment defines marriage in the United States as the union between one man and one woman; Now, therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to approve an amendment to the Constitution of the United States that would define marriage as the union between one man and one woman; and be it further

Resolved, That the Legislature of Louisiana proposes that the legislatures of each of the several states comprising the United States apply to the United States Congress requesting the enactment of an appropriate proposal to amend the Constitution of the United States; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the President of the United States, the secretary of the United States Senate, and the clerk of the United States House of Representatives, each member of the Louisiana delegation to the United States Congress, and the presiding officer of each house of each state legislature in the United States.

POM–403. A joint resolution adopted by the Legislature of the State of Maine relative to establishing satellite voting for displaced victims of Hurricane Katrina; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, 9 months ago Hurricane Katrina unleashed its fury on New Orleans and the Gulf Coast and was one of the cruelest disasters in history; and

Whereas, Hurricane Katrina dispersed and displaced people to over 40 states across the country; and

Whereas, many people are still living in states other than their home states, which will prevent them from being able to participate in elections in their home states; and

Whereas, it is imperative to protect the voting rights of these citizens; Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President, the Congress of the United States and the United States Department of Justice establish satellite voting places in cities and states where Hurricane Katrina survivors now reside; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the United States Department of Justice and each member of the Maine Congressional Delegation.

POM–404. A resolution adopted by the City of Pembroke Pines, Florida relative to supporting no less than $4.3 billion in Congressional funding for fiscal year 2007 for the Community Development Block Grant Program (CDBG); to the Committee on Banking, Housing, and Urban Affairs.

POM–405. A resolution adopted by the Miami-Dade County Board of County Commissioners, Miami-Dade County, Florida relative to creating the Community Workforce Housing Innovation Program; to the Committee on Banking, Housing, and Urban Affairs.

POM–406. A resolution adopted by Mendham Borough Council, Morris County, New Jersey, relative to opposing the New York/New Jersey/Philadelphia Metropolitan Airspace Redesign proposals; to the Committee on Commerce, Science, and Transportation.

POM–407. A resolution adopted by the Miami-Dade County Board of County Commissioners, Miami-Dade County, Florida relative to waste tire fees; to the Committee on Environment and Public Works.

POM–408. A resolution adopted by the Town Board of the Town of Blooming Grove, Orange County, New York, relative to the Chinese Communist Party's persecution of Falun Gong; to the Committee on Foreign Relations.

POM–409. A resolution passed by the City of San Jose Human Rights Commission, San Jose, California, relative to urging Congress to approve humane immigration reform; to the Committee on the Judiciary.

POM–410. A resolution adopted by the City Commission of the City of Lauderdale Lakes of the State of Florida relative to congratulating the City of Sunrise for joining the City of Lauderdale Lakes in recommending that Congress support the Voting Rights Act of 1965; to the Committee on the Judiciary.

POM–411. A resolution adopted by the California Veterans Board, State of California relative to opposing certain provisions of H.R. 4297, the ''Tax Relief Extension Reconciliation Act of 2005''; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. HUTCHISON, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 5385. A bill making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109–286).

By Mr. SPECTER, from the Committee on Appropriations, without amendment:

S. 3708. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109–287).

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 3709. An original bill to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol (Rept. No. 109–288).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Services.

Sue C. Payton, of Virginia, to be an Assistant Secretary of the Air Force.

Charles E. McQueary, of North Carolina, to be Director of Operational Test and Evaluation, Department of Defense.

Air Force nominations beginning with Colonel Gregory A. Biscone and ending with Colonel Tod D. Wolters, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nomination of Maj. Gen. N. Ross Thompson III to be Lieutenant General.

Army nomination of Maj. Gen. Thomas R. Turner II to be Lieutenant General.

Army nomination of Maj. Gen. Douglas E. Lute to be Lieutenant General.

Army nomination of Brig. Gen. Charles H. Davidson IV to be Major General.

Army nominations beginning with Brigadier General Steven R. Abt and ending with Colonel Jonathan Woodson, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2006.

Army nomination of Lt. Gen. Stanley A. McChrystal to be Lieutenant General.

Army nomination of Brig. Gen. Jimmy G. Welch to be Major General.

Marine Corps nomination of Maj. Gen. Richard F. Natonski to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Keith J. Stalder to be Lieutenant General.

Marine Corps nomination of Lt. Gen. James F. Amos to be Lieutenant General.

Marine Corps nomination of Lt. Gen. John F. Sattler to be Lieutenant General.

Marine Corps nomination of Col. Charles M. Gurganus to be Brigadier General.

Navy nomination of Rear Adm. (lh) David J. Dorsett to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Richard E. Cellon and ending with Rear Adm. (lh) Wayne G. Shear, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2006.

Navy nomination of Rear Adm. (lh) Michael C. Bachmann to be Rear Admiral.

Navy nominations beginning with Capt. Mark A. Handley and ending with Capt. Christopher J. Mossey, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006.

Navy nomination of Capt. Thomas P. Meek to be Rear Admiral (lower half).

Navy nomination of Rear Adm. William D. Sullivan to be Vice Admiral.

Navy nomination of Rear Adm. William D. Crowder to be Vice Admiral.

Navy nomination of Vice Adm. Albert M. Calland III to be ViceAdmiral.

Navy nomination of Rear Adm. David J. Venlet to be Vice Admiral.

Navy nomination of Vice Adm. Jonathan W. Greenert to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Julio Ocampo to be Major.

Air Force nomination of John L. Putnam to be Colonel.

Air Force nominations beginning with John D. Adams and ending with Diane Huey, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Air Force nominations beginning with John D. Adams and ending with Karl Woodmansey, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Air Force nominations beginning with Mark D. Campbell and ending with Gary J. Ziccardi, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Air Force nominations beginning with Michael J. Apol and ending with Dawn M.K. Zoldi, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with David W. Acuff and ending with Michael E. Yarman, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Army nomination of Barry L. Williams to be Colonel.

Army nominations beginning with Gerald P. Coleman and ending with David E. Root, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nominations beginning with Robert T. Davies and ending with Curtis E. Wells, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nominations beginning with Michelle A. Cooper and ending with David W. Towle, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nominations beginning with Rickie A. Mcpeake and ending with Eugene J. Palka, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nomination of Paul A. Carter to be Major.

Army nomination of Maritza S. Ryan to be Colonel.

Army nominations beginning with Armando Aguilera, Jr. and ending with Michael S. Wall, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2006.

Army nominations beginning with Brian E. Abell and ending with Cutter M. Zamboni, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2006.

Army nominations beginning with Robin M. Adams and ending with Edward E. Yackel, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with Richard E. Baxter and ending with Barry D. Whiteside, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with Christopher G. Archer and ending with Paul H. Yoon, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with Wade K. Aldous and ending with Esmeraldo Zarzabal, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with John C. Beach and ending with Lloyd T. Phinney, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Navy nominations beginning with Cal Abel and ending with Thomas J. Zerr, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Navy nomination of David E. Bauer to be Lieutenant Commander.

Navy nomination of Cathy L. Trudeau to be Captain.

Navy nominations beginning with Walter J. Lawrence and ending with Ronald L. Ruggiero, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

(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. BROWNBACK (for himself and Mr. DEMINT):

S. 3696. A bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 3697. A bill to amend title XVIII of the Social Security Act to establish Medicare Health Savings Accounts; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mrs. BOXER, Mr. LAUTENBERG, Mr. KENNEDY, Mr. LEAHY, Mr. REED, Mr. AKAKA, Mr. DODD, Mr. SARBANES, and Mr. MENENDEZ):

S. 3698. A bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S. 3699. A bill to provide private relief; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 3700. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

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

S. 3701. A bill to determine successful methods to provide protection from catastrophic health expenses for individuals who have exceeded health insurance coverage for uninsured individuals, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 3702. A bill to provide for the safety of migrant seasonal agricultural workers; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 3703. A bill to provide for a temporary process for individuals entering the Medicare coverage gap to switch to a plan that provides coverage in the gap; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 3704. A bill to amend title XIX of the Social Security Act to require staff working with developmentally disabled individuals to call emergency services in the event of a life-threatening situation; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. HARKIN, Mr. JEFFORDS, Mr. BINGAMAN, Mrs. CLINTON, Mrs. MURRAY, Mr. REED, Mr. DODD, Ms. MIKULSKI, Mr. DAYTON, Ms. STABENOW, and Mr. SCHUMER):

S. 3705. A bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. SESSIONS, Mr. BINGAMAN, and Mr. CORNYN):

S. 3706. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

By Mr. LOTT:

S. 3707. A bill to improve consumer access to passenger vehicle loss data held by insurers; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 3708. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. LUGAR:

S. 3709. An original bill to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; from the Committee on Foreign Relations; placed on the calendar.

By Mr. KENNEDY:

S. 3710. A bill to amend the Elementary and Secondary Education Act of 1965 to improve retention of public elementary and secondary school teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself, Ms. LANDRIEU, Mr. VITTER, Mr. FRIST, Mr. MCCONNELL, Mr. MARTINEZ, Mr. COCHRAN, Mr. LOTT, Mr. SHELBY, Mr. SESSIONS, Mr. CORNYN, and Mrs. HUTCHISON):

S. 3711. A bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; read the first time.

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 and Mr. DEMINT):

S. Res. 536. A resolution commending the 25th year of service in the Federal judiciary by William W. Wilkins, Chief Judge of the United States Court of Appeals for the Fourth Circuit; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Mr. SPECTER):

S. Res. 537. A resolution supporting the National Sexual Assault Hotline and commending the Hotline for counseling and supporting more than 1,000,000 callers; to the Committee on the Judiciary.

By Mr. HAGEL (for himself, Mr. LUGAR, Mr. OBAMA, Ms. MURKOWSKI, and Mr. GREGG):

S. Con. Res. 111. A concurrent resolution expressing the sense of the Senate that the United States should expand trade opportunities with Mongolia and initiate negotiations to enter into a free trade agreement with Mongolia; to the Committee on Finance.

By Mr. REID:

S. Con. Res. 112. A concurrent resolution relating to correcting a clerical error in the enrollment of S. 3693; considered and agreed to.

ADDITIONAL COSPONSORS

S. 403

At the request of Mr. ENSIGN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 781

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 781, a bill to preserve the use and access of pack and saddle stock animals on land administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service on which there is a historical tradition of the use of pack and saddle stock animals, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1840

At the request of Mr. THUNE, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1840, a bill to amend section 340B of the Public Health Service Act to increase the affordability of inpatient drugs for Medicaid and safety net hospitals.

S. 1923

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1923, a bill to address small business investment companies licensed to issue participating debentures, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2278

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2284

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

S. 2419

At the request of Mr. STEVENS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2419, a bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial.

S. 2762

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2762, a bill to amend title 38, United States Code, to ensure appropriate payment for the cost of long-term care provided to veterans in State homes, and for other purposes.

S. 2884

At the request of Mr. BUNNING, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2884, a bill to facilitate and expedite direct refunds to coal producers and exporters of the excise tax unconstitutionally imposed on coal exported from the United States.

S. 3449

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3449, a bill to amend the Public Health Service Act to improve the quality and availability of mental health services for children and adolescents.

S. 3556

At the request of Mr. DEMINT, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3556, a bill to clarify the rules of origin for certain textile and apparel products.

S. 3650

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3650, a bill to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of title XVIII of the Social Security Act and to provide a safe harbor for assistance provided under a pharmaceutical manufacturer patient assistance program.

S. 3659

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3659, a bill to reauthorize and improve the women's small business ownership programs of the Small Business Administration, and for other purposes.

S. 3677

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 3677, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S. CON. RES. 94

At the request of Ms. LANDRIEU, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that the needs of children and youth affected or displaced by disasters are unique and should be given special consideration in planning, responding, and recovering from such disasters in the United States.

S. CON. RES. 110

At the request of Mr. DEWINE, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. Con. Res. 110, a concurrent resolution commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States.

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as ''National Airborne Day''.

S. RES. 508

At the request of Mr. BIDEN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as ''National Mammography Day''.

S. RES. 535

At the request of Mr. CONRAD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 535, a resolution commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 3697. A bill to amend title XVIII of the Social Security Act to establish Medicare Health Savings Accounts; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to introduce a bill to establish medicare health savings accounts, HSAs. This bill will make HSAs available under Medicare in lieu of Medicare medical savings accounts, MSAs. I have long been dedicated to quality health care and believe that seniors should have the ability to make their own decisions regarding their health care, so they can receive the health care they need and deserve. As a senior myself, I appreciate how imperative it is that we seniors be provided with a wide array of choices.

My desire to see my fellow Oklahomans and all Americans receive the best possible health care is evidenced by my involvement in various health-related issues. I have always been a champion of rural health care providers. In 1997, I was one of the few Republicans to vote against the Balanced Budget Act because of its lack of support for rural hospitals. At that time, I made a commitment to not allow our rural hospitals to be closed and am pleased we finally addressed that important issue in the Medicare Modernization Act of 2003 by providing great benefits for rural health care providers as well as a voluntary prescription drug benefit to seniors. In 2003, I also co-sponsored the Health Care Access and Rural Equity Act, to protect and preserve access of Medicare beneficiaries to health care in rural regions.

In order to assist my State and other States suffering from large reduction in their Federal medical assistance percentage, FMAP, for Medicaid, I introduced S.1754, a bill to apply a State's FMAP from fiscal year 2005 to fiscal years 2006 through 2014 on September 22, 2005. The purpose of this legislation is to prevent drastic reductions in FMAP while revision of the formula itself is considered.

I am a strong advocate of medical liability reform and am an original cosponsor of S. 22, the Medical Care Access Protection Act, and S. 23, the Healthy Mothers and Healthy Babies Access to Care Act. These bills protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs. I am committed to this vital reform that would alleviate the burden placed on physicians and patients by excessive medical malpractice lawsuits.

I have also worked with officials from the Centers for Medicare and Medicaid Services, CMS, to expand access to life-saving implantable cardiac defibrillators and many other numerous regulations that would affect my rural State such as the 250-yard rule for critical access hospitals.

As a supporter of safety and medical research, I have cosponsored legislation to increase the supply of pancreatic islet cells for research and a bill to take the abortion pill RU–486 off the market in the United States.

I also introduced S. 96, the Flu Vaccine Incentive Act, to help prevent any future shortages in flu vaccines in both the 108th and 109th Congresses. My bill removes suffocating price controls from government purchasing of the flu vaccine while encouraging more companies to enter the market. Also, my bill frees American companies to enter the flu vaccine industry by giving them an investment tax credit towards the construction of flu vaccine production facilities.

As a result of my sister's death from cancer and treatment we learned about not accessible in the United States that might have saved her life, Senator SAM BROWNBACK and I introduced S. 1956, the Access, Compassion, Care and Ethics for Seriously-ill Patients Act—ACCESS—on November 3, 2005. This bill would offer a three-tiered approval system for treatments showing efficacy during clinical trials, for use by the seriously ill patient population. Seriously ill patients, who have exhausted all alternatives and are seeking new treatment options, would be offered access to these treatments with the consent of their physician.

On April 4, 2006, my resolution to designate April 8, 2006, as ''National Cushing's Syndrome Awareness Day'' passed by unanimous consent. The intent of this resolution is to raise awareness of Cushing's syndrome, a debilitating disorder that affects an estimated 10 to 15 million people per million. It is an endocrine or hormonal disorder caused by prolonged exposure of the body's tissue to high levels of the hormone cortisol.

Additionally, I have consistently cosponsored yearly resolutions designating a day in October as ''National Mammography Day'' and a week: in August as ''National Health Center Week'' to raise awareness regarding both these issues and have supported passage and enactment of numerous health-care-related bills, such as the Rural Health Care Capital Access Act of 2006, which extends the exemption respecting required patient days for critical access hospitals under the Federal hospital mortgage insurance program.

As the Federal Government invests in improving hospitals and health care initiatives I have fought hard to ensure that Oklahoma gets its fair share. Specifically, over the past 3 years, I have helped to secure $5.2 million in funding for the Oklahoma Medical Research Foundation, the Oklahoma State Department of Health planning initiative for a rural telemedicine system, the INTEGRIS Healthcare System, the University of Oklahoma Health Sciences Center, the Oklahoma Center for the Advancement of Science and Technology, St. Anthony's Heart Hospital, the Hillcrest Healthcare System, and the Morton Health Center.

As a long supporter of HSAs, I believe all people should have access to them since they provide great flexibility in the health market and allow individuals to have control over their own health care. Medicare MSAs have existed since January 1, 1997, revised in December of 2003, but they have not worked. No insurer whatsoever has yet offered any Medicare MSA under the current law.

To fix this problem, my legislation creates a new HSA program under Medicare that incorporates a high-deductible health plan and an HSA account while dissolving the existing Medicare MSA.

In tandem with my efforts, the Centers for Medicare and Medicaid Services, CMS, are launching an HSA demonstration project that would test allowing health insurance companies to offer Medicare beneficiaries products similar to HSA. This activity points to the administration's support of HSAs and desire to see all seniors receive the best possible coverage.

As the July 13, 2006 edition of The Hill, explains, ''no legislation is pending that would integrate HSAs into the Medicare program . . .'' Thus, my legislation is necessary because real Medicare HSA reform is needed in order for seniors to have true flexibility and freedom of choice in their health care.

Under my bill, beneficiaries who choose the HSA option will receive an annual amount that is equal to 95 percent of the annual Medicare Advantage, MA, capitation rate with respect to the individual's MA payment area. These funds provided through the Medicare HSA program can only be used by the beneficiary for the following purposes: as a contribution into an HSA or for payment of high deductible health plan premiums. However, the individual also has the opportunity to deposit personal funds in to the Medicare HSA.

My bill also guarantees that seniors be notified of the amount they will receive 90 days before receipt to ensure they have time to determine the best and most appropriate HSA to accommodate needs. The bill also allows the Secretary of Health and Human Services to deal with fraud appropriately and requires providers to accept payment by individuals enrolled in a Medicare HSA just as they would with an individual enrolled in traditional Medicare.

Please join me in supporting this important legislation to give our seniors more choices regarding their health care.

By Mr. JEFFORDS (for himself, Mrs. BOXER, Mr. LAUTENBERG, Mr. KENNEDY, Mr. LEAHY, Mr. REED, Mr. AKAKA, Mr. DODD, Mr. SARBANES, and Mr. MENENDEZ):

S. 3698. A bill to mend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise to introduce the Global Warming Pollution Reduction Act of 2006.

One of the most important issues facing mankind is the problem of global warming. Global warming is real and it is already happening. Its effects are being felt across the globe and the longer we delay, the more severe these effects will be. The broad consensus within the scientific community is that global warming has begun, is largely the result of human activity, and is accelerating. Atmospheric greenhouse gas concentrations have risen to 378 parts per million, nearly one-third above preindustrial levels and higher than at any time during the past 400,000 years. Projections indicate that stabilizing concentrations at 450 parts per million would still mean a temperature increase of 2 to 4 degrees Fahrenheit. Such warming will result in more extreme weather, increased flooding and drought, disruption of agricultural and water systems, threats to human health and loss of sensitive species and ecosystems.

In order to prevent and minimize these effects, we must take global actions to address this issue as soon as possible. We owe that to ourselves and to future generations.

The overwhelming majority of Americans support taking some form of action on climate change. I am today introducing the Global Warming Pollution Reduction Act, which I believe responds to that call. I believe this is the most far-reaching and forward-thinking climate change bill ever introduced. It sets a goal of an 80 percent reduction in global warming pollutants by 2050. It provides a roadmap for actions that we will need to take over the next few decades to combat global warming. I believe that if this bill were passed, it would put us on the path to potentially solving the global warming problem. If it were passed, we would reshape our economy to become more energy independent, cleaner, and more economically competitive. If it were passed, we would have a chance of avoiding some of the worst and most

dangerous effects of global warming. If it were passed, we would be in a position to negotiate with other countries as part of the global solution.

Some will say that this bill imposes requirements that ask too much of industry. Some will say that this bill contains requirements that we cannot easily meet. I say first of all that the costs of inaction vastly outweigh the costs of action and that we have a responsibility to future generations not to leave the Earth far worse off than when we found it—with a fundamentally altered climate system. Temperature changes, sea level rise, hurricanes, floods, and droughts can affect food production, national security, the spread of disease, and the survival of endangered species. These are not things to trifle with on the basis of industry cost estimates, which have frequently been overstated.

But perhaps more importantly, we can act to reduce global warming. We can reduce emissions to 1990 levels between now and 2020 through a reduction of just 2 percent per year. Energy efficiency alone could play a major part in reaching reductions, and new technologies can help as well. Moreover, additional deployment of existing renewable energy sources, including biofuels, can also help substantially. If we were to take the actions suggested in this bill, we would find that we would enhance our energy independence, and we would become a world leader in clean energy technologies. American innovation can position us as the world leader in clean technologies.

In my final year in the Senate, I have often asked myself, What lasting actions can I take to make the world a better place? I hope that by proposing real action on climate change, and passing the torch to a new generation of those committed to protecting the environment, that I can help make a difference for us all. Global warming is upon us now. The question is, Can we take action now, before it is too late?

We know what we need to do, we know how much we must reduce, and we have the technology to do so. The question for this body is, Do we have the political will? Can we overcome our fears and insecurity and act decisively to combat global warming? That is the opportunity and challenge of the coming years, which my bill on global warming seeks to address. I urge my colleagues to join me in the quest for a better, safer world that is free of the enormous threat posed by dangerous global warming. I urge my colleagues to support this important piece of legislation.

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

S. 3698

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 ''Global Warming Pollution Reduction Act''.

SEC. 2. GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''TITLE VII—COMPREHENSIVE GLOBAL WARMING POLLUTION REDUCTIONS

''SEC. 701. FINDINGS.

''Congress finds that—

''(1) global warming poses a significant threat to the national security and economy of the United States, public health and welfare, and the global environment;

''(2) due largely to an increased use of energy from fossil fuels, human activities are primarily responsible for the release of carbon dioxide and other heat-trapping global warming pollutants that are accumulating in the atmosphere and causing surface air and subsurface ocean temperatures to rise;

''(3) as of the date of enactment of this title, atmospheric concentrations of carbon dioxide are 35 percent higher than those concentrations were 150 years ago, at 378 parts per million compared to 280 parts per million;

''(4) the United States emits more global warming pollutants than any other country, and United States carbon dioxide emissions have increased by an average of 1.3 percent annually since 1990;

''(5)(A) during the past 100 years, global temperatures have risen by 1.44 degrees Fahrenheit; and

''(B) from 1970 to the present, those temperatures have risen by almost 1 degree Fahrenheit;

''(6) 8 of the past 10 years (1996 to 2005) are among the 10 warmest years on record;

''(7) average temperatures in the Arctic have increased by 4 to 7 degrees Fahrenheit during the past 50 years;

''(8) global warming has caused—

''(A) ocean temperatures to increase, resulting in rising sea levels, extensive bleaching of coral reefs worldwide, and an increase in the intensity of tropical storms;

''(B) the retreat of Arctic sea ice by an average of 9 percent per decade since 1978;

''(C) the widespread thawing of permafrost in polar, subpolar, and mountainous regions;

''(D) the redistribution and loss of species; and

''(E) the rapid shrinking of glaciers;

''(9) the United States must adopt a comprehensive and effective national program of mandatory limits and incentives to reduce global warming pollution emissions into the atmosphere;

''(10) at the current rate of emission, global warming pollution concentrations in the atmosphere could reach more than 600 parts per million in carbon dioxide equivalent, and global average mean temperature could rise an additional 2.7 to 11 degrees Fahrenheit, by the end of the century;

''(11) although an understanding of all details of the Earth system is not yet complete, present knowledge indicates that potential future temperature increases could result in—

''(A) the further or complete melting of the Antarctic and Greenland ice sheets;

''(B) the disruption of the North-Atlantic Thermohaline Circulation (commonly known as the 'Gulf Stream');

''(C) the extinction of species; and

''(D) large-scale disruptions of the natural systems that support life;

''(12) there exists an array of technological options for use in reducing global warming pollution emissions, and significant reductions can be attained using a portfolio of options that will not adversely impact the economy;

''(13) the ingenuity of the people of the United States will allow the Nation to become a leader in solving global warming; and

''(14) it should be a goal of the United States to achieve a reduction in global warming pollution emissions in the United States—

''(A) to ensure that the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

''(B) to facilitate the achievement of an average global atmospheric concentration of global warming pollutants that does not exceed 450 parts per million in carbon dioxide equivalent.

''SEC. 702. PURPOSES.

''The purposes of this title are—

''(1) to achieve a reduction in global warming pollution emissions compatible with ensuring that—

''(A) the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average; and

''(B) total average global atmospheric concentrations of global warming pollutants do not exceed 450 parts per million in carbon dioxide equivalent;

''(2) to reduce by calendar year 2050 the aggregate net level of global warming pollution emissions of the United States to a level that is 80 percent below the aggregate net level of global warming pollution emissions for calendar year 1990;

''(3) to allow for an acceleration of reductions in global warming pollution emissions to prevent—

''(A) average global temperature from increasing by more than 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average; or

''(B) global atmospheric concentrations of global warming pollutants from exceeding 450 parts per million;

''(4) to establish a motor vehicle global warming pollution emission requirement;

''(5) to require electric generation units to meet a global warming pollution emission standard;

''(6) to establish rules for the safe geological sequestration of carbon dioxide;

''(7) to encourage energy efficiency and the use of renewable energy by establishing a renewable portfolio standard and an energy efficiency portfolio standard;

''(8) to provide for research relating to, and development of, the technologies to control global warming pollution emissions;

''(9) to position the United States as the world leader in reducing the risk of the potentially devastating, wide-ranging impacts associated with global warming; and

''(10) to promote, through leadership by the United States, accelerated reductions in global warming pollution from other countries with significant global warming pollution emissions.

''SEC. 703. DEFINITIONS.

''In this title:

''(1) ACADEMY.—The term 'Academy' means the National Academy of Sciences.

''(2) CARBON DIOXIDE EQUIVALENT.—The term 'carbon dioxide equivalent' means, for each global warming pollutant, the quantity of the global warming pollutant that makes the same contribution to global warming as 1 metric ton of carbon dioxide, as determined by the Administrator, taking into account the study and report described in section 705(a).

''(3) FACILITY.—The term 'facility' means all buildings, structures, or installations that are—

''(A) located on 1 or more contiguous or adjacent properties under common control of the same persons; and

''(B) located in the United States.

''(4) GLOBAL WARMING POLLUTANT.—The term 'global warming pollutant' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons;

''(F) sulfur hexafluoride; and

''(G) any other anthropogenically-emitted gas that the Administrator, after notice and comment, determines to contribute to global warming.

''(5) GLOBAL WARMING POLLUTION.—The term 'global warming pollution' means any combination of 1 or more global warming pollutants emitted into the ambient air or atmosphere.

''(6) MARKET-BASED PROGRAM.—The term 'market-based program' means a program that places an absolute limit on the aggregate net global warming pollution emissions of 1 or more sectors of the economy of the United States, while allowing the transfer or sale of global warming pollution emission allowances.

''(7) NAS REPORT.—The term 'NAS report' means a report completed by the Academy under subsection (a) or (b) of section 705.

''SEC. 704. GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.

''(a) EMISSION REDUCTION GOAL.—Congress declares that—

''(1) it shall be the goal of the United States, acting in concert with other countries that emit global warming pollutants, to achieve a reduction in global warming pollution emissions—

''(A) to ensure that the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

''(B) to facilitate the achievement of an average global atmospheric concentration of global warming pollutants that does not exceed 450 parts per million in carbon dioxide equivalent; and

''(2) in order to achieve the goal described in paragraph (1), the United States shall reduce the global warming pollution emissions of the United States by a quantity that is proportional to the share of the United States of the reductions that are necessary—

''(A) to ensure that the average global temperature does not increase more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

''(B) to stabilize average global warming pollution concentrations globally at or below 450 parts per million in carbon dioxide equivalent.

''(b) EMISSION REDUCTION MILESTONES FOR 2020.—

''(1) IN GENERAL.—To achieve the goal described in subsection (a)(1), not later than 2 years after the date of enactment of this title, after an opportunity for public notice and comment, the Administrator shall promulgate any rules that are necessary to reduce, by not later than January 1, 2020, the aggregate net levels of global warming pollution emissions of the United States to the aggregate net level of those global warming pollution emissions during calendar year 1990.

''(2) ACHIEVEMENT OF MILESTONES.—To the maximum extent practicable, the reductions described in paragraph (1) shall be achieved through an annual reduction in the aggregate net level of global warming pollution emissions of the United States of approximately 2 percent for each of calendar years 2010 through 2020.

''(c) EMISSION REDUCTION MILESTONES FOR 2030, 2040, AND 2050.—Except as described in subsection (d), not later than January 1, 2018, after an opportunity for public notice and comment, the Administrator shall promulgate any rules that are necessary to reduce the aggregate net levels of global warming pollution emissions of the United States—

''(1) by calendar year 2030, by ⅓ of 80 percent of the aggregate net level of global warming pollution emissions of the United States during calendar year 1990;

''(2) by calendar year 2040, by ⅔ of 80 percent of the aggregate net level of the global warming pollution emissions of the United States during calendar year 1990; and

''(3) by calendar year 2050, by 80 percent of the aggregate net level of global warming pollution emissions of the United States during calendar year 1990.

''(d) ACCELERATED EMISSION REDUCTION MILESTONES.—If an NAS report determines that any of the events described in section 705(a)(2) have occurred, or are more likely than not to occur in the foreseeable future, not later than 2 years after the date of completion of the NAS report, the Administrator, after an opportunity for public notice and comment and taking into account the new information reported in the NAS report, may adjust the milestones under this section and promulgate any rules that are necessary—

''(1) to reduce the aggregate net levels of global warming pollution emissions from the United States on an accelerated schedule; and

''(2) to minimize the effects of rapid climate change and achieve the goals of this title.

''(e) REPORT ON ACHIEVEMENT OF MILESTONES.—If an NAS report determines that a milestone under paragraph (1) or (2) of subsection (c) cannot be achieved because of technological infeasibility, the Administrator shall submit to Congress a notification of that determination.

''(f) EMISSION REDUCTION POLICIES.—

''(1) IN GENERAL.—In implementing subsections (a) through (e), the Administrator may establish 1 or more market-based programs.

''(2) MARKET-BASED PROGRAM POLICIES.—

''(A) IN GENERAL.—In implementing any market-based program, the Administrator shall allocate to households, communities, and other entities described in section 706(a) any global warming pollution emission allowances that are not allocated to entities covered under the emission limitation.

''(B) RECOGNITION OF EMISSION REDUCTIONS MADE IN COMPLIANCE WITH STATE AND LOCAL LAWS.—A market-based program may recognize reductions of global warming pollution emissions made before the effective date of the market-based program if the Administrator determines that—

''(i)(I) the reductions were made in accordance with a State or local law;

''(II) the State or local law is at least as stringent as the rules established for the market-based program under paragraph (1); and

''(III) the reductions are at least as verifiable as reductions made in accordance with those rules; or

''(ii) for any given entity subject to the market-based program, the entity demonstrates that the entity has made entity-wide reductions of global warming pollution emissions before the effective date of the market-based program, but not earlier than calendar year 1992, that are at least as verifiable as reductions made in accordance with the rules established for the market-based program under paragraph (1).

''(C) PUBLICATION.—If the Administrator determines that it is necessary to establish a market-based program, the Administrator shall publish notice of the determination in the Federal Register.

''(D) LIMITATIONS ON MARKET-BASED PROGRAMS.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) ANNUAL ALLOWANCE PRICE.—The term 'annual allowance price' means the average market price of global warming pollution emission allowances for a calendar year.

''(II) DECLINING EMISSIONS CAP WITH A TECHNOLOGY-INDEXED STOP PRICE.—The term 'declining emissions cap with a technology-indexed stop price' means a feature of a market-based program for an industrial sector, or on an economy-wide basis, under which the emissions cap declines by a fixed percentage each calendar year or, during any year in which the annual allowance price exceeds the technology-indexed stop price, the emissions cap remains the same until the occurrence of the earlier of—

''(aa) the date on which the annual allowance price no longer exceeds the technology-indexed stop price; or

''(bb) the date on which a period of 3 years has elapsed during which the emissions cap has remained unchanged.

''(III) EMISSIONS CAP.—The term 'emissions cap' means the total number of global warming pollution emission allowances issued for a calendar year.

''(IV) TECHNOLOGY-INDEXED STOP PRICE.—The term 'technology-indexed stop price' means a price per ton of global warming pollution emissions determined annually by the Administrator that is not less than the technology-specific average cost of preventing the emission of 1 ton of global warming pollutants through commercial deployment of any available zero-carbon or low-carbon technologies. With respect to the electricity sector, those technologies shall consist of—

''(aa) wind-generated electricity;

''(bb) photovoltaic-generated electricity;

''(cc) geothermal energy;

''(dd) solar thermally-generated energy;

''(ee) wave-based forms of energy;

''(ff) any fossil fuel-based electric generating technology emitting less than 250 pounds per megawatt hour; and

''(gg) any zero-carbon-emitting electric generating technology that does not generate radioactive waste.

''(ii) IMPLEMENTATION.—In implementing any market-based program under this Act, for the period prior to January 1, 2020, the Administrator shall consider the impact on the economy of the United States of implementing the program with a declining emissions cap through the use of a technology-indexed stop price.

''(iii) OTHER EMITTING SECTORS.—The Administrator may consider the use of a declining emissions cap with a technology-indexed stop price, or similar approaches, for other emitting sectors based on low-carbon or zero-carbon technologies, including—

''(I) biofuels;

''(II) hydrogen power; and

''(III) other sources of energy and transportation fuel.

''(g) COST-EFFECTIVENESS.—In promulgating regulations under this section, the Administrator shall select the most cost-effective options for global warming pollution control and emission reduction strategies.

''SEC. 705. CONDITIONS FOR ACCELERATED GLOBAL WARMING POLLUTION EMISSION REDUCTION.

''(a) REPORT ON GLOBAL CHANGE EVENTS BY THE ACADEMY.—

''(1) IN GENERAL.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title, and every 3 years thereafter, shall submit to Congress and the Administrator a report that describes whether any of the events described in paragraph (2)—

''(A) have occurred or are more likely than not to occur in the foreseeable future; and

''(B) in the judgment of the Academy, are the result of anthropogenic climate change.

''(2) EVENTS.—The events referred to in paragraph (1) are—

''(A) the exceedance of an atmospheric concentration of global warming pollutants of 450 parts per million in carbon dioxide equivalent; and

''(B) an increase of global average temperatures in excess of 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average.

''(b) TECHNOLOGY REPORTS.—

''(1) DEFINITION OF TECHNOLOGICALLY INFEASIBLE.—In this subsection, the term 'technologically infeasible', with respect to a technology, means that the technology—

''(A) will not be demonstrated beyond laboratory-scale conditions;

''(B) would be unsafe;

''(C) would not reliably reduce global warming pollution emissions; or

''(D) would prevent the activity to which the technology applies from meeting or performing its primary purpose (such as generating electricity or transporting goods or individuals).

''(2) REPORTS.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title and every 3 years thereafter, shall submit to Congress and the Administrator a report that describes or analyzes—

''(A) the status of current global warming pollution emission reduction technologies, including—

''(i) technologies for capture and disposal of global warming pollutants;

''(ii) efficiency improvement technologies;

''(iii) zero-global-warming-pollution-emitting energy technologies; and

''(iv) above- and below-ground biological sequestration technologies;

''(B) whether any of the requirements under this title (including regulations promulgated under this title) mandate a level of emission control or reduction that, based on available or expected technology, will be technologically infeasible at the time at which the requirements become effective;

''(C) the projected date on which any technology determined to be technologically infeasible will become technologically feasible;

''(D) whether any technology determined to be technologically infeasible cannot reasonably be expected to become technologically feasible prior to calendar year 2050; and

''(E) the costs of available alternative global warming pollution emission reduction strategies that could be used or pursued in lieu of any technologies that are determined to be technologically infeasible.

''(3) REPORT EVALUATING 2050 MILESTONE.—Not later than December 31, 2037, the Administrator shall offer to enter into a contract with the Academy under which, not later than December 31, 2039, the Academy shall prepare and submit to Congress and the Administrator a report on the appropriateness of the milestone described in section 704(c)(3), taking into consideration—

''(A) information that was not available as of the date of enactment of this title; and

''(B) events that have occurred since that date relating to—

''(i) climate change;

''(ii) climate change technologies; and

''(iii) national and international climate change commitments.

''(c) ADDITIONAL ITEMS IN NAS REPORT.—In addition to the information described in subsection (a)(1) that is required to be included in the NAS report, the Academy shall include in the NAS report—

''(1) an analysis of the trends in annual global warming pollution emissions by the United States and the other countries that collectively account for more than 90 percent of global warming pollution emissions (including country-specific inventories of global warming pollution emissions and facility-specific inventories of global warming pollution emissions in the United States);

''(2) an analysis of the trends in global warming pollution concentrations (including observed atmospheric concentrations of global warming pollutants);

''(3) a description of actual and projected global change impacts that may be caused by anthropogenic global warming pollution emissions, in addition to the events described in subsection (a)(2); and

''(4) such other information as the Academy determines to be appropriate.

''SEC. 706. USE OF ALLOWANCES FOR TRANSITION ASSISTANCE AND OTHER PURPOSES.

''(a) REGULATIONS GOVERNING ALLOCATION OF ALLOWANCES FOR TRANSITION ASSISTANCE TO INDIVIDUALS AND ENTITIES.—

''(1) IN GENERAL.—In implementing any market-based program, the Administrator may promulgate regulations providing for the allocation of global warming pollution emission allowances to the individuals and entities, or for the purposes, specified in subsection (b).

''(2) REQUIREMENTS.—Regulations promulgated under paragraph (1) may, as the Administrator determines to be necessary, provide for the appointment of 1 or more trustees—

''(A) to receive emission allowances for the benefit of households, communities, and other entities described in paragraph (1);

''(B) to sell the emission allowances at fair market value; and

''(C) to distribute the proceeds of any sale of emission allowances to the appropriate beneficiaries.

''(b) ALLOCATION FOR TRANSITION ASSISTANCE.—The Administrator may allocate emission allowances, in accordance with regulations promulgated under subsection (a), to—

''(1) communities, individuals, and companies that have experienced disproportionate adverse impacts as a result of—

''(A) the transition to a lower carbon-emitting economy; or

''(B) global warming;

''(2) owners and operators of highly energy-efficient buildings, including—

''(A) residential users;

''(B) producers of highly energy-efficient products; and

''(C) entities that carry out energy-efficiency improvement projects pursuant to section 712 that result in consumer-side reductions in electricity use;

''(3) entities that will use the allowances for the purpose of carrying out geological sequestration of carbon dioxide produced by an anthropogenic global warming pollution emission source in accordance with requirements established by the Administrator;

''(4) such individuals and entities as the Administrator determines to be appropriate, for use in carrying out projects to reduce net carbon dioxide emissions through above-ground and below-ground biological carbon dioxide sequestration (including sequestration in forests, forest soils, agricultural soils, rangeland, or grassland in the United States);

''(5) such individuals and entities (including fish and wildlife agencies) as the Administrator determines to be appropriate, for use in carrying out projects to protect and restore ecosystems (including fish and wildlife) affected by climate change; and

''(6) manufacturers producing consumer products that result in substantially reduced global warming pollution emissions, for use in funding rebates for purchasers of those products.

''SEC. 707. VEHICLE EMISSION STANDARDS.

''(a) VEHICLES UNDER 10,000 POUNDS.—

''(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations requiring each fleet of automobiles sold by a manufacturer in the United States beginning in model year 2016 to meet the standards for global warming pollution emissions described in paragraph (2).

''(2) EMISSION STANDARDS.—The average global warming pollution emissions of a vehicle fleet described in paragraph (1) shall not exceed—

''(A) 205 carbon dioxide equivalent grams per mile for automobiles with—

''(i) a gross vehicle weight of not more than 8,500 pounds; and

''(ii) a loaded vehicle weight of not more than 3,750 pounds;

''(B) 332 carbon dioxide equivalent grams per mile for—

''(i) automobiles with—

''(I) a gross vehicle weight of not more than 8,500 pounds; and

''(II) a loaded vehicle weight of more than 3,750 pounds; and

''(ii) medium-duty passenger vehicles; and

''(C) 405 carbon dioxide equivalent grams per mile for vehicles—

''(i) with a gross vehicle weight of between 8,501 pounds and 10,000 pounds; and

''(ii) that are not medium-duty passenger vehicles.

''(3) HEIGHTENED STANDARDS.—After model year 2016, the Administrator may promulgate regulations that increase the stringency of emission standards described in paragraph (2) as necessary to meet the emission reduction goal described in section 704(e)(3).

''(b) HIGHWAY VEHICLES OVER 10,000 POUNDS.—

''(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations requiring each fleet of highway vehicles over 10,000 pounds sold by a manufacturer in the United States beginning in model year 2020 to meet the standards for global warming pollution emissions described in paragraph (2).

''(2) EMISSION STANDARDS.—The average global warming pollution emissions of a vehicle fleet described in paragraph (1) shall not exceed—

''(A) 850 carbon dioxide equivalent grams per mile for highway vehicles with a gross vehicle weight rating between 10,001 pounds and 26,000 pounds; and

''(B) 1,050 carbon dioxide equivalent grams per mile for highway vehicles with a gross vehicle weight rating of more than 26,000 pounds.

''(3) HEIGHTENED STANDARDS.—After model year 2020, the Administrator may promulgate regulations that increase the stringency of emission standards described in paragraph (2) as necessary to meet the emission reduction goal described in section 704(a)(1).

''(c) ADJUSTMENT OF REQUIREMENTS.—Taking into account appropriate lead times for vehicle manufacturers, if the Academy determines, pursuant to an NAS report, that a vehicle emission standard under this section is or will be technologically infeasible as of the effective date of the standard, the Administrator may, by regulation, modify the requirement to take into account the determination of the Academy.

''(d) STUDY.—

''(1) IN GENERAL.—Not later than January 1, 2008, the Administrator shall enter into a contract with the Academy under which the Academy shall conduct a study of, and submit to the Administrator a report on, the potential contribution of the non-highway portion of the transportation sector toward meeting the emission reduction goal described in section 704(a)(1).

''(2) REQUIREMENTS.—The study shall analyze—

''(A) the technological feasibility and cost-effectiveness of global warming pollution reductions from the non-highway sector; and

''(B) the overall potential contribution of that sector in terms of emissions, in meeting the emission reduction goal described in section 704(a)(1).

''SEC. 708. EMISSION STANDARDS FOR ELECTRIC GENERATION UNITS.

''(a) INITIAL STANDARD.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Administrator shall, by regulation, require each unit that is designed and intended to provide electricity at a unit capacity factor of at least 60 percent and that begins operation after December 31, 2011, to meet the standard described in paragraph (2).

''(2) STANDARD.—Beginning on December 31, 2015, a unit described in paragraph (1) shall meet a global warming pollution emission standard that is not higher than the emission rate of a new combined cycle natural gas generating unit.

''(3) MORE STRINGENT REQUIREMENTS.—For the period beginning on January 1 of the calendar year following the effective date of the regulation described in paragraph (1) and ending on December 31, 2029, the Administrator may increase the stringency of the global warming pollution emission standard described in paragraph (1) with respect to electric generation units described in that paragraph.

''(b) FINAL STANDARD.—Not later than December 31, 2030, the Administrator shall require each electric generation unit, regardless of when the unit began to operate, to meet the applicable emission standard under subsection (a).

''(c) ADJUSTMENT OF REQUIREMENTS.—If the Academy determines, pursuant to section 705, that a requirement of this section is or will be technologically infeasible at the time at which the requirement becomes effective, the Administrator, may, by regulation, adjust or delay the effective date of the requirement as is necessary to take into consideration the determination of the Academy.

''SEC. 709. LOW-CARBON GENERATION REQUIREMENT.

''(a) DEFINITIONS.—In this section:

''(1) BASE QUANTITY OF ELECTRICITY.—The term 'base quantity of electricity' means the total quantity of electricity produced for sale by a covered generator during the calendar year immediately preceding a compliance year from coal, petroleum coke, lignite, or any combination of those fuels.

''(2) COVERED GENERATOR.—The term 'covered generator' means an electric generating unit that—

''(A) has a rated capacity of 25 megawatts or more; and

''(B) has an annual fuel input at least 50 percent of which is provided by coal, petroleum coke, lignite, or any combination of those fuels.

''(3) LOW-CARBON GENERATION.—The term 'low-carbon generation' means electric energy generated from an electric generating unit at least 50 percent of the annual fuel input of which, in any year—

''(A) is provided by coal, petroleum coke, lignite, biomass, or any combination of those fuels; and

''(B) results in an emission rate into the atmosphere of not more than 250 pounds of carbon dioxide per megawatt-hour (after adjustment for carbon dioxide from the electric generating unit that is geologically sequestered in a geological repository approved by the Administrator pursuant to subsection (e)).

''(4) PROGRAM.—The term 'program' means the low-carbon generation credit trading program established under subsection (d)(1).

''(b) REQUIREMENT.—

''(1) CALENDAR YEARS 2015 THROUGH 2020.—Of the base quantity of electricity produced for sale by a covered generator for a calendar year, the covered generator shall provide a minimum percentage of that base quantity of electricity for the calendar year from low-carbon generation, as specified in the following table:

''Calendar year:	Minimum annual percentage:
2015	0.5
2016	1.0
2017	2.0
2018	3.0
2019	4.0
2020	5.0

''(2) CALENDAR YEARS 2021 THROUGH 2025.—For each of calendar years 2021 through 2025, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by up to 2 percentage points from the previous year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 704(a)(1).

''(3) CALENDAR YEARS 2026 THROUGH 2030.—For each of calendar years 2026 through 2030, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by up to 3 percentage points from the previous year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 704(a)(1).

''(c) MEANS OF COMPLIANCE.—An owner or operator of a covered generator shall comply with subsection (b) by—

''(1) generating electric energy using low-carbon generation;

''(2) purchasing electric energy generated by low-carbon generation;

''(3) purchasing low-carbon generation credits issued under the program; or

''(4) undertaking a combination of the actions described in paragraphs (1) through (3).

''(d) LOW-CARBON GENERATION CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than January 1, 2008, the Administrator shall establish, by regulation after notice and opportunity for comment, a low-carbon generation trading program to permit an owner or operator of a covered generator that does not generate or purchase enough electric energy from low-carbon generation to comply with subsection (b) to achieve that compliance by purchasing sufficient low-carbon generation credits.

''(2) REQUIREMENTS.—As part of the program, the Administrator shall—

''(A) issue to producers of low-carbon generation, on a quarterly basis, a single low-carbon generation credit for each kilowatt hour of low-carbon generation sold during the preceding quarter; and

''(B) ensure that a kilowatt hour, including the associated low-carbon generation credit, shall be used only once for purposes of compliance with subsection (b).

''(e) ENFORCEMENT.—An owner or operator of a covered generator that fails to comply with subsection (b) shall be subject to a civil penalty in an amount equal to the product obtained by multiplying—

''(1) the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b); and

''(2) the greater of—

''(A) 2.5 cents (as adjusted under subsection (g)); or

''(B) 200 percent of the average market value of those low-carbon generation credits during the year in which the violation occurred.

''(f) EXEMPTION.—This section shall not apply for any calendar year to an owner or operator of a covered generator that sold less than 40,000 megawatt-hours of electric energy produced from covered generators during the preceding calendar year.

''(g) INFLATION ADJUSTMENT.—Not later than December 31, 2008, and annually thereafter, the Administrator shall adjust the amount of the civil penalty for each kilowatt-hour calculated under subsection (e)(2) to reflect changes for the 12-month period ending on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(h) TECHNOLOGICAL INFEASIBILITY.—If the Academy determines, pursuant to section 705, that the schedule for compliance described in subsection (b) is or will be technologically infeasible for covered generators to meet, the Administrator may, by regulation, adjust the schedule as the Administrator determines to be necessary to take into account the consideration of the determination of the Academy.

''(i) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate on December 31, 2030.

''SEC. 710. GEOLOGICAL DISPOSAL OF GLOBAL WARMING POLLUTANTS.

''(a) GEOLOGICAL CARBON DIOXIDE DISPOSAL DEPLOYMENT PROJECTS.—

''(1) IN GENERAL.—The Administrator shall establish a competitive grant program to provide grants to 5 entities for the deployment of projects to geologically dispose of carbon dioxide (referred to in this subsection as 'geological disposal deployment projects').

''(2) LOCATION.—Each geological disposal deployment project shall be conducted in a geologically distinct location in order to demonstrate the suitability of a variety of geological structures for carbon dioxide disposal.

''(3) COMPONENTS.—Each geological disposal deployment project shall include an analysis of—

''(A) mechanisms for trapping the carbon dioxide to be geologically disposed;

''(B) techniques for monitoring the geologically disposed carbon dioxide;

''(C) public response to the geological disposal deployment project; and

''(D) the permanency of carbon dioxide storage in geological reservoirs.

''(4) REQUIREMENTS.—

''(A) IN GENERAL.—The Administrator shall establish—

''(i) appropriate conditions for environmental protection with respect to geological disposal deployment projects to protect public health and the environment; and

''(ii) requirements relating to applications for grants under this subsection.

''(B) RULEMAKING.—The establishment of requirements under subparagraph (A) shall not require a rulemaking.

''(C) MINIMUM REQUIREMENTS.—At a minimum, each application for a grant under this subsection shall include—

''(i) a description of the geological disposal deployment project proposed in the application;

''(ii) an estimate of the quantity of carbon dioxide to be geologically disposed over the life of the geological disposal deployment project; and

''(iii) a plan to collect and disseminate data relating to each geological disposal deployment project to be funded by the grant.

''(5) PARTNERS.—An applicant for a grant under this subsection may carry out a geological disposal deployment project under a pilot program in partnership with 1 or more public or private entities.

''(6) SELECTION CRITERIA.—In evaluating applications under this subsection, the Administrator shall—

''(A) consider the previous experience of each applicant with similar projects; and

''(B) give priority consideration to applications for geological disposal deployment projects that—

''(i) offer the greatest geological diversity from other projects that have previously been approved;

''(ii) are located in closest proximity to a source of carbon dioxide;

''(iii) make use of the most affordable source of carbon dioxide;

''(iv) are expected to geologically dispose of the largest quantity of carbon dioxide;

''(v) are combined with demonstrations of advanced coal electricity generation technologies;

''(vi) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed demonstration project and the greatest likelihood that the demonstration project will be maintained or expanded after Federal assistance under this subsection is completed; and

''(vii) minimize any adverse environmental effects from the project.

''(7) PERIOD OF GRANTS.—

''(A) IN GENERAL.—A geological disposal deployment project funded by a grant under this subsection shall begin construction not later than 3 years after the date on which the grant is provided.

''(B) TERM.—The Administrator shall not provide grant funds to any applicant under this subsection for a period of more than 5 years.

''(8) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Administrator shall establish mechanisms to ensure that the information and knowledge gained by participants in the program under this subsection are published and disseminated, including to other applicants that submitted applications for a grant under this subsection.

''(9) SCHEDULE.—

''(A) PUBLICATION.—Not later than 180 days after the date of enactment of this title, the Administrator shall publish in the Federal Register, and elsewhere as appropriate, a request for applications to carry out geological disposal deployment projects.

''(B) DATE FOR APPLICATIONS.—An application for a grant under this subsection shall be submitted not later than 180 days after the date of publication of the request under subparagraph (A).

''(C) SELECTION.—After the date by which applications for grants are required to be submitted under subparagraph (B), the Administrator, in a timely manner, shall select, after peer review and based on the criteria under paragraph (6), those geological disposal deployment projects to be provided a grant under this subsection.

''(b) INTERIM STANDARDS.—Not later than 3 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of Energy, shall, by regulation, establish interim geological carbon dioxide disposal standards that address—

''(1) site selection;

''(2) permitting processes;

''(3) monitoring requirements;

''(4) public participation; and

''(5) such other issues as the Administrator and the Secretary of Energy determine to be appropriate.

''(c) FINAL STANDARDS.—Not later than 6 years after the date of enactment of this title, taking into account the results of geological disposal deployment projects carried out under subsection (a), the Administrator shall, by regulation, establish final geological carbon dioxide disposal standards.

''(d) CONSIDERATIONS.—In developing standards under subsections (b) and (c), the Administrator shall consider the experience in the United States in regulating—

''(1) underground injection of waste;

''(2) enhanced oil recovery;

''(3) short-term storage of natural gas; and

''(4) long-term waste storage.

''(e) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate on December 31, 2030.

"SEC. 711. RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Administrator shall carry out a program to perform and support research on global climate change standards and processes, with the goals of—

''(1) providing scientific and technical knowledge applicable to the reduction of global warming pollutants; and

''(2) facilitating implementation of section 704.

''(b) RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Administrator shall carry out, directly or through the use of contracts or grants, a global climate change standards and processes research program.

''(2) RESEARCH.—

''(A) CONTENTS AND PRIORITIES.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including—

''(i) the National Oceanic and Atmospheric Administration;

''(ii) the National Aeronautics and Space Administration; and

''(iii) the Department of Energy.

''(B) TYPES OF RESEARCH.—The research program shall include the conduct of basic and applied research—

''(i) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards necessary to enable the monitoring of global warming pollution;

''(ii) to assist in establishing a baseline reference point for future trading in global warming pollutants (including the measurement of progress in emission reductions);

''(iii) for international exchange as scientific or technical information for the stated purpose of developing mutually-recognized measurements, standards, and procedures for reducing global warming pollution; and

''(iv) to assist in developing improved industrial processes designed to reduce or eliminate global warming pollution.

''(3) ABRUPT CLIMATE CHANGE RESEARCH.—

''(A) DEFINITION OF ABRUPT CLIMATE CHANGE.—In this paragraph, the term 'abrupt climate change' means a change in climate that occurs so rapidly or unexpectedly that humans or natural systems may have difficulty adapting to the change.

''(B) RESEARCH.—The Administrator shall carry out a program of scientific research on potential abrupt climate change that is designed—

''(i) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to identify and describe past instances of abrupt climate change;

''(ii) to improve understanding of thresholds and nonlinearities in geophysical systems relating to the mechanisms of abrupt climate change;

''(iii) to incorporate those mechanisms into advanced geophysical models of climate change; and

''(iv) to test the output of those models against an improved global array of records of past abrupt climate changes.

''(c) SENSE OF THE SENATE.—It is the sense of the Senate that Federal funds for clean, low-carbon energy research, development, and deployment should be increased by at least 100 percent for each year during the 10-year period beginning on the date of enactment of this title.

"SEC. 712. ENERGY EFFICIENCY PERFORMANCE STANDARD.

''(a) DEFINITIONS.—In this section:

''(1) ELECTRICITY SAVINGS.—

''(A) IN GENERAL.—The term 'electricity savings' means reductions in end-use electricity consumption relative to consumption by the same customer or at the same new or existing facility in a given year, as defined in regulations promulgated by the Administrator under subsection (e).

''(B) INCLUSIONS.—The term 'savings' includes savings achieved as a result of—

''(i) installation of energy-saving technologies and devices; and

''(ii) the use of combined heat and power systems, fuel cells, or any other technology identified by the Administrator that recaptures or generates energy solely for onsite customer use.

''(C) EXCLUSION.—The term 'savings' does not include savings from measures that would likely be adopted in the absence of energy-efficiency programs, as determined by the Administrator.

''(2) RETAIL ELECTRICITY SALES.—The term 'retail electricity sales' means the total quantity of electric energy sold by a retail electricity supplier to retail customers during the most recent calendar year for which that information is available.

''(3) RETAIL ELECTRICITY SUPPLIER.—The term 'retail electricity supplier' means a distribution or integrated utility, or an independent company or entity, that sells electric energy to consumers.

''(b) ENERGY EFFICIENCY PERFORMANCE STANDARD.—Each retail electricity supplier shall implement programs and measures to achieve improvements in energy efficiency and peak load reduction, as verified by the Administrator.

''(c) TARGETS.—For calendar year 2008 and each calendar year thereafter, the Administrator shall ensure that retail electric suppliers annually achieve electricity savings and reduce peak power demand and electricity use by retail customers by a percentage that is not less than the applicable target percentage specified in the following table:

''Calendar Year	Reduction in peak demand	Reduction in electricity use
2008	.25 percent	.25 percent
2009	.75 percent	.75 percent
2010	1.75 percent	1.5 percent
2011	2.75 percent	2.25 percent
2012	3.75 percent	3.0 percent
2013	4.75 percent	3.75 percent
2014	5.75 percent	4.5 percent
2015	6.75 percent	5.25 percent
2016	7.75 percent	6.0 percent
2017	8.75 percent	6.75 percent
2018	9.75 percent	7.5 percent
2019	10.75 percent	8.25 percent
2020 and each calendar year thereafter	11.75 percent	9.0 percent

''(d) BEGINNING DATE.—For the purpose of meeting the targets established under subsection (c), electricity savings shall be calculated based on the sum of—

''(1) savings realized as a result of actions taken by the retail electric supplier during the specified calendar year; and

''(2) cumulative savings realized as a result of electricity savings achieved in all previous calendar years (beginning with calendar year 2006).

''(e) IMPLEMENTING REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to implement the targets established under subsection (c).

''(2) REQUIREMENTS.—The regulations shall establish—

''(A) a national credit system permitting credits to be awarded, bought, sold, or traded by and among retail electricity suppliers;

''(B) a fee equivalent to not less than 4 cents per kilowatt hour for retail energy suppliers that do not meet the targets established under subsection (c); and

''(C) standards for monitoring and verification of electricity use and demand savings reported by the retail electricity suppliers.

''(3) CONSIDERATION OF TRANSMISSION AND DISTRIBUTION EFFICIENCY.—In developing regulations under this subsection, the Administrator shall consider whether savings, in whole or part, achieved by retail electricity suppliers by improving the efficiency of electric distribution and use should be eligible for credits established under this section.

''(f) COMPLIANCE WITH STATE LAW.—Nothing in this section shall supersede or otherwise affect any State or local law requiring or otherwise relating to reductions in total annual electricity consumption, or peak power consumption, by electric consumers to the extent that the State or local law requires more stringent reductions than those required under this section.

''(g) VOLUNTARY PARTICIPATION.—The Administrator may—

''(1) pursuant to the regulations promulgated under subsection (e)(1), issue a credit to any entity that is not a retail electric supplier if the entity implements electricity savings; and

''(2) in a case in which an entity described in paragraph (1) is a nonprofit or educational organization, provide to the entity 1 or more grants in lieu of a credit.

''SEC. 713. RENEWABLE PORTFOLIO STANDARD.

''(a) RENEWABLE ENERGY.—

''(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Energy, shall promulgate regulations defining the types and sources of renewable energy generation that may be carried out in accordance with this section.

''(2) INCLUSIONS.—In promulgating regulations under paragraph (1), the Administrator shall include of all types of renewable energy (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))) other than energy generated from—

''(A) municipal solid waste;

''(B) wood contaminated with plastics or metals; or

''(C) tires.

''(b) RENEWABLE ENERGY REQUIREMENT.—Of the base quantity of electricity sold by each retail electric supplier to electric consumers during a calendar year, the quantity generated by renewable energy sources shall be not less than the following percentages:

''Calendar year:	Minimum annual percentage:
2008 through 2009	5
2010 through 2014	10
2015 through 2019	15
2020 and subsequent years	20

''(c) RENEWABLE ENERGY CREDIT PROGRAM.—Not later than 1 year after the date of enactment of this title, the Administrator shall establish—

''(1) a program to issue, establish the value of, monitor the sale or exchange of, and track renewable energy credits; and

''(2) penalties for any retail electric supplier that does not comply with this section.

''(d) PROHIBITION ON DOUBLE COUNTING.—A renewable energy credit issued under subsection (c)—

''(1) may be counted toward meeting the requirements of subsection (b) only once; and

''(2) shall vest with the owner of the system or facility that generates the renewable energy that is covered by the renewable energy credit, unless the owner explicitly transfers the renewable energy credit.

''(e) SALE UNDER PURPA CONTRACT.—If the Administrator, after consultation with the Secretary of Energy, determines that a renewable energy generator is selling electricity to comply with this section to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a–3), the retail electric supplier shall be treated as the generator of the electric energy for the purposes of this title for the duration of the contract.

''(f) STATE PROGRAMS.—Nothing in this section precludes any State from requiring additional renewable energy generation under any State renewable energy program.

''(g) VOLUNTARY PARTICIPATION.—The Administrator may issue a renewable energy credit pursuant to subsection (c) to any entity that is not subject to this section only if the entity applying for the renewable energy credit meets the terms and conditions of this section to the same extent as retail electric suppliers subject to this section.

''SEC. 714. STANDARDS TO ACCOUNT FOR BIOLOGICAL SEQUESTRATION OF CARBON.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of title, the Secretary of Agriculture, with the concurrence of the Administrator, shall establish standards for accrediting certified reductions in the emission of carbon dioxide through above-ground and below-ground biological sequestration activities.

''(b) REQUIREMENTS.—The standards shall include—

''(1) a national biological carbon storage baseline or inventory; and

''(2) measurement, monitoring, and verification guidelines based on—

''(A) measurement of increases in carbon storage in excess of the carbon storage that would have occurred in the absence of a new management practice designed to achieve biological sequestration of carbon;

''(B) comprehensive carbon accounting that—

''(i) reflects sustained net increases in carbon reservoirs; and

''(ii) takes into account any carbon emissions resulting from disturbance of carbon reservoirs in existence as of the date of commencement of any new management practice designed to achieve biological sequestration of carbon;

''(C) adjustments to account for—

''(i) emissions of carbon that may result at other locations as a result of the impact of the new biological sequestration management practice on timber supplies; or

''(ii) potential displacement of carbon emissions to other land owned by the entity that carries out the new biological sequestration management practice; and

''(D) adjustments to reflect the expected carbon storage over various time periods, taking into account the likely duration of the storage of carbon in a biological reservoir.

''(c) UPDATING OF STANDARDS.—Not later than 3 years after the date of establishment of the standards under subsection (a), and every 3 years thereafter, the Secretary of Agriculture shall update the standards to take into account the most recent scientific information.

''SEC. 715. GLOBAL WARMING POLLUTION REPORTING.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this title, and annually thereafter, any entity considered to be a major stationary source (as defined in section 169A(g)) shall submit to the Administrator a report describing the emissions of global warming pollutants from the entity for the preceding calendar year.

''(b) VOLUNTARY REPORTING.—An entity that is not described in subsection (a) may voluntarily report the emissions of global warming pollutants from the entity to the Administrator.

''(c) REQUIREMENTS FOR REPORTS.—

''(1) EXPRESSION OF MEASUREMENTS.—Each global warming pollution report submitted under this section shall express global warming pollution emissions in—

''(A) metric tons of each global warming pollutant; and

''(B) metric tons of the carbon dioxide equivalent of each global warming pollutant.

''(2) ELECTRONIC FORMAT.—The information contained in a report submitted under this section shall be reported electronically to the Administrator in such form and to such extent as may be required by the Administrator.

''(3) DE MINIMIS EXEMPTION.—The Administrator may specify the level of global warming pollution emissions from a source within a facility that shall be considered to be a de minimis exemption from the requirement to comply with this section.

''(d) PUBLIC AVAILABILITY OF INFORMATION.—Not later than March 1 of the year after which the Administrator receives a report under this subsection from an entity, and annually thereafter, the Administrator shall make the information reported under this section available to the public through the Internet.

''(e) PROTOCOLS AND METHODS.—The Administrator shall, by regulation, establish protocols and methods to ensure completeness, consistency, transparency, and accuracy of data on global warming pollution emissions submitted under this section.

''(f) ENFORCEMENT.—Regulations promulgated under this section may be enforced pursuant to section 113 with respect to any person that—

''(1) fails to submit a report under this section; or

''(2) otherwise fails to comply with those regulations.

''SEC. 716. CLEAN ENERGY TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES.

''(a) DEFINITIONS.—In this section:

''(1) CLEAN ENERGY TECHNOLOGY.—The term 'clean energy technology' means an energy supply or end-use technology that, over the lifecycle of the technology and compared to a similar technology already in commercial use in any developing country—

''(A) is reliable; and

''(B) results in reduced emissions of global warming pollutants.

''(2) DEVELOPING COUNTRY.—

''(A) IN GENERAL.—The term 'developing country' means any country not listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

''(B) INCLUSION.—The term 'developing country' may include a country with an economy in transition, as determined by the Secretary.

''(3) TASK FORCE.—The term 'Task Force' means the Task Force on International Clean, Low-Carbon Energy Cooperation established under subsection (b)(1).

''(b) TASK FORCE.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this title, the President shall establish a task force to be known as the 'Task Force on International Clean, Low Carbon Energy Cooperation'.

''(2) COMPOSITION.—The Task Force shall be composed of—

''(A) the Administrator and the Secretary of State, who shall serve jointly as Co-Chairpersons; and

''(B) representatives, appointed by the head of the respective Federal agency, of—

''(i) the Department of Commerce;

''(ii) the Department of the Treasury;

''(iii) the United States Agency for International Development;

''(iv) the Export-Import Bank;

''(v) the Overseas Private Investment Corporation;

''(vi) the Office of United States Trade Representative; and

''(vii) such other Federal agencies as are determined to be appropriate by the President.

''(c) DUTIES.—

''(1) INITIAL STRATEGY.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Task Force shall develop and submit to the President an initial strategy—

''(i) to support the development and implementation of programs and policies in developing countries to promote the adoption of clean, low-carbon energy technologies and energy-efficiency technologies and strategies, with an emphasis on those developing countries that are expected to experience the most significant growth in global warming pollution emissions over the 20-year period beginning on the date of enactment of this title; and

''(ii)(I) open and expand clean, low-carbon energy technology markets; and

''(II) facilitate the export of that technology to developing countries.

''(B) SUBMISSION TO CONGRESS.—On receipt of the initial strategy from the Task Force under subparagraph (A), the President shall submit the initial strategy to Congress.

''(2) FINAL STRATEGY.—Not later than 2 years after the date of submission of the initial strategy under paragraph (1), and every 2 years thereafter—

''(A) the Task Force shall—

''(i) review and update the initial strategy; and

''(ii) report the results of the review and update to the President; and

''(B) the President shall submit to Congress a final strategy.

''(3) PERFORMANCE CRITERIA.—The Task Force shall develop and submit to the Administrator performance criteria for use in the provision of assistance under this section.

''(d) PROVISION OF ASSISTANCE.—The Administrator may—

''(1) provide assistance to developing countries for use in carrying out activities that are consistent with the priorities established in the final strategy; and

''(2) establish a pilot program that provides financial assistance for qualifying projects (as determined by the Administrator) in accordance with—

''(A) the final strategy submitted under subsection (c)(2)(B); and

''(B) any performance criteria developed by the Task Force under subsection (c)(3).

''SEC. 717. PARAMOUNT INTEREST WAIVER.

''(a) IN GENERAL.—If the President determines that a national security emergency exists and, in light of information that was not available as of the date of enactment of this title, that it is in the paramount interest of the United States to modify any requirement under this title to minimize the effects of the emergency, the President may, after opportunity for public notice and comment, temporarily adjust, suspend, or waive any regulations promulgated pursuant to this title to achieve that minimization.

''(b) CONSULTATION.—In making an emergency determination under subsection (a), the President shall, to the maximum extent practicable, consult with and take into account any advice received from—

''(1) the Academy;

''(2) the Secretary of Energy; and

''(3) the Administrator.

''(c) JUDICIAL REVIEW.—An emergency determination under subsection (a) shall be subject to judicial review under section 307.

''SEC. 718. EFFECT ON OTHER LAW.

''Nothing in this title—

''(1) affects the ability of a State to take State actions to further limit climate change (except that section 209 shall apply to standards for vehicles); and

''(2) except as expressly provided in this title—

''(A) modifies or otherwise affects any requirement of this Act in effect on the day before the date of enactment of this title; or

''(B) relieves any person of the responsibility to comply with this Act.''.

SEC. 3. RENEWABLE CONTENT OF GASOLINE.

Section 211(o) of the Clean Air Act (as amended by section 1501 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (E); and

(B) by inserting after subparagraph (A) the following:

''(B) LOW-CARBON RENEWABLE FUEL.—The term 'low-carbon renewable fuel' means renewable fuel the use of which, on a full fuel cycle, per-mile basis, and as compared with the use of gasoline, achieves a reduction in global warming pollution emissions of 75 percent or more.''; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by inserting ''and low-carbon renewable fuel'' after ''renewable fuel''; and

(B) in subparagraph (B)—

(i) in clause (iv), by striking ''(iv) MINIMUM APPLICABLE VOLUME.—For the purpose of subparagraph (A), the applicable volume'' and inserting the following:

''(iv) MINIMUM APPLICABLE VOLUME OF RENEWABLE FUEL.—For the purpose of subparagraph (A), the minimum applicable volume of renewable fuel''; and

(ii) by adding at the end the following:

''(v) MINIMUM APPLICABLE VOLUME OF LOW-CARBON RENEWABLE FUEL.—For the purpose of subparagraph (A), the minimum applicable volume of low-carbon renewable fuel for calendar year 2015 and each calendar year thereafter shall be 5,000,000,000 gallons.''.

SEC. 4. ENFORCEMENT AND JUDICIAL REVIEW.

(a) FEDERAL ENFORCEMENT.—Section 113 of the Clean Air Act (42 U.S.C. 7413) is amended—

(1) in subsection (a)(3), by striking ''or title VI,'' and inserting ''title VI, or title VII,'';

(2) in subsection (b)(2), by striking ''or title VI,'' and inserting ''title VI, or title VII,'';

(3) in subsection (c)—

(A) in the first sentence of paragraph (1), by striking ''or title VI (relating to stratospheric ozone control),'' and inserting ''title VI (relating to stratospheric ozone control), or title VII (relating to global warming pollution emission reductions),''; and

(B) in the first sentence of paragraph (3), by striking ''or VI'' and inserting ''VI, or VII'';

(4) in subsection (d)(1)(B), by striking ''or VI'' and inserting ''VI, or VII''; and

(5) in the first sentence of subsection (f), by striking ''or VI'' and inserting ''VI, or VII''.

(b) ESTABLISHMENT OF STANDARDS.—Section 202 of the Clean Air Act (42 U.S.C. 7521) is amended—

(1) by redesignating the second subsection (f) (as added by section 207(b) of Public Law 101–549 (104 Stat. 2482)) as subsection (n); and

(2) by inserting after subsection (n) (as redesignated by paragraph (1)) the following:

''(o) GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.—

''(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations in accordance with subsection (a) and section 707 to require manufacturers of motor vehicles to meet the vehicle emission standards established under subsections (a) and (b) of section 707.

''(2) EFFECTIVE DATE.—The regulations promulgated under paragraph (1) shall take effect with respect to motor vehicles sold by a manufacturer beginning in model year 2016.''.

(c) ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW.—Section 307 of the Clean Air Act (42 U.S.C. 7607) is amended—

(1) in subsection (b)(1)—

(A) in the first sentence—

(i) by striking ''section 111,,'' and inserting ''section 111,''; and

(ii) by inserting ''any emission standard or requirement issued pursuant to title VII,'' after ''under section 120,''; and

(B) in the second sentence, by striking ''section 112,,'' and inserting ''section 112,''; and

(2) in subsection (d)(1)—

(A) in subparagraph (T), by striking '', and'' at the end;

(B) in subparagraph (U), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(V) the promulgation or revision of any regulation under title VII (relating to global warming pollution).''.

SEC. 5. FEDERAL FLEET FUEL ECONOMY.

Section 32917 of title 49, United States Code, is amended by adding at the end the following:

''(3) NEW VEHICLES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each passenger vehicle purchased, or leased for a period of at least 60 consecutive days, by an Executive agency after the date of enactment of this paragraph shall be as fuel-efficient as practicable.

''(B) WAIVER.—In an emergency situation, an Executive agency may submit to Congress a written request for a waiver of the requirement under paragraph (1).''.

SEC. 6. INTERNATIONAL NEGOTIATIONS AND TRADE RESTRICTIONS.

It is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change, and foster sustained economic growth through a new generation of technologies, by—

(1) participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and leading efforts in other international forums, with the objective of securing participation of the United States in agreements that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of global warming pollution, in accordance with the principle of ''common but differentiated responsibilities'';

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global warming pollution emissions; and

(2) establishing a bipartisan Senate observation group, the members of which should be designated by the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate, and which should include the Chairman and Ranking Member of the Committee on Environment and Public Works of the Senate—

(A) to monitor any international negotiations on climate change; and

(B) to ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SEC. 7. REPORT ON TRADE AND INNOVATION EFFECTS.

Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce, in consultation with the United States Trade Representative, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency (referred to in this section as the ''Secretary''), shall prepare and submit to Congress a report on the trade, economic, and technology innovation effects of the failure of the United States to adopt measures that require or result in a reduction in total global warming pollution emissions in the United States, in accordance with the goals for the United States under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

SEC. 8. CLIMATE CHANGE IN ENVIRONMENTAL IMPACT STATEMENTS.

In any case in which a Federal agency prepares an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Federal agency shall consider and evaluate—

(1) the impact that the Federal action or project necessitating the statement or analysis would have in terms of net changes in global warming pollution emissions; and

(2) the ways in which climate changes may affect the action or project in the short term and the long term.

SEC. 9. CORPORATE ENVIRONMENTAL DISCLOSURE OF CLIMATE CHANGE RISKS.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Securities and Exchange Commission (referred to in this section as the ''Commission'') shall promulgate regulations in accordance with section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) directing each issuer of securities under that Act to inform securities investors of the risks relating to—

(1) the financial exposure of the issuer because of the net global warming pollution emissions of the issuer; and

(2) the potential economic impacts of global warming on the interests of the issuer.

(b) UNIFORM FORMAT FOR DISCLOSURE.—In carrying out subsection (a), the Commission shall enter into an agreement with the Financial Accounting Standards Board, or another appropriate organization that establishes voluntary standards, to develop a uniform format for disclosing to securities investors information on the risks described in subsection (a).

(c) INTERIM INTERPRETIVE RELEASE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commission shall issue an interpretive release clarifying that under items 101 and 303 of Regulation S-K of the Commission under part 229 of title 17, Code of Federal Regulations (as in effect on the date of enactment of this Act)—

(A) the commitments of the United States to reduce emissions of global warming pollution under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, are considered to be a material effect; and

(B) global warming constitutes a known trend.

(2) PERIOD OF EFFECTIVENESS.—The interpretive release issued under paragraph (1) shall remain in effect until the effective date of the final regulations promulgated under subsection (a).

By Mr. SPECTER:

S. 3699. A bill to provide private relief; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today to introduce a bill to provide private relief to the survivors of Christopher Kangas of Brookhaven, PA. This is a final attempt to recognize the public service of Christopher Kangas, a junior firefighter of the Brookhaven, PA, fire department, who, on May 4, 2002, was struck by a car and killed while riding his bicycle to the site of a fire emergency.

I characterize the bill I introduce today as a ''final attempt'' to recognize the public service of Christopher Kangas as a fallen firefighter because previous legislative corrections have been blocked while the Kangas family languishes in the lengthy appeals process to overturn the U.S. Department of Justice's, DOJ, denial of public safety officer benefits. During both the 108th and 109th Congresses, I introduced the Christopher Kangas Fallen Firefighter Apprentice Act, S. 2695 and S. 491, respectively, designed to correct a flaw in the current definition of ''firefighter'' under the Public Safety Officer Benefits Act. That legislation would clarify that all firefighters will be recognized as such ''regardless of age, status as an apprentice or trainee, or duty restrictions imposed because of age or status as an apprentice or trainee'' and applies retroactively to the date of Christopher Kangas' death in 2002. However, this legislation has been prevented from moving forward due to objections that expansion of benefits under the program would result in a serious drain on the Treasury when, in fact, the Congressional Budget Office has estimated that this bill would cost approximately $2 million in the first year of enactment and an average of less than $500,000 in each year thereafter.

In addition to a legislative remedy, Christopher Kangas' family has been pursuing the Federal benefit through the U.S. Federal Claims Court. On March 27, 2006, the court ruled in favor of the Kangas family ordering DOJ to pay $250,000. However, on May 26, 2006, DOJ filed a notice of appeal to this decision, further delaying recognition of Christopher Kangas' public service and status as a fallen firefighter.

Under Pennsylvania law, 14- and 15-year-olds such as Christopher are permitted to serve as volunteer junior firefighters. While they are not allowed to operate heavy machinery or enter burning buildings, the law permits them to fill a number of important support roles, such as providing first aid. In addition, the junior firefighter program is an important recruitment tool for fire stations throughout the Commonwealth. In fact, prior to his death Christopher had received 58 hours of training that would have served him well when he graduated from the junior program.

It is clear to me that Christopher Kangas was a firefighter killed in the line of duty. Were it not for his status as a junior firefighter and his prompt response to a fire alarm, Christopher would still be alive today. Indeed, the Brookhaven Fire Department, Brookhaven Borough, and the Commonwealth of Pennsylvania have all

recognized Christopher's public service as a fallen public safety officer and provided the appropriate death benefits to his family.

Yet while those closest to the tragedy have recognized Christopher as a fallen firefighter, the Federal Government has not. The Department of Justice determined that Christopher Kangas was not eligible for benefits based on a twofold interpretation of the law. First, because he was deemed as not acting within a narrow range of duties at the time of his death that are the measured criteria to be considered a ''firefighter,'' and therefore, was not a ''public safety officer'' for purposes of the Public Safety Officer Benefits Act. Second, that his death was deemed as not sustained in the ''line of duty'' because as a junior firefighter he was prohibited from operating a hose on a ladder or entering a burning building. As a result of this determination, Christopher's family cannot receive a Federal line-of-duty benefit. In addition, Christopher is barred from taking his rightful place on the National Fallen Firefighters Memorial in Emmitsburg, MD. For a young man who dreamed of being a firefighter and gave his life rushing to a fire, keeping him off of the memorial is a grave injustice.

Any firefighter will tell you that there are many important roles to play in fighting a fire beyond operating the hoses and ladders. Firefighting is a team effort, and everyone in the Brookhaven Fire Department viewed young Christopher as a full member of their team. As such, I support amending the Public Safety Officer Benefits Act to ensure that the Federal Government will recognize Christopher Kangas and others like him as firefighters. However, considering the significant opposition to that solution, I am offering this private bill in honor of Christopher Kangas to provide his family with the $250,000 as ordered by the Federal Claims Court and to allow his name to be included on the National Fallen Firefighter's Memorial.

I urge my colleagues to support this important legislation.

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

S. 3701. A bill to determine successful methods to provide protection from catastrophic health expenses for individuals who have exceeded health insurance coverage for uninsured individuals, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, every Congress and a number I have served in since 1997, nearly 10 years ago, Senator WYDEN and I, my colleague from Oregon, have put forward a bipartisan agenda of things we could do as a Republican and Democrat to advance the interests of our Nation and specifically the interests of our State. It has been a genuine pleasure to work with him in achieving much good for Oregon and trying to set a better example of how Republicans and Democrats can function first as Americans and not as partisans.

Today as part of our agenda for the 109th Congress, we introduce what was item No. 1 on our bipartisan agenda. We have entitled it the Catastrophic Health Coverage Promotion Act. It addresses one of the most difficult challenges facing Congress, that of rising health care costs. Getting to a solution on this is daunting. It is not easy to solve. Health care is the ultimate turf battle. But for decades health care costs have increased consistently and little has been done to slow them.

While there are a number of factors driving this growth, the uninsured play a major role in driving those costs up. Last year 46 million Americans reported lacking health insurance coverage. In our State of Oregon, 600,000 individuals, 17 percent of the population, are uninsured. What some fail to realize is that the individuals without health insurance coverage nevertheless get health coverage. They do so through emergency rooms, even when they haven't the money to pay. The result is billions of dollars of uncompensated care incurred by State governments, community providers, physicians, and hospitals.

In 2006 alone, Oregon's hospitals provided a total of $500 million in uncompensated care, a 262-percent increase since 1995. Americans absorb the impact of uncompensated care by having to pay higher prices for health services overall. They are simply passed on in the cost of our insurance policies. Small businesses have been hit hard by rising health care costs as well. Most report they would love to be able to offer health care, but most small businesses are trying to save their economic lives, not cover the health care of their employees. But they would like to.

If we do our work right, Senator WYDEN and I may have come up with a product that may help them to provide some coverage. If a small business had extra protection in the form of a catastrophic policy for their employees, it might be able to extend the most basic kind of care, the kind that says: If you lose your health, you don't lose your home; you don't penalize everyone else in the business.

I know something of this, Mr. President, because having provided health care for hundreds of employees, it was the inexpensive comprehensive package that overlaid those that ultimately was tapped by one or two employees every year that helped us, in a way, to keep health care costs more manageable.

The legislation Senator WYDEN and I have developed will address the issue of catastrophic health costs on all fronts. The Catastrophic Health Coverage Promotion Act creates at least four State-based pilot projects that will provide basic coverage to uninsured, as well as additional protection for individuals with significant out-of-pocket health costs. One of these projects, we hope, will be located in Oregon. Certainly, it can be if it chooses.

Two of the pilots will target the uninsured. States will be given the tools they need to offer hybrid health insurance plans that combine a primary and preventive health care benefit with high-deductible catastrophic coverage. Private insurance providers will market these plans to uninsured individuals and small businesses.

Creating affordable basic coverage options for the uninsured is a much needed step to reduce the impact of uncompensated care on our health system. By doing this, we should be able to stabilize, if not reduce, overall health care costs. To help make this coverage more affordable for low-income workers and families, the bill provides a graduated subsidy to reduce the costs of premiums. Individuals with incomes at or below 200 percent of the Federal poverty level would be eligible for extra help with coverage costs.

Many have asked why Senator WYDEN and I would decide to focus on catastrophic health coverage, considering that similar policy options already exist and are made widely available. While that may be true, the Federal Government is often in a unique position to help to grow existing markets. I believe the targeted funding included in our bill will help make catastrophic coverage more affordable and more attractive to both individuals and small businesses. The solution in this case does not necessarily have to be as big as the problem.

While our proposal may not seem to be the ''silver bullet,'' the kind of reform our system so desperately needs, it is nevertheless a step in the right direction. As is the case with many difficult problems, change is made incrementally. We are hopeful that the four pilot projects created in this bill will provide policymakers with much needed insight on how to better manage catastrophic health costs.

At the end of the day, individuals should not lose their homes just because they lose their health. Anyone—whether they are uninsured or have generous comprehensive coverage—can fall victim to a serious health care problem.

I am pleased that my colleague and I were able to work together in a bipartisan fashion to develop a modest yet workable solution to this longstanding and nagging problem. I urge my colleagues to support the legislation, and I encourage the Senate's leadership to move it quickly through the process.

With that, I yield the floor to my colleague from Oregon, Senator RON WYDEN.

Mr. WYDEN. Mr. President, how much time remains under the Smith unanimous consent request for a half hour?

The PRESIDING OFFICER. Twenty-two and a half minutes.

Mr. WYDEN. Thank you, Mr. President.

Mr. WYDEN. Mr. President, I have come to the floor today to join my colleague at this time to discuss the Catastrophic Health Coverage Promotion Act that Senator SMITH and I are introducing today.

Mr. President, first, I want to say how much I appreciate Senator GORDON SMITH. At a time when our citizens all across the land and in our home State of Oregon believe there needs to be more bipartisanship, Senator SMITH doesn't just talk about it, he is consistently willing to meet me more than halfway on critical issues, and he does that with other colleagues in the Senate.

As we begin our time discussing this legislation, I want to let him know how much I appreciate the chance to cooperate with him once again. As he stated, we did put the issue of catastrophic health coverage at the top of our bipartisan agenda for the Senate session.

What it comes down to, Mr. President, is that Senator SMITH and I believe it is a moral blot on our Nation for a country as good and rich as ours to send millions of its citizens to bed at night fearing they will be wiped out if a serious medical illness hits them. That is the reality. It is the reality for families who have no coverage at all, and it is the reality for families who have some measure of coverage, say, through an employer, but it doesn't stretch far enough.

Senator SMITH and I want, in a bipartisan way, to tackle both of those kinds of concerns. That is why we have put forward the legislation we introduced today. I think now is an ideal time for bipartisanship on the catastrophic health coverage issue.

If you look back over the last few years, Senator KERRY, in the 2004 Presidential campaign, had an excellent proposal with respect to catastrophic coverage, and I said so in the course of that campaign. But I also said at the time that I thought our distinguished majority leader, Senator FRIST, also had a good catastrophic coverage proposal. You could debate the various merits of the Kerry proposal and the Frist proposal—which approach involved a little more government, which approach involved the private sector—but at the end of the day, for the purposes of government work, they were pretty darn similar.

So when Senator SMITH and I sat down after the 2004 election, we said let's finally get this done. Democrats and Republicans have been talking for years about how to make sure that all our citizens have a safety net under them so that they will not get wiped out from medical illness. We settled on this approach, which we thought would give us the opportunity to try some fresh, creative ideas for protecting our citizens.

Let me give an example of what happens in, for example, South Carolina, Oregon, or anywhere else in this country. If you have a small business with six people working there, and one of them gets sick, that essentially blows up the whole health premium structure for all six of the employees.

What we ought to look at is something called reinsurance. Under reinsurance, that employee who gets sick could get a bit of help for their high bills through a modest role for government, and if government steps in, in that kind of instance, you have an opportunity to hold down all of the costs for the entire six-person firm. So we should have been looking at reinsurance years ago, but because Senator SMITH, who chairs the Senate Aging Committee, has been examining these questions and has worked with me, now we are going to have a chance to tackle it in a way that I think is going to give us the opportunity to get the job done.

We are also very concerned about people who have no coverage at all. So what happens if you have no coverage at all is folks walk into a hospital in Oregon or in South Carolina, usually they show up in the emergency room, and the hospital has to absorb those costs. What we would do is give that person who now has no coverage at all the possibility of actually buying some private coverage in the marketplace with a bit of a subsidy in order to be able to have coverage that would pick up at least a portion of those bills that the hospital is now absorbing.

At the end of the day, those are the two principal kinds of instances we are facing—folks who have some coverage through a private employer, but it doesn't stretch far enough, and folks who don't have any coverage at all. Under that approach, we would like to make it possible for them to get into the private insurance market, protect them from catastrophic illness. We think we can do it with a modest subsidy coming from government.

My sense is that we are now looking at health care on two tracks in our country. The first track is a track that suggests we can take steps right now in areas like catastrophic coverage to protect our citizens. There are other ideas I have advanced during this Congress. For example, Senator SNOWE and I have now gotten a majority of Senators to agree with our proposal to lift the restriction so Medicare can bargain and hold down the costs. That, like the question of catastrophic coverage, is a step you can take right now. Let's protect our citizens from the catastrophic illness and let's hold down the costs of medicine. Those are practical, bipartisan approaches that can be taken today. We ought to pursue them and get them done.

I also think there is another track to health care. I noticed that Senator HATCH was on the Senate floor. He and I were the authors of the legislation creating the Citizens' Health Care Working Group that is going to look at opportunities to make sure that all Americans have decent, affordable coverage. We have only been on that issue for more than 60 years—going back to the 81st Congress, in 1945, and Harry Truman. I have said let's also work on that second track that involves getting all Americans under the tent for essential and affordable health care coverage.

That obviously isn't going to get done in the next 15 minutes. But if the Senate, on a bipartisan basis, as Senator SMITH and I have sought to do on the catastrophic issue, and as Senator HATCH and I have sought to do on a broader approach to look at health care that works for all Americans—if we team up and look at health care on those two tracks, I think we can make a great contribution for our country.

There are no costs going up in the United States like medical bills. We spent $1.7 trillion last year on health care. There are 290 million Americans—I guess we are approaching 300 million. When you divide $1.7 trillion by 290 million Americans, it comes to something like $25,000 that could be sent to every family of four in America with the amount of money now being spent on health care.

So while we are spending enough money, my sense is that we are not spending it in the right places. Once again, Senator SMITH has given us an opportunity to think creatively about better ways to approach the use of the health care dollars. I was pleased when Senator SMITH suggested in our legislation that we also make it possible to include a focus on health care prevention. We are not doing enough with health care prevention in this country. The Medicare Program shows that pretty well. Medicare Part A, for example, will pay huge checks for senior citizens' hospital bills, but Medicare Part B pays virtually nothing for prevention to keep people well. That makes no sense. We need a sharper focus on health care prevention, and one of the things that I think is attractive about Senator SMITH's leadership on this issue is that he has said even in the context of looking at catastrophic health care, let's put a sharper focus on prevention. We are going to make it possible in this legislation to do that.

I note we have other colleagues on the floor. I have secured time to focus on the Voting Rights Act legislation later in the afternoon, but I am very pleased to have the opportunity to talk for a few minutes about the Catastrophic Health Coverage Promotion Act Senator SMITH and I are introducing today. We have focused on a number of issues in a bipartisan fashion over our years in the Senate, but this has the potential to be the biggest as it relates to the needs of our citizens at home.

We want to make sure when folks go to bed at night, they don't have to fear they are going to be wiped out financially by a serious medical illness. This legislation moves us one step closer toward the goal. We hope many colleagues on both sides of the aisle will want to support the legislation.

Mr. WYDEN. Mr. President, Senator SNOWE and I today are introducing the

Medicare Prescription Drug Lifeline Act. This legislation provides a solution for those seniors falling into the coverage gap, also known as the doughnut hole of the Medicare prescription drug benefit. The doughnut hole occurs when the spending for a senior's drug expenses reaches $2,250: at the point, the senior is on their own until their spending for prescription drugs reaches a total of $5,100, where the benefit picks up again. The Kaiser Family Foundation estimated that nearly 7 million seniors will fall into the coverage gap this year.

Seniors who enter this ''no man's land'' of spending face the same problems seniors faced before the drug benefit even began: they skip doses, they don't take all their medicine to make it stretch, and they are forced to choose between their food and fuel costs and their prescription drug costs.

This legislation would take three steps to deal with this problem: First, the Secretary of HHS would be required to let seniors know they are approaching the coverage gap. Second, it would allow seniors, when they are notified that they are reaching the coverage gap, to switch plans to avoid the gap. Finally, the legislation requires the Government Accountability Office to examine ways in which the benefit could be redesigned to eliminate the gap without increasing Federal spending. Together, these provisions will give seniors a lifeline to coverage.

Senator SNOWE and I both voted for the legislation that created the Medicare prescription drug benefit. When we did so, we pledged that we would continue to work to improve the benefit. Senator SNOWE and I have teamed up together on many occasions to try to reduce the cost of the prescription drug program by giving the Secretary the same power other Government officials have to bargain for better prices. Our legislation has won a majority of votes in the Senate, and we intend to continue to press for that power.

The latest effort is aimed at another shortcoming in the law: finding a way to help seniors avoid falling into the coverage gap. Senator SNOWE and I believe that our legislation will help seniors a straightforward way to avoid the gap.

Congress needs to address both these issues and we will continue our strong commitment to seniors by working to improve the drug benefit.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 3702. A bill to provide for the safety of migrant seasonal agricultural workers; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation with Senator SNOWE that will provide our Nation's migrant agricultural and forest workers with a safe ride to work. The Farm and Forestry Worker Transportation Safety Act would require a designated seat and seatbelt for each person riding in a vehicle used to transport these workers.

Today, many migrant workers travel to their jobs in dangerous and unsafe conditions. It is not uncommon for these workers to ride in overcrowded vans and trucks while sitting on benches and buckets with no access to seatbelts.

According to the Bureau of Labor Statistics, 78 agricultural workers lost their lives and 440 were injured in transportation accidents in 2004.

I would like to take a moment to share with you just a few of the accidents that have resulted from the lack of adequate safety regulations for these workers:

In December of 2005, two Guatemalan forest workers were killed when their vehicle crashed driving off icy roads in Washington. Five Guatemalan forest workers were killed in the same manner the previous year.

In June of 2004, 2 migrant workers were killed in Port St. Lucie, FL, when their overcrowded van carrying 11 people rolled over on Interstate 95. Two months later, 9 citrus workers were killed in Fort Pierce when their 15-passenger van rolled over and ejected all 19 passengers.

In September 2002, 14 forestry workers were killed when their van transporting them to work toppled off a bridge in Maine.

In August 1999, 13 tomato field workers were killed when their van slammed into a tractor-trailer in Fresno County, CA. Most of the victims were riding on three benches in the back of the van.

As you can see, this issue does not just affect my home State of California. It is a problem that requires national attention. Congress needs to take action to ensure these workers safe travel to and from their jobs. My bill would seek to provide these workers with a designated seat and operating seatbelt.

This legislation would also address the issue of converted vehicles. The bill would direct the Department of Transportation to develop interim seat and seatbelt safety standards for vehicles that have been converted for the purpose of transporting migrant workers. Owners and operators of these vehicles would have 7 years to make the necessary improvements so that their vehicles would meet the same safety standards as new vehicles.

I hope my colleagues will join me in standing up for the safety of our Nation's migrant workforce.

Mr. President, I request that the text of this legislation appear immediately following this statement in the CONGRESSIONAL RECORD.

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

S. 3702

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 ''Farm and Forestry Worker Transportation Safety Act''.

SEC. 2. SEATS AND SEAT BELTS FOR MIGRANT AND SEASONAL AGRICULTURAL WORKERS.

(a) SEATS.—Except as provided in subsection (d), in promulgating vehicle safety standards under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of migrant and seasonal agricultural workers by farm labor contractors, agricultural employers or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in, or on, any vehicle subject to such standards is provided with a seat that is a designated seating position (as such term is defined for purposes of the Federal motor vehicle safety standards issued under chapter 301 of title 49, United States Code).

(b) SEAT BELTS.—Each seating position required under subsection (a) shall be equipped with an operational seat belt, except that this subsection shall not apply with respect to seating positions in buses that would otherwise not be required to have seat belts under the Federal motor vehicle safety standards.

(c) PERFORMANCE REQUIREMENTS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Labor, shall issue minimum performance requirements for the strength of seats and the attachment of seats and seat belts in vehicles that are converted, after being sold for purposes other than resale, for the purpose of transporting migrant or seasonal agricultural workers. The requirements shall provide a level of safety that is as close as practicable to the level of safety provided for in a vehicle that is manufactured or altered for the purpose of transporting such workers before being sold for purposes other than resale.

(2) EXPIRATION.—Effective on the date that is 7 years after the date of enactment of this Act, any vehicle that is or has been converted for the purpose of transporting migrant or seasonal agricultural workers shall provide the same level of safety as a vehicle that is manufactured or altered for such purpose prior to being sold for purposes other than resale.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or modify the regulations contained in section 500.103, or the provision pertaining to transportation that is primarily on private roads in section 500.104(l), of title 29, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(e) DEFINITIONS.—The definitions contained in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802) shall apply to this section.

(f) COMPLIANCE DATE.—Not later than 1 year after such date of enactment, and except as provided in subsection (c)(2), all vehicles subject to this Act shall be in compliance with the requirements of this Act.

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 3703. A bill to provide for a temporary process for individuals entering the Medicare coverage gap to switch to a plan that provides coverage in the gap; to the Committee on Finance.

Ms. SNOWE. Mr. President, I am pleased to be here today with my colleague and friend, Senator WYDEN, with whom I have worked for many years to achieve affordable prescription drug

coverage for our seniors. We have certainly come a long way from back where we were nearly 10 years ago.

Yet much remains to be done. As we have seen, the implementation of the Medicare Part D benefit has been difficult, and there is no doubt we are still on the road to a sustainable benefit which our seniors can easily navigate. The complexity of the benefit is certainly posing a hazard to many of our seniors.

Today we face a crisis as millions of seniors are entering a gap in their prescription drug coverage—the so-called doughnut hole. In fact, when a senior's drug costs exceed $2,250 this year, they will no longer receive benefits until their spending reaches $5,100. That leaves seniors with a full $2,850 of drug costs to absorb before they receive a single cent of coverage. And they must continue to pay premiums. The Kaiser Foundation has reported that an estimated 7 million seniors will be affected by this coverage gap. How will they continue to receive essential medications?

Earlier this year, I offered legislation which would have addressed this issue by allowing every beneficiary to change their plan once this year so that those beneficiaries who realized that they require a more comprehensive plan could choose to change to an appropriate plan. We know that selecting drug coverage was a challenging process for seniors, all the more so as the deadline loomed and they struggled to get assistance.

Many may have made a good decision, but their circumstances may have since changed significantly. How many of us know of a senior who has had a major illness or hospitalization just since January? Most seniors in that situation will have changes in their medications as a result and often will use more prescription drugs and likely more expensive ones as well.

Finally, with coverage available, there is little doubt that physicians were encouraged to prescribe medications that at last their patients could afford—drugs which could prevent serious illness, such as heart disease. Yet now, just as seniors see the possibility of a future with better health, the cost of that critical treatment may be unsustainable. So millions are facing the dilemma we have seen before—cutting doses or even discontinuing medications. This must not occur again.

As many medical experts will tell you, to stop taking essential medications or to begin rationing their use will pose serious safety risks to many of our beneficiaries. That undermines the benefits we should see from Part D—improved health and decreased health expenditures.

So Senator WYDEN and I are here to offer a solution—one which, I might add, both HHS Secretary Michael Leavitt and Dr. Mark McClellan, the Administrator of the Centers for Medicare and Medicaid Services, have previously suggested they would pursue. That solution is a simple one—to allow those facing a coverage gap to change to a plan which would offer continuous coverage. That solution has simply not been employed and that compels us to act today, to protect our seniors.

The bill I rise to introduce today—the Medicare Prescription Drug Lifeline Act—truly gives a second chance to those who most need this coverage. Under this legislation we require that CMS notify those who are approaching the coverage gap and give them an option of making a one-time plan change in order to obtain essential drug coverage. Under our legislation, beneficiaries could change to any plan which would provide continuous coverage. That includes drug plans which provide generic or brand-name drugs as well as Medicare Advantage plans offering comprehensive drug coverage.

In a few States, there is simply not an option which allows a beneficiary to obtain continuous brand-name drug coverage. I note that in my State of Maine, as well as in New Hampshire and Alaska, such coverage simply cannot be obtained. So this legislation directs the Secretary to provide an option for beneficiary enrollment in a plan with brand-name drug coverage outside their region. That is simply fair, and it is essential to ensure that we don't see the doughnut hole threaten the health of our seniors.

We know that this coverage gap is an issue we simply must address. Seniors need to be able to plan and budget and count on a predictable monthly cost for their essentials of life. When the Congress adopted Part D 3 years ago, we said we never wanted to make seniors again choose between buying food and buying essential medicines. Yet without addressing the doughnut hole now, we will put seniors in that exact position again.

So this legislation also asks the GAO to undertake a study of options for eliminating the doughnut hole—looking at ways to level the benefit structure—including how we might do so without increasing federal expenditures. I note that one might be able to accomplish this, without changing the beneficiary's copayment rates appreciably. Obviously, if we saw some improvement in the pricing of drugs, that certainly would help get us there.

Today our most critical need is to avoid the harm this coverage gap poses, and I call on my colleagues to join us in this effort—to preserve drug access for our seniors so both they, ad our Medicare system, realize the benefits of modern medicine.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 3704. A bill to amend title XIX of the Social Security Act to require staff working with developmentally disabled individuals to call emergency services in the event of a life-threatening situation; to the Committee on Finance.

Mr. MENENDEZ. Mr. President, I rise today with my good friend Senator LAUTENBERG to introduce Danielle's Act, an important piece of legislation that I know will save countless lives. I also recognize Representative RUSH HOLT, who has championed the bill in the House and has been a tireless advocate for individuals with disabilities. This bill is named in memory of a young woman from New Jersey, Danielle Gruskowski, whose life was cut tragically short by a failure to call 9–1–1. The great State of New Jersey has already passed Danielle's Law, and it is time for Congress to act as well.

In order to understand the importance of this legislation, I would like to share Danielle's story. She was born December 6, 1969, to Diane and Doug Gruskowski and raised in Carteret, NJ. Danielle was developmentally disabled and diagnosed with Rett Syndrome, a neurological disorder that causes a delay or regression in development, including speech, hand skills, and coordination. While Danielle needed help with daily activities, she managed to lead a full and active life. As a young adult, Danielle moved to a group home to experience the positive benefits of independent living. Tragically, on November 5, 2002, Danielle passed away at the age of 32 because no one in the group home called 9–1–1 when she was clearly in need of emergency medical attention.

So that no other mother would lose her child in such a tragic circumstance, Danielle's mother and her aunt, Robin Turner, developed a strong coalition of supporters and worked with their State representatives to develop and pass what we know as Danielle's Law. Like the New Jersey law, my bill will require staff working with individuals who have a developmental disability or traumatic brain injury to call emergency services in the event of a life-threatening situation. The legislation would raise the standard of care by improving staff training and ensuring that individuals with developmental disabilities get emergency care when they need it.

All Americans deserve an advocate, and today I am speaking for those who often cannot speak for themselves. I am proud to be an advocate for individuals with disabilities, and I am proud to be an advocate for the families in New Jersey who are counting on safe, secure, and healthy independent living environments for their loved ones with disabilities. I also would like to recognize the hard-working caregivers and staff who help provide for the needs of those with disabilities. They show their compassion every day when they show up for work, performing one of the most difficult but rewarding jobs in our society—caring for someone's mother, father, son, or daughter. These caregivers play such a critical role in our society and their contributions are to be commended. By raising awareness and education about Danielle's Law, my hope is that more caregivers will realize how important it is to call 9–1–1 for all life-threatening situations and

that better training and support will be provided to staff across the country.

I am introducing this legislation to remember Danielle and to make sure no other family or community experiences the pain and suffering of losing a loved one to an avoidable death. I hope my colleagues will join me in supporting this important bill.

Mr. President, I ask unanimous consent that 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. 3704

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 ''Danielle's Act''.

SEC. 2. REQUIREMENT OF STAFF WORKING WITH DEVELOPMENTALLY DISABLED INDIVIDUALS TO CALL EMERGENCY SERVICES IN THE EVENT OF A LIFE-THREATENING SITUATION.

(a) REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (69), by striking ''and'' at the end;

(2) in paragraph (70), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (70) the following new paragraph:

''(71) provide, in accordance with regulations of the Secretary, that direct care staff providing health-related services to a individual with a developmental disability or traumatic brain injury are required to call the 911 emergency telephone service or equivalent emergency management service for assistance in the event of a life-threatening emergency to such individual and to report such call to the appropriate State agency or department.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on January 1, 2007.

By Mr. KENNEDY (for himself, Mr. HARKIN Mr. JEFFORDS, Mr. BINGAMAN, Mrs. CLINTON, Mrs. MURRAY, Mr. REED, Mr. DODD, Ms. MIKULSKI, Mr. DAYTON, Ms. STABENOW, and Mr. SCHUMER):

S. 3705. A bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it is a privilege to join my Senate and House colleagues in introducing the Protecting Children's Health in Schools Act of 2006. This bill will ensure that the Nation's 7 million school children with disabilities will have continued access to health care in school.

In 1975, the Nation made a commitment to guarantee children with disabilities equal access to education. For these children to learn and thrive in schools, the integration of education with health care is of paramount importance. Coordination with Medicaid makes an immense difference to schools in meeting the needs of these children.

This year, however, the Bush administration has declared its intent to end Medicaid reimbursements to schools for the support services they need in order to provide medical and health-related services to disabled children. The administration is saying ''NO'' to any further financial help to Medicaid-covered disabled children who need specialized transportation to obtain their health services at school. It is saying ''NO'' to any legitimate reimbursement to the school for costs incurred for administrative duties related to Medicaid services.

It's bad enough that Congress and the administration have not kept the commitment to ''glide-path'' funding of IDEA needs in 2004. Now the administration proposes to deny funding to schools under the federal program that supports the health needs of disabled children. It makes no sense to make it so difficult for disabled children to achieve in school—both under IDEA and the No Child Left Behind.

At stake is an estimated $3.6 billion in Medicaid funds over the next 5 years. Such funding is essential to help identify disabled children and connect them to services that can meet their special health and learning needs during the school day.

This decision by the administration follows years of resisting Medicaid reimbursements to schools that provide these services, without clear guidance on how schools should appropriately seek reimbursement.

The ''Protecting Children's Health in Schools Act'' recognizes the importance of schools as a site of delivery of health care. It ensures that children with disabilities can continue to obtain health services during the school day. The bill also provides for clear and consistent guidelines to be established, so that schools can be held accountable and seek appropriate reimbursement.

The legislation has the support of over 60 groups, including parents, teachers, principals, school boards, and health care providers—people who work with children with disabilities every day and know what is needed to facilitate their growth, development, and long-term success.

I urge all of our colleagues to join us in supporting these children across the Nation, by providing the realistic support their schools need in order to meet these basic health care requirements of their students.

Mr. KENNEDY. I ask unanimous consent that the attached bill be printed into the RECORD.

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

S. 3705

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 ''Protecting Children's Health in Schools Act of 2006''.

SEC. 2. REQUIREMENTS UNDER THE MEDICAID PROGRAM FOR ITEMS AND SERVICES FURNISHED IN OR THROUGH AN EDUCATIONAL PROGRAM OR SETTING TO CHILDREN, INCLUDING CHILDREN WITH DEVELOPMENTAL, PHYSICAL, OR MENTAL HEALTH NEEDS.

(a) REQUIREMENTS FOR PAYMENTS.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (i)—

(A) in paragraph (22), by striking the period at the end and inserting ''; or''; and

(B) by inserting after paragraph (22), the following new paragraphs:

''(23) with respect to any amount expended by, or on behalf of, the State (including by a local educational agency in the State or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act) for an item or service provided under the State plan in or through an educational program or setting, or for any administrative cost incurred to carry out the State plan in or through such a program or setting, or for a transportation service for an individual who has not attained age 21, unless the requirements of subsection (y) are met; or

''(24) with respect to any amount expended for an item or service provided under the State plan in or through an educational program or setting, or for any administrative cost incurred to carry out the plan in or through such a program or setting by, or on behalf of, the State through an agency that is not the State agency with responsibility for administering the State plan (including a local educational agency in the State or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act) and that enters into a contract or other arrangement with a person or entity for or in connection with the collection or submission of claims for such an expenditure or cost, unless the agency—

''(A) if not a public agency operating a consortium with other public agencies, uses a competitive bidding process or otherwise to contract with such person or entity at a reasonable rate commensurate with the services performed by the person or entity; and

''(B) requires that any fees (including any administrative fees) to be paid to the person or entity for the collection or submission of such claims are identified as a non-contingent, specified dollar amount in the contract.''; and

(2) by adding at the end the following new subsection:

''(y) REQUIREMENTS FOR FEDERAL FINANCIAL PARTICIPATION FOR FURNISHING MEDICAL ASSISTANCE (INCLUDING MEDICALLY NEEDED TRANSPORTATION) IN OR THROUGH AN EDUCATIONAL PROGRAM OR SETTING.—For purposes of subsection (i)(23), the requirements of this subsection are the following:

''(1) APPROVED METHODOLOGY FOR EXPENDITURES FOR BUNDLED ITEMS, SERVICES, AND ADMINISTRATIVE COSTS.—

''(A) IN GENERAL.—In the case of any amount expended by, or on behalf of, the State for a bundle of individual items, services, and administrative costs under the State plan that are furnished in or through an educational program or setting, the expenditure must be made in accordance with a methodology approved by the Secretary which—

''(i) provides for an itemization to the Secretary in a manner that ensures accountability of the cost of the bundled items, services, and administrative costs and includes payment rates and the methodologies underlying the establishment of such rates;

''(ii) has a sound basis for determining such payment rates and methodologies; and

''(iii) matches payments for the bundled items, services, and administrative costs with corresponding items and services provided and administrative costs incurred under the State plan.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as—

''(i) requiring a State to establish and apply such a methodology through a State plan amendment;

''(ii) requiring a State with such an approved methodology to obtain the approval of the Secretary for any increase in rates of reimbursement that are established consistent with such methodology; or

''(iii) prohibiting the Secretary from reviewing a State's costs for the individual items, services, and administrative costs that make up a proposed bundle of items, services, and costs as a condition of approval of the methodology that the State will establish to determine the rate of reimbursement for such bundle of items, services, and costs.

''(2) APPLICATION OF MARKET RATE FOR INDIVIDUAL ITEMS, SERVICES, ADMINISTRATIVE COSTS.—In the case of an amount expended by, or on behalf of, the State for an individual item, service, or administrative cost under the State plan that is furnished in or through an educational program or setting, the State must establish that the amount expended—

''(A) does not exceed the amount that would have been paid for the item, service, or administrative cost if the item or service was provided or the cost was incurred by an entity in or through a program or setting other than an educational program or setting; or

''(B) if the amount expended for the item, service, or administrative cost is higher than the amount described in subparagraph (A), was necessary.

''(3) TRANSPORTATION SERVICES.—

''(A) IN GENERAL.—In the case of an amount expended by, or on behalf of, the State for furnishing in or through an educational program or setting a transportation service for an individual who has not attained age 21 and who is eligible for medical assistance under the State plan, the State mush establish that—

''(i) a medical need for transportation is specifically listed in the individualized education program for the individual established pursuant to part B of the Individuals with Disabilities Education Act or, in the case of an infant or a toddler with a disability, in the individualized family service plan established for such infant or toddler pursuant to part C of such Act, or is furnished to the individual pursuant to section 504 of the Rehabilitation Act of 1973;

''(ii) the vehicle used to furnish such transportation service is specially equipped or staffed to accommodate individuals who have not attained age 21 with developmental, physical, or mental health needs; and

''(iii) payment for such service is made only for costs directly attributable to costs associated with transporting individuals who have not attained age 21 and whose developmental, physical, or mental health needs require transport in such a vehicle in order to receive the services for which medical assistance is provided under the State plan.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as modifying the obligation of a State to ensure that an individual who has not attained age 21 and who is eligible for medical assistance under the State plan receives necessary transportation services to and from a provider of medical assistance in or through a program or setting other than an educational program or setting.''.

(b) REQUIREMENTS FOR THE PROVISION OF ITEMS AND SERVICES THROUGH MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) CONTRACTUAL REQUIREMENTS.—Section 1903(m)(2) of the Social Security Act (42 U.S.C. 1396b(m)(2)) is amended—

(A) in subparagraph (A), by inserting after clause (i) the following new clause:

''(ii) the contract with the entity satisfies the requirements of subparagraph (C) (relating to payment for, and coverage of, such services under an individual's education program, an individualized family service plan, or when furnished in or through an educational program or setting);''; and

(B) by inserting after subparagraph (B), the following new subparagraph:

''(C) For purposes of clause (ii) of subparagraph (A), the requirements of this subparagraph are the following:

''(i) The contract with the entity specifies the coverage and payment responsibilities of the entity in relation to medical assistance for items and services that are covered under the State plan and included in the contract, when such items and services are furnished in or through an educational program or setting.

''(ii) In any case in which the entity is obligated under the contract to pay for items and services covered under the State plan, the contract with the entity requires the entity to—

''(I) enter into a provider network service agreement with the qualified provider or providers furnishing such items or services in or through an educational program or setting;

''(II) promptly pay such providers at a rate that is at least equal to the rate that would be paid to a provider furnishing the same service in a non-educational program or setting; and

''(III) treat as final and binding determinations by State licensed providers or providers eligible for reimbursement under the State plan working in an educational program or setting regarding the medical necessity of an item or service.

''(iii) The contract with the entity specifies the obligation of the entity to ensure that providers of items or services that are furnished in or through an educational program or setting refer children furnished such items or services to the entity and its provider network for additional services that are not available in or through such program or setting but that are covered under the State plan and included in the entity's contract with the State.

''(iv) The contract with the entity requires, with respect to payment for, and coverage of, services for which the entity is responsible for, that the entity must demonstrate that the entity has established procedures to—

''(I) ensure coordination between the State, a local educational agency and the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act with respect to those services for an individual who has not attained age 21 and who is eligible for medical assistance under the State plan (including an individual who has an individualized education program established pursuant to part B of the Individuals with Disabilities Education Act or otherwise or an infant or toddler with a disability who has an individualized family service plan established pursuant to part C of such Act) which are required for the individual under the individual's education program or the individualized family service plan, or are furnished to the individual pursuant to section 504 of the Rehabilitation Act of 1973 and which are not specifically included in the services required under the contract, but are the responsibility of the State, a local educational agency, or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act; and

''(II) prevent duplication of services and payments under this title with respect to items and services covered under the State plan that are furnished in or through an educational program or setting to such individuals enrolled under the contract.''.

(2) PROHIBITION ON DUPLICATIVE PAYMENTS.—

(A) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)), as amended by subsection (a), is amended—

(i) in paragraph (24)(B), by striking the period and inserting ''; or''; and

(ii) by inserting after paragraph (24) the following new paragraph:

''(25) with respect to any amount expended under the State plan for an item, service, or administrative cost for which payment is or may be made directly to a person or entity (including a State, local educational agency, or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act) under the State plan if payment for such item, service, or administrative cost was included in the determination of a prepaid capitation or other risk-based rate of payment to an entity under a contract pursuant to section 1903(m).''.

(B) CONFORMING AMENDMENT.—The third sentence of section 1903(i) of such Act (42 U.S.C. 1396b(i)), as amended by subsection (a)(1)(C), is amended by striking ''and (24)'' and inserting ''(24), and (25)''.

(c) ALLOWABLE SHARE OF FFP WITH RESPECT TO PAYMENT FOR SERVICES FURNISHED IN OR THROUGH AN EDUCATIONAL PROGRAM OR SETTING.—Section 1903(w)(6) of the Social Security Act (42 U.S.C. 1396b(w)(6)) is amended—

(1) in subparagraph (A), by inserting ''subject to subparagraph (C),'' after ''subsection,''; and

(2) by adding at the end the following new subparagraph:

''(C) In the case of any Federal financial participation paid under subsection (a) with respect to an expenditure for an item or service provided under the plan, or for any administrative cost incurred to carry out the plan, that is furnished in or through an educational program or setting, the State shall provide that—

''(i) if 0 percent of the expenditure was made or the cost was incurred directly by the State, the State shall pay the local educational agency in the State or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act that made the expenditure or incurred the cost (and, if applicable, any consortium of public agencies that incurred costs in connection with the collection or submission of claims for such expenditures or costs), 100 percent (divided, as appropriate, between such agencies and such a consortium, if applicable) of the amount of the Federal financial participation; and

''(ii) if 100 or any lesser percent of the expenditure was made or the cost was directly incurred by the State, the State shall retain only such percentage of the Federal financial participation paid for the expenditure or cost as does not exceed the percentage of such expenditure or cost that was funded by State revenues that are dedicated solely for the provision of such medical assistance (and shall pay out of any remaining percentage of such Federal financial participation, the percentage due to the local educational agency in the State or the lead agency in the State with responsibility for administering part C

of the Individuals with Disabilities Education Act that made or incurred the remaining percentage of such expenditure or cost (and, if applicable, any consortium of public agencies that incurred costs in connection with the collection or submission of claims for such expenditures or costs)).''.

(d) ASSURANCE OF REIMBURSEMENT FOR ADMINISTRATIVE, ENROLLMENT, AND OUTREACH ACTIVITIES CONDUCTED BY LOCAL EDUCATIONAL AGENCIES.—

(1) MEDICAID.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by inserting after subsection (j) the following new subsection:

''(k) Nothing in this title shall be construed as authorizing the Secretary to prohibit the State agency with responsibility for the administration or supervision of the administration of the State plan from entering into interagency agreements with local educational agencies under which such local educational agencies shall be reimbursed for the Federal share of amounts expended for administrative, enrollment, and outreach activities for which payment is made to the State under section 1903(a)(7), including with respect to such activities as are conducted for purposes of satisfying the requirements of subsection (a)(43).''.

(2) SCHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) Section 1902(k) (relating to interagency agreements with local educational agencies for reimbursement for expenditures for administrative, enrollment, and outreach activities).''.

(e) CLARIFICATION OF COVERAGE OF EPSDT AND ITEMS AND SERVICES FURNISHED TO A DISABLED CHILD PURSUANT TO SECTION 504 OF THE REHABILITATION ACT OF 1973; DEFINITION OF ''EDUCATIONAL PROGRAM OR SETTING''.—Section 1903(c) of the Social Security Act (42 U.S.C. 1396b(c)) is amended—

(1) by inserting ''(1)'' after ''(c)'';

(2) by striking ''Education Act or'' and inserting ''Education Act,'';

(3) by inserting '', or furnished to a child with a disability pursuant to section 504 of the Rehabilitation Act of 1973'' before the period; and

(4) by adding at the end the following new paragraphs:

''(2) Nothing in this title shall be construed as prohibiting or restricting, or authorizing the Secretary to prohibit or restrict, payment under subsection (a) for the following items or services furnished in or through an educational program or setting, or costs incurred with respect to the furnishing of such items or services:

''(A) Medical assistance for items or services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and costs incurred for providing such items or services in accordance with the requirements of section 1902(a)(43).

''(B) Costs incurred for providing services related to the administration of the State plan, including providing information regarding the availability of, and eligibility for, medical assistance under the plan, and assistance with determinations of eligibility and enrollment and redeterminations of eligibility under the plan.

''(3) Nothing in this title shall be construed as prohibiting or restricting, or authorizing the Secretary to prohibit or restrict, payment under subsection (a) for medical assistance furnished in or through an educational program or setting or costs described in paragraph (2)(B) solely because—

''(A) the State utilizes an all-inclusive payment arrangement in making payments for medical assistance described in subsections (a) or (r) of section 1905; or

''(B) the State utilizes a cost allocation system that meets Federal requirements when paying for the cost of services described in section 1902(a)(43) or other administrative services directly related to the administration of the State plan.

''(4)(A) For purposes of this title, the term 'educational program or setting' means any location in which the items or services included in a child's individualized education plan established pursuant to part B of the Individuals with Disabilities Education Act or otherwise, or in an infant's or toddler's individualized family service plan established pursuant to part C of such Act, are delivered, including the home, child care setting, or school of the child, infant, or toddler.

''(B) Such term includes—

''(i) any location in which an evaluation or assessment is conducted, in accordance with the requirements of section 1902(a)(43) and subsections (a)(4)(B) and (r) of section 1905, to determine if a child is a child with a disability under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414) who requires an individualized education program (IEP) under section 614(d) of such Act (20 U.S.C. 1414(d)) or if an infant or toddler is an infant or toddler with a disability under section 635(a)(3) of such Act (20 U.S.C. 1435(a)(3)) who requires an individualized family service plan under section 636 of such Act (20 U.S.C. 1436) and any location in which a reevaluation or reassessment of such a determination is conducted; and

''(ii) for purposes of subsection (m)(2)(C), any location in which items or services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) are delivered and costs are incurred for providing such items or services in accordance with the requirements of section 1902(a)(43).''.

(f) ASSURANCE OF COMPLIANCE WITH FEDERAL AND STATE REQUIREMENTS.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (69), by striking ''and'' at the end;

(2) in paragraph (70)(B)(iv), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (70), the following new paragraph:

''(71) provide that—

''(A) the State will establish procedures to ensure that—

''(i) any provider of an item or service covered under the plan that is furnished in or through an educational program or setting complies with all Federal and State requirements applicable to providers of such items or services under the plan; and

''(ii) any educational entity that is engaged in the provision of an activity described in paragraph (43) or any other activity that is directly related to the administration of the plan complies with all Federal and State requirements applicable for payment for such activity; and

''(B) the State will not furnish medical assistance for an item or service covered under the plan in or through an educational program or setting, or undertake any activity described in paragraph (43) or any other activity that is directly related to the administration of the plan in or through such a program or setting, unless the entity responsible for providing the item or service, or undertaking such an activity, in or through the educational program or setting will be paid under the State plan for the costs related to the furnishing of such item or service or the undertaking of such activity.''.

(g) UNIFORM METHODOLOGY FOR EDUCATIONAL PROGRAM OR SETTING-BASED CLAIMS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Education, acting jointly and in consultation with State medicaid directors, State educational agencies, local educational agencies, and State agencies with responsibility for administering part C of the Individuals with Disabilities Education Act, shall develop and implement a uniform methodology for claims for payment of medical assistance and related administrative costs furnished under title XIX of the Social Security Act in an educational program or setting.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall not prohibit or restrict payment for medical assistance and administrative activities that are provided or conducted in accordance with section 1903(c) of the Social Security Act (42 U.S.C. 1396b(c)); and

(B) with respect to administrative costs, shall be based on—

(i) standards related to time studies and population estimates; and

(ii) a national standard for determining payment for such costs.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to items and services provided and expenditures made on or after such date, without regard to whether implementing regulations are in effect.

By Mr. MARTINEZ (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. SESSIONS, Mr. BINGAMAN, and Mr. CORNYN):

S. 3706. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

Mr. MARTINEZ. Mr. President, today I rise with my colleagues, Senators FEINSTEIN, NELSON of Florida, HUTCHISON, and BINGAMAN, on the 37th anniversary of the lunar landing when American astronauts Neil Armstrong and Edwin Aldrin set foot on the Moon, to introduce the Spaceport Equity Act of 2006—a bill to help bring additional investment to the space transportation industry.

On June 18th, the Washington Post reported on the launching of Kazakhstan's first satellite and their catapult into the space transportation industry. Home to the world's largest space center, the Baikonur Consmodrome, this ex-Soviet state is joining the list of rivals to the U.S. space industry. America's competitive edge is declining and will continue to do so unless we act now. My colleagues and I recognize this, and that is why we are introducing this most important legislation.

U.S. satellite manufacturers face increasing pressure to consider the use of foreign launch vehicles and launch sites, due to the lack of a sufficient domestic launch capability. The United States once dominated the commercial satellite-manufacturing field with an average market share of 83 percent;

however, that market share has since declined to 50 percent. An even smaller share of U.S.-manufactured satellites is actually launched from U.S. spaceports. This comes at an estimated loss of $1.5 to $3.0 billion to the U.S. economy.

The space economy is made up infrastructure of manufacturers, service providers, and technologists in both the Government and private sector that deploy and operate launch vehicles, satellites, and space platforms. Many everyday goods and services rely on space infrastructure, including broadcast, cable, and satellite television, global internet services, satellite radio, cellular and international phone calls, etc.

Satellites are also used for global positioning systems, known as GPS, which enable us to have hands-on directions in our cars and vehicles. GPS is also influential in the trucking, aviation, and maritime industries for day-to-day operations and for our Nation's military operations. Thousands of gas stations use inexpensive small satellite dishes to connect to credit card networks so customers can pay instantly at the pump. Satellites also generate 90 percent of the weather forecasting data in the United States and are used to track hurricanes, tsunamis, and other weather phenomenon.

These satellites are launched vertically atop of rockets, propelling them into orbit in space. Because most U.S. space-launch facilities are operated by NASA, priority for launches at these facilities is given to Government projects. This means our commercial satellite needs take a back seat to Government operations. This often leaves U.S. commercial satellite ventures without reliable launch availability. This in turn has forced many companies seeking manufacturing and launch services toward our international competitors.

Spaceports are subdivisions of State governments that provide additional launch infrastructure than that available at Federal facilities. They attract and promote the U.S. commercial space transportation industry. Spaceport authorities function much like airport and port authorities by providing economic and transportation incentives to the industry, which in turn benefits the surrounding communities. Many States are forming space authorities to pursue ways of developing space transportation infrastructure.

The Florida Space Authority was the first such entity, which was created as a subdivision of the Florida State government by Florida's Governor and State legislature in 1989. Florida Space Authority is focused on leading the State's space industry in new directions through partnering with the commercial space industry to improve space transportation and provide innovative, forward-thinking solutions to the challenges facing this evolving industry.

The last few years have begun a new phase in space exploration. Spaceports presently operate in Florida, California, Virginia, and Alaska, but efforts are underway to establish 13 additional commercial spaceports in Alabama, California, Montana, Nevada, Oklahoma, South Dakota, Texas, Utah, Washington, and Wisconsin.

The commercial space transportation industry includes not only spaceports themselves but also companies that develop the needed infrastructure for testing and servicing launch vehicles. When including these industry partners with spaceports, at least 23 States are directly impacted by the commercial space transportation industry. Both spaceports and industry partners face increasing pressure from government-sponsored or subsidized competitors in Europe, China, Japan, India, Australia, Russia, and now Kazakhstan.

Commercial space transportation is a growing part of the U.S. economy. In 2004, this industry alone generated a total of nearly $98.1 billion dollars in economic activity, over $25 billion in earnings, and over 550,000 jobs; and $56.5 billion, more than half of this economic activity, was from satellite services. A 2004 Gallup poll shows overwhelming public support for space exploration. Roughly 80 percent of Americans agree that ''America's space program helps give America the scientific and technological edge it needs to compete in the international marketplace.'' And 76 percent agree that our space program ''benefits the nation's economy'' and inspires ''students to pursue careers in technical fields.''

The space industry has also led to a number of ''spin-off'' technologies—those influenced by space technology research and development. Home roof insulation and air filtration, antilock brakes, athletic shoes, vehicle protective airbags, cellular phones, and lasik surgery all owe thanks to NASA and space-based research. The list of space ''spin-off' technologies is estimated to exceed 40,000. These related technologies have helped employ tens of millions of Americans. Encouraging commercial investment in the space industry and increasing U.S. marketshare in this industry will certainly lead to additional innovation and technology that will impact other fields.

As you can see, this once government-dominated industry is now becoming a diverse mix of government and commercial entities—also leading way into future avenues of commercial space transportation, such as space tourism.

The increase in recent commercial launches includes the debut of the first commercial crewed suborbital launches of SpaceShipOne—leading the way to public space travel. ''Space tourism,'' as public space travel is now referred, has the potential to become a major growth industry. Recent market studies have shown space tourism has the potential to become a billion-dollar industry within 20 years.

Even though the average American may not be able to participate in public space travel, its potential impact on our economy and international competitiveness is something to be appreciated. Space tourism industry players expect there to be a market demand of at least 15,000 Americans per year to travel into suborbit and orbital flights. This would require an estimated 665 launches per year by 2010. If the United States continues as is, we will only be able to capture 10 percent market share, at best, of this emerging industry. If needed infrastructure is added, however, the United States is expected to pick up 60 to 70 percent of space flight demand by 2010. Every launch that we do not provide for in the United States means a loss to our economy and a gain for our international competitors. The Federal Aviation Administration's Commercial Space Transportation Division expects a $3 billion dollar loss to our economy if we do not meet the rising demand for space tourism.

Currently, U.S. launch facilities are few and most are owned and operated by the Federal Government, putting commercial users in direct competition with the U.S. military, NASA, and other Government entities, which get priority over commercial projects. If the United States is to remain competitive in the commercial space industry, added and improved infrastructure will be needed to support this growing industry.

On a more local note, my own State of Florida could stand to gain much by way of economic development from increased investment in spaceport infrastructure. According to recent studies by the Florida Space Authority, increase spaceport infrastructure and activity in Florida could mean as much as $29.7 million in additional economic activity by the year 2015—this does not include the economic activity generated from impacted tourism, secondary contracts, and spinoff technologies.

Other modes of transportation—highways, airports, and seaports—currently enjoy a tax incentive for meeting their infrastructure needs, so why not spaceports?

This Spaceport Equity Act of 2006 would provide spaceports with the same treatment provided for airports, seaports, rail, and other transit projects under the exempt facility bond rules. With international competition on the rise, our Nation's spaceports are a vital component of the infrastructure needed to expand and enhance the U.S. role in the international space arena. The Spaceport Equity Act is an important step to increasing our competitiveness in this field because it will stimulate investment in expanding and modernizing our space launch facilities and lower the costs of financing spaceport projects.

Since 1968, tax-exempt bonds have played a crucial role in meeting airport investment needs, with 50 percent or more of major airport projects being financed through municipal tax-exempt

bonds. By extending this favorable tax treatment to spaceports, this bill will help meet spaceport needs and increase our Nation's ability to compete with expanded international interests in space exploration and technology. Similar legislation has been considered since the 1980s, and we cannot afford to wait any longer to address the needs of this important sector.

This proposal does not provide direct Federal spending for our commercial space transportation industry but, rather, creates the conditions necessary to stimulate private capital investment in industry infrastructure. By issuing tax-free bonds to finance spaceport infrastructure, space authorities could provide site-specific and vehicle-specific tailoring to promote the competition and innovation necessary to maintain the U.S. competitive edge in the space transportation industry.

This is an efficient means for achieving our space transportation needs, and I urge my colleagues in the Senate to join us in this most important effort by cosponsoring this bill.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 3706

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 ''Spaceport Equality Act of 2006''.

SEC. 2. SPACEPORTS TREATED LIKE AIRPORTS UNDER EXEMPT FACILITY BOND RULES.

(a) IN GENERAL.—Paragraph (1) of section 142(a) of the Internal Revenue Code of 1986 (relating to exempt facility bonds) is amended to read as follows:

''(1) airports and spaceports,''.

(b) TREATMENT OF GROUND LEASES.—Paragraph (1) of section 142(b) of the Internal Revenue Code of 1986 (relating to certain facilities must be governmentally owned) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR SPACEPORT GROUND LEASES.—For purposes of subparagraph (A), spaceport property which is located on land owned by the United States and which is used by a governmental unit pursuant to a lease (as defined in section 168(h)(7)) from the United States shall be treated as owned by such unit if—

''(i) the lease term (within the meaning of section 168(i)(3)) is at least 15 years, and

''(ii) such unit would be treated as owning such property if such lease term were equal to the useful life of such property.''.

(c) DEFINITION OF SPACEPORT.—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(n) SPACEPORT.—

''(1) IN GENERAL.—For purposes of subsection (a)(1), the term 'spaceport' means—

''(A) any facility directly related and essential to servicing spacecraft, enabling spacecraft to launch or reenter, or transferring passengers or space cargo to or from spacecraft, but only if such facility is located at, or in close proximity to, the launch site or reentry site, and

''(B) any other functionally related and subordinate facility at or adjacent to the launch site or reentry site at which launch services or reentry services are provided, including a launch control center, repair shop, maintenance or overhaul facility, and rocket assembly facility.

''(2) ADDITIONAL TERMS.—For purposes of paragraph (1)—

''(A) SPACE CARGO.—The term 'space cargo' includes satellites, scientific experiments, other property transported into space, and any other type of payload, whether or not such property returns from space.

''(B) SPACECRAFT.—The term 'spacecraft' means a launch vehicle or a reentry vehicle.

''(C) OTHER TERMS.—The terms 'launch', 'launch site', 'launch services', 'launch vehicle', 'payload', 'reenter', 'reentry services', 'reentry site', and 'reentry vehicle' shall have the respective meanings given to such terms by section 70102 of title 49, United States Code (as in effect on the date of enactment of this subsection).''.

(d) EXCEPTION FROM FEDERALLY GUARANTEED BOND PROHIBITION.—Paragraph (3) of section 149(b) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by adding at the end the following new subparagraph:

''(E) EXCEPTION FOR SPACEPORTS.—Paragraph (1) shall not apply to any exempt facility bond issued as part of an issue described in paragraph (1) of section 142(a) to provide a spaceport in situations where—

''(i) the guarantee of the United States (or an agency or instrumentality thereof) is the result of payment of rent, user fees, or other charges by the United States (or any agency or instrumentality thereof), and

''(ii) the payment of the rent, user fees, or other charges is for, and conditioned upon, the use of the spaceport by the United States (or any agency or instrumentality thereof).''.

(e) CONFORMING AMENDMENT.—The heading for section 142(c) of the Internal Revenue Code of 1986 is amended by inserting ''SPACEPORTS,'' after ''AIRPORTS,''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

By Mr. KENNEDY:

S. 3710. A bill to amend the Elementary and Secondary Education Act of 1965 to improve retention of public elementary and secondary school teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today I am introducing the Teacher Center Act of 2006, to help establish and fund teacher centers across the Nation. Its goal is to provide more effective and relevant professional development for teachers, and create a network of support for them to share best practices, improve classroom training, and improve working conditions in their schools. It's a privilege to join my distinguished colleague, Congressman GEORGE MILLER, who is introducing companion legislation for teacher centers in the House of Representatives.

As research makes clear, good teachers are the single most important factor in achieving the success of students, both academically and developmentally. Students who receive good instruction can reach new heights through the hard work, vision, and energy of their teachers. Good teaching can also overcome the harmful effects of poverty and other disadvantages on student learning.

In 2002, with the No Child Left Behind Act, we made a commitment to put a first-rate teacher in every classroom to help all students succeed in school and in life. But to reach that goal, we need to recruit, train, retain, and support our teachers. Today, about half of all teachers who enter the profession leave the classroom within five years. That's an unacceptable loss—the 5-year mark is just the time when teachers have mastered their work and are consistently able to improve the education of their students.

Too often, teachers lack the training and support needed to do well in the classroom. Eliminating this deficit can make all the difference in their decision to remain in the profession. Teacher centers can help see that teachers have the professional development, mentoring, and support they need in order to succeed. Developing and expanding these centers is an important step toward enriching teachers' lives, enhancing their knowledge and skills, and encouraging them to stay in the profession and succeed in the classroom.

The teacher centers model grew out of an innovative approach to supporting the professional development of teachers in England. That model enables teachers to become leaders and decision-makers in their own professional growth and in the environments in which they work. It enables them to collaboratively plan and implement staff development and reform that can be shared with their colleagues, as a means for reflection and improvement in their teaching practice.

Since the initial creation of teacher centers in the United States in the late 1970s, we have seen how effective they can be in supporting teachers, so that they can respond more effectively to student needs and help them reach the high standards now required by the No Child Left Behind Act.

Teacher centers offer valuable programs for educators when aligned with State standards and school district curriculums. The centers support new teachers during their first years in the profession, and their peer-to-peer networks facilitate communication and collaboration among teachers to improve instruction. The centers also help teachers incorporate new research into their daily routines, and support the use of technology and proven strategies to keep students engaged and help them do well in school.

Most important, teacher centers are essential to the development of teacher capability and leadership. The training provided is aimed at building the capability of teachers to reach all of their students through differentiated instruction—a goal central to the promise of leaving no child behind. And by

taking advantage of the support provided by teacher centers, educators can have a more active role in their own professional growth and eventually hold leadership positions in their schools and communities.

As we know, teachers are on the front lines in the Nation's schools and in our efforts to improve public education. We cannot expect the quality of our classrooms to improve without investing more in the quality of our teachers. Teacher centers ensure that the nation's educators have the time, resources, and support they need to work and learn with one another.

I urge my colleagues to join in supporting this bill, and 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. 3710

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 ''Teacher Center Act of 2006''.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) There are not enough qualified teachers in the Nation's classrooms, and an unprecedented number of teachers will retire over the next 5 years. Over the next decade, the Nation will need to bring 2,000,000 new teachers into public schools.

(2) Too many teachers do not receive adequate preparation for their jobs.

(3) More than one-third of children in grades 7 through 12 are taught by a teacher who lacks both a college major and certification in the subject being taught. Rates of ''out-of-field teaching'' are especially high in high-poverty schools.

(4) Teacher turnover is a serious problem, particularly in urban and rural areas. Over one-third of new teachers leave the profession within their first 3 years of teaching, and 14 percent of new teachers leave the field within the first year. After 5 years—the average time it takes for teachers to maximize students' learning—half of all new teachers will have exited the profession. Rates of teacher attrition are highest in high-poverty schools. Between 2000 and 2001, 1 out of 5 teachers in the Nation's high-poverty schools either left to teach in another school or dropped out of teaching altogether.

(5) African-American, Latino, and low-income students are much less likely than other students to have highly-qualified teachers.

(6) Research shows that individual teachers have a great impact on how well their students learn. The most effective teachers have been shown to be able to boost their pupils' learning by a full grade level relative to students taught by less effective teachers.

(7) Only 16 States finance new teacher induction programs, and fewer still require inductees to be matched with mentors who teach the same subject.

(8) Large-scale studies of effective professional development have documented that student achievement and teacher learning increases when professional development is teacher-led, ongoing, and collaborative.

(9) Research shows that the characteristics of successful professional development include a focus on concrete classroom applications and practice, and opportunities for teacher observation, critique, reflection, group support, and collaboration.

(10) Data on school reform shows that teachers are attracted to and continue to teach in academically challenged schools when appropriate supports are in place to help them succeed. Appropriate supports include high-quality induction programs, job-embedded professional development, and small classes which allow teachers to tailor instruction to meet the needs of individual students.

SEC. 3. IMPROVING RETENTION OF AND PROFESSIONAL DEVELOPMENT FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

''PART E—TEACHER RETENTION

''SEC. 2501. IMPROVING PROFESSIONAL DEVELOPMENT OPPORTUNITIES THROUGH TEACHER CENTERS.

''(a) GRANTS.—The Secretary may make grants to eligible entities for the establishment and operation of new teacher centers or the support of existing teacher centers.

''(b) SPECIAL CONSIDERATION.—In making grants under this section, the Secretary shall give special consideration to any application submitted by an eligible entity that is—

''(1) a high-need local educational agency; or

''(2) a consortium that includes at least one high-need local educational agency.

''(c) DURATION.—Each grant under this section shall be for a period of 3 years.

''(d) REQUIRED ACTIVITIES.—A teacher center receiving assistance under this section shall carry out each of the following activities:

''(1) Providing high-quality professional development to teachers to assist the teachers in improving their knowledge, skills, and teaching practices in order to help students to improve the students' achievement and meet State academic standards.

''(2) Providing teachers with information on developments in curricula, assessments, and educational research, including the manner in which the research and data can be used to improve teaching skills and practice.

''(3) Providing training and support for new teachers.

''(e) PERMISSIBLE ACTIVITIES.—A teacher center may use assistance under this section for any of the following:

''(1) Assessing the professional development needs of the teachers and other instructional school employees, such as librarians, counselors, and paraprofessionals, to be served by the center.

''(2) Providing intensive support to staff to improve instruction in literacy, mathematics, science, and other curricular areas necessary to provide a well-rounded education to students.

''(3) Providing support to mentors working with new teachers.

''(4) Providing training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency.

''(5) Enabling teachers to engage in study groups and other collaborative activities and collegial interactions regarding instruction.

''(6) Paying for release time and substitute teachers in order to enable teachers to participate in the activities of the teacher center.

''(7) Creating libraries of professional materials and educational technology.

''(8) Providing high-quality professional development for other instructional staff, such as paraprofessionals, librarians, and counselors.

''(9) Assisting teachers to become highly qualified and paraprofessionals to become teachers.

''(10) Assisting paraprofessionals to meet the requirements of section 1119.

''(11) Developing curricula.

''(12) Incorporating additional on-line professional development resources for participants.

''(13) Providing funding for individual- or group-initiated classroom projects.

''(14) Developing partnerships with businesses and community-based organizations.

''(15) Establishing a teacher center site.

''(f) TEACHER CENTER POLICY BOARD.—

''(1) IN GENERAL.—A teacher center receiving assistance under this section shall be operated under the supervision of a teacher center policy board.

''(2) MEMBERSHIP.—

''(A) TEACHER REPRESENTATIVES.—The majority of the members of a teacher center policy board shall be representatives of, and selected by, the elementary and secondary school teachers to be served by the teacher center. Such representatives shall be selected through the teacher organization, or if there is no teacher organization, by the teachers directly.

''(B) OTHER REPRESENTATIVES.—The members of a teacher center policy board—

''(i) shall include at least 2 members who are representatives of, or designated by, the school board of the local educational agency to be served by the teacher center;

''(ii) shall include at least 1 member who is a representative of, and is designated by, the institutions of higher education (with departments or schools of education) located in the area; and

''(iii) may include paraprofessionals.

''(g) APPLICATION.—

''(1) IN GENERAL.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) ASSURANCE OF COMPLIANCE.—An application under paragraph (1) shall include an assurance that the eligible entity will require any teacher center receiving assistance through the grant to comply with the requirements of this section.

''(3) TEACHER CENTER POLICY BOARD.—An application under paragraph (1) shall include the following:

''(A) An assurance that—

''(i) the eligible entity has established a teacher center policy board;

''(ii) the board participated fully in the preparation of the application; and

''(iii) the board approved the application as submitted.

''(B) A description of the membership of the board and the method of selection of the membership.

''(h) DEFINITIONS.—In this section:

''(1) The term 'eligible entity' means a local educational agency or a consortium of 2 or more local educational agencies.

''(2) The term 'high-need' means, with respect to an elementary school or a secondary school, a school—

''(A) that serves an eligible school attendance area (as defined in section 1113) in which not less than 65 percent of the children are from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act; or

''(B) in which not less than 65 percent of the children enrolled are from such families.

''(3) The term 'high-need local educational agency' means a local educational agency—

''(A) that serves not fewer than 10,000 children from families with incomes below the poverty line, or for which not less than 20 percent of the children served by the agency

are from families with incomes below the poverty line; and

''(B) that is having or expected to have difficulty filling teacher vacancies or hiring new teachers who are highly qualified.

''(4) The term 'teacher center policy board' means a teacher center policy board described in subsection (f).

''(i) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

(b) CONFORMING AMENDMENT.—The table of contents at section 2 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by inserting after the item relating to section 2441 of such Act the following new items:

''PART E—TEACHER RETENTION

''Sec. 2501. Improving professional development opportunities.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 536—COMMENDING THE 25TH YEAR OF SERVICE IN THE FEDERAL JUDICIARY BY WILLIAM W. WILKINS, CHIEF JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Mr. GRAHAM (for himself and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 536

Whereas Chief Judge William W. Wilkins entered public service in 1967 as an officer in the United States Army, eventually earning the rank of Colonel in the United States Army Reserves;

Whereas Chief Judge Wilkins served as the elected Solicitor in South Carolina and earned the reputation as a fearless prosecuting attorney;

Whereas, in 1981, newly-elected President Ronald Reagan appointed Chief Judge Wilkins as his first appointment as President to the position of United States District Judge for the District of South Carolina;

Whereas, in 1985, President Reagan appointed Chief Judge Wilkins to be the first Chair of the United States Sentencing Commission;

Whereas, under the determined leadership of Chief Judge Wilkins, the Sentencing Commission achieved major positive changes in the Federal criminal justice system;

Whereas, in 1986, President Reagan appointed Chief Judge Wilkins to the position of Circuit Judge for the United States Court of Appeals for the Fourth Circuit;

Whereas, in 2003, Chief Judge Wilkins was elevated to the position of Chief Judge of the United States Court of Appeals for the Fourth Circuit;

Whereas Chief Judge Wilkins has served as the Chair of the Criminal Law Committee of the Judicial Conference of the United States and, as of the date of approval of this resolution, serves as a member of this Conference; and

Whereas Chief Judge Wilkins is a nationally recognized jurist and is known for his scholarship, sharp wit, and unyielding allegiance to supporting and adhering to the rule of law: Now, therefore, be it

Resolved, That the Senate commends the 25th year of service in the Federal judiciary and a lifetime of dedicated public service by William W. Wilkins, Chief Judge of the United States Court of Appeals for the Fourth Circuit.

SENATE RESOLUTION 537—SUPPORTING THE NATIONAL SEXUAL ASSAULT HOTLINE AND COMMENDING THE HOTLINE FOR COUNSELING AND SUPPORTING MORE THAN 1,000,000 CALLERS

Mr. BIDEN (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 537

Whereas it is estimated that a sexual assault occurs every 2.5 minutes in the United States and more than 200,000 people in the United States each year are victims of sexual assault;

Whereas 1 of every 6 women and 1 of every 33 men in the United States have been victims of rape or attempted rape, according to the Department of Justice;

Whereas the Uniform Crime Reports of the Federal Bureau of Investigation rank rape second only to murder in the hierarchy of violent crimes;

Whereas research suggests that sexual assault victims who receive counseling are more likely to report the assault to the police and to participate in the prosecution of the offender;

Whereas, in June 2006, the National Sexual Assault Hotline (referred to in this preamble as ''Hotline'') helped its 1,000,000th caller;

Whereas the Hotline operates 24 hours per day, 365 days per year, offering important, free, and confidential crisis intervention, support, information, and referrals for victims of sexual assault and their friends and families;

Whereas the Hotline was created by the Rape, Abuse & Incest National Network (referred to in this preamble as ''RAINN''), a non-profit corporation, the headquarters of which are located in Washington, D.C.;

Whereas the Hotline answered its first call on July 27, 1994, and operated solely with private funds for the first 10 years the Hotline was in existence;

Whereas RAINN continues to operate the Hotline today, in partnership with 1,100 local rape crisis centers in the 50 States and the District of Columbia and with over 10,000 trained volunteers and staff, and in collaboration with coalitions against sexual assault in each of the 50 States;

Whereas the Hotline helps an average of 11,000 people each month and in 2005 helped 137,039 women, men, and children across the Nation;

Whereas the public education and outreach undertaken by RAINN and local rape crisis centers have increased public awareness of sexual violence and contributed to a 58-percent decline in crimes of sexual violence since 1993;

Whereas the Hotline has experienced a significant increase in call volume as public awareness of sexual violence has grown, with calls to the Hotline increasing by 43 percent since 2003;

Whereas millions of Americans have learned of the services available through the Hotline, thanks to the public service promotion contributed by every national broadcast television network, a dozen cable networks, and more than 1,000 radio stations, newspapers, and magazines; and

Whereas the Hotline serves as an outstanding example of a successful partnership between the Federal Government, the private sector, and individuals: Now, therefore, be it

Resolved, That the Senate—

(1) supports the National Sexual Assault Hotline; and

(2) commends the National Sexual Assault Hotline for counseling and supporting more than 1,000,000 callers.

Mr. BIDEN. Mr. President, I speak today to submit a resolution with my good friend and chairman of the Judiciary Committee, Senator SPECTER. Our resolution recognizes and commends the National Sexual Assault Hotline for counseling and helping more than 1 million callers. One of the most telling statistics since passage of the Violence Against Women Act in 1994 is the number of individuals reporting rape to the authorities. Almost half—42 percent of rape victims are now stepping forward and reporting these heinous crimes to the authorities, while prior to 2002, only 31 percent reported their attacks. Each number represents a brave victim who steps forward and says out loud that she has been raped. For years, rape was a crime of shame. Our society blamed the victim. Police, lawyers, and judges focused on her conduct—what did she wear? where was she walking? was she drinking alcohol? Slowly but surely, we are working to change societal attitudes about rape and improve our criminal justice system to encourage reporting and prosecution of rapes, whether committed by the neighbor next door or a stranger in an alley.

A critical partner in our fight to end sexual assault has been the National Sexual Assault Hotline operated by RAINN, the Rape, Abuse and Incest National Network. RAINN created this toll-free telephone hotline—1–800–656–HOPE—in 1994 and manages it with 1,100 local affiliates in 50 States, and the District of Columbia. Victims from across the country can telephone the Hotline and receive confidential, trained expertise from experienced professionals with the assistance of over 10,000 volunteers. In June 2006, the Hotline received its millionth call since it answered its first call in 1994. In 2005 alone, the Hotline helped 137,039 individuals, an average of 11,420 people a month.

The National Sexual Assault Hotline is truly a national treasure. It helps individuals and families recover from a horrendous violation. It provides a safe haven for victims to talk about the crime, and offers referrals on local psychological and physical help. A call to the National Sexual Assault Hotline is often the first step towards justice for a victim. Research shows that victims who receive counseling are significantly more likely to report the assault, and more likely to fully participate in the prosecution. Every 2.5 minutes, another American is sexually assaulted. We are fortunate to have the hotline there to answer victims' calls for help and healing. The hotline's volunteers are doing God's work, and deserve our gratitude. I am proud to rise with my good friend from Pennsylvania to introduce a resolution marking the hotline's millionth call and commemorating the hotline's tremendous work to help America's families and make our streets safer.

SENATE CONCURRENT RESOLUTION 111—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD EXPAND TRADE OPPORTUNITIES WITH MONGOLIA AND INITIATE NEGOTIATIONS TO ENTER INTO A FREE TRADE AGREEMENT WITH MONGOLIA

Mr. HAGEL (for himself, Mr. LUGAR, Mr. OBAMA, Ms. MURKOWSKI, and Mr. GREGG) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 111

Whereas Mongolia declared an end to a one-party Communist state in 1990 and embarked on democratic and free-market reforms;

Whereas these reforms included adopting democratic electoral processes, enacting further political reform measures, privatizing state enterprises, lifting price controls, and improving fiscal discipline;

Whereas since 1990, Mongolia has made progress to strengthen democratic governing institutions and protect individual rights;

Whereas the Department of State found in its 2005 Human Rights Report that Mongolia generally respected the human rights of its citizens although concerns remain, including the treatment of prisoners, freedom of the press and information, due process, and trafficking in persons;

Whereas the Department of State found in its 2005 Religious Freedom Report that Mongolia generally respects freedom of religion, although some concerns remain;

Whereas Mongolia has been a member of the World Trade Organization since 1997, and a member of the International Monetary Fund, the World Bank, and the Asian Development Bank since 1991;

Whereas in 1999 the United States provided permanent normal trade relations treatment to the products of Mongolia;

Whereas the United States and Mongolia signed a bilateral Trade and Investment Framework Agreement in 2004;

Whereas Mongolia has expressed steadfast commitment to greater economic reforms, including a commitment to encourage and expand the role of the private sector, increase transparency, strengthen the rule of law, combat corruption, and comply with international standards for labor and intellectual property rights protection;

Whereas bilateral trade between the United States and Mongolia in 2005 was valued at more than $165,000,000;

Whereas Mongolia has provided strong and consistent support to the United States in the global war on terror, including support for United States military forces and, since May 2003, contributed peace keepers to Operation Iraqi Freedom, artillery trainers to Operation Enduring Freedom, and personnel to the United Nations peace-keeping operations in Kosovo and Sierra Leone;

Whereas on August 6, 2002, the President signed into law H.R. 3009 (Public Law 107–210), the Trade Act of 2002, which provides for an expedited procedure for congressional consideration of international trade agreements;

Whereas on July 15, 2004, President Bush and President Bagabandi issued a joint statement that declared a new era of cooperation and comprehensive partnership between the two democratic countries based on shared values and common strategic interests;

Whereas in November 2005, President George W. Bush became the first President of the United States to visit Mongolia, and on November 21, 2005, President Bush and President Enkhbayar issued a joint statement declaring that the two countries are committed to defining guiding principles and expanding the framework of the comprehensive partnership between the United States and Mongolia; and

Whereas the United States and Mongolia would benefit from expanding and diversifying trade opportunities by reducing tariff and nontariff barriers to trade: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States should continue to work with Mongolia to expand bilateral United States-Mongolia trade opportunities and initiate negotiations to enter into a free trade agreement with Mongolia.

Mr. HAGEL. Mr. President, on behalf of my colleagues Senators LUGAR, OBAMA, MURKOWSKI and GREGG, I rise to submit a resolution that expresses the sense of the Senate that the United States should begin negotiations to establish a free trade agreement with Mongolia.

The United States and Mongolia enjoy healthy and deepening relations since the end of one-party Communist rule in Mongolia in 1990. Today, Mongolia is a strong and consistent partner of America, and has demonstrated its commitment to peace, democracy and international stability, notably by its involvement in Iraq and Afghanistan. America's relationship with Mongolia carries geostrategic importance.

Mongolia has made significant progress to strengthen its democratic governing institutions, to protect individuals rights and achieve free-market reforms. Its governments have adopted reforms that have enacted democratic electoral processes and the rule of law, privatized state enterprises, lifted price controls and improved fiscal discipline. Mongolia has achieved remarkable progress and continues to express its commitment to continued democratic and economic transition.

Mongolia has worked over the past years to become re-integrated in the international economic framework. In 1991, Mongolia joined the International Monetary Fund, the World Bank and the Asian Development Bank. In 1997, Mongolia joined the World Trade Organization. In 1999, the United States provided permanent normal trade relations to Mongolia. And, in 2004, the United States and Mongolia signed a bilateral Trade and Investment Framework Agreement. In 2005, bilateral trade was valued at more than $165 million.

This resolution recognizes the significance of the U.S.-Mongolia relationship and emphasizes that a deeper and more lasting bilateral economic and trading relationship is in the interest of both countries. I urge my colleagues to support the adoption of this resolution.

SENATE CONCURRENT RESOLUTION 112—RELATING TO CORRECTING A CLERICAL ERROR IN THE ENROLLMENT OF S. 3693

Mr. REID submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 112

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill, S. 3693, the Secretary of the Senate shall insert ''or reentries'' after ''States, reentry'' in section 212(a)(9)(C)(iii)(II) of the Immigration and Nationality Act, as added by section 6(b)(1)(C) of the bill.

AMENDMENTS SUBMITTED AMD PROPOSED

SA 4685. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 466, to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; which was referred to the Committee on Environment and Public Works.

SA 4686. Mr. HATCH (for himself, Mr. SPECTER, Mr. FRIST, Mr. BIDEN, Mr. NELSON, of Florida, Mr. DORGAN, Mr. GRASSLEY, Mr. KYL, Mr. SESSIONS, Mr. BURNS, Mr. SANTORUM, Mr. DAYTON, Mr. ALLEN, Mr. DEWINE, Mr. TALENT, Mr. GREGG, Ms. CANTWELL, Mr. MARTINEZ, Mr. ENSIGN, Mr. REID, Mr. COLEMAN, Ms. SNOWE, Ms. MURKOWSKI, Mr. THOMAS, and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 4472, to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.

SA 4687. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 4472, supra.

SA 4688. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1950, to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4685. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 466, to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; which was referred to the Committee on Environment and Public Works; as follows:

At the end, add the following:

SEC. 2. REDESIGNATION OF PROJECT FOR NAVIGATION, SACO RIVER, MAINE.

The portion of the project for navigation, Saco River, Maine, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and described as a 6-foot deep, 10-acre maneuvering basin located at the head of navigation, is redesignated as an anchorage area.

SA 4686. Mr. HATCH (for himself, Mr. SPECTER, Mr. FRIST, Mr. BIDEN, Mr. NELSON of Florida, Mr. DORGAN, Mr. GRASSLEY, Mr. KYL, Mr. SESSIONS, Mr. BURNS, Mr. SANTORUM, Mr. DAYTON, Mr. ALLEN, Mr. DEWINE, Mr. TALENT, Mr. GREGG, Ms. CANTWELL, Mr. MARTINEZ, Mr. ENSIGN, Mr. REID, Mr. COLEMAN, Ms. SNOWE, Ms. MURKOWSKI, Mr.

THOMAS, and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 4472, to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Adam Walsh Child Protection and Safety Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. IN RECOGNITION OF JOHN AND REVÉ WALSH ON THE OCCASION OF THE 25TH ANNIVERSARY OF ADAM WALSH'S ABDUCTION AND MURDER.

(a) ADAM WALSH'S ABDUCTION AND MURDER.—On July 27, 1981, in Hollywood, Florida,

6-year-old Adam Walsh was abducted at a mall. Two weeks later, some of Adam's remains were discovered in a canal more than 100 miles from his home.

(b) JOHN AND REVÉ WALSH'S COMMITMENT TO THE SAFETY OF CHILDREN.—Since the abduction and murder of their son Adam, both John and Revé Walsh have dedicated themselves to protecting children from child predators, preventing attacks on our children, and bringing child predators to justice. Their commitment has saved the lives of numerous children. Congress, and the American people, honor John and Revé Walsh for their dedication to the well-being and safety of America's children.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Sex Offender Registration and Notification Act''.

SEC. 102. DECLARATION OF PURPOSE.

In order to protect the public from sex offenders and offenders against children, and in response to the vicious attacks by violent predators against the victims listed below, Congress in this Act establishes a comprehensive national system for the registration of those offenders:

(1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.

(2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in New Jersey.

(3) Pam Lychner, who was 31 years old, was attacked by a career offender in Houston, Texas.

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005, in Cedar Rapids, Iowa.

(5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jessica Lunsford, who was 9 years old, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.

(7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted, and murdered in 1984, in Tempe, Arizona.

(10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted, and murdered in 1993 by a career offender in California.

(12) Jimmy Ryce, who was 9 years old, was kidnapped and murdered in Florida on September 11, 1995.

(13) Carlie Brucia, who was 11 years old, was abducted and murdered in Florida in February, 2004.

(14) Amanda Brown, who was 7 years old, was abducted and murdered in Florida in 1998.

(15) Elizabeth Smart, who was 14 years old, was abducted in Salt Lake City, Utah in June 2002.

(16) Molly Bish, who was 16 years old, was abducted in 2000 while working as a lifeguard in Warren, Massachusetts, where her remains were found 3 years later.

(17) Samantha Runnion, who was 5 years old, was abducted, sexually assaulted, and murdered in California on July 15, 2002.

SEC. 103. ESTABLISHMENT OF PROGRAM.

This Act establishes the Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program.

Subtitle A—Sex Offender Registration and Notification

SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS.

In this title the following definitions apply:

(1) SEX OFFENDER.—The term ''sex offender'' means an individual who was convicted of a sex offense.

(2) TIER I SEX OFFENDER.—The term ''tier I sex offender'' means a sex offender other than a tier II or tier III sex offender.

(3) TIER II SEX OFFENDER.—The term ''tier II sex offender'' means a sex offender other than a tier III sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, when committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:

(i) sex trafficking (as described in section 1591 of title 18, United States Code);

(ii) coercion and enticement (as described in section 2422(b) of title 18, United States Code);

(iii) transportation with intent to engage in criminal sexual activity (as described in section 2423(a)) of title 18, United States Code;

(iv) abusive sexual contact (as described in section 2244 of title 18, United States Code);

(B) involves—

(i) use of a minor in a sexual performance;

(ii) solicitation of a minor to practice prostitution; or

(iii) production or distribution of child pornography; or

(C) occurs after the offender becomes a tier I sex offender.

(4) TIER III SEX OFFENDER.—The term ''tier III sex offender'' means a sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, or an attempt or conspiracy to commit such an offense:

(i) aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code); or

(ii) abusive sexual contact (as described in section 2244 of title 18, United States Code) against a minor who has not attained the age of 13 years;

(B) involves kidnapping of a minor (unless committed by a parent or guardian); or

(C) occurs after the offender becomes a tier II sex offender.

(5) AMIE ZYLA EXPANSION OF SEX OFFENSE DEFINITION.—

(A) GENERALLY.—Except as limited by subparagraph (B) or (C), the term ''sex offense'' means—

(i) a criminal offense that has an element involving a sexual act or sexual contact with another;

(ii) a criminal offense that is a specified offense against a minor;

(iii) a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18, United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of title 18, United States Code;

(iv) a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note); or

(v) an attempt or conspiracy to commit an offense described in clauses (i) through (iv).

(B) FOREIGN CONVICTIONS.—A foreign conviction is not a sex offense for the purposes of this title if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established under section 112.

(C) OFFENSES INVOLVING CONSENSUAL SEXUAL CONDUCT.—An offense involving consensual sexual conduct is not a sex offense for the purposes of this title if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

(6) CRIMINAL OFFENSE.—The term ''criminal offense'' means a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note)) or other criminal offense.

(7) EXPANSION OF DEFINITION OF ''SPECIFIED OFFENSE AGAINST A MINOR'' TO INCLUDE ALL OFFENSES BY CHILD PREDATORS.—The term ''specified offense against a minor'' means an offense against a minor that involves any of the following:

(A) An offense (unless committed by a parent or guardian) involving kidnapping.

(B) An offense (unless committed by a parent or guardian) involving false imprisonment.

(C) Solicitation to engage in sexual conduct.

(D) Use in a sexual performance.

(E) Solicitation to practice prostitution.

(F) Video voyeurism as described in section 1801 of title 18, United States Code.

(G) Possession, production, or distribution of child pornography.

(H) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

(I) Any conduct that by its nature is a sex offense against a minor.

(8) CONVICTED AS INCLUDING CERTAIN JUVENILE ADJUDICATIONS.—The term ''convicted'' or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

(9) SEX OFFENDER REGISTRY.—The term ''sex offender registry'' means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(10) JURISDICTION.—The term ''jurisdiction'' means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of section 127, a federally recognized Indian tribe.

(11) STUDENT.—The term ''student'' means an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(12) EMPLOYEE.—The term ''employee'' includes an individual who is self-employed or works for any other entity, whether compensated or not.

(13) RESIDES.—The term ''resides'' means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives.

(14) MINOR.—The term ''minor'' means an individual who has not attained the age of 18 years.

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

(a) JURISDICTION TO MAINTAIN A REGISTRY.—Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title.

(b) GUIDELINES AND REGULATIONS.—The Attorney General shall issue guidelines and regulations to interpret and implement this title.

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

(a) IN GENERAL.—A sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student. For initial registration purposes only, a sex offender shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.

(b) INITIAL REGISTRATION.—The sex offender shall initially register—

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 3 business days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) KEEPING THE REGISTRATION CURRENT.—A sex offender shall, not later than 3 business days after each change of name, residence, employment, or student status, appear in person in at least 1 jurisdiction involved pursuant to subsection (a) and inform that jurisdiction of all changes in the information required for that offender in the sex offender registry. That jurisdiction shall immediately provide that information to all other jurisdictions in which the offender is required to register.

(d) INITIAL REGISTRATION OF SEX OFFENDERS UNABLE TO COMPLY WITH SUBSECTION (b).—The Attorney General shall have the authority to specify the applicability of the requirements of this title to sex offenders convicted before the enactment of this Act or its implementation in a particular jurisdiction, and to prescribe rules for the registration of any such sex offenders and for other categories of sex offenders who are unable to comply with subsection (b).

(e) STATE PENALTY FOR FAILURE TO COMPLY.—Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) PROVIDED BY THE OFFENDER.—The sex offender shall provide the following information to the appropriate official for inclusion in the sex offender registry:

(1) The name of the sex offender (including any alias used by the individual).

(2) The Social Security number of the sex offender.

(3) The address of each residence at which the sex offender resides or will reside.

(4) The name and address of any place where the sex offender is an employee or will be an employee.

(5) The name and address of any place where the sex offender is a student or will be a student.

(6) The license plate number and a description of any vehicle owned or operated by the sex offender.

(7) Any other information required by the Attorney General.

(b) PROVIDED BY THE JURISDICTION.—The jurisdiction in which the sex offender registers shall ensure that the following information is included in the registry for that sex offender:

(1) A physical description of the sex offender.

(2) The text of the provision of law defining the criminal offense for which the sex offender is registered.

(3) The criminal history of the sex offender, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the sex offender.

(4) A current photograph of the sex offender.

(5) A set of fingerprints and palm prints of the sex offender.

(6) A DNA sample of the sex offender.

(7) A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction.

(8) Any other information required by the Attorney General.

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

(a) FULL REGISTRATION PERIOD.—A sex offender shall keep the registration current for the full registration period (excluding any time the sex offender is in custody or civilly committed) unless the offender is allowed a reduction under subsection (b). The full registration period is—

(1) 15 years, if the offender is a tier I sex offender;

(2) 25 years, if the offender is a tier II sex offender; and

(3) the life of the offender, if the offender is a tier III sex offender.

(b) REDUCED PERIOD FOR CLEAN RECORD.—

(1) CLEAN RECORD.—The full registration period shall be reduced as described in paragraph (3) for a sex offender who maintains a clean record for the period described in paragraph (2) by—

(A) not being convicted of any offense for which imprisonment for more than 1 year may be imposed;

(B) not being convicted of any sex offense;

(C) successfully completing any periods of supervised release, probation, and parole; and

(D) successfully completing of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General.

(2) PERIOD.—In the case of—

(A) a tier I sex offender, the period during which the clean record shall be maintained is 10 years; and

(B) a tier III sex offender adjudicated delinquent for the offense which required registration in a sex registry under this title, the period during which the clean record shall be maintained is 25 years.

(3) REDUCTION.—In the case of—

(A) a tier I sex offender, the reduction is 5 years;

(B) a tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (2) is maintained.

SEC. 116. PERIODIC IN PERSON VERIFICATION.

A sex offender shall appear in person, allow the jurisdiction to take a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than—

(1) each year, if the offender is a tier I sex offender;

(2) every 6 months, if the offender is a tier II sex offender; and

(3) every 3 months, if the offender is a tier III sex offender.

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

(a) IN GENERAL.—An appropriate official shall, shortly before release of the sex offender from custody, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

(1) inform the sex offender of the duties of a sex offender under this title and explain those duties;

(2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and

(3) ensure that the sex offender is registered.

(b) NOTIFICATION OF SEX OFFENDERS WHO CANNOT COMPLY WITH SUBSECTION (a).—The Attorney General shall prescribe rules for the notification of sex offenders who cannot be registered in accordance with subsection (a).

SEC. 118. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

(a) IN GENERAL.—Except as provided in this section, each jurisdiction shall make available on the Internet, in a manner that is readily accessible to all jurisdictions and to the public, all information about each sex offender in the registry. The jurisdiction shall maintain the Internet site in a manner that will permit the public to obtain relevant information for each sex offender by a single query for any given zip code or geographic radius set by the user. The jurisdiction shall also include in the design of its Internet site all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General.

(b) MANDATORY EXEMPTIONS.—A jurisdiction shall exempt from disclosure—

(1) the identity of any victim of a sex offense;

(2) the Social Security number of the sex offender;

(3) any reference to arrests of the sex offender that did not result in conviction; and

(4) any other information exempted from disclosure by the Attorney General.

(c) OPTIONAL EXEMPTIONS.—A jurisdiction may exempt from disclosure—

(1) any information about a tier I sex offender convicted of an offense other than a specified offense against a minor;

(2) the name of an employer of the sex offender;

(3) the name of an educational institution where the sex offender is a student; and

(4) any other information exempted from disclosure by the Attorney General.

(d) LINKS.—The site shall include, to the extent practicable, links to sex offender safety and education resources.

(e) CORRECTION OF ERRORS.—The site shall include instructions on how to seek correction of information that an individual contends is erroneous.

(f) WARNING.—The site shall include a warning that information on the site should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address. The warning shall note that any such action could result in civil or criminal penalties.

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

(a) INTERNET.—The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and any other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

(b) ELECTRONIC FORWARDING.—The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) ESTABLISHMENT.—There is established the Dru Sjodin National Sex Offender Public Website (hereinafter in this section referred to as the ''Website''), which the Attorney General shall maintain.

(b) INFORMATION TO BE PROVIDED.—The Website shall include relevant information for each sex offender and other person listed on a jurisdiction's Internet site. The Website shall allow the public to obtain relevant information for each sex offender by a single query for any given zip code or geographical radius set by the user in a form and with such limitations as may be established by the Attorney General and shall have such other field search capabilities as the Attorney General may provide.

SEC. 121. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program (hereinafter in this section referred to as the ''Program'').

(b) PROGRAM NOTIFICATION.—Except as provided in subsection (c), immediately after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include that information in the National Sex Offender Registry or other appropriate databases.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is an employee or is a student.

(3) Each jurisdiction where the sex offender resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

(7) Any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction.

(c) FREQUENCY.—Notwithstanding subsection (b), an organization or individual described in subsection (b)(6) or (b)(7) may opt to receive the notification described in that subsection no less frequently than once every five business days.

SEC. 122. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.

An appropriate official shall notify the Attorney General and appropriate law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry and revise the jurisdiction's registry to reflect the nature of that failure. The appropriate official, the Attorney General, and each such law enforcement agency shall take any appropriate action to ensure compliance.

SEC. 123. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT AND WEBSITE SOFTWARE.

(a) DUTY TO DEVELOP AND SUPPORT.—The Attorney General shall, in consultation with the jurisdictions, develop and support software to enable jurisdictions to establish and operate uniform sex offender registries and Internet sites.

(b) CRITERIA.—The software should facilitate—

(1) immediate exchange of information among jurisdictions;

(2) public access over the Internet to appropriate information, including the number of registered sex offenders in each jurisdiction on a current basis;

(3) full compliance with the requirements of this title; and

(4) communication of information to community notification program participants as required under section 121.

(c) DEADLINE.—The Attorney General shall make the first complete edition of this software available to jurisdictions within 2 years of the date of the enactment of this Act.

SEC. 124. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

(a) DEADLINE.—Each jurisdiction shall implement this title before the later of—

(1) 3 years after the date of the enactment of this Act; and

(2) 1 year after the date on which the software described in section 123 is available.

(b) EXTENSIONS.—The Attorney General may authorize up to two 1-year extensions of the deadline.

SEC. 125. FAILURE OF JURISDICTION TO COMPLY.

(a) IN GENERAL.—For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, to substantially implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(b) STATE CONSTITUTIONALITY.—

(1) IN GENERAL.—When evaluating whether a jurisdiction has substantially implemented this title, the Attorney General shall consider whether the jurisdiction is unable to substantially implement this title because of a demonstrated inability to implement certain provisions that would place the jurisdiction in violation of its constitution, as determined by a ruling of the jurisdiction's highest court.

(2) EFFORTS.—If the circumstances arise under paragraph (1), then the Attorney General and the jurisdiction shall make good faith efforts to accomplish substantial implementation of this title and to reconcile any conflicts between this title and the jurisdiction's constitution. In considering whether compliance with the requirements of this title would likely violate the jurisdiction's constitution or an interpretation thereof by the jurisdiction's highest court, the Attorney General shall consult with the chief executive and chief legal officer of the jurisdiction concerning the jurisdiction's interpretation of the jurisdiction's constitution and rulings thereon by the jurisdiction's highest court.

(3) ALTERNATIVE PROCEDURES.—If the jurisdiction is unable to substantially implement this title because of a limitation imposed by the jurisdiction's constitution, the Attorney General may determine that the jurisdiction is in compliance with this Act if the jurisdiction has made, or is in the process of implementing reasonable alternative procedures or accommodations, which are consistent with the purposes of this Act.

(4) FUNDING REDUCTION.—If a jurisdiction does not comply with paragraph (3), then the jurisdiction shall be subject to a funding reduction as specified in subsection (a).

(c) REALLOCATION.—Amounts not allocated under a program referred to in this section to a jurisdiction for failure to substantially implement this title shall be reallocated under that program to jurisdictions that have not failed to substantially implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title.

(d) RULE OF CONSTRUCTION.—The provisions of this title that are cast as directions to jurisdictions or their officials constitute, in relation to States, only conditions required to avoid the reduction of Federal funding under this section.

SEC. 126. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this title referred to as the ''SOMA program''), under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this title.

(b) APPLICATION.—The chief executive of a jurisdiction desiring a grant under this section shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—A jurisdiction that, as determined by the Attorney General, has substantially implemented this title not later than 2 years after the date of the enactment of this Act is eligible for a bonus payment. The Attorney General may make such a payment under the SOMA program for the first fiscal year beginning after that determination. The amount of the payment shall be—

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if that implementation is not later than 1 year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than 2 years after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2007 through 2009.

SEC. 127. ELECTION BY INDIAN TRIBES.

(a) ELECTION.—

(1) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body—

(A) elect to carry out this subtitle as a jurisdiction subject to its provisions; or

(B) elect to delegate its functions under this subtitle to another jurisdiction or jurisdictions within which the territory of the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to enable such other jurisdiction or jurisdictions to carry out and enforce the requirements of this subtitle.

(2) IMPUTED ELECTION IN CERTAIN CASES.—A tribe shall be treated as if it had made the election described in paragraph (1)(B) if—

(A) it is a tribe subject to the law enforcement jurisdiction of a State under section 1162 of title 18, United States Code;

(B) the tribe does not make an election under paragraph (1) within 1 year of the enactment of this Act or rescinds an election under paragraph (1)(A); or

(C) the Attorney General determines that the tribe has not substantially implemented the requirements of this subtitle and is not

likely to become capable of doing so within a reasonable amount of time.

(b) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(1) NONDUPLICATION.—A tribe subject to this subtitle is not required to duplicate functions under this subtitle which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(2) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such a jurisdiction or jurisdictions—

(A) arrange for the tribe to carry out any function of such a jurisdiction under this subtitle with respect to sex offenders subject to the tribe's jurisdiction; and

(B) arrange for such a jurisdiction to carry out any function of the tribe under this subtitle with respect to sex offenders subject to the tribe's jurisdiction.

SEC. 128. REGISTRATION OF SEX OFFENDERS ENTERING THE UNITED STATES.

The Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish and maintain a system for informing the relevant jurisdictions about persons entering the United States who are required to register under this title. The Secretary of State and the Secretary of Homeland Security shall provide such information and carry out such functions as the Attorney General may direct in the operation of the system.

SEC. 129. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.

(a) REPEAL.—Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994, and section 8 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (42 U.S.C. 14073), are repealed.

(b) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, this section shall take effect on the date of the deadline determined in accordance with section 124(a).

SEC. 130. LIMITATION ON LIABILITY FOR THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following:

''(g) LIMITATION ON LIABILITY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil or criminal action arising from the performance of its CyberTipline responsibilities and functions, as defined by this section, or from its efforts to identify child victims.

''(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

''(3) ORDINARY BUSINESS ACTIVITIES.—Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.''.

SEC. 131. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

Subtitle B—Improving Federal Criminal Law Enforcement To Ensure Sex Offender Compliance With Registration and Notification Requirements and Protection of Children From Violent Predators

SEC. 141. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.

(a) CRIMINAL PENALTIES FOR NONREGISTRATION.—

(1) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 109A the following:

''CHAPTER 109B—SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY

''Sec
''2250. Failure to register

''§ 2250. Failure to register

''(a) IN GENERAL.—Whoever—

''(1) is required to register under the Sex Offender Registration and Notification Act;

''(2)(A) is a sex offender as defined for the purposes of the Sex Offender Registration and Notification Act by reason of a conviction under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States; or

''(B) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country; and

''(3) knowingly fails to register or update a registration as required by the Sex Offender Registration and Notification Act;

shall be fined under this title or imprisoned not more than 10 years, or both.

''(b) AFFIRMATIVE DEFENSE.—In a prosecution for a violation under subsection (a), it is an affirmative defense that—

''(1) uncontrollable circumstances prevented the individual from complying;

''(2) the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply; and

''(3) the individual complied as soon as such circumstances ceased to exist.

''(c) CRIME OF VIOLENCE.—

''(1) IN GENERAL.—An individual described in subsection (a) who commits a crime of violence under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States shall be imprisoned for not less than 5 years and not more than 30 years.

''(2) ADDITIONAL PUNISHMENT.—The punishment provided in paragraph (1) shall be in addition and consecutive to the punishment provided for the violation described in subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following:

''109B. Sex offender and crimes against children registry ..... 2250''.

(b) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—In promulgating guidelines for use of a sentencing court in determining the sentence to be imposed for the offense specified in subsection (a), the United States Sentencing Commission shall consider the following matters, in addition to the matters specified in section 994 of title 28, United States Code:

(1) Whether the person committed another sex offense in connection with, or during, the period for which the person failed to register.

(2) Whether the person committed an offense against a minor in connection with, or during, the period for which the person failed to register.

(3) Whether the person voluntarily attempted to correct the failure to register.

(4) The seriousness of the offense which gave rise to the requirement to register, including whether such offense is a tier I, tier II, or tier III offense, as those terms are defined in section 111.

(5) Whether the person has been convicted or adjudicated delinquent for any offense other than the offense which gave rise to the requirement to register.

(c) FALSE STATEMENT OFFENSE.—Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: ''If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.''.

(d) PROBATION.—Paragraph (8) of section 3563(a) of title 18, United States Code, is amended to read as follows:

''(8) for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and''.

(e) SUPERVISED RELEASE.—Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), in the sentence beginning with ''The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4)'', by striking ''described in section 4042(c)(4)'' and all that follows through the end of the sentence and inserting ''required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act.''.

(2) in subsection (k)—

(A) by striking ''2244(a)(1), 2244(a)(2)'' and inserting ''2243, 2244, 2245, 2250'';

(B) by inserting ''not less than 5,'' after ''any term of years''; and

(C) by adding at the end the following: ''If a defendant required to register under the Sex Offender Registration and Notification Act commits any criminal offense under any of chapters 109A, 110, or 117, or sections 1201 or 1591, for which imprisonment for a term longer than 1 year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years.''.

(f) DUTIES OF THE BUREAU OF PRISONS.—Paragraph (3) of section 4042(c) of title 18, United States Code, is amended to read as follows:

''(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.''.

(g) CONFORMING AMENDMENTS TO CROSS REFERENCES.—Section 4042(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''(4)'' and inserting ''(3), or any other person in a category specified by the Attorney General,''; and

(2) in paragraph (2)—

(A) in the first sentence, by striking ''shall be subject to a registration requirement as a sex offender'' and inserting ''shall register as required by the Sex Offender Registration and Notification Act''; and

(B) in the fourth sentence, by striking ''(4)'' and inserting ''(3)''.

(h) CONFORMING REPEAL OF DEADWOOD.—Paragraph (4) of section 4042(c) of title 18, United States Code, is repealed.

(i) MILITARY OFFENSES.—

(1) Section 115(a)(8)(C)(i) of Public Law 105–119 (111 Stat. 2466) is amended by striking

''which encompass'' and all that follows through ''and (B))'' and inserting ''which are sex offenses as that term is defined in the Sex Offender Registration and Notification Act''.

(2) Section 115(a)(8)(C)(iii) of Public Law 105–119 (111 Stat. 2466; 10 U.S.C. 951 note) is amended by striking ''the amendments made by subparagraphs (A) and (B)'' and inserting ''the Sex Offender Registration and Notification Act''.

(j) CONFORMING AMENDMENT RELATING TO PAROLE.—Section 4209(a) of title 18, United States Code, is amended in the second sentence by striking ''described'' and all that follows through the end of the sentence and inserting ''required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.''.

SEC. 142. FEDERAL ASSISTANCE WITH RESPECT TO VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—The Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements. For the purposes of section 566(e)(1)(B) of title 28, United States Code, a sex offender who violates a sex offender registration requirement shall be deemed a fugitive.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to implement this section.

SEC. 143. PROJECT SAFE CHILDHOOD.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall create and maintain a Project Safe Childhood program in accordance with this section.

(b) INITIAL IMPLEMENTATION.—Except as authorized under subsection (c), funds authorized under this section may only be used for the following 5 purposes:

(1) Integrated Federal, State, and local efforts to investigate and prosecute child exploitation cases, including—

(A) the partnership by each United States Attorney with each Internet Crimes Against Children Task Force that is a part of the Internet Crimes Against Children Task Force Program authorized and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.) (referred to in this section as the ''ICAC Task Force Program'') that exists within the district of such attorney;

(B) the partnership by each United States Attorney with other Federal, State, and local law enforcement partners working in the district of such attorney to implement the program described in subsection (a);

(C) the development by each United States Attorney of a district-specific strategic plan to coordinate the investigation and prosecution of child exploitation crimes;

(D) efforts to identify and rescue victims of child exploitation crimes; and

(E) local training, educational, and awareness programs of such crimes.

(2) Major case coordination by the Department of Justice (or other Federal agencies as appropriate), including specific integration or cooperation, as appropriate, of—

(A) the Child Exploitation and Obscenity Section within the Department of Justice;

(B) the Innocent Images Unit of the Federal Bureau of Investigation;

(C) any task forces established in connection with the Project Safe Childhood program set forth under subsection (a); and

(D) the High Tech Investigative Unit within the Criminal Division of the Department of Justice.

(3) Increased Federal involvement in child pornography and enticement cases by providing additional investigative tools and increased penalties under Federal law.

(4) Training of Federal, State, and local law enforcement through programs facilitated by—

(A) the National Center for Missing and Exploited Children;

(B) the ICAC Task Force Program; and

(C) any other ongoing program regarding the investigation and prosecution of computer-facilitated crimes against children, including training and coordination regarding leads from—

(i) Federal law enforcement operations; and

(ii) the CyberTipline and Child Victim-Identification programs managed and maintained by the National Center for Missing and Exploited Children.

(5) Community awareness and educational programs through partnerships to provide national public awareness and educational programs through—

(A) the National Center for Missing and Exploited Children;

(B) the ICAC Task Force Program; and

(C) any other ongoing programs that—

(i) raises national awareness about the threat of online sexual predators; or

(ii) provides information to parents and children seeking to report possible violations of computer-facilitated crimes against children.

(c) EXPANSION OF PROJECT SAFE CHILDHOOD.—Notwithstanding subsection (b), funds authorized under this section may be also be used for the following purposes:

(1) The addition of not less than 8 Assistant United States Attorneys at the Department of Justice dedicated to the prosecution of cases in connection with the Project Safe Childhood program set forth under subsection (a).

(2) The creation, development, training, and deployment of not less than 10 new Internet Crimes Against Children task forces within the ICAC Task Force Program consisting of Federal, State, and local law enforcement personnel dedicated to the Project Safe Childhood program set forth under subsection (a), and the enhancement of the forensic capacities of existing Internet Crimes Against Children task forces.

(3) The development and enhancement by the Federal Bureau of Investigation of the Innocent Images task forces.

(4) Such other additional and related purposes as the Attorney General determines appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated—

(1) for the activities described under subsection (b)—

(A) $18,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the 5 succeeding fiscal years; and

(2) for the activities described under subsection (c)—

(A) for fiscal year 2007—

(i) $15,000,000 for the activities under paragraph (1);

(ii) $10,000,000 for activities under paragraph (2); and

(iii) $4,000,000 for activities under paragraph (3); and

(B) such sums as may be necessary for each of the 5 succeeding fiscal years.

SEC. 144. FEDERAL ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF A MAJOR DISASTER.

The Attorney General shall provide assistance to jurisdictions in the identification and location of a sex offender relocated as a result of a major disaster.

SEC. 145. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) TRAINING.—The Attorney General shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the Internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings involving corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multidisciplinary approaches to holding offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat online solicitation of children by sex offenders.

(b) TECHNOLOGY.—The Attorney General shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) REPORT.—Not later than July 1, 2007, the Attorney General, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General, for fiscal year 2007—

(1) $1,000,000 to carry out subsection (a); and

(2) $2,000,000 to carry out subsection (b).

SEC. 146. OFFICE OF SEX OFFENDER SENTENCING, MONITORING, APPREHENDING, REGISTERING, AND TRACKING.

(a) ESTABLISHMENT.—There is established within the Department of Justice, under the general authority of the Attorney General, an Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (hereinafter in this section referred to as the ''SMART Office'').

(b) DIRECTOR.—The SMART Office shall be headed by a Director who shall be appointed by the President. The Director shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs and shall have final authority for all grants, cooperative agreements, and contracts awarded by the SMART Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement.

(c) DUTIES AND FUNCTIONS.—The SMART Office is authorized to—

(1) administer the standards for the sex offender registration and notification program set forth in this Act;

(2) administer grant programs relating to sex offender registration and notification authorized by this Act and other grant programs authorized by this Act as directed by the Attorney General;

(3) cooperate with and provide technical assistance to States, units of local government, tribal governments, and other public and private entities involved in activities related to sex offender registration or notification or to other measures for the protection of children or other members of the public from sexual abuse or exploitation; and

(4) perform such other functions as the Attorney General may delegate.

Subtitle C—Access to Information and Resources Needed To Ensure That Children Are Not Attacked or Abused

SEC. 151. ACCESS TO NATIONAL CRIME INFORMATION DATABASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall ensure access to the national crime information databases (as defined in section 534 of title 28, United States Code) by—

(1) the National Center for Missing and Exploited Children, to be used only within the scope of the Center's duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and

(2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) CONDITIONS OF ACCESS.—The access provided under this section, and associated rules of dissemination, shall be—

(1) defined by the Attorney General; and

(2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

SEC. 152. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION OF OPT-OUT.—

(1) REQUIREMENT TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (I)—

(I) by inserting '', including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code),'' after ''criminal records checks''; and

(II) by striking ''on whose behalf foster care maintenance payments or adoption assistance payments are to be made'' and inserting ''regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child''; and

(ii) in each of clauses (i) and (ii), by inserting ''involving a child on whose behalf such payments are to be so made'' after ''in any case''; and

(B) by adding at the end the following:

''(C) provides that the State shall—

''(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

''(ii) comply with any request described in clause (i) that is received from another State; and

''(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;''.

(2) SUSPENSION OF OPT-OUT.—Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) by inserting '', on or before September 30, 2005,'' after ''plan if''; and

(B) by inserting '', on or before such date,'' after ''or if''.

(b) ELIMINATION OF OPT-OUT.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''unless an election provided for in subparagraph (B) is made with respect to the State,''; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(c) EFFECTIVE DATE.—

(1) GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) ELIMINATION OF OPT-OUT.—The amendments made by subsection (b) shall take effect on October 1, 2008, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(3) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under section 471 of the Social Security Act to meet the additional requirements imposed by the amendments made by a subsection of this section, the plan shall not be regarded as failing to meet any of the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the otherwise applicable effective date of the amendments. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 153. SCHOOLS SAFE ACT.

(a) SHORT TITLE.—This section may be cited as the ''Schools Safely Acquiring Faculty Excellence Act of 2006''.

(b) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code as redesignated under subsection (e)) pursuant to a request submitted by—

(1) a child welfare agency for the purpose of—

(A) conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as prospective foster or adoptive parents; or

(B) an investigation relating to an incident of abuse or neglect of a minor; or

(2) a private or public elementary school, a private or public secondary school, a local educational agency, or State educational agency in that State, on individuals employed by, under consideration for employment by, or otherwise in a position in which the individual would work with or around children in the school or agency.

(c) FINGERPRINT-BASED CHECK.—Where possible, the check shall include a fingerprint-based check of State criminal history databases.

(d) FEES.—The Attorney General and the States may charge any applicable fees for the checks.

(e) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (b) may release that information only to appropriate officers of child welfare agencies, public or private elementary or secondary schools, or educational agencies or other persons authorized by law to receive that information.

(f) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (b), or knowingly releases information in violation of subsection (e), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(g) CHILD WELFARE AGENCY DEFINED.—In this section, the term ''child welfare agency'' means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

(h) DEFINITION OF EDUCATION TERMS.—In this section, the terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''State educational agency'' have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(i) TECHNICAL CORRECTION.—Section 534 of title 28, United States Code, is amended by redesignating the second subsection (e) as subsection (f).

SEC. 154. MISSING CHILD REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person; and''; and

(3) in paragraph (3), as redesignated, by striking ''immediately'' and inserting ''within 2 hours of receipt''.

(b) DEFINITIONS.—Section 403(1) of the Comprehensive Crime Control Act of 1984 (42 U.S.C. 5772) is amended by striking ''if'' through subparagraph (B) and inserting a semicolon.

SEC. 155. DNA FINGERPRINTING.

The first sentence of section 3(a)(1)(A) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(a)(1)(A)) is amended by striking ''arrested'' and inserting ''arrested, facing charges, or convicted''.

TITLE II—FEDERAL CRIMINAL LAW ENHANCEMENTS NEEDED TO PROTECT CHILDREN FROM SEXUAL ATTACKS AND OTHER VIOLENT CRIMES

SEC. 201. PROHIBITION ON INTERNET SALES OF DATE RAPE DRUGS.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

''(g) INTERNET SALES OF DATE RAPE DRUGS.—

''(1) Whoever knowingly uses the Internet to distribute a date rape drug to any person, knowing or with reasonable cause to believe that—

''(A) the drug would be used in the commission of criminal sexual conduct; or

''(B) the person is not an authorized purchaser;

shall be fined under this title or imprisoned not more than 20 years, or both.

''(2) As used in this subsection:

''(A) The term 'date rape drug' means—

''(i) gamma hydroxybutyric acid (GHB) or any controlled substance analogue of GHB, including gamma butyrolactone (GBL) or 1,4–butanediol;

''(ii) ketamine;

''(iii) flunitrazepam; or

''(iv) any substance which the Attorney General designates, pursuant to the rulemaking procedures prescribed by section 553 of title 5, United States Code, to be used in committing rape or sexual assault.

The Attorney General is authorized to remove any substance from the list of date rape drugs pursuant to the same rulemaking authority.

''(B) The term 'authorized purchaser' means any of the following persons, provided such person has acquired the controlled substance in accordance with this Act:

''(i) A person with a valid prescription that is issued for a legitimate medical purpose in the usual course of professional practice that is based upon a qualifying medical relationship by a practitioner registered by the Attorney General. A 'qualifying medical relationship' means a medical relationship that exists when the practitioner has conducted at least 1 medical evaluation with the authorized purchaser in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other heath professionals. The preceding sentence shall not be construed to imply that 1 medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

''(ii) Any practitioner or other registrant who is otherwise authorized by their registration to dispense, procure, purchase, manufacture, transfer, distribute, import, or export the substance under this Act.

''(iii) A person or entity providing documentation that establishes the name, address, and business of the person or entity and which provides a legitimate purpose for using any 'date rape drug' for which a prescription is not required.

''(3) The Attorney General is authorized to promulgate regulations for record-keeping and reporting by persons handling 1,4–butanediol in order to implement and enforce the provisions of this section. Any record or report required by such regulations shall be considered a record or report required under this Act.''.

SEC. 202. JETSETA GAGE ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

Section 3559 of title 18, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

''(f) MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A person who is convicted of a Federal offense that is a crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

''(1) if the crime of violence is murder, be imprisoned for life or for any term of years not less than 30, except that such person shall be punished by death or life imprisonment if the circumstances satisfy any of subparagraphs (A) through (D) of section 3591(a)(2) of this title;

''(2) if the crime of violence is kidnapping (as defined in section 1201) or maiming (as defined in section 114), be imprisoned for life or any term of years not less than 25; and

''(3) if the crime of violence results in serious bodily injury (as defined in section 1365), or if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for life or for any term of years not less than 10.''.

SEC. 203. PENALTIES FOR COERCION AND ENTICEMENT BY SEX OFFENDERS.

Section 2422(b) of title 18, United States Code, is amended by striking ''not less than 5 years and not more than 30 years'' and inserting ''not less than 10 years or for life''.

SEC. 204. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.

Section 2423(a) of title 18, United States Code, is amended by striking ''5 years and not more than 30 years'' and inserting ''10 years or for life''.

SEC. 205. PENALTIES FOR SEXUAL ABUSE.

Section 2242 of title 18, United States Code, is amended by striking '', imprisoned not more than 20 years, or both'' and inserting ''and imprisoned for any term of years or for life''.

SEC. 206. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE AND CONTACT.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by striking '', imprisoned for any term of years or life, or both'' and inserting ''and imprisoned for not less than 30 years or for life''.

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''subsection (a) or (b) of'' before ''section 2241'';

(ii) by striking ''or'' at the end of paragraph (3);

(iii) by striking the period at the end of paragraph (4) and inserting ''; or''; and

(iv) by inserting after paragraph (4) the following:

''(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.''; and

(B) in subsection (c), by inserting ''(other than subsection (a)(5))'' after ''violates this section''.

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended to read as follows:

''§ 2245. Offenses resulting in death

''(a) IN GENERAL.—A person who, in the course of an offense under this chapter, or sections 1591, 2251, 2251A, 2260, 2421, 2422, 2423, or 2425, murders an individual, shall be punished by death or imprisoned for any term of years or for life.''.

(4) DEATH PENALTY AGGRAVATING FACTOR.—Section 3592(c)(1) of title 18, United States Code, is amended by inserting ''section 2245 (offenses resulting in death),'' after ''(wrecking trains),''.

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended—

(A) by inserting ''section 1591,'' after ''this chapter,'' the first place it appears;

(B) by striking ''the sexual exploitation of children'' the first place it appears and inserting ''aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography''; and

(C) by striking ''any term of years or for life'' and inserting ''not less than 30 years or for life''.

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by striking ''paragraphs (1)'' and inserting ''paragraph (1)'';

(B) by inserting ''section 1591,'' after ''this chapter,''; and

(C) by inserting '', or sex trafficking of children'' after ''pornography''.

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by inserting ''section 1591,'' after ''this chapter,''; and

(B) by inserting '', or sex trafficking of children'' after ''pornography''.

(4) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.—Section 2252B(b) of title 18, United States Code, is amended by striking ''4'' and inserting ''10''.

(5) EXTRATERRITORIAL CHILD PORNOGRAPHY OFFENSES.—Section 2260(c) of title 18, United States Code, is amended to read as follows:

''(c) PENALTIES.—

''(1) A person who violates subsection (a), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (e) of section 2251 for a violation of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in that subsection.

''(2) A person who violates subsection (b), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (b)(1) of section 2252 for a violation of paragraph (1), (2), or (3) of subsection (a) of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in subsection (b)(1) of section 2252.''.

(c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN REPEATED SEX OFFENSES AGAINST CHILDREN.—Section 3559(e)(2)(A) of title 18, United States Code, is amended by inserting ''1591 (relating to sex trafficking of children),'' after ''under section''.

SEC. 207. SEXUAL ABUSE OF WARDS.

Chapter 109A of title 18, United States Code, is amended—

(1) in section 2243(b), by striking ''five years'' and inserting ''15 years''; and

(2) by inserting a comma after ''Attorney General'' each place it appears.

SEC. 208. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1591(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''or imprisonment'' and inserting ''and imprisonment'';

(B) by inserting ''not less than 15'' after ''any term of years''; and

(C) by striking '', or both''; and

(2) in paragraph (2)—

(A) by striking ''or imprisonment for not more than 40 years, or both'' and inserting ''and imprisonment for not less than 10 years or for life''; and

(B) by striking '', or both''.

SEC. 209. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking ''guilty of a Class B misdemeanor'' and inserting ''fined under this title or imprisoned not more than 1 year or both''.

SEC. 210. SEX OFFENDER SUBMISSION TO SEARCH AS CONDITION OF RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(b) of title 18, United States Code, is amended—

(1) in paragraph (21), by striking ''or'' ;

(2) in paragraph (22) by striking the period at the end and inserting ''or;'' and

(3) by inserting after paragraph (22) the following:

''(23) if required to register under the Sex Offender Registration and Notification Act, submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.''.

(b) SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by adding at the end the following: ''The court may order, as an explicit condition of supervised release for a person who is a felon and required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.''.

SEC. 211. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18, United States Code, is amended—

(1) by adding at the end the following:

''§ 3299. Child abduction and sex offenses

''Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110 (except for section 2257 and 2257A), or 117, or section 1591.''; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

''3299. Child abduction and sex offenses''.

SEC. 212. VICTIMS' RIGHTS ASSOCIATED WITH HABEAS CORPUS PROCEEDINGS.

Section 3771(b) of title 18, United States Code, is amended—

(1) by striking ''In any court proceeding'' and inserting the following:

''(1) IN GENERAL.—In any court proceeding''; and

(2) by adding at the end the following:

''(2) HABEAS CORPUS PROCEEDINGS.—

''(A) IN GENERAL.—In a Federal habeas corpus proceeding arising out of a State conviction, the court shall ensure that a crime victim is afforded the rights described in paragraphs (3), (4), (7), and (8) of subsection (a).

''(B) ENFORCEMENT.—

''(i) IN GENERAL.—These rights may be enforced by the crime victim or the crime victim's lawful representative in the manner described in paragraphs (1) and (3) of subsection (d).

''(ii) MULTIPLE VICTIMS.—In a case involving multiple victims, subsection (d)(2) shall also apply.

''(C) LIMITATION.—This paragraph relates to the duties of a court in relation to the rights of a crime victim in Federal habeas corpus proceedings arising out of a State conviction, and does not give rise to any obligation or requirement applicable to personnel of any agency of the Executive Branch of the Federal Government.

''(D) DEFINITION.—For purposes of this paragraph, the term 'crime victim' means the person against whom the State offense is committed or, if that person is killed or incapacitated, that person's family member or other lawful representative.''.

SEC. 213. KIDNAPPING JURISDICTION.

Section 1201 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''if the person was alive when the transportation began'' and inserting '', or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense''; and

(2) in subsection (b), by striking ''to interstate'' and inserting ''in interstate''.

SEC. 214. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.

The Committee on Rules, Practice, Procedure, and Evidence of the Judicial Conference of the United States shall study the necessity and desirability of amending the Federal Rules of Evidence to provide that the confidential marital communications privilege and the adverse spousal privilege shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against—

(1) a child of either spouse; or

(2) a child under the custody or control of either spouse.

SEC. 215. ABUSE AND NEGLECT OF INDIAN CHILDREN.

Section 1153(a) of title 18, United States Code, is amended by inserting ''felony child abuse or neglect,'' after ''years,''.

SEC. 216. IMPROVEMENTS TO THE BAIL REFORM ACT TO ADDRESS SEX CRIMES AND OTHER MATTERS.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(B), by inserting at the end the following: ''In any case that involves a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title, or a failure to register offense under section 2250 of this title, any release order shall contain, at a minimum, a condition of electronic monitoring and each of the conditions specified at subparagraphs (iv), (v), (vi), (vii), and (viii).''

(2) in subsection (f)(1)—

(A) in subparagraph (C), by striking ''or'' at the end; and

(B) by adding at the end the following:

''(E) any felony that is not otherwise a crime of violence that involves a minor victim or that involves the possession or use of a firearm or destructive device (as those terms are defined in section 921), or any other dangerous weapon, or involves a failure to register under section 2250 of title 18, United States Code; or''; and

(3) in subsection (g), by striking paragraph (1) and inserting the following:

''(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;''.

TITLE III—CIVIL COMMITMENT OF DANGEROUS SEX OFFENDERS

SEC. 301. JIMMY RYCE STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

(a) GRANTS AUTHORIZED.—Except as provided in subsection (b), the Attorney General shall make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) LIMITATION.—The Attorney General shall not make any grant under this section for the purpose of establishing, enhancing, or operating any transitional housing for a sexually dangerous person in or near a location where minors or other vulnerable persons are likely to come into contact with that person.

(c) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a jurisdiction shall, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) COMPLIANCE PERIOD.—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(3) RELEASE NOTICE.—

(A) Each civil commitment program for which funding is required under this section shall require the issuance of timely notice to a State official responsible for considering whether to pursue civil commitment proceedings upon the impending release of any person incarcerated by the State who—

(i) has been convicted of a sexually violent offense; or

(ii) has been deemed by the State to be at high risk for recommitting any sexual offense against a minor.

(B) The program shall further require that upon receiving notice under subparagraph (A), the State official shall consider whether or not to pursue a civil commitment proceeding, or any equivalent proceeding required under State law.

(d) ATTORNEY GENERAL REPORTS.—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(e) DEFINITIONS.—As used in this section:

(1) The term ''civil commitment program'' means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term ''sexually dangerous person'' means a person suffering from a serious mental illness, abnormality, or disorder, as a result of which the individual would have serious difficulty in refraining from sexually violent conduct or child molestation.

(3) The term ''jurisdiction'' has the meaning given such term in section 111.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2007 through 2010.

SEC. 302. JIMMY RYCE CIVIL COMMITMENT PROGRAM.

Chapter 313 of title 18, United States Code, is amended—

(1) in the chapter analysis—

(A) in the item relating to section 4241, by inserting ''or to undergo postrelease proceedings'' after ''trial''; and

(B) by inserting at the end the following:

''4248. Civil commitment of a sexually dangerous person'';

(2) in section 4241—

(A) in the heading, by inserting or ''**TO UNDERGO POSTRELEASE PROCEEDINGS**'' after ''**TRIAL**'';

(B) in the first sentence of subsection (a), by inserting ''or at any time after the commencement of probation or supervised release and prior to the completion of the sentence,'' after ''defendant,'';

(C) in subsection (d)—

(i) by striking ''trial to proceed'' each place it appears and inserting ''proceedings to go forward''; and

(ii) by striking ''section 4246'' and inserting ''sections 4246 and 4248''; and

(D) in subsection (e)—

(i) by inserting ''or other proceedings'' after ''trial''; and

(ii) by striking ''chapter 207'' and inserting ''chapters 207 and 227'';

(3) in section 4247—

(A) by striking '', or 4246'' each place it appears and inserting '', 4246, or 4248'';

(B) in subsections (g) and (i), by striking ''4243 or 4246'' each place it appears and inserting ''4243, 4246, or 4248'';

(C) in subsection (a)—

(i) by amending subparagraph (1)(C) to read as follows:

''(C) drug, alcohol, and sex offender treatment programs, and other treatment programs that will assist the individual in overcoming a psychological or physical dependence or any condition that makes the individual dangerous to others; and'';

(ii) in paragraph (2), by striking ''and'' at the end;

(iii) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(iv) by inserting at the end the following:

''(4) 'bodily injury' includes sexual abuse;

''(5) 'sexually dangerous person' means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others; and

''(6) 'sexually dangerous to others' with respect a person, means that the person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.'';

(D) in subsection (b), by striking ''4245 or 4246'' and inserting ''4245, 4246, or 4248'';

(E) in subsection (c)(4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) respectively; and

(ii) by inserting after subparagraph (C) the following:

''(D) if the examination is ordered under section 4248, whether the person is a sexually dangerous person;''; and

(F) in subsections (e) and (h)—

(i) by striking ''hospitalized'' each place it appears and inserting ''committed''; and

(ii) by striking ''hospitalization'' each place it appears and inserting ''commitment'' ; and

(4) by inserting at the end the following:

''§ 4248. Civil commitment of a sexually dangerous person

''(a) INSTITUTION OF PROCEEDINGS.—In relation to a person who is in the custody of the Bureau of Prisons, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons relating to the mental condition of the person, the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

''(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

''(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

''(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall place the person for treatment in a suitable facility, until—

''(1) such a State will assume such responsibility; or

''(2) the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment;

whichever is earlier.

''(e) DISCHARGE.—When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person's condition is such that—

''(1) he will not be sexually dangerous to others if released unconditionally, the court shall order that he be immediately discharged; or

''(2) he will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall—

''(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

''(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

''(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

''(g) RELEASE TO STATE OF CERTAIN OTHER PERSONS.—If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is a sexually dangerous person, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.''.

TITLE IV—IMMIGRATION LAW REFORMS TO PREVENT SEX OFFENDERS FROM ABUSING CHILDREN

SEC. 401. FAILURE TO REGISTER A DEPORTABLE OFFENSE.

Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv) the following new clause:

''(v) FAILURE TO REGISTER AS A SEX OFFENDER.—Any alien who is convicted under section 2250 of title 18, United States Code, is deportable.''.

SEC. 402. BARRING CONVICTED SEX OFFENDERS FROM HAVING FAMILY-BASED PETITIONS APPROVED.

(a) IMMIGRANT FAMILY MEMBERS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i), by striking ''Any'' and inserting ''Except as provided in clause (viii), any'';

(2) in subparagraph (A), by inserting after clause (vii) the following:

''(viii)(I) Clause (i) shall not apply to a citizen of the United States who has been convicted of a specified offense against a minor, unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.

''(II) For purposes of subclause (I), the term 'specified offense against a minor' is defined as in section 111 of the Adam Walsh Child Protection and Safety Act of 2006.''; and

(3) in subparagraph (B)(i)—

(A) by striking ''(B)(i) Any alien'' and inserting the following: ''(B)(i)(I) Except as provided in subclause (II), any alien''; and

(B) by adding at the end the following:

''(I) Subclause (I) shall not apply in the case of an alien lawfully admitted for permanent residence who has been convicted of a specified offense against a minor (as defined in subparagraph (A)(viii)(II)), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that such person poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.''.

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting ''(other than a citizen described in section 204(a)(1)(A)(viii)(I))'' after ''citizen of the United States'' each place that phrase appears.

TITLE V—CHILD PORNOGRAPHY PREVENTION

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on the interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling State interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 502. OTHER RECORD KEEPING REQUIREMENTS.

(a) IN GENERAL.—Section 2257 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after ''videotape,'' the following: ''digital image, digitally- or computer-manipulated image of an actual human being, picture,'';

(2) in subsection (e)(1), by adding at the end the following: ''In this paragraph, the term 'copy' includes every page of a website on which matter described in subsection (a) appears.'';

(3) in subsection (f), by—

(A) in paragraph (3), by striking ''and'' after the semicolon;

(B) in paragraph (4), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her designee to conduct an inspection under subsection (c).''; and

(4) by striking subsection (h) and inserting the following:

''(h) In this section—

''(1) the term 'actual sexually explicit conduct' means actual but not simulated conduct as defined in clauses (i) through (v) of section 2256(2)(A) of this title;

''(2) the term 'produces'—

''(A) means—

''(i) actually filming, videotaping, photographing, creating a picture, digital image, or digitally- or computer-manipulated image of an actual human being;

''(ii) digitizing an image, of a visual depiction of sexually explicit conduct; or, assembling, manufacturing, publishing, duplicating, reproducing, or reissuing a book, magazine, periodical, film, videotape, digital image, or picture, or other matter intended for commercial distribution, that contains a visual depiction of sexually explicit conduct; or

''(iii) inserting on a computer site or service a digital image of, or otherwise managing the sexually explicit content, of a computer site or service that contains a visual depiction of, sexually explicit conduct; and

''(B) does not include activities that are limited to—

''(i) photo or film processing, including digitization of previously existing visual depictions, as part of a commercial enterprise, with no other commercial interest in the sexually explicit material, printing, and video duplication;

''(ii) distribution;

''(iii) any activity, other than those activities identified in subparagraph (A), that does not involve the hiring, contracting for, managing, or otherwise arranging for the participation of the depicted performers;

''(iv) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of the Communications Act of 1934 (47 U.S.C. 231)); or

''(v) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)) shall not constitute such selection or alteration of the content of the communication; and

''(3) the term 'performer' includes any person portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct.''.

(b) CONSTRUCTION.—The provisions of section 2257 shall not apply to any depiction of actual sexually explicit conduct as described in clause (v) of section 2256(2)(A) of title 18, United States Code, produced in whole or in part, prior to the effective date of this section unless that depiction also includes actual sexually explicit conduct as described in clauses (i) through (iv) of section 2256(2)(A) of title 18, United States Code.

SEC. 503. RECORD KEEPING REQUIREMENTS FOR SIMULATED SEXUAL CONDUCT.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2257 the following:

''SEC. 2257A. RECORD KEEPING REQUIREMENTS FOR SIMULATED SEXUAL CONDUCT.

''(a) Whoever produces any book, magazine, periodical, film, videotape, digital image, digitally- or computer-manipulated image of an actual human being, picture, or other matter that—

''(1) contains 1 or more visual depictions of simulated sexually explicit conduct; and

''(2) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

shall create and maintain individually identifiable records pertaining to every performer portrayed in such a visual depiction.

''(b) Any person to whom subsection (a) applies shall, with respect to every performer portrayed in a visual depiction of simulated sexually explicit conduct—

''(1) ascertain, by examination of an identification document containing such information, the performer's name and date of birth, and require the performer to provide such other indicia of his or her identity as may be prescribed by regulations;

''(2) ascertain any name, other than the performer's present and correct name, ever used by the performer including maiden name, alias, nickname, stage, or professional name; and

''(3) record in the records required by subsection (a) the information required by paragraphs (1) and (2) and such other identifying information as may be prescribed by regulation.

''(c) Any person to whom subsection (a) applies shall maintain the records required by this section at their business premises, or at such other place as the Attorney General may by regulation prescribe and shall make such records available to the Attorney General for inspection at all reasonable times.

''(d)(1) No information or evidence obtained from records required to be created or maintained by this section shall, except as provided in this section, directly or indirectly, be used as evidence against any person with respect to any violation of law.

''(2) Paragraph (1) shall not preclude the use of such information or evidence in a prosecution or other action for a violation of this chapter or chapter 71, or for a violation of any applicable provision of law with respect to the furnishing of false information.

''(e)(1) Any person to whom subsection (a) applies shall cause to be affixed to every copy of any matter described in subsection (a)(1) in such manner and in such form as the Attorney General shall by regulations prescribe, a statement describing where the records required by this section with respect to all performers depicted in that copy of the matter may be located. In this paragraph, the term 'copy' includes every page of a website on which matter described in subsection (a) appears.

''(2) If the person to whom subsection (a) applies is an organization the statement required by this subsection shall include the name, title, and business address of the individual employed by such organization responsible for maintaining the records required by this section.

''(f) It shall be unlawful—

''(1) for any person to whom subsection (a) applies to fail to create or maintain the records as required by subsections (a) and (c) or by any regulation promulgated under this section;

''(2) for any person to whom subsection (a) applies knowingly to make any false entry in or knowingly to fail to make an appropriate entry in, any record required by subsection (b) or any regulation promulgated under this section;

''(3) for any person to whom subsection (a) applies knowingly to fail to comply with the provisions of subsection (e) or any regulation promulgated pursuant to that subsection; or

''(4) for any person knowingly to sell or otherwise transfer, or offer for sale or transfer, any book, magazine, periodical, film, video, or other matter, produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce or which is intended for shipment in interstate or foreign commerce, that—

''(A) contains 1 or more visual depictions made after the date of enactment of this subsection of simulated sexually explicit conduct; and

''(B) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

which does not have affixed thereto, in a manner prescribed as set forth in subsection (e)(1), a statement describing where the records required by this section may be located, but such person shall have no duty to determine the accuracy of the contents of the statement or the records required to be kept.

''(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her designee to conduct an inspection under subsection (c).

''(g) As used in this section, the terms 'produces' and 'performer' have the same meaning as in section 2257(h) of this title.

''(h)(1) The provisions of this section and section 2257 shall not apply to matter, or any image therein, containing one or more visual depictions of simulated sexually explicit conduct, or actual sexually explicit conduct as described in clause (v) of section 2256(2)(A), if such matter—

''(A)(i) is intended for commercial distribution;

''(ii) is created as a part of a commercial enterprise by a person who certifies to the Attorney General that such person regularly and in the normal course of business collects and maintains individually identifiable information regarding all performers, including minor performers, employed by that person, pursuant to Federal and State tax, labor, and other laws, labor agreements, or otherwise pursuant to industry standards, where such information includes the name, address, and date of birth of the performer; and

''(iii) is not produced, marketed or made available by the person described in clause (ii) to another in circumstances such than an ordinary person would conclude that the matter contains a visual depiction that is child pornography as defined in section 2256(8); or

''(B)(i) is subject to the authority and regulation of the Federal Communications Commission acting in its capacity to enforce section 1464 of this title, regarding the broadcast of obscene, indecent or profane programming; and

''(ii) is created as a part of a commercial enterprise by a person who certifies to the Attorney General that such person regularly and in the normal course of business collects and maintains individually identifiable information regarding all performers, including minor performers, employed by that person, pursuant to Federal and State tax, labor, and other laws, labor agreements, or otherwise pursuant to industry standards, where such information includes the name, address, and date of birth of the performer.

''(2) Nothing in subparagraphs (A) and (B) of paragraph (1) shall be construed to exempt any matter that contains any visual depiction that is child pornography, as defined in section 2256(8), or is actual sexually explicit conduct within the definitions in clauses (i) through (iv) of section 2256(2)(A).

''(i)(1) Whoever violates this section shall be imprisoned for not more than 1 year, and fined in accordance with the provisions of this title, or both.

''(2) Whoever violates this section in an effort to conceal a substantive offense involving the causing, transporting, permitting or offering or seeking by notice or advertisement, a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct in violation of this title, or to conceal a substantive offense that involved trafficking in material involving the sexual exploitation of a minor, including receiving, transporting, advertising, or possessing material involving the sexual exploitation of a minor with intent to traffic, in violation of this title, shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

''(3) Whoever violates paragraph (2) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for any period of years not more than 10 years but not less than 2 years, and fined in accordance with the provisions of this title, or both.

''(j) The provisions of this section shall not become effective until 90 days after the final regulations implementing this section are published in the Federal Register. The provisions of this section shall not apply to any matter, or image therein, produced, in whole or in part, prior to the effective date of this section.

''(k) On an annual basis, the Attorney General shall submit a report to Congress—

''(1) concerning the enforcement of this section and section 2257 by the Department of Justice during the previous 12-month period; and

''(2) including—

''(A) the number of inspections undertaken pursuant to this section and section 2257;

''(B) the number of open investigations pursuant to this section and section 2257;

''(C) the number of cases in which a person has been charged with a violation of this section and section 2257; and

''(D) for each case listed in response to subparagraph (C), the name of the lead defendant, the federal district in which the case was brought, the court tracking number, and a synopsis of the violation and its disposition, if any, including settlements, sentences, recoveries and penalties.''.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by inserting after the item for section 2257 the following:

''2257A. Recordkeeping requirements for simulated sexual conduct.''.

SEC. 504. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

''(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—

''(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) shall remain in the care, custody, and control of either the Government or the court.

''(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

''(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, and any individual the defendant may seek to qualify to furnish expert testimony at trial.''.

SEC. 505. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) CONFORMING FORFEITURE PROCEDURES FOR OBSCENITY OFFENSES.—Section 1467 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by inserting a period after ''of such offense'' and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

''(b) The provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), with the exception of subsections (a) and (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).

''(c) Any property subject to forfeiture pursuant to subsection (a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.''.

(b) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting ''or who is convicted of an offense under section 2252B of this chapter,'' after ''2260 of this chapter''; and

(B) by striking ''an offense under section 2421, 2422, or 2423 of chapter 117'' and inserting ''an offense under chapter 109A'';

(2) in paragraph (1), by inserting ''2252A, 2252B, or 2260'' after ''2252''; and

(3) in paragraph (3), by inserting ''or any property traceable to such property'' before the period.

(c) CRIMINAL FORFEITURE PROCEDURE.—Section 2253 of title 18, United States Code, is amended by striking subsections (b) through (o) and inserting the following:

''(b) Section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsections (a) and (d), applies to the criminal forfeiture of property pursuant to subsection (a).''.

(d) CIVIL FORFEITURE.—Section 2254 of title 18, United States Code, is amended to read as follows:

''§ 2254. Civil forfeiture

''Any property subject to forfeiture pursuant to section 2253 may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46.''.

SEC. 506. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) SECTION 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting ''**PRODUCTION AND**'' before ''**TRANSPORTATION**'' in the heading of the section;

(2) by inserting ''produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly'' after ''whoever knowingly'' and before ''transports or travels in''; and

(3) by inserting a comma after ''in or affecting such commerce''.

(b) SECTION 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting ''producing with intent to distribute or sell, or'' before ''selling or transferring obscene matter,'';

(2) in subsection (b), by inserting, ''produces'' before ''sells or transfers or offers to sell or transfer obscene matter''; and

(3) in subsection (b) by inserting ''production,'' before ''selling or transferring or offering to sell or transfer such material.''.

SEC. 507. GUARDIANS AD LITEM.

Section 3509(h)(1) of title 18, United States Code, is amended by inserting '', and provide reasonable compensation and payment of expenses for,'' before ''a guardian''.

TITLE VI—GRANTS, STUDIES, AND PROGRAMS FOR CHILDREN AND COMMUNITY SAFETY

Subtitle A—Mentoring Matches for Youth Act

SEC. 601. SHORT TITLE.

This subtitle may be cited as the ''Mentoring Matches for Youth Act of 2006''.

SEC. 602. FINDINGS.

Congress finds the following:

(1) Big Brothers Big Sisters of America, which was founded in 1904 and chartered by Congress in 1958, is the oldest and largest mentoring organization in the United States.

(2) There are over 450 Big Brothers Big Sisters of America local agencies providing mentoring programs for at-risk children in over 5,000 communities throughout every State, Guam, and Puerto Rico.

(3) Over the last decade, Big Brothers Big Sisters of America has raised a minimum of 75 percent of its annual operating budget from private sources and is continually working to grow private sources of funding to maintain this ratio of private to Federal funds.

(4) In 2005, Big Brothers Big Sisters of America provided mentors for over 235,000 children.

(5) Big Brothers Big Sisters of America has a goal to provide mentors for 1,000,000 children per year.

SEC. 603. GRANT PROGRAM FOR EXPANDING BIG BROTHERS BIG SISTERS MENTORING PROGRAM.

In each of fiscal years 2007 through 2012, the Administrator of the Office of Juvenile Justice and Delinquency Prevention (hereafter in this Act referred to as the ''Administrator'') may make grants to Big Brothers Big Sisters of America to use for expanding the capacity of and carrying out the Big Brothers Big Sisters mentoring programs for at-risk youth.

SEC. 604. BIANNUAL REPORT.

(a) IN GENERAL.—Big Brothers Big Sisters of America shall submit 2 reports to the Administrator in each of fiscal years 2007 through 2013. Big Brothers Big Sisters of America shall submit the first report in a fiscal year not later than April 1 of that fiscal year and the second report in a fiscal year not later than September 30 of that fiscal year.

(b) REQUIRED CONTENT.—Each such report shall include the following:

(1) A detailed statement of the progress made by Big Brothers Big Sisters of America in expanding the capacity of and carrying out mentoring programs for at-risk youth.

(2) A detailed statement of how the amounts received under this Act have been used.

(3) A detailed assessment of the effectiveness of the mentoring programs.

(4) Recommendations for continued grants and the appropriate amounts for such grants.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $9,000,000 for fiscal year 2007;

(2) $10,000,000 for fiscal year 2008;

(3) $11,500,000 for fiscal year 2009;

(4) $13,000,000 for fiscal year 2010; and

(5) $15,000,000 for fiscal year 2011.

Subtitle B—National Police Athletic League Youth Enrichment Act

SEC. 611. SHORT TITLE.

This subtitle may be cited as the ''National Police Athletic League Youth Enrichment Reauthorization Act of 2006''.

SEC. 612. FINDINGS.

Section 2 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

(B) by inserting after subparagraph (B) the following:

''(C) develop life enhancing character and leadership skills in young people;'';

(2) in paragraph (2) by striking ''55-year'' and inserting ''90-year'';

(3) in paragraph (3)—

(A) by striking ''320 PAL chapters'' and inserting ''350 PAL chapters''; and

(B) by striking ''1,500,000 youth'' and inserting ''2,000,000 youth'';

(4) in paragraph (4), by striking ''82 percent''and inserting ''85 percent'';

(5) in paragraph (5), in the second sentence, by striking ''receive no'' and inserting ''rarely receive'';

(6) in paragraph (6), by striking ''17 are at risk'' and inserting ''18 are at risk''; and

(7) in paragraph (7), by striking ''1999'' and inserting ''2005''.

SEC. 613. PURPOSE.

Section 3 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in paragraph (1)—

(A) by striking ''320 established PAL chapters'' and inserting ''342 established PAL chapters''; and

(B) by striking ''and'' at the end;

(2) in paragraph (2), by striking ''2006.'' and inserting ''2010; and''; and

(3) by adding at the end the following:

''(3) support of an annual gathering of PAL chapters and designated youth leaders from such chapters to participate in a 3-day conference that addresses national and local issues impacting the youth of America and includes educational sessions to advance character and leadership skills.''.

SEC. 614. GRANTS AUTHORIZED.

Section 5 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in subsection (a), by striking ''2001 through 2005'' and inserting ''2006 through 2010''; and

(2) in subsection (b)(1)(B), by striking ''not less than 570 PAL chapters in operation before January 1, 2004'' and inserting ''not fewer than 500 PAL chapters in operation before January 1, 2010''.

SEC. 615. USE OF FUNDS.

Section 6(a)(2) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in the matter preceding subparagraph (A), by striking ''four'' and inserting ''two''; and

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''two programs'' and inserting ''one program'';

(B) in clause (iii), by striking ''or'';

(C) in clause (iv), by striking ''and'' and inserting ''or''; and

(D) by inserting after clause (iv) the following:

''(v) character development and leadership training; and''.

SEC. 616. AUTHORIZATION OF APPROPRIATIONS.

Section 8(a) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking ''2001 through 2005'' and inserting ''2006 through 2010''.

SEC. 617. NAME OF LEAGUE.

(a) DEFINITIONS.—Section 4(4) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended in the paragraph heading, by striking ''Athletic'' and inserting ''Athletic/activities''.

(b) TEXT.—The National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking ''Police Athletic League'' each place such term appears and inserting ''Police Athletic/Activities League''.

Subtitle C—Grants, Studies, and Other Provisions

SEC. 621. PILOT PROGRAM FOR MONITORING SEXUAL OFFENDERS.

(a) SEX OFFENDER MONITORING PROGRAM.—

(1) GRANTS AUTHORIZED.—

(A) IN GENERAL.—The Attorney General is authorized to award grants (referred to as ''Jessica Lunsford and Sarah Lunde Grants'') to States, local governments, and Indian tribal governments to assist in—

(i) carrying out programs to outfit sex offenders with electronic monitoring units; and

(ii) the employment of law enforcement officials necessary to carry out such programs.

(B) DURATION.—The Attorney General shall award grants under this section for a period not to exceed 3 years.

(C) MINIMUM STANDARDS.—The electronic monitoring units used in the pilot program shall at a minimum—

(i) provide a single-unit tracking device for each offender that—

(I) contains a central processing unit with global positioning system and cellular technology in a single unit; and

(II) provides two- and three-way voice communication; and

(ii) permit active, real-time, and continuous monitoring of offenders 24 hours a day.

(2) APPLICATION.—

(A) IN GENERAL.—Each State, local government, or Indian tribal government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(b) INNOVATION.—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2007 through 2009 to carry out this section.

(2) REPORT.—Not later than September 1, 2010, the Attorney General shall report to Congress—

(A) assessing the effectiveness and value of this section;

(B) comparing the cost effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(C) making recommendations for continuing funding and the appropriate levels for such funding.

SEC. 622. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(f) SEX OFFENDER MANAGEMENT.—

''(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

''(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during prerelease custody.

''(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

''(2) REGIONS.—At least 1 sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.''.

SEC. 623. SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following new part:

''PART X—SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT GRANTS

''SEC. 3011. SEX OFFENDER APPREHENSION GRANTS.

''(a) AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.—

''(1) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in paragraph (2).

''(2) COVERED ACTIVITIES.—An activity referred to in paragraph (1) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this part.

''SEC. 3012. JUVENILE SEX OFFENDER TREATMENT GRANTS.

''(a) AUTHORITY TO MAKE JUVENILE SEX OFFENDER TREATMENT GRANTS.—

''(1) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to units of local government, Indian tribal governments, correctional facilities, other public and private entities, and multijurisdictional or regional consortia thereof for activities specified in paragraph (2).

''(2) COVERED ACTIVITIES.—An activity referred to in paragraph (1) is any program, project, or other activity to assist in the treatment of juvenile sex offenders.

''(b) JUVENILE SEX OFFENDER DEFINED.—For purposes of this section, the term 'juvenile sex offender' is a sex offender who had not attained the age of 18 years at the time of his or her offense.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2009 to carry out this part.''.

SEC. 624. ASSISTANCE FOR PROSECUTION OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) IN GENERAL.—The Attorney General may make grants to train and employ personnel to help prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 625. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice Assistance is authorized to make grants under this section—

(1) to any law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) to any law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) CRITERIA.—The Attorney General shall give priority to law enforcement agencies making a showing of need.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this section.

SEC. 626. CRIME PREVENTION CAMPAIGN GRANT.

Subpart 2 of part E of title I of the Omnibus Crime Control and Safe Street Act of 1968 is amended by adding at the end the following new chapter:

''CHAPTER 4—GRANTS TO PRIVATE ENTITIES

''SEC. 519. CRIME PREVENTION CAMPAIGN GRANT.

''(a) GRANT AUTHORIZATION.—The Attorney General may provide a grant to a national private, nonprofit organization that has expertise in promoting crime prevention

through public outreach and media campaigns in coordination with law enforcement agencies and other local government officials, and representatives of community public interest organizations, including schools and youth-serving organizations, faith-based, and victims' organizations and employers.

''(b) APPLICATION.—To request a grant under this section, an organization described in subsection (a) shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require.

''(c) USE OF FUNDS.—An organization that receives a grant under this section shall—

''(1) create and promote national public communications campaigns;

''(2) develop and distribute publications and other educational materials that promote crime prevention;

''(3) design and maintain web sites and related web-based materials and tools;

''(4) design and deliver training for law enforcement personnel, community leaders, and other partners in public safety and hometown security initiatives;

''(5) design and deliver technical assistance to States, local jurisdictions, and crime prevention practitioners and associations;

''(6) coordinate a coalition of Federal, national, and statewide organizations and communities supporting crime prevention;

''(7) design, deliver, and assess demonstration programs;

''(8) operate McGruff-related programs, including McGruff Club;

''(9) operate the Teens, Crime, and Community Program; and

''(10) evaluate crime prevention programs and trends.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for fiscal year 2007, $7,000,000;

''(2) for fiscal year 2008, $8,000,000;

''(3) for fiscal year 2009, $9,000,000; and

''(4) for fiscal year 2010, $10,000,000.''.

SEC. 627. GRANTS FOR FINGERPRINTING PROGRAMS FOR CHILDREN.

(a) IN GENERAL.—The Attorney General shall establish and implement a program under which the Attorney General may make grants to States, units of local government, and Indian tribal governments in accordance with this section.

(b) USE OF GRANT AMOUNTS.—A grant made to a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to law enforcement agencies within the jurisdiction of such State, unit, or tribal government to be used for any of the following activities:

(1) To establish a voluntary fingerprinting program for children, which may include the taking of palm prints of children.

(2) To hire additional law enforcement personnel, or train existing law enforcement personnel, to take fingerprints of children.

(3) To provide information within the community involved about the existence of such a fingerprinting program.

(4) To provide for computer hardware, computer software, or other materials necessary to carry out such a fingerprinting program.

(c) LIMITATION.—Fingerprints of a child derived from a program funded under this section—

(1) may be released only to a parent or guardian of the child; and

(2) may not be copied or retained by any Federal, State, local, or tribal law enforcement officer unless written permission is given by the parent or guardian.

(d) CRIMINAL PENALTY.—Any person who uses the fingerprints of a child derived from a program funded under this section for any purpose other than the purpose described in subsection (c)(1) shall be subject to imprisonment for not more than 1 year, a fine under title 18, United States Code, or both.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to carry out this section for the 5-year period beginning on the first day of fiscal year 2007.

SEC. 628. GRANTS FOR RAPE, ABUSE & INCEST NATIONAL NETWORK.

(a) FINDINGS.—Congress finds as follows:

(1) More than 200,000 Americans each year are victims of sexual assault, according to the Department of Justice.

(2) In 2004, 1 American was sexually assaulted every 2.5 minutes.

(3) One of every 6 women, and 1 of every 133 men, in America has been the victim of a completed or attempted rape, according to the Department of Justice.

(4) The Federal Bureau of Investigation ranks rape second in the hierarchy of violent crimes for its Uniform Crime Reports, trailing only murder.

(5) The Federal Government, through the Victims of Crime Act, Violence Against Women Act, and other laws, has long played a role in providing services to sexual assault victims and in seeking policies to increase the number of rapists brought to justice.

(6) Research suggests that sexual assault victims who receive counseling support are more likely to report their attack to the police and to participate in the prosecution of the offender.

(7) Due in part to the combined efforts of law enforcement officials at the local, State, and Federal level, as well as the efforts of the Rape, Abuse & Incest National Network (RAINN) and its affiliated rape crisis centers across the United States, sexual violence in America has fallen by more than half since 1994.

(8) RAINN, a 501(c)(3) nonprofit corporation headquartered in the District of Columbia, has since 1994 provided help to victims of sexual assault and educated the public about sexual assault prevention, prosecution, and recovery.

(9) RAINN established and continues to operate the National Sexual Assault Hotline, a free, confidential telephone hotline that provides help, 24 hours a day, to victims nationally.

(10) More than 1,100 local rape crisis centers in the 50 States and the District of Columbia partner with RAINN and are members of the National Sexual Assault Hotline network (which has helped more than 970,000 people since its inception in 1994).

(11) To better serve victims of sexual assault, 80 percent of whom are under age 30 and 44 percent of whom are under age 18, RAINN will soon launch the National Sexual Assault Online Hotline, the web's first secure hotline service offering live help 24 hours a day.

(12) Congress and the Department of Justice have given RAINN funding to conduct its crucial work.

(13) RAINN is a national model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the communications and technology industries to launch the National Sexual Assault Hotline and the National Sexual Assault Online Hotline.

(14) Worth magazine selected RAINN as one of ''America's 100 Best Charities'', in recognition of the organization's ''efficiency and effectiveness.''

(15) In fiscal year 2005, RAINN spent more than 91 cents of every dollar received directly on program services.

(16) The demand for RAINN's services is growing dramatically, as evidenced by the fact that, in 2005, the National Sexual Assault Hotline helped 137,039 people, an all-time record.

(17) The programs sponsored by RAINN and its local affiliates have contributed to the increase in the percentage of victims who report their rape to law enforcement.

(18) According to a recent poll, 92 percent of American women said that fighting sexual and domestic violence should be a top public policy priority (a higher percentage than chose health care, child care, or any other issue).

(19) Authorizing Federal funds for RAINN's national programs would promote continued progress with this interstate problem and would make a significant difference in the prosecution of rapists and the overall incidence of sexual violence.

(b) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—

(1) DESCRIPTION OF ACTIVITIES.—The Administrator shall—

(A) issue such rules as the Administrator considers necessary or appropriate to carry out this section;

(B) make such arrangements as may be necessary and appropriate to facilitate effective coordination among all Federally funded programs relating to victims of sexual assault; and

(C) provide adequate staff and agency resources which are necessary to properly carry out the responsibilities pursuant to this section.

(2) ANNUAL GRANT TO RAPE, ABUSE & INCEST NATIONAL NETWORK.—The Administrator shall annually make a grant to RAINN, which shall be used for the performance of the organization's national programs, which may include—

(A) operation of the National Sexual Assault Hotline, a 24-hour toll-free telephone line by which individuals may receive help and information from trained volunteers;

(B) operation of the National Sexual Assault Online Hotline, a 24-hour free online service by which individuals may receive help and information from trained volunteers;

(C) education of the media, the general public, and populations at risk of sexual assault about the incidence of sexual violence and sexual violence prevention, prosecution, and recovery;

(D) dissemination, on a national basis, of information relating to innovative and model programs, services, laws, legislation, and policies that benefit victims of sexual assault; and

(E) provision of technical assistance to law enforcement agencies, State and local governments, the criminal justice system, public and private nonprofit agencies, and individuals in the investigation and prosecution of cases involving victims of sexual assault.

(c) DEFINITIONS.—For the purposes of this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(2) RAINN.—The term ''RAINN'' means the Rape, Abuse & Incest National Network, a 501(c)(3) nonprofit corporation headquartered in the District of Columbia.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section, $3,000,000 for each of fiscal years 2007 through 2010.

SEC. 629. CHILDREN'S SAFETY ONLINE AWARENESS CAMPAIGNS.

(a) AWARENESS CAMPAIGN FOR CHILDREN'S SAFETY ONLINE.—

(1) IN GENERAL.—The Attorney General, in consultation with the National Center for

Missing and Exploited Children, is authorized to develop and carry out a public awareness campaign to demonstrate, explain, and encourage children, parents, and community leaders to better protect children when such children are on the Internet.

(2) REQUIRED COMPONENTS.—The public awareness campaign described under paragraph (1) shall include components that compliment and reinforce the campaign message in a variety of media, including the Internet, television, radio, and billboards.

(b) AWARENESS CAMPAIGN REGARDING THE ACCESSIBILITY AND UTILIZATION OF SEX OFFENDER REGISTRIES.—The Attorney General, in consultation with the National Center for Missing and Exploited Children, is authorized to develop and carry out a public awareness campaign to demonstrate, explain, and encourage parents and community leaders to better access and utilize the Federal and State sex offender registries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2007 through 2011.

SEC. 630. GRANTS FOR ONLINE CHILD SAFETY PROGRAMS.

(a) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations, make grants to States, units of local government, and nonprofit organizations for the purposes of establishing and maintaining programs with respect to improving and educating children and parents in the best ways for children to be safe when on the Internet.

(b) DEFINITION OF STATE.—For purposes of this section, the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2007 through 2011.

SEC. 631. JESSICA LUNSFORD ADDRESS VERIFICATION GRANT PROGRAM.

(a) ESTABLISHMENT.—There is established the Jessica Lunsford Address Verification Grant Program (hereinafter in this section referred to as the ''Program'').

(b) GRANTS AUTHORIZED.—Under the Program, the Attorney General is authorized to award grants to State, local governments, and Indian tribal governments to assist in carrying out programs requiring an appropriate official to verify, at appropriate intervals, the residence of all or some registered sex offenders.

(c) APPLICATION.—

(1) IN GENERAL.—Each State or local government seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(d) INNOVATION.—In making grants under this section, the Attorney General shall ensure that different approaches to address verification are funded to allow an assessment of effectiveness.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for each of the fiscal years 2007 through 2009 such sums as may be necessary to carry out this section.

(2) REPORT.—Not later than April 1, 2009, the Attorney General shall report to Congress—

(A) assessing the effectiveness and value of this section;

(B) comparing the cost effectiveness of address verification to reduce sex offenses compared to other alternatives; and

(C) making recommendations for continuing funding and the appropriate levels for such funding.

SEC. 632. FUGITIVE SAFE SURRENDER.

(a) FINDINGS.—Congress finds the following:

(1) Fugitive Safe Surrender is a program of the United States Marshals Service, in partnership with public, private, and faith-based organizations, which temporarily transforms a church into a courthouse, so fugitives can turn themselves in, in an atmosphere where they feel more comfortable to do so, and have nonviolent cases adjudicated immediately.

(2) In the 4-day pilot program in Cleveland, Ohio, over 800 fugitives turned themselves in. By contrast, a successful Fugitive Task Force sweep, conducted for 3 days after Fugitive Safe Surrender, resulted in the arrest of 65 individuals.

(3) Fugitive Safe Surrender is safer for defendants, law enforcement, and innocent bystanders than needing to conduct a sweep.

(4) Based upon the success of the pilot program, Fugitive Safe Surrender should be expanded to other cities throughout the United States.

(b) ESTABLISHMENT.—The United States Marshals Service shall establish, direct, and coordinate a program (to be known as the ''Fugitive Safe Surrender Program''), under which the United States Marshals Service shall apprehend Federal, State, and local fugitives in a safe, secure, and peaceful manner to be coordinated with law enforcement and community leaders in designated cities throughout the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Marshals Service to carry out this section—

(1) $3,000,000 for fiscal year 2007;

(2) $5,000,000 for fiscal year 2008; and

(3) $8,000,000 for fiscal year 2009.

(d) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 633. NATIONAL REGISTRY OF SUBSTANTIATED CASES OF CHILD ABUSE.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Attorney General, shall create a national registry of substantiated cases of child abuse or neglect.

(b) INFORMATION.—

(1) COLLECTION.—The information in the registry described in subsection (a) shall be supplied by States and Indian tribes, or, at the option of a State, by political subdivisions of such State, to the Secretary of Health and Human Services.

(2) TYPE OF INFORMATION.—The registry described in subsection (a) shall collect in a central electronic registry information on persons reported to a State, Indian tribe, or political subdivision of a State as perpetrators of a substantiated case of child abuse or neglect.

(c) SCOPE OF INFORMATION.—

(1) IN GENERAL.—

(A) TREATMENT OF REPORTS.—The information to be provided to the Secretary of Health and Human Services under this section shall relate to substantiated reports of child abuse or neglect.

(B) EXCEPTION.—If a State, Indian tribe, or political subdivision of a State has an electronic register of cases of child abuse or neglect equivalent to the registry established under this section that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this section shall be coextensive with that in such register.

(2) FORM.—Information provided to the Secretary of Health and Human Services under this section—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information that is limited to the name of the perpetrator and the nature of the substantiated case of child abuse or neglect, and that complies with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A) (viii) and (ix)).

(d) CONSTRUCTION.—This section shall not be construed to require a State, Indian tribe, or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) ACCESSIBILITY.—Information contained in the national registry shall only be accessible to any Federal, State, Indian tribe, or local government entity, or any agent of such entities, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect.

(f) DISSEMINATION.—The Secretary of Health and Human Services shall establish standards for the dissemination of information in the national registry of substantiated cases of child abuse or neglect. Such standards shall comply with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A) (viii) and (ix)).

(g) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study on the feasibility of establishing data collection standards for a national child abuse and neglect registry with recommendations and findings concerning—

(A) costs and benefits of such data collection standards;

(B) data collection standards currently employed by each State, Indian tribe, or political subdivision of a State;

(C) data collection standards that should be considered to establish a model of promising practices; and

(D) a due process procedure for a national registry

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on the Judiciary in the House of Representatives and the United States Senate and the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Education and the Workforce a report containing the recommendations and findings of the study on data collection standards for a national child abuse registry authorized under this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $500,000 for the period of fiscal years 2006 and 2007 to carry out the study required by this subsection.

SEC. 634. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.

(a) IN GENERAL.—The National Institute of Justice shall conduct a comprehensive study to examine the control, prosecution, treatment, and monitoring of sex offenders, with a particular focus on—

(1) the effectiveness of the Sex Offender Registration and Notification Act in increasing compliance with sex offender registration and notification requirements, and the costs and burdens associated with such compliance;

(2) the effectiveness of sex offender registration and notification requirements in increasing public safety, and the costs and burdens associated with such requirements;

(3) the effectiveness of public dissemination of sex offender information on the Internet in increasing public safety, and the costs and burdens associated with such dissemination; and

(4) the effectiveness of treatment programs in reducing recidivism among sex offenders, and the costs and burdens associated with such programs.

(b) RECOMMENDATIONS.—The study described in subsection (a) shall include recommendations for reducing the number of sex crimes against children and adults and increasing the effectiveness of registration requirements.

(c) REPORTS.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall report the results of the study conducted under subsection (a) together with findings to Congress, through the Internet to the public, to each of the 50 governors, to the Mayor of the District of Columbia, to territory heads, and to the top official of the various Indian tribes.

(2) INTERIM REPORTS.—The National Institute of Justice shall submit yearly interim reports.

(d) APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to carry out this section.

SEC. 635. ANNUAL REPORT ON ENFORCEMENT OF REGISTRATION REQUIREMENTS.

Not later than July 1 of each year, the Attorney General shall submit a report to Congress describing—

(1) the use by the Department of Justice of the United States Marshals Service to assist jurisdictions in locating and apprehending sex offenders who fail to comply with sex offender registration requirements, as authorized by this Act;

(2) the use of section 2250 of title 18, United States Code (as added by section 151 of this Act), to punish offenders for failure to register;

(3) a detailed explanation of each jurisdiction's compliance with the Sex Offender Registration and Notification Act;

(4) a detailed description of Justice Department efforts to ensure compliance and any funding reductions, the basis for any decision to reduce funding or not to reduce funding under section 125; and

(5) the denial or grant of any extensions to comply with the Sex Offender Registration and Notification Act, and the reasons for such denial or grant.

SEC. 636. GOVERNMENT ACCOUNTABILITY OFFICE STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver's license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal law that required all State driver's license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than February 1, 2007, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the State of Nevada to bring those provisions into effect; and

(C) how those provisions might be modified to improve compliance by registered sex offenders.

SEC. 637. SEX OFFENDER RISK CLASSIFICATION STUDY.

(a) STUDY.—The Attorney General shall conduct a study of risk-based sex offender classification systems, which shall include an analysis of—

(1) various risk-based sex offender classification systems;

(2) the methods and assessment tools available to assess the risks posed by sex offenders;

(3) the efficiency and effectiveness of risk-based sex offender classification systems, in comparison to offense-based sex offender classification systems, in—

(A) reducing threats to public safety posed by sex offenders; and

(B) assisting law enforcement agencies and the public in identifying the most dangerous sex offenders;

(4) the resources necessary to implement, and the legal implications of implementing, risk-based sex offender classification systems for sex offender registries; and

(5) any other information the Attorney General determines necessary to evaluate risk-based sex offender classification systems.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall report to the Congress the results of the study under this section.

(c) STUDY CONDUCTED BY TASK FORCE.—The Attorney General may establish a task force to conduct the study and prepare the report required under this section. Any task force established under this section shall be composed of members, appointed by the Attorney General, who—

(1) represent national, State, and local interests; and

(2) are especially qualified to serve on the task force by virtue of their education, training, or experience, particularly in the fields of sex offender management, community education, risk assessment of sex offenders, and sex offender victim issues.

SEC. 638. STUDY OF THE EFFECTIVENESS OF RESTRICTING THE ACTIVITIES OF SEX OFFENDERS TO REDUCE THE OCCURRENCE OF REPEAT OFFENSES.

(a) STUDY.—The Attorney General shall conduct a study to evaluate the effectiveness of monitoring and restricting the activities of sex offenders to reduce the occurrence of repeat offenses by such sex offenders, through conditions imposed as part of supervised release or probation conditions. The study shall evaluate—

(1) the effectiveness of methods of monitoring and restricting the activities of sex offenders, including restrictions—

(A) on the areas in which sex offenders can reside, work, and attend school;

(B) limiting access by sex offenders to the Internet or to specific Internet sites; and

(C) preventing access by sex offenders to pornography and other obscene materials;

(2) the ability of law enforcement agencies and courts to enforce such restrictions; and

(3) the efficacy of any other restrictions that may reduce the occurrence of repeat offenses by sex offenders.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the study under this section.

SEC. 639. THE JUSTICE FOR CRIME VICTIMS FAMILY ACT.

(a) SHORT TITLE.—This section may be cited as the ''Justice for Crime Victims Family Act''.

(b) STUDY OF MEASURES NEEDED TO IMPROVE PERFORMANCE OF HOMICIDE INVESTIGATORS.—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report—

(1) outlining what measures are needed to improve the performance of Federal, State, and local criminal investigators of homicide; and

(2) including an examination of—

(A) the benefits of increasing training and resources for such investigators, with respect to investigative techniques, best practices, and forensic services;

(B) the existence of any uniformity among State and local jurisdictions in the measurement of homicide rates and clearance of homicide cases;

(C) the coordination in the sharing of information among Federal, State, and local law enforcement and coroners and medical examiners; and

(D) the sources of funding that are in existence on the date of the enactment of this Act for State and local criminal investigators of homicide.

(c) IMPROVEMENTS NEEDED FOR SOLVING HOMICIDES INVOLVING MISSING PERSONS AND UNIDENTIFIED HUMAN REMAINS.—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report—

(1) evaluating measures to improve the ability of Federal, State, and local criminal investigators of homicide to solve homicides involving missing persons and unidentified human remains; and

(2) including an examination of—

(A) measures to expand national criminal records databases with accurate information relating to missing persons and unidentified human remains;

(B) the collection of DNA samples from potential 'high-risk' missing persons;

(C) the benefits of increasing access to national criminal records databases for medical examiners and coroners;

(D) any improvement in the performance of postmortem examinations, autopsies, and reporting procedures of unidentified persons or remains;

(E) any coordination between the National Center for Missing Children and the National Center for Missing Adults;

(F) website postings (or other uses of the Internet) of information of identifiable information such as physical features and characteristics, clothing, and photographs of missing persons and unidentified human remains; and

(G) any improvement with respect to—

(i) the collection of DNA information for missing persons and unidentified human remains; and

(ii) entering such information into the Combined DNA Index System of the Federal Bureau of Investigation and national criminal records databases.

TITLE VII—INTERNET SAFETY ACT

SEC. 701. CHILD EXPLOITATION ENTERPRISES.

Section 2252A of title 18, United States Code, is amended by adding at the end the following:

''(g) CHILD EXPLOITATION ENTERPRISES.—

''(1) Whoever engages in a child exploitation enterprise shall be fined under this title and imprisoned for any term of years not less than 20 or for life.

''(2) A person engages in a child exploitation enterprise for the purposes of this section if the person violates section 1591, section 1201 if the victim is a minor, or chapter 109A (involving a minor victim), 110 (except for sections 2257 and 2257A), or 117 (involving a minor victim), as a part of a series of felony violations constituting three or more separate incidents and involving more than one victim, and commits those offenses in concert with three or more other persons.''.

SEC. 702. INCREASED PENALTIES FOR REGISTERED SEX OFFENDERS.

(a) OFFENSE.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

''§ 2260A. Penalties for registered sex offenders

''Whoever, being required by Federal or other law to register as a sex offender, commits a felony offense involving a minor under section 1201, 1466A, 1470, 1591, 2241, 2242, 2243, 2244, 2245, 2251, 2251A, 2260, 2421, 2422, 2423, or 2425, shall be sentenced to a term of imprisonment of 10 years in addition to the imprisonment imposed for the offense under that provision. The sentence imposed under this section shall be consecutive to any sentence imposed for the offense under that provision.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

''2260A. Increased penalties for registered sex offenders.''.

SEC. 703. DECEPTION BY EMBEDDED WORDS OR IMAGES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252B the following:

''§ 2252C. Misleading words or digital images on the Internet

''(a) IN GENERAL.—Whoever knowingly embeds words or digital images into the source code of a website with the intent to deceive a person into viewing material constituting obscenity shall be fined under this title and imprisoned for not more than 10 years.

''(b) MINORS.—Whoever knowingly embeds words or digital images into the source code of a website with the intent to deceive a minor into viewing material harmful to minors on the Internet shall be fined under this title and imprisoned for not more than 20 years.

''(c) CONSTRUCTION.—For the purposes of this section, a word or digital image that clearly indicates the sexual content of the site, such as 'sex' or 'porn', is not misleading.

''(d) DEFINITIONS.—As used in this section—

''(1) the terms 'material that is harmful to minors' and 'sex' have the meaning given such terms in section 2252B; and

''(2) the term 'source code' means the combination of text and other characters comprising the content, both viewable and nonviewable, of a web page, including any website publishing language, programming language, protocol or functional content, as well as any successor languages or protocols.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252B the following:

''2252C. Misleading words or digital images on the Internet.''.

SEC. 704. ADDITIONAL PROSECUTORS FOR OFFENSES RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.

(a) DEFINITION.—In this section, the term ''offenses relating to the sexual exploitation of children'' shall include any offense committed in violation of—

(1) chapter 71 of title 18, United States Code, involving an obscene visual depiction of a minor, or transfer of obscene materials to a minor;

(2) chapter 109A of title 18, United States Code, involving a victim who is a minor;

(3) chapter 109B of title 18, United States Code;

(4) chapter 110 of title 18, United States Code;

(5) chapter 117 of title 18, United States Code involving a victim who is a minor; and

(6) section 1591 of title 18, United States Code.

(b) ADDITIONAL PROSECUTORS.—In fiscal year 2007, the Attorney General shall, subject to the availability of appropriations for such purposes, increase by not less than 200 the number of attorneys in United States Attorneys' Offices. The additional attorneys shall be assigned to prosecute offenses relating to the sexual exploitation of children.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 705. ADDITIONAL COMPUTER-RELATED RESOURCES.

(a) DEPARTMENT OF JUSTICE RESOURCES.—In fiscal year 2007, the Attorney General shall, subject to the availability of appropriations for such purposes, increase by not less than 30 the number of computer forensic examiners within the Regional Computer Forensic Laboratories (RCFL). The additional computer forensic examiners shall be dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

(b) DEPARTMENT OF HOMELAND SECURITY RESOURCES.—In fiscal year 2007, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purposes, increase by not less than 15 the number of computer forensic examiners within the Cyber Crimes Center (C3). The additional computer forensic examiners shall be dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice and the Department of Homeland Security for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 706. ADDITIONAL ICAC TASK FORCES.

(a) ADDITIONAL TASK FORCES.—In fiscal year 2007, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall, subject to the availability of appropriations for such purpose, increase by not less than 10 the number of Internet Crimes Against Children Task Forces that are part of the Internet Crimes Against Children Task Force Program authorized and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.). These Task Forces shall be in addition to the ones authorized in section 143 of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Office of Juvenile Justice and Delinquency Prevention for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 707. MASHA'S LAW.

(a) SHORT TITLE.—This section may be cited as ''Masha's Law''.

(b) IN GENERAL.—Section 2255(a) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''(a) Any minor who is'' and inserting the following:

''(a) IN GENERAL.—Any person who, while a minor, was'';

(B) by inserting after ''such violation'' the following: '', regardless of whether the injury occurred while such person was a minor,''; and

(C) by striking ''such minor'' and inserting ''such person''; and

(2) in the second sentence—

(A) by striking ''Any minor'' and inserting ''Any person''; and

(B) by striking ''$50,000'' and inserting ''$150,000''.

(c) CONFORMING AMENDMENT.—Section 2255(b) of title 18, United States Code, is amended by striking ''(b) Any action'' and inserting the following:

''(b) STATUTE OF LIMITATIONS.—Any action''.

SA 4687. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 4472, to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims; as follows:

Amend the title to read as follows: ''To protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.''.

SA 4688. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1950, to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean

and efficient use of coal, and improving energy efficiency; which was ordered to lie on the table; as follows:

On page 5, line 23, strike ''energy efficiency projects'' and insert ''energy efficiency and renewable energy projects and technologies''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee on agriculture, nutrition and forestry be authorized to conduct a hearing during the session of the Senate on Thursday, July 20, 2006 at 10 a.m. in 328A, Senate Russell Office Building. The purpose of this committee hearing will be review United States Department of Agriculture dairy programs.

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

COMMITTEE ON ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 20, 2006, at 9:30 a.m., in closed session, to receive a classified briefing on overhead imagery systems.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the Session of the Senate on Thursday, July 20, 2006, at 10 a.m. The purpose of this meeting is to consider the nomination of John Ray Correll, of Indiana, to be Director of the Office of Surface Mine Reclamation and Enforcement, Department of the Interior, vice Jeffery D. Jarrett. Mark Myers, of Alaska, to be Director of the United States Geological Survey, Department of the Interior, vice Charles G. Groat, resigned. Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects for the term prescribed by law (New position).

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 20, 2006, at 9:30 a.m. to hold a hearing on North Korea.

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

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 20, 2006, at 9:30 a.m in the Dirksen Senate Office Building Room 226.

Agenda

I. Nominations

Kimberly Ann Moore, to be U.S. Circuit Judge for the Federal Circuit; Frances M. Tydingco-Gatewood, to be Judge for the District Court of Guam; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; R. Alexander Acosta, to be U.S. Attorney for the Southern District of Florida.

II. Bills

S. 2453, National Security Surveillance Act of 2006, Specter;

S. 2455, Terrorist Surveillance Act of 2006, De Wine, Graham

S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer;

S. 3001, Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006, Specter, Feinstein;

S. 2831, Free Flow of Information Act of 2006, Lugar, Specter, Graham, Schumer, Biden, Grassley;

S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter;

S. 2703, Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, Specter, Leahy, Grassley, Kennedy, De Wine, Feinstein, Brownback, Durbin, Schumer, Kohl, Biden, Feingold;

S. 1845, Circuit Court of Appeals Restructuring and Modernization Act of 2005, Ensign, Kyl;

S. 2679, Unsolved Civil Rights Crime Act, Talent, De Wine, Cornyn.

III. Matters

Subpoenas Relating to ABA Reports.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, July 20, 2006, to hold a hearing titled ''VA Data Privacy Breach: Twenty-Six Million People Deserve Assurance of Future Security''. The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 20, 2006, at 2:30 p.m. to hold a closed briefing.

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

SPECIAL COMMITTEE ON AGING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, July 20, 2006, from 10 a.m.–12 p.m. in Dirksen 106 for the purpose of conducting a hearing.

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

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, July 20, 2006, at 11 a.m. for a briefing on Iran from the State Department.

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

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, July 20, 2006, at 1:30 p.m. for a hearing regarding ''Iran's Nuclear Impasse: Next Steps''.

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

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Bill Yeomans, my Senate Judiciary counsel, be accorded floor privileges for the duration of the debate on H.R. 9 and any votes thereon.

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

Mr. SCHUMER. Mr. President, I ask unanimous consent to grant floor privileges to Tovah Calderon, a detailee from the Department of Justice who is currently serving on my Judiciary Committee staff.

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Kumar Garg, a legal intern with my Judiciary Committee staff, be accorded floor privileges during the debate on H.R. 9.

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

Mr. WYDEN. Mr. President, I ask unanimous consent for Emily Katz, a legislative fellow in my office, to have floor privileges while the Senate considers the Voting Rights Act.

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

Mr. CORNYN. Mr. President, I ask unanimous consent that a law clerk on my staff, Brian Hill, be granted floor privileges for the duration of this debate.

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

Mr. HATCH. I ask unanimous consent that the privilege of the floor be granted today and tomorrow for Dr. Vance

Randall, a legislative fellow for education policy serving on my staff.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–498, section 591c(2), reappoints René A. Drouin of New Hampshire, to the Advisory Committee on Student Financial Assistance for a three-year term.

COMMENDING THE PATRIOT GUARD RIDERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 535 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 535) commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals.

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 to the resolution be printed in the RECORD, without further intervening action or debate.

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

The resolution (S. Res. 535) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 535

Whereas in 2005, a small group of American Legion Riders in Kansas calling themselves the ''Patriot Guard'' began a movement to shield the families and friends of fallen service members from interruptions by protesters appearing at military funerals;

Whereas individuals from Colorado, Oklahoma, and Texas later brought together diverse groups of motorcycle organizations across the country who rode to honor fallen service members, forming an organization known as the ''Patriot Guard Riders'';

Whereas the Patriot Guard Riders have since grown into a nationwide network, including both veterans and nonveterans and riders and nonriders, and is open to anyone who shares a respect for service members who have made the ultimate sacrifice for the Nation;

Whereas Patriot Guard Riders attend military funerals to show respect for fallen service members and to shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of the event;

Whereas across the Nation, Patriot Guard Riders volunteer their time to come to the aid of military families in need, so as to allow the memories of the deceased service member to be remembered with honor and dignity;

Whereas regardless of one's opinion of the Nation's military commitments, the families, friends, and communities of the Nation's fallen soldiers deserve a peaceful time of mourning and should not be harassed and caused further suffering at a funeral;

Whereas Patriot Guard Riders appear at a funeral only at the invitation of the fallen soldier's family and participate in a nonviolent, legal manner; and

Whereas the members of the Nation's Armed Forces willingly risk their lives to protect the American way of life and the freedoms guaranteed by the Constitution: Now, therefore, be it

Resolved, That the Senate expresses its deepest appreciation to the Patriot Guard Riders who—

(1) attend military funerals across the country to show respect for fallen members of the Armed Forces and, when needed, shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of a funeral; and

(2) in so doing, help to preserve the memory and honor of the Nation's fallen heroes.

CORRECTING THE ENROLLMENT OF S. 3693

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 112 which was submitted earlier today, that the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 112) was agreed to, as follows:

S. CON. RES. 112

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill, S. 3693, the Secretary of the Senate shall insert ''or reentries'' after ''States, reentry'' in section 212(a)(9)(C)(iii)(II) of the Immigration and Nationality Act, as added by section 6(b)(1)(C) of the bill.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following bills: Calendar No. 481, Calendar No. 483 through Calendar No. 494, all postal naming bills, en bloc.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent that the bills be read a third time and passed and the motions to reconsider be laid upon the table en bloc.

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

HARRY J. PARRISH POST OFFICE

The bill (S. 2690) to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the ''Harry J. Parrish Post Office,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HARRY J. PARRISH POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8801 Sudley Road, Manassas, Virginia, shall be known and designated as the ''Harry J. Parrish Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Harry J. Parrish Post Office.

RICHARD L. CEVOLI POST OFFICE

The bill (S. 3187) to designate the Post Office located at 5755 Post Road, East Greenwich, RI, as the ''Richard L. Cevoli Post Office,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows.

S. 3187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RICHARD L. CEVOLI POST OFFICE.

(a) DESIGNATION.—The post office located at 5755 Post Road, East Greenwich, Rhode Island, shall be known and designated as the ''Richard L. Cevoli Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in subsection (a) shall be deemed to be a reference to the Richard L. Cevoli Post Office.

PAUL KASTEN POST OFFICE BUILDING

The bill (H.R. 2977) to designate the facility of the United States Postal Service located at 306 2nd Avenue in Brockway, Montana, as the ''Paul Kasten Post Office Building,'' was considered, read the third time, and passed.

DR. JOSE CELSO BARBOSA POST OFFICE BUILDING

The bill (H.R. 3440) to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the ''Dr. Jose Celso Barbosa Post Office Building,'' was considered, read the third time, and passed.

WILLIAM F. CLINGER, JR. POST OFFICE BUILDING

The bill (H.R. 3549) to designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the ''William F. Clinger, Jr. Post Office Building,'' was considered, read the third time, and passed.

GERARD A. FIORENZA POST OFFICE BUILDING

The bill (H.R. 3934) to designate the facility of the United States Postal

Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building,'' was considered, read the third time, and passed.

STATE SENATOR VERDA WELCOME AND DR. HENRY WELCOME POST OFFICE BUILDING

The bill (H.R. 4108) to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the ''State Senator Verda Welcome and Dr. Henry Welcome Post Office Building,'' was considered, read the third time, and passed.

HATTIE CARAWAY STATION

The bill (H.R. 4456) to designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the ''Hattie Caraway Station,'' was considered, read the third time, and passed.

FRANCISCO ''PANCHO'' MEDRANO POST OFFICE BUILDING

The bill (H.R. 4561) to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the ''Francisco 'Pancho' Medrano Post Office Building,'' was considered, read the third time, and passed.

MAYOR JOHN THOMPSON ''TOM'' GARRISON MEMORIAL POST OFFICE

The bill (H.R. 4688) to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the ''Mayor John Thompson 'Tom' Garrison Memorial Post Office,'' was considered, read the third time, and passed.

H. GORDON PAYROW POST OFFICE BUILDING

The bill (H.R. 4786) to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the ''H. Gordon Payrow Post Office Building,'' was considered, read the third time, and passed.

RONALD BUCCA POST OFFICE

The bill (H.R. 4995) to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the ''Ronald Bucca Post Office,'' was considered, read the third time, and passed.

MATTHEW LYON POST OFFICE BUILDING

The bill (H.R. 5245) to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the ''Matthew Lyon Post Office Building,'' was considered, read the third time, and passed.

TO DESIGNATE THE FACILITY OF THE UNITED STATES POSTAL SERVICE LOCATED AT 170 EAST MAIN STREET IN PATCHOGUE, NEW YORK, AS THE ''LIEUTENANT MICHAEL P. MURPHY POST OFFICE BUILDING''

Mr. FRIST. Mr. President, I ask unanimous consent the Homeland and Government Affairs Committee be discharged from further consideration of H.R. 4101 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4101) to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the ''Lieutenant Michael P. Murphy Post Office Building.''

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

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed and the motion to reconsider be laid on the table.

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

The bill (H.R. 4101) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, JULY 21, 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, July 21. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to S. 403, the Child Custody Protection Act.

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

PROGRAM

Mr. FRIST. Mr. President, today has been a busy and productive day in the Senate—quite a historic day in many ways. We passed the Voting Rights Act, significant legislation on which we had very good debate and discussion over the course of the day. It is a bill that has been passed by the House of Representatives last week and was passed through our Judiciary Committee yesterday, came to the floor today, and passed a few moments ago.

We confirmed four of the President's judicial nominations and about an hour ago we passed the Adam Walsh bill, a bill that establishes a national sex offender registry that toughens penalties for crimes against children that directly, and in a tough fashion, combats Internet predators and child pornography and child exploitation, that prevents abuse. I mentioned in my remarks a few moments ago, four children die as a result of child abuse every day, and although a lot of States do have registries, this information is not shared with other States.

I am delighted we were able to create this national child abuse registry which, indeed, will make such a difference in people's lives.

As I mentioned earlier, also, we will not have any votes during tomorrow's session. We are working on some further agreements for tomorrow's session, and on Friday I will have an update as to the schedule for Monday and Tuesday.

MEASURE READ THE FIRST TIME—S. 3711

Mr. FRIST. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will please report the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3711) to enhance the energy independence and security of the United States by providing for exploration, development and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

Mr. FRIST. I now ask for a second reading and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

Mr. FRIST. Mr. President, that particular bill is a bill that I hope we can address in the near future, a bill that will make available, once we address and pass it, a billion barrels of oil and over five trillion cubic feet of natural gas that this country does not see. It is a very important bill we will be addressing in the very near future.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask the Senate to stand in adjournment under the previous order.

There being no objection, the Senate, at 8 p.m. adjourned until Friday, July 21, 2006, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, July 20, 2006:

THE JUDICIARY

NEIL M. GORSUCH, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT.

BOBBY E. SHEPHERD, OF ARKANSAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

DANIEL PORTER JORDAN III, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

GUSTAVO ANTONIO GELPI, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO.