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...
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 concludes his statement 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 lighted 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 and passed unanimously this morning and that we are passing later this afternoon, is correct.

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 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 exactly what that test is, but we are proceeding with an extremely 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 who will count on 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 passed, with what is happening today, you have 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 more to have a voice. Close to half the Black officials we have in certain covered jurisdictions come from those jurisdictions.

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 in the House of Representatives are African Americans. 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 disfranchise. 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 finding that 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 all elections brought against them, and in the previous 8 years, each State had eight or nine court suits find them guilty of violating the Constitution.

Today, the statistics paint a starkly different picture. Only six cases have ended in court rulings 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 one case has ended in court ruling or a consent decree finding that one of the noncovered 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 880 covered jurisdictions have violated Section 2. Not a single case. 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.

Today, let’s 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 long enough to see 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 to us on the issues of civil rights. She was a real heroine 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 enough to be tired. 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 50. Hamer 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 put a little dot at a 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 hard to get these nine witnesses 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 tenacious 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 to act 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 few facts to report.

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 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 it determined 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 a covered jurisdiction had committed unconstitutional discrimination against white voters. Six cases found unconstitutional voting practices against minority voters, and two against white or majority voters. 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.

I recall, not too long ago, when Mrs. King came to the Senate, in the adjoining room to the Senate Chambers, and spoke to us on the issues of civil rights. She was a real heroine 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 enough to be tired. I was forty-two. No, the only tired I was, was tired of giving in.
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 Amendments. The court ordered that a seven-member district plan for electing trustees be implemented immediately, with district boundaries drawn by the court.

**Virginia**


**Louisiana**


**North Carolina**

(8) Shaw v. Hunt, 517 U.S. 889 (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 substituted its traditional redistricting principles for race. Id.

**South Carolina**

(9) Smith v. Beasley, 946 F. Supp. 1174 (D.S.C. 1996) (ACLU Rep., p. 572). While the 1991 plan in effect in 1995 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 1995, finding that the challenged senate districts and nine of the house districts unconstitutional because they “were drawn with race as the predominant factor.” Id.

**Leagues**


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 plan in which four trustees would be elected from single-member districts and three would be elected at large.
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 country on Election Day. Plaintiffs also contended that Stinson and the other Defendants had focused their efforts to encourage illegal minority voting at the polls on Election Day. Plaintiffs also contended that Stinson and the other Defendants had focused their efforts to encourage illegal minority voting at the polls on Election Day.

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 of the Laws. (3) defendants improperly applied a 1993 Special Election because Marks would have been a minority black 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 violation of the Voting Rights Act targeting voters based on race and denying minority voters the right to vote freely without illegal interference. Finally, the court ordered the certification of Marks as the winner of the Second Senatorial District seat for the 1993 Special Election because Marks would have been the candidate but for the illegal actions of the defendants.

III. CONSTITUTIONAL VIOLATIONS NOT ADDRESSED


Residents of Dorchester, Berkeley, and Charleston Counties, in South Carolina, filed suit in 1992 alleging that the county commission and board of education districts were malapportioned. According to the ACLU report, the 1990 census showed that the five single member districts for both boards were constitutionally malapportioned. After the 1990 census, black voters were concentrated in districts that were majority black, and two at-large seats. The 1990 census, black voters were concentrated in districts that were majority black, and two at-large seats. After the 1990 census, black voters were concentrated in districts that were majority black, and two at-large seats. After the 1990 census, black voters were concentrated in districts that were majority black, and two at-large seats. After the 1990 census, black voters were concentrated in districts that were majority black, and two at-large seats.

(2) Frank Davenport v. Clay County Board of Commissioners, Civ. No. 92-98-COL (JRE) (M.D. Ga.) (ACLU Report at 256-59).

The court held: (1) defendants violated plaintiffs’ right to vote in state elections by abusing the democratic process; and (4) defendants improperly applied a “standard, practice, or procedure” in violation of the Voting Rights Act targeting voters based on race and denying minority voters the right to vote freely without illegal interference. Finally, the court ordered the certification of Marks as the winner of the Second Senatorial District seat for the 1993 Special Election because Marks would have been the candidate but for the illegal actions of the defendants.

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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.’”


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. 95–113–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.”


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.”


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.”


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.”


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 in violation of the Fourteenth Amendment,’ and required the defendants to develop and implement a new apportionment for the school board within 60 days.”


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.’”


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.”


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 75.84% 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

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

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**Jurisdictions Covered by § 5**

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| 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'n, 706 F.2d 1103 (11th Cir. 1983)  
| Alaska         | 0           | 0                     | 0 (0%)                           | n/a |
| Arizona        | 3           | 1                     | 0 (0%)                           | n/a |
| 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)  
<pre><code>                                      |            |                                     | 4) East Jefferson Coalition For Leadership &amp; Dev. v. Parish of Jefferson, |
</code></pre>
<table>
<thead>
<tr>
<th>Geography</th>
<th>Total Suits (% of total nationwide suits)</th>
<th>Courts Reached Merits on Section 2 (% of total nationwide suits)</th>
<th>Holding State Violated Section 2 (% of cases that reached merits that held against state)</th>
<th>Cases</th>
</tr>
</thead>
</table>

**Non-Covered Jurisdictions**

<table>
<thead>
<tr>
<th>Geography</th>
<th>Total Suits (% of total nationwide suits)</th>
<th>Courts Reached Merits on Section 2 (% of total nationwide suits)</th>
<th>Holding State Violated Section 2 (% of cases that reached merits that held against state)</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>16 (All Non-Covered)</td>
<td>9 (All Non-Covered)</td>
<td>2 (All Non-Covered) (22.2%)</td>
<td>4) Harvell v. Blytheville Sch. Dist. #5, 71 F.3d 1382 (8th Cir. 1995)</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td>1) Gomez v. Watonville, 863 F.2d 1407 (9th Cir. 1988)</td>
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<td></td>
<td></td>
<td></td>
<td>2) Garza v. County of Los Angeles, 918 F.2d 763 (9th Cir. 1990)</td>
</tr>
<tr>
<td>Colorado</td>
<td>5</td>
<td>4</td>
<td>2 (50.0%)</td>
<td>1) Sanchez v. Colorado, 97 F.3d 1303 (10th Cir. 1996)</td>
</tr>
<tr>
<td>Connecticut</td>
<td>2</td>
<td>0</td>
<td>0 (0%)</td>
<td>n/a</td>
</tr>
<tr>
<td>DC</td>
<td>2</td>
<td>2</td>
<td>0 (0%)</td>
<td>n/a</td>
</tr>
<tr>
<td>Delaware</td>
<td>3</td>
<td>1</td>
<td>0 (0%)</td>
<td>n/a</td>
</tr>
<tr>
<td>Florida</td>
<td>21 (18 Non-Covered, 3 Covered)</td>
<td>16 (15 Non-Covered, 1 Covered)</td>
<td>3 (All Non-Covered) (18.8%)</td>
<td>1) McMillan v. Escambia County, 748 F.2d 1037 (11th Cir. 1984)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3) Meek v. Metro. Dade County, 985 F.2d 1471 (11th Cir. 1993)</td>
</tr>
<tr>
<td>Hawaii</td>
<td>1</td>
<td>1</td>
<td>1 (100%)</td>
<td>1) Arakaki v. Hawaii, 314 F.3d 1091 (9th Cir. 2002)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2) Ketchum v. Byrne, 740 F.2d 1398 (7th Cir. 1984)</td>
</tr>
<tr>
<td>Indiana</td>
<td>6</td>
<td>3</td>
<td>0 (0%)</td>
<td>n/a</td>
</tr>
<tr>
<td>Kentucky</td>
<td>1</td>
<td>0</td>
<td>0 (0%)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2) Cane v. Worcester County, 35 F.3d 921 (4th Cir. 1994)</td>
</tr>
<tr>
<td>Michigan</td>
<td>5 (All Non-Covered)</td>
<td>4 (All Non-Covered)</td>
<td>0 (0%)</td>
<td>n/a</td>
</tr>
<tr>
<td>Minnesota</td>
<td>2</td>
<td>2</td>
<td>0 (0%)</td>
<td>n/a</td>
</tr>
<tr>
<td>Geography</td>
<td>Total Suits</td>
<td>Courts Reached Merits on Section 2 ( Nationwide Suits)</td>
<td>Holding State Violated Section 2 ( % of cases that reached merits that held against state)</td>
<td>Cases</td>
</tr>
<tr>
<td>---------------</td>
<td>--------------</td>
<td>--------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Missouri</td>
<td>9</td>
<td>5</td>
<td>1 (20.0%)</td>
<td>1) Corbett v. Sullivan, 202 F. Supp. 2d 972 (E.D. Mo. 2002)</td>
</tr>
<tr>
<td>Montana</td>
<td>3</td>
<td>3</td>
<td>2 (66.7%)</td>
<td>1) Windy Boy v. County of Big Horn, 647 F. Supp. 1002 (D. Mont. 1986)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2) U.S. v. Blaine County, 363 F.3d 897 (9th Cir. 2004)</td>
</tr>
<tr>
<td>Nebraska</td>
<td>1</td>
<td>1</td>
<td>1 (100%)</td>
<td>1) Stabler v. County of Thurston, 129 F.3d 1015 (8th Cir. 1997)</td>
</tr>
<tr>
<td>New Jersey</td>
<td>3</td>
<td>1</td>
<td>0 (0%)</td>
<td>n/a</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>0</td>
<td>0</td>
<td>0 (0%)</td>
<td>n/a</td>
</tr>
<tr>
<td>New Mexico</td>
<td>4</td>
<td>0</td>
<td>0 (0%)</td>
<td>n/a</td>
</tr>
<tr>
<td>New York</td>
<td>26 (18 Non-Covered, 8 Covered)</td>
<td>15 (11 Non-Covered, 4 Covered)</td>
<td>1 (Non-Covered) (6.7%)</td>
<td>1) Goosby v. Town Bd. of Town of Hempstead, 180 F.3d 476 (2d Cir. 1999)</td>
</tr>
<tr>
<td>North Carolina</td>
<td>15 (7 Non-Covered, 8 Covered)</td>
<td>5 (All Non-Covered)</td>
<td>2 (All Non-Covered) (40.0%)</td>
<td>1) Thornburg v. Gingles, 478 U.S. 30 (U.S. 1986)</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>5</td>
<td>4</td>
<td>2 (50.0%)</td>
<td>1) U.S. v. Berks County, 277 F. Supp. 2d 570 (E.D. Pa. 2003)</td>
</tr>
<tr>
<td>Road Island</td>
<td>2</td>
<td>0</td>
<td>0 (0%)</td>
<td>n/a</td>
</tr>
<tr>
<td>South Dakota</td>
<td>3 (2 Non-Covered, 1 Covered)</td>
<td>3 (2 Non-Covered, 1 Covered)</td>
<td>2 (Non-Covered) (66.7%)</td>
<td>1) Bone Shirt v. Hazeltine, 336 F.Supp.2d 976 (D.S.D. 2004)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2) Cottier v. City of Martin, 445 F.3d 1113 (8th Cir. 2006)</td>
</tr>
<tr>
<td>Tennessee</td>
<td>7</td>
<td>6</td>
<td>3 (50.0%)</td>
<td>1) Buchanan v. City of Jackson, 683 F.Supp. 1515 (W.D. Tenn. 1988)</td>
</tr>
<tr>
<td>Geography</td>
<td>Total Suits (% of total nationwide suits)</td>
<td>Courts Reached Merits on Section 2 (% of total nationwide suits)</td>
<td>Holding State Violated Section 2 (% of cases that reached merits that held against state)</td>
<td>Cases</td>
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<td>-------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>4</td>
<td>3</td>
<td>1 (33.3%)</td>
<td>1) Prosser v. Elections Bd., 793 F Supp. 859 (W.D Wis. 1992)</td>
</tr>
</tbody>
</table>
### SECTION 2 SETTLEMENT CHART

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

<table>
<thead>
<tr>
<th>Geography</th>
<th>Total Suits (% of total nationwide suits)</th>
<th>Parties Settled</th>
<th>Settlement Recognized Section 2 Violation (% of cases that Settled in which a Section 2 violation was recognized)</th>
<th>Cases</th>
<th>Settlement Recognized a Constitutional Violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nationwide</td>
<td>330</td>
<td>25</td>
<td>7 out of 25 (28.0%)</td>
<td>See below</td>
<td>See below</td>
</tr>
<tr>
<td>Jurisdictions Covered by § 5</td>
<td>159</td>
<td>9</td>
<td>3 out of 9 (33.3%)</td>
<td>1. Alabama: Dillard v. Chilton Cty. Comm'n, 868 F.2d 1274 (11th Cir. 1989)</td>
<td>1. No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2. Alabama: White v. Alabama, 74 F.3d 1058 (11th Cir. 1996)</td>
<td>2. No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2. Ohio: Mallory v. Eyrich, 922 F.2d 1273 (6th Cir. 1991)</td>
<td>2. No</td>
</tr>
</tbody>
</table>

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

Mr. LEAHY. Mr. President, before I begin, I assume you 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, have been in the forefront of this. His late brothers, the President and Senator from Massachusetts, 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 his 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 these bills 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
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 often refer to the recalcitrance of some, 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 unani-

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—amending the Judiciary Committee and it was adopted without dissent.

I told Senator Salazar that I recall the dinner with Marcelle and myself, our son John, his wife Carolynn, and my 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 language 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. She was a target of such 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. Nobody should have to know that all of us are equal as Americans with equal rights, despite the color of our skin.

I yield the floor.

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

Mr. BURR. Mr. President, I rise.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BURR. Mr. President, it is 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
The United States is doing just that. Act and, indeed, today, right now, the act to reauthorize the Voting Rights Act. Thus, I am pleased this Congress will affirm at that time our commitment to extend the expiring provisions of the Voting Rights Act today. We expedited it through committee and, indeed, right now, are reflected in those words of Dr. Hooks that we heard 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 abrogate 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, feeling 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 SENSENIBRENNER on the steps of the Capitol where we re-affirmed 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 any State or by any person 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 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 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.

It was the chance, two long decades ago, 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 and 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 Clinton 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 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 movement and in the freedom trails of those who were involved in the civil rights movement and in the freedom trails of 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 and actually vote. It was and is critical. It is critical that we extend it. 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 citizens to fully and fairly participate in our political system, both as voters and as candidates. The number of minority legislators has grown substantially.
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. 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 spirit 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 circumstances 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, 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.

It 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 theaters, 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 plea 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 into law.

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 achieved. That is an agreement that we will consider this and finalize 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 the 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 strong and system 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 an important 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 being the land of the free 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 malign 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 Pettus 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 did. In 1965, there were only three African-American senators, 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. And I say, could it 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. I have heard, 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 voluntarily reviewed 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 are able 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, recommended an objection. 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 by permitting jurisdictions where Federal oversight is no longer warranted to “bailout” from coverage under section 5. We have letters from two of the jurisdictions that have taken advantage of the bailout process. It appears 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 history of such oversights.

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 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 language 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 as it is written protects the right to vote. We know that 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.

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. Frank Hanawalt 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 was at 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 it’s lowered on the American conscience 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 through the 1950s and 1960s, a man of 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 label of a city that ended the practice of a White mayor. We made a transition in a difficult time. We righted difficult wrongs. We made the letter of the law the spirit of the law.

Joseph 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. John F. Kennedy, 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 in the spirit of 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 followed the spirit 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 defence of the 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 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 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 the 15th amendment in particular relied on legislation 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 African Americans 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 right of a citizen to vote. The Constitution had already granted them.

Several of these heroes are memorialized in the title of this bill: Fannie Lou Hamer, Rose 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 almost 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 to the floor on a stretcher, or as the bills clerk called him, the “lame duck.” He was not able to participate in the debate on the bill, which was being filibustered on this very day.

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 granted them to war veterans. In 1965, California made the right to vote day challenges based on literacy.

In 1971, 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.

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 renewal.

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, like excluding minority candidates from the ballot, denying efforts to change methods of elections intended to dilute minority voting strength, keeping 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 and ultimately 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 enforcement prevents acts 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 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 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, the 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 are much more likely to disenfranchise voters than the Department of Justice actually does. 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, and we would discuss them. She could never fully understand them because they were complicated and filled with legalese.

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.
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 fundamental 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.

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.

Rosa Parks, Coretta Scott King, and Cesar Chavez fought with passion for all Americans to be able to exercise their 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 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, the blood and life during the Civil War, the blood and life during the Civil War, the blood and life during the Civil War, the blood and life during the Civil War, the blood and life during the Civil War, the blood and life during the Civil War, the blood and life during the Civil War, the...
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 constitutionally guaranteed right to vote. Indeed, President Johnson said to the Nation: "The bill that lay on the polished mahogany desk was born in violence in Selma, Alabama, where a stubborn sheriff had staked his desk was born in violence in Selma, AL, where a stubborn sheriff had staked 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 7, 1965, to quote the passage 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 and 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 6, 1965, President Johnson signed the Voting Rights Act of 1965 into law. Indeed, in American history in America, we have often stumbled, but great leaders, such as Dr. King and those whose names are associated with this author-

The PRESIDING OFFICER, the Senator from Virginia is recognized.

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, I would like to yield 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.

I spoke right before Independence Day last month on June 29 on the importance of certain principles as we celebrated the Declaration of Independence. 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 Govern-

So in our representative democracy, in our Republic, voting is how the owners, the people of our country in their cities, 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 mentioned 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 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 reaffirmation that no matter one’s gender, race, ethnicity or religion, you have an opportunity to vote if you are a law-abiding citizen. And this 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 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 current law is adequate and that 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 act is called Bloody Sunday. He said: “At times, history and fate meet at a single point in man’s unending search for freedom. So it was at Lexington and Concord. So it was 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 granted 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 the States of the 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 a copy of the Constitution. Only men—who sit 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 vote, to become part of “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—they’re 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 right of one of the most important 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 Senate 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 looked at the statue 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 House, and the four 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. A triumph for the old, small 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 18 pages in a 2,000-page 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 not just 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. It is blood and sweat and tears and every American has the right to vote.

Unfortunately, the Voting Rights Act is not as strong as it should be today. It is a mile wide and an inch deep. 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, 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’m sick and tired of being, black and blue.”

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 reflected 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 ordered not only new congresses, 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.


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 within the Senate say that they 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 attempted 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 could 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 argue that 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 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 land where ballots 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 that is being discussed is just 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 alone. Let us take another case that is not in the South. Eighty-three percent of Buffalo County, South Dakota, admit that entitled 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 changes.

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 ballot 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 pass. I am glad we are 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 tell 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 don’t want the conversation to end at that point. I hope we will accept the responsibility to challenge any State and to tell 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.
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 was one of the men 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 years of his career he 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—for the right of 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 is a landmark in the history of the Senate. It came about because the Civil Rights Bill of 1964 was being filibustered in the Senate. Senator Douglas was the leader of the filibuster. I think that filibuster was broken when the Voting Rights Act passed.

I had a wonderful summer observing Senator Cooper at work when he was in, 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 walked up to the Rotunda 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 through out 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 or barriers 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, overwhelming 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 that America had 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 the presence of a 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 beacon 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 one step closer to that Dream.

I believe I am safe in predicting this legislation will be approved overwhelming 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 1970, 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 1970. 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 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 pass 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 registrants and registrant 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 but 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, and 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 bill 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 more often, simply to reduce racial discrimination and 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 love to say that. But in reality, we know we do not, and we know we must continue to fight for it.

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 the fact that we have made America different from a lot of countries is that 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. One 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 comprehensive 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 have 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 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 provision. We must ensure that Section 5 continues 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 want to 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 pursuant to 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 of 1965, there are 25 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 now we are on the floor in the 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 have all seen the claims that she has done her job, and I am 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 us know, 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 predominate in our cities where the lines are the longest, the 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 when 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, a better democracy because of the Voting Rights Act of 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 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, to the importance of the Voting Rights Act, and I am proud of the fact that one of the authors of this legislation is from our state of Oregon.

Mr. SMITH. Mr. President, above the dais, our Nation’s motto, e pluribus unum, is chiseled in the marble. That motto means more than a name 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 who realized 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 that we have constantly been 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 finally 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 19th 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 to take place 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 can be cast and counted and that it be done so without intimidation or without delay. I rise to fully support this. My mother used to always say, treat others as you would want to be treated. That is something you would want to be treated. That is the language of the jurisprudence of the 19th amendment.

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 to reauthorize 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 Act. This law plays a critical role in ensuring that the right of all Americans to vote is protected. It is a law 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 pay close attention to the changes being made in that section.

Like my colleague from Arizona, I support the provision that effectively instructs the Justice Department to refuse to pre-clear a voting practice that is motivated by a discriminatory, unconstitutionally purpose. I also agree this is all this change does. It does not authorize the Justice Department to require the States to prove a discriminatory purpose.

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. It is critical and an important standard for identifying unconstitutional racial discrimination is to ask whether the challenged court act departs from normal rules of decision. In the case of redistricting, courts and the Justice Department will have the further 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 district 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 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 geographic entity is entitled to be excluded 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 the bill, we are imposing 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 Vermont, 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 pay close attention to the changes being made in that section.

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definition that is being incorporated in this legislation. This 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 districts matching the description of "lollipop" or "misspelled" maps to be eliminated. The redistricting of such 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 the "effective voting strength" or "winning votes" purpose—or authorized the U.S. Department of Justice to invent one—that is unethered from the Constitution itself. I think this is sufficiently clear from the bill's incorporation of constraints of art that it is from 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 the discriminatory purpose of maps 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 so-called new subsection (d) that provides 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 an 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 the Ashcroft majority group's preferred candidate of choice, any plan that does not preserve that district would be considered retrogressive under section 5. 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 when it was 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." I strongly urge the House to pass this bill. And I think 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 "preventing 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 district. 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.

It is possible 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 minorities" 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 major-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 favorably or unfavourably 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 Gerrymandering. The term “preferred candidates” does not appear 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 to eliminate this discriminatory language. 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. Latching into 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 because, as 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 those States.

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 promulgated, 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 abridgment 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. It was originally set to 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 examining 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.

I note 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 country as a whole—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 with a history of 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 permanence 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. One 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 covered under section 5 to submit their election changes for pre-clearance, 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 3 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 Americans and the covered jurisdictions, and the plummeting, really, of objections sustained to submissions requesting preclearance under
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 29.4 percent of its representatives in the State House, 33 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 and the Senate, working diligently, is applying our policies.

In the House, the so-called bailout procedures for jurisdictions that had a success with the so-called bailout procedures for jurisdictions that had a 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. 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 say 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 Fair Housing Act. Wilma Rudolph, 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 change the 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 signed into law the Voting Rights Act 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 becoming 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 today cannot be prevented from doing 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 person of the dignity and the right to participate in the destiny of 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.

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 respond to these challenges, it is easy to lose sight of the fact that the right to vote is fully and equally available to all American citizens.

We still have work to do, to renew protections for the right to vote, to enforce 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—not just those who 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. Voting 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 that have not had the translation 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 tries 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 totally involved in and supportive of and welcomed by our great democracy.

These expiring sections of the Voting Rights Acts, sections 5, 203, 6 through 9, have all been reauthorized—first in the House, and a message to the Senate 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 we have 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 already 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 by relying on 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 that 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 I 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 recommended against Georgia’s voter photo ID requirement which disadvantage 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 months. 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, high in the Senate Chamber, we will pass a message that maybe the Voting Rights Act will 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 renew 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 need to put new regulations in effect. If 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 because of the potential for 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 how we wish to join 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 that someone who wins 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, we are confident we are about 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.

The rights 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 us today. It is a second 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 are prepared to want to be second to none, to 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. That the extension of the Voting Rights Act is in 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 has climbed steadily, from 30 in 1970 to 239 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 county 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. Mr. Williams, Mr. 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 population are precluded, which is in Georgia. 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 chose to 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 do object 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.

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 an act passed that would further uphold the right to vote, across the Edmund Pettus Bridge that day, that 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. Black, Hispanic, Asian-Americans, teachers, bankers, shopkeepers; what Dr. King called a beloved community of God’s children ready to stand for freedom.

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 Edmund Pettus 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 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 comfortable writing and voting 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 see something familiar.”

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-cons 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 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, Illinois, 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 flyer 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 go to jail for 10 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 also 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 Martin Luther King, Jr. and 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 and not to abstain.

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 Act.

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 further because of the civil rights movement.

It has enriched the country. I have been able to interact 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 inalienable right to participate in a democracy. That is because of the moral universe is long, but it bends to-ward justice. That is why I stand here today. I think, the fifth or sixth grade.

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 so much. 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.

In South Carolina we have 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. Everyone of my generation depends on what you did.

Allowing Americans to fully participate in a democracy has been a wonderful thing. Allowing people to go to the movies, 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 frightening 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 continue to fight to ensure unimpeded access to the polls for all Americans.

I argue that one of those issues we are dealing with today that is playing on the fears of the past and the weak-

ness 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 we must also reach up and bend that arc in the right way, through the strong voice 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, right ly so. Those who fail to rise to the occasion are called human beings.

All human beings 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 the issue at hand, the Voting Rights Act, I argue that one of those issues 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. Everyone 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—basically fears. And from 2006 over the history of the Voting Rights Act, there is nothing to fear. Allow ing Americans to fully participate in a democracy has been a wonderful thing. Allowing people to go to the movies, 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 frightening thing.
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 prejudice and risked their personal safety, I hope the new 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 support 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 that will enable us to take important steps 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. In the words of the late John Lewis, 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 2 percent of African Americans registered to vote. 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 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 for other States: California; 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 voting designation 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 stratagems’ 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 accommodation 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. Nannon 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 remedial legislation under section 2 of the Voting Rights Act of 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 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, less serious 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. In Ashcroft and Reno v. Bossier Parish School Board, Bossier Parish II, the Court held 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 section 5’s constitutionality.”

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. The sections, 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 can continue to evaluate and amend them if needed.

I stand here today representing a State, portions of which have been classified by this act as having a tremendous problem of voting rights 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.”

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, and 1972. What about the Presidential elections in 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 list 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. How can H.R. 9 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) defines 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 must emphasize that regardless of the outcome of this reauthorization vote, which I will support and I am confident will pass, if there were no member 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.

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.

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. The sections, 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 can continue to evaluate and amend them if needed.

I stand here today representing a State, portions of which have been classified by this act as having a tremendous problem of voting rights and a leader in the world. Every citizen over the age of 18 who can legally vote has a constitutional right to do so.
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 of the Voting Rights Act.

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 we are 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 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 the 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 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 tremendous progress; African Americans and Hispanic voters are now substantially represented in the State legislatures and 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 subdivisions.

Voting Rights Act Reauthorization and Amendments Act of 1982. As was the case in 1965, conditions have improved since the VRA 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 and White voters in jurisdictions added to the list during the 1975 reauthorization of the VRA are especially covered by the law. Enforcement of the Act in 1975 are not far behind. Enforcement of the Act in 1975 are not far behind.

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. The Voting Rights Act of 1965 is a key tool—in eradicating any remaining vestiges of racial discrimination. 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 vote is inalienable, but the right to vote is protected by 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.

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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 helped 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 life-blood 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 vote, they do so without the fear that they face obstacles created to disenfranchise them. Every U.S. citizen, regardless of race or gender, should have the 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 and justice all. I look forward to seeing this commitment to justice renewed today as we reauthorize the Voting Rights Act of 1965.

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, provides that a court, 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 legislation Congress passed temporary remedial measures to address voting practices and discriminating 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 the 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, 72.1 percent; 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 receive "triggers." 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 the Act 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 is clearly contrary to the act 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 non-substantive 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 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 that 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 understood anything about 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. We formulate our thoughts 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 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. I 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 end 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 today, and yet I am paralleling 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 vote to consider 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 with the Voting Rights Act. That 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 private detail the toll that election abuses now take on our democracy. As much as it is an accomplishment that the Senate will vote 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 the Senate next year 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 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 options for individual 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 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 to get up early in the morning, wait 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 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 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 report 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 seen that citizens who are otherwise 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. Mistakes 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 have seen that transparency, people lining 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. 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 reinstate 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 vote turnout in Oregon considerably higher than 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 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 that 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 in-person 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. 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. Supreme Court declared in the Reynolds v. Sims case—(it has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote . . . and to have their votes 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 Voter 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 think the Oregon story will work well 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 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 right. The point is that part of why the country 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, and certainly not just in America, there are always standing 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. We were there during the entire course of the campaign 2 years ago, traveling to Alabama—Montgomery—and 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 with 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. We 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 waste-basket instead of into the computers. In a couple of States, the number of eligible voters 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 us have allegiances in our country and Senate that 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 name is 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.

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 have been a Jim Crow-era like 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.

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Mr. President, I ask for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.
This morning, President Bush addressed the 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 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 show up on 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 a new, modern 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 have examples in the last election of people 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 mailed postcards one 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 are the outcome 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 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 when we stand up for someone else 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. I was astonished, 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 to do that.

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 situation 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 doing, changing my life 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 in such great harmony 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 Don’t stop talking about things to 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, grandparents, 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 too old. 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 difference. 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 is all. I used to work 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 what they did 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, 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 she or he is 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, whether it is your jurisdiction 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 voters at the polling places, 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 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 was a fear 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. I believe all 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 TURAS 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. If 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 thing our 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 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 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 who have a heart and soul of 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 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, that, in fact, that 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. 8, 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, the fairest, most unreserved 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. The progress we have made. Without the Voting Rights Act, it clearly would not have happened.

However, we sit in the Senate, and only 350 of you did we again have one 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 without unfettered access to the voting booth. A renewed and reenergized Voting Rights Act. And, thank God, the attempts to dilute it—mainly, I am sorry to say—coming from the other side, 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 300,000 people 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. Politically, 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 parts of our country 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. This was enshrined in the statute 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 textbook. But it is an important month of remembrance and reflection. This 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 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. 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 people of color 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 me closer to the heart. It is a lesson still timely for us. It is a lesson that Congresswoman HARTLEY 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, the Voting Rights Act has been struck 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 continued through 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 to reconcile 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, probably 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 and 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 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 is 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 the highest respect for the 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 Senator stood 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 brutality 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 lynch and murdered for attempting to vote or register 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 status 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 elections 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 clause inserted by a legislator 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. 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 are 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 my 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 peculiar 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 of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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 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 public functions that are beyond the ability of 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, to vote, the 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 fighting 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 must not forget that that privilege 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 in America. 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 stand up and to vote. And 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 the future of our fellow 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 to get it right. It is beyond 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 registered voters. That 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 this Nation 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. 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, I suggest that our leaders must know that their legacy will be carried on.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will 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.

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 REM in control of the time from 4:35 to 4:50, 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 consider the following nominations in the order specified:

Calendar No. 379, H.R. 4472. I further ask that the Hatch amendment at the desk be agreed to, and then there 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 the Hatch 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: 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, LEAHY, and LDOTT; Calendar No. 766, Daniel Jordan III, 5 minutes each for Senators PRYOR and LINCOLN; Calendar No. 765, Gustavo Prado, 5 minutes each for Senators SPECTER, LEAHY, COCHRAN, and LOTT; Calendar No. 760, Daniel Jordan III, 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—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.

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 shown in marking up a bill that I gathered 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 disfranchisement 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:

[The 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, 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 to promote the enfranchisement of minority voters 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 seat and protest tactics for the modern day 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—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 our very key provisions that were 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 over- riding the sensible framework for jurisdictions to demonstrate that they should not be subject to continued section 5 coverage. And 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 be able to understand the English language. That 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 be 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 lost.

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 the 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. But the Voting Rights Act is a key tool 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 election cycles of 2000 and 2004 are replete with examples of such obstacles, including: too few polling places or too few voting machines to serve the turn-out; eligible voters’ names not on the registration list; errors in the registration list; 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 the 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 of 2000 and 2004 are replete with examples of such obstacles, including: too few polling places or too few voting machines to serve the turn-out; eligible voters’ names not on the registration list; errors in the registration list; 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 the ballot was spoiled, to name only a few.

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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 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 their age or race, ethnicity, 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 work on 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 my intent 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 colleagues and I have 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. But even the HAVA minimum requirements do not get this done right. Then all the others 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, including the following: providing every eligible American a paper 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 changes; 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 requirement 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 the 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. In addition to these reforms, we must have in place by the Federal elections of 2000 and 2004 a Federal minimum requirement that each State must meet by the Federal elections of 2000 and 2004. That legislation established Federal minimum requirements that all States provide voters a voter-verifiable 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 changes; 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.

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 legislation to bring 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 fundaments 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. SARBANES. Thank you, Mr. President. I thank my colleague from Maryland for those kind words.

She is an extraordinary man, the very embodiment of the principles that are so dear to me. I thank him for his leadership and for his friendship. Mr. President, I will try not to be long.

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 is now known, was 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 is that the Reverend Dr. Martin Luther King Jr. 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 passage of the Voting Rights Act.

Mr. SARBANES. This opportunity to express the gratitude we all feel to him for his leadership and for his friendship.

Mr. SARBANES. 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 oppression wherever it exists in the world. It makes the silent majority effective against the majority which habitually votes by ballot the will of the minority which habitually votes by ballot the will of the minority.”

Indeed, the act marked a decisive turning point in the long and arduous road we know as the civil rights movement. And as President Johnson said, 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 law, we face, 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 more than a year ago, and the only vote we took was, in fact, revising it. We did 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.

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Mr. LEVIN. Mr. President, I strongly and enthusiastically support the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments of 2006. 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. Most provisions in the Voting Rights Act, and specifically the provisions that guarantee that no one may be denied the right to vote because of his or her race or color, are permanent.

Mr. SARBANES. Indeed, therefore, this Monday I will send to the Congress a request for legislation to carry out the amendment of the Constitution.

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The committee brought this bill to the Senate more than a year ago, and the only vote we took was, in fact, revising it.
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 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. It will do 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 that every vote counts and every voice is heard. What are the facts about anyone in America whether it is the old-fashioned kind or the new-fangled 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 Prospective Enforcement 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 co-sponsor 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 the promise had been broken, 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 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 in 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 create new barriers, particularly minority language barriers. 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 approval 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 ap- point Federal election observers to en- sure that minority citizens will have full access to the ballot box.

There is no question that all of these provisions are important and nec- essary, 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 sup- porting this critical piece of legisla- tion.

Mr. REED. Mr. President, as a co- sponsor of the Senate bill, I am pleased the Senate is considering the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Reauthoriza- tion and Amendments Act, H.R. 9.

The Voting Rights Act was signed into law 41 years ago as a direct reac- tion to the vicious attacks against civil rights demonstrators crossing the Edmund Pettus Bridge in Selma, Alabama. After these attacks, President Johnson was able to end a long deadlock with certain Members of Congress attempt- ing to weaken the legislation. The act passed in August 1965 and successfully prohibited that localities had developed to disenfranchise racial and ethnic minorities, such as literacy tests, "grandfather clauses," character assessments, poll taxes, and intimidation tech- niques, often violent. It was also designed to present the racial gerrymandering, at-large election sys- tems, staggered terms, and runoff re- quirements 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 de- vices intended to dissuade minority voting, have made obvious attempts to disenfranchise minorities a thing of the past. By requiring district court or at- torney general determination of which eth- er a proposed election change would abridge voting rights, section 5 has de- terred measures frequently used before 1965 to weaken minority votes.

Thanks to the original law and the reauthorizations that followed, an in- creasing number of African Americans, Latinos, and Native Americans have been voting, decreasing the gap be- tween white and minority turnout. Mi- norities report fewer attempts to cur- tal their rights and minority districts have a greater number of Afri- can Americans, Asian Americans, and Hispanic Americans to be elected to of- fice. 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 disen- franchisement and vote dilution through the Voting Rights Act reau- thorization process. And this reau- thorization is no different.

The nonpartisan Lawyer's Com- mittee for Civil Rights, which Presi- dent John F. Kennedy created to pro- moted voting equality, established a commission to conduct an investiga- tion into vote discrimination in prepara- tion for this most recent reauthor- ization proposal. The conclusions of the Commission, echoed in the many congressional hearings held on the law, was that, while the Voting Rights Act has succeeded in eliminating systematic efforts to disenfranchise voters, re- strictions to ballot access and weaken- ing of the minority vote are still oc- curring. In fact, the Commission re- ported that attempts to repress the mi- nority vote, "are still encountered in every election cycle across the coun- try," citing deterrents against English- language minorities, unduly burden- some 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 discrimi- natory practice.

Since the last reauthorization, the Supreme Court, in Reno v. Bossier Par- ish II and Lofaso v. Utah, has further 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 mi- nority votes. Many of the changes in the bill before us were drafted as a di- rect response. This act not only renews the expiring provi- sions, it restores the original intent of section 5 by prohibiting the approval of any proposed election law change hav- ing the effect of diluting a minority voting population.

As my courageous colleague, John Lewis, has said, "The sad truth is dis- crimination still exists. We must not go back to the dark past."

This reauthorization will provide the tools we need to honor our constitu- tional 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 recommitment of the promise, as President Johnson put it, that the Voting Rights Act is a "stronger remedy free of litigation than we should not assume that the vig- orous protections of the act have out- lived their use. To the contrary, ex- tending 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 Depart- ment of Justice deemed 626 proposed election law changes discriminatory since the last extension of the act in 1992. I ask my colleagues on this Committee to consider the evidence 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 Amend- ments.

We commend Chairman SPECTER for holding this series of hearings on the Voting Rights Act. Furthermore, we note the House passed its reau- thorization of the Voting Rights Act last week without amendment, and I trust we can and will do the same here in the Sen- ate. Most of us believe the record dem- onstrates that the act should remain in force, and I strongly urge my col- leagues to support is extension.

MS. LANDRIEU. Mr. President, the Voting Rights Act of 1965 was written to prevent both direct and indirect as- sumptions of the act. It outlawed the poll taxes and literacy tests and es- tablished a system of Federal marshals to help African Americans in the South vote. It also required covered jurisdic- tions 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 well-known cases of voting discrimination have been eliminated, isolated cases of voting discrimination 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 earlier this year in Oklahoma involving 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, 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 later Kilmichael elected its first African-American mayor.

Mr. President, history tells us that the justification for the continuance of this law is compelling. It also tells us that enforcement of this law is essential. 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 Voting Rights Act. I believe, if you will, that the purpose 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.

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.

Johnnie’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 who 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 co-sponsor this legislation.

I want to thank my colleague Senator 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 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 Chamber debated the original Voting Rights Act, there were some 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 busses, 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 reason, 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.

Also, when the law 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 its 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 necessary.

Martin Luther King, Jr., called President Johnson’s speech on the 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.”

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.

The Supreme Court has said voting rights are so important because they are the "guarantee of political freedom". I believe, if you will, that the purpose 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.

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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 go to the water 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 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, as something is 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 v. 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 before it narrowed that interpretation in 2006. Prior to the Ashcroft decision, an objection would be raised by the Department of Justice if the voting change made in a jurisdiction did not sufficiently encourage minority voters to vote, as required by Section 5. Prior to the Ashcroft decision, an objection would be raised by the Department of Justice if the voting change made in a jurisdiction did not sufficiently encourage minority voters to vote, as required by Section 5.

In the Supreme Court, the Ashcroft 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. 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. 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.
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 re-
tain an influence on the political process. In the 1970s and 1980s, only about 1% of majority white districts in the South elected an Af-
can-American to a state legislature. As late as 1990, no African-American had been elect-
ed from a majority white district in Ala-
abama, Arkansas, Louisiana, Mississippi, or South Carolina. The Voting Rights Project Report described the perversiveness of racial bloc voting in covered jurisdictions. For example, in Smith v. Beasley, decided in 1991, ([“In South Carolina, voting has been, and still is, polarized by race. This voting pattern is gen-
eral 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 all primary jurisdictions.’’ As re-
cently as 2004, the Fourth Circuit affirmed the findings of a South Carolina district court that ‘‘voting in Charleston County is racially polarized and characteris-
tically polarized along racial lines.’’

After Ashcroft, states can redistrict in ways that enable minority voters’ political
power. As Professor Nathaniel Persily testi-
fied, 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 di-
lute the minority vote by splitting large mi-
nority communities among several districts in which they have little 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 pre-
ferred 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 dis-
advantaging minorities and yet have no jurisprudence to prevent this from the dispersion of a minority commu-
nity 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 re-
store the VRA’s original standing and ef-
fectiveness. After hearing extensive testi-
mony and carefully reviewing the record cre-
dated in the Senate report on these Repre-
sentatives, we concluded that the Supreme
Court’s holding in a case called Reno v. Bos-
sier Parish (“Bossier II’’), went against both the original intent of the es-
established Department of Justice and judicial precedents. Section 5 of the VRA requires that all changes in covered jurisdictions must satisfy the “ability to elect” standard that is being reestablished through the VRARA prevents all types of retrogressive changes, including those that come from the dispersion of a minority community among too many districts (cracking) or the overconcentration of minorities among too few (packing).
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 demonstrate retrogression to satisfy 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 achieved today, this bill amends the VRA to make clear that it prohibits all voting changes enacted with a discriminatory purpose.

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 election, African-American populations were 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 1990, 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 under Section 5. Upon objection by the Attorney General, the Board filed suit for a declaratory judgment in the federal district court to obtain preclearance. 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 in stark contrast to its own admission that creation of a majority-African-American district was feasible, and in contrast to expert testimony that African-Americans would only be able to elect African-American districts, rejecting an alternate plan that would have created two majority-African-American 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, 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 weaken, protected 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 1967, 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 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 refer to aspects of the plaintiff’s protected category—“denying or abridging the right to vote on account of race or color”—they must prohibit the same activity. If Beer held that the changes enacted with a discriminatory purpose were prohibited under Section 5, the Court’s majority reasoned that Section 5 would prohibit all voting changes enacted with a discriminatory purpose.

The controversy in Bossier II was premised on the holding in the Board cartographic’s own opinion—that traditionally African-American populations were purposefully divided into adjoining white districts, a process known as “butter knife slicing.” Most alarmingly, however, was testimony suggesting that certain Board members were openly hostile to African-American representation or African-American 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, 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 weaken, protected electoral strength of a protected minority group.

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Bosswell II UNDERMINES THE EFFECTIVENESS OF SECTION 5

Bosswell II has had a striking impact on the Section 5 of the Voting Rights Act, diminishing the number of purpose-based objections and undermining the overall ability of Section 5 to block discriminatory electoral practices in covered jurisdictions. The reason for this is evident from the recent history of Section 5. After Bosswell 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 to preclearance were based on purpose. In 1990, this number increased to 43%, with 151 objections solely based on discriminatory intent. In the five years following Bosswell II, only two out of a total of forty-three objections (4%) have been interposed because of retrogressive intent, the only purpose prohibited by Bosswell 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 Bosswell II on Section 5 enforcement is evident from the recent history of Section 5. After the 2000 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 VRARA is a vehicle to attain preclearance solely because the voting strength of a minority group is too weak to be further undermined by the original intent or actions through general, and not specific, changes in Section 5. Furthermore, it shifts the burden of fighting voting discrimination back to its victims. Let me now turn to some ways in which Bosswell II undermines the effectiveness of Section 5.

First, the reasons for amending Section 5 are still needed. We have been able to move the process of congressional fact-finding. 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. That was the last of the 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.

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 Dr. Martin Luther King Jr., 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.

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We, 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. Have we 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. After 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 with a history of discrimination against minority voters, by making clear that a voting change must be pre-cleared before it can be implemented.

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 school—the first time a school had been used as a polling place in the history of that county. In 1995, the Attorney General 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 evidence that covered jurisdictions have continued to engage in discriminatory tactics, we also found that the Section 5 pre-clearance requirement has served a vital prophylactic purpose in preventing 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 and that such voting assistance is critical to the goals of the Voting Rights Act. The evidence before us on the difficulties encountered in securing voting assistance is overwhelming. The Voting Rights Act provides that jurisdictions with a history of discrimination must provide bilingual voting assistance to voters who speak the language of the voting jurisdiction. But even where bilingual voting assistance is provided, it is often inadequate and poorly administered.

The record also supports 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 with a history of discrimination against minority voters, by making clear that a voting change must be pre-cleared before it can be implemented.

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 school—the first time a school had been used as a polling place in the history of that county. In 1995, the Attorney General 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.

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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 afford to pretend that the fundamental civil rights of all Americans have no consequences.

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 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 reauthorization of the Voting Rights Act to 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 at 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 acknowledge 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.

Some may be too 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 votes. When Senator I’ve said he was 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 received 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 legislation was passed. He worked with us and the Republican leader throughout. He is a lead sponsor of the legislation and was a key participant in our bicameral announcement on the steps of the Capitol on May 2. He is focused on 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 Chair and lead Senator Cornyn, and others who have 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 credit. 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 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 Bosier 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 he 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 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 over 1000 pages of documentary evidence. The 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. Senator McConnell 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 has 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 Bush v. Vera decision. The “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, represent the best way to judge 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 elect that contains 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 purposefully, 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.” The language bans a government official from discriminating against minority voters. If a government official could create a district that would benefit minorities, but purposefully 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 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, 537 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, unconstitutions 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 to force, or overrule, 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.

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 tires and were unable to continue. There were threats made on Senate Kennedy’s life. I was so stunned by reading 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 13, 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. President Johnson spoke of the time policy of requiring States to have 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. President Johnson spoke of the “time policy of requiring States to have a joint session of Congress” to address the Voting Rights Act, which the legislation whose authorization we are going to vote on today. That Congress, in 1965, like this Congress in 2006, was slow to protect the rights of every American to vote in every election that he may desire to participate in. And we ought not to 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. 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 sides of the aisle, 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 two days ago 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 want to say to_you, to_persons 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 shed 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 march on Washington. I was there. 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 or depression. But rarely in any time does 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 proudest hour. But the lesson 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 Congresswoman 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, there is the right 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 where everyone享有 the 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 its passage, 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. MCDONNELL. 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    Alexander    Allard    Allen    Baucus    Bayh    Bennett    Biden    Bingaman    Bond    Boxer    Brownback    Burns    Burr    Byrd    Cantwell    Carper    Chrysler    Clinton    Coburn    Cochran    Coleman    Collins    Conrad    Cornyn    Craig    Dayton

Specter    Stabenow    Stevens    Sununu    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 vote.

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. (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 bill rolling and carrying this fight, like a fighting like a crab, 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 I want to thank 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 patchwork quilt of 50 different State attempts to identify 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 case of murder, 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 half-hour; that 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 record keeping, 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. The 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 and distribution 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 with this 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 staff, who have waited in the wings for 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 in drafting 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 no use for anyone who is not 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. I do not think the fellow sitting to ORRIN's right, who 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, John Walsh, 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 of whom we have 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 agenda 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—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 550,000 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 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 hold 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 a sentence 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 the consequences of being 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 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 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 go online 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. 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 bringing this bill into law. Again, I give credit where credit is due, as has already been mentioned, to John and Revle 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 you, I would not underestimate how many thousands of people take solace from what you do and what you have done.

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.

And other Senators, including my colleague on the floor, 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 pieces to this bill. Each took a tragedy that happened in their States and used them as a call to action.

Senators FRIST and RED—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 Sensen-
brenner 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 the innocents that were lost—this bill 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 is perhaps 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 a tragedy and not 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 Safe Schools 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 in the Department. This new program was in response to what we see of sex offenders, online sexual predators 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 is to coordinate Federal, State, and local efforts to investigate and prosecute child exploitation cases. Second, the project allows major case coordination between the Department of Justice and other appropriate Federal and State 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 provides 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 run into your house and being with you. I think this bill 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 build that sort of 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 him 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 the 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 the 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 on a local level and the support they need, 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 want 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 your criminal records are in Pennsylvania, 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. The bill will be able to help 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 Senate from Georgia is recognized.

Mr. ISAkov. 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. It is 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. Both 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 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, 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 at the on of a minor can take place when they become an adult, whether or not the guilty person is incarcerated. It raises the fine from $150,000, the penalty for which 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. It.

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 extinguish to an individual. 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 this 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 registry of sex offenders to find out who was living within 1 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 as from intense media coverage was arrested in Idaho for kidnapping 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 kidnapping 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 or paroled, someone 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 is going to wear 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 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, 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 is a poster that I showed the folks who came to Fargo that day as an example of sex offenders. They mentioned this man as a youth.

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.

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: In memory of her, her memory we have, in this legislation do 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 our 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 the same media 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 after me on this matter. 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 his 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-third 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 crime. I remember when we were trying to get the legislation to stop all 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 book store 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 re-count 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 re-enactment of 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 the country—the highest repeat offender rate, the highest victim 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 September 11, I have been working to make sure that avaricious State and local tax commissioners don’t impose 18-percent taxes on the Internet in monthly charges. We don’t want the Internet monthly bills to look like a Red Eye bill 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 public places.

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 will also protect Internet businesses that are needed to protect our 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 mandatorily filter the 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 has passed the Internet safety provision in the telecom reform bill on a vote of 19 to 3. However, as a legislative body we 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 enacted many years ago. The 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 increases 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. That, in my view, is a public safety issue. 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 Against Child Predators. 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 of Adam Walsh have dedicated their lives to making sure there are resources are absolutely necessary for the investigation and the prosecution of child sex offenses.

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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 Chair- man 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 closely 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 safer place for our children to grow up.

I want to take a moment to highlight another very important participant in these efforts who has been hon- ored and praised for his efforts, but I think we can’t say enough to recognize his contribution. John Walsh has a long-standing commitment to fighting for child victims and measures to protect children in this country. He has been re- counted, 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 influ- ential. It is only appropriate that this bill honors the inspira- tion he has given to 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 the crime legislation. In the previous Congress, I sponsored a similar bill 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 important bill appro- priately honors Mr. Walsh’s efforts, and I am told the President will sign the bill, if we pass it, on July 27, mark- ing 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 tragedy to inspire so many of us to work to ensure that we as a country 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 re- sources in a variety of ways. This bill requires sex offenders to register and, in the case of the most serious offend- ers, 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 pub- lic posting for public access on the Internet of information about sex off- enders 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 or face severe criminal penalties for non-compliance.

This did not have to happen. 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, in- cluding Matthew Johnson and Lynden Melmed from my own staff. Addition- ally, I would like to thank the fol- lowing staff:

Mr. President, I yield the floor. The PRESIDING OFFICER. The Sen- ator 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 and for pushing this through 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 boy- friend, Mark McKenzie to death. Their bodies were found in a remote area in Idaho on May 16, 2005. The killings cap- tured 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 1988, Duncan was convicted of rape in Washington State. He was sentenced to 20 years in prison and began his sen- tence 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 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 18, 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 bi-partisan 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 sex 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 kidnapping offenders. More than 2,000 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. 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 will be monitored for life.

But because we have not been able to track these criminals 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 tomorrow will prevent terrible costs today.

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 a national sex offender 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. All offenders 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 area 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 vote for this legislation and let’s work together to give America’s children the protection they deserve.

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 on murderers or sex offenders released from prison to within 10 feet of their location. Law enforcement with real time information on the whereabouts of sex offenders. The bill also includes a provision, which I authored, to track released sex offenders.

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 offender reintegration programs 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 authorities if 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 trying to get this problem under control. Tough, 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 are finally passed. We must 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. These changes are long overdue. I am proud to be a cosponsor of the Adam Walsh Act to standardize and strengthen registration and tracking laws more effective and I believe these tough laws being passed by Federal and State legislatures are worth properly funding when they are finally passed. We must protect our children.

Mr. KENNY. 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 bill’s ability to prevent sex offenders from accessing children. But before we can put a predator 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.

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 on the severity of their crimes. The lower tiers only have to register with the local community to be vigilant about the potential dangers of sex offenders in their neighborhoods.

But before we can put a predator 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. The Adam Walsh 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. 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.

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.
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 terrified screams described her 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 character described her as a strong, smart, and independent woman. She had worked at the USA Sailing Association of Portsmouth, NH, 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 protection 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 sex offending, we 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 the opportunity 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 knowing someone 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 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 ruled 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.

The Massachusetts Supreme Judicial Court has ruled 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.

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 execution of more and more people. Justice Marshall, in particular, wrote powerfully on this issue. He believed that if our Constitution allows 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.

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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 a court to determine if such collection is justified. 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.

Due to the 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 provision we 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 without action, there will be little 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. Specifically, 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 charted 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 we send 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 have 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 blighted with the events of a less enlightened time. But even through strife and toll, 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 democratic process. Democracy is strongest when the people are vigilant in protecting 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 to speak in strong support of the Adam Walsh Child Protection and Safety Act of 2006. This bill will strengthen the 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 the Senate, 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, I chaired 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 that I have known him for years. John Walsh, 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 nation-wide 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 exploitation. 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 1986 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 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 befall 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—those they must do everything 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 find and protect our children. 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 are currently over 100,000 sex offenders in this country who are required to register on 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 included 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. Title 663 of the bill instructs the Department of Health and Human Services to create a national registry for all cases of child abuse or neglect. The information will be gathered from State databases of child abuse or neglect. It will be made available to State and local 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 States 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, in concert to commit crimes, have possessed 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 sex trafficking of children, sexual exploitation of children involving child pornography, and sexual abuse offenses targeted at children.

Section 705 authorizes appropriations for the hiring of 30 additional computer forensic examiners within the Justice Department 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, 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 Netforce 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 offenses involving sex trafficking of children, including sexual abuse and sexual contact 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 minimum 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 addresses long-standing 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 DNA samples of CVRA that are enforced by a court—Congress cannot compel State prosecutors to enforce a Federal statute.

The bill also makes several 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.

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 DNA Fingerprint Act limited the authority 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 States 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. The bill accordingly adds sex trafficking of children to the set of repeat offenses that are subject to mandatory life imprisonment.

Now is the 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 Groome’s staff, left 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 Feinstein’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 Hickenlooper and Brandi White of Senator Flors’ 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 Kilko 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 delicate as this and not take the time 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 our communities safe. 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 cutting through this bill with the strength of the Senate Appropriations Authorization 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 enumerate crime victims’ rights.

I am glad that this new consensus legislation to protect children honors the efforts of John and Reve 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 make many important steps to keep children and families safe. I commend and thank John Walsh once again for his exceptional 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 in the Judiciary Committee, which is the appropriate place to start work on a complex and important piece of criminal and civil legislation. The Senate has also passed S. 1086, the Protecting 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.

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July 20, 2006

CONGRESSIONAL RECORD—SENATE

S8027

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 what should be in the bill 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 hope 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 offend 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 stereotyped to be safe and difficult to treat. 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, hardcore 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 recordkeeping and labeling requirements, and the far-far removed from the problem, 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 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. It also appropriates minimum sentences undermine the 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 thought, will be able to take 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 possess 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 as the original motivation for focusing the bill as greatly increasing the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. Notwithstanding their exception, not only could 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 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 of the United States, 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 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 more 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 adopt a substitute amendment that imposes a 25-year mandatory minimum sentence for the most serious and violent crimes against children, essentially penalizing all child sex offenses as if they were committed against a citizen or resident based on a visa application for the relative of a U.S. citizen or legal resident based on a visa application for the relative of a family member in the country, but where the citizen or resident poses no threat to the individual seeking entry.

The legislation also requires 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 a national child abuse and neglect registry. Without deliberate consideration and evaluation first of the wide variation in how State child abuse and neglect data are handled, we would not have standards that are sufficiently broad to accommodate the varied means by which States maintain such information or that are sufficiently high that it is not possible to check every instance of child abuse and neglect. What the bill calls the nature of the standardized case—would be reckless.

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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 level, we are concerned about the potential for misuse and abuse of this information.

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R.AINN, in helping a million crime vic-
tims, has not only made their lives bet-
ter, 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, is joining us this evening
with this important milestone for hav-
sing 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
promoting active comments on
multiple drafts of this legislation.
Vermonters have worked hard to
produce and improve our State’s sex of-
fender registry program in ongoing ef-
forts to make it useful to law enforce-
ment agencies and the general public in
providing information regarding indi-
viduals who have proved a demon-
strable threat to the public. In light of
the mobility inherent in American so-
ciety, 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
the quorum.

The PRESIDING OFFICER. The
clerk will 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 sup-
port 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 fa-
ther, Ron, has diligently sus-
scued 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 of-
fenders.

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 en-
forcement. 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 re-arrested 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 re-
quires the Federal Government to act
on the national level.

I first met John Walsh after the dis-
appearance of his son, Adam, some 25
years ago, when I was chairman of the
Subcommittee on Crime, Justice, a
subcommittee of the Senate Judiciary
Committee. At that time, in conjunc-
tion with Senator Paula Hawkins of
Florida, we took the lead in estab-
lishing the Missing Children’s Act of
1982, which has been very successful in
locating children, wherever they are, in
a variety of ways—on billboards, on milk car-
tons, on posters—missing children were
identified and publicized. Many miss-
ing children were recovered.

In the intervening 25 years, John
Walsh has undertaken a national crus-
ade. He has been instrumental in ad-
vocating 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 major-
ity leader of the Senate, and 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 hav-
ing anything added on to it, and many
efforts were made so that it would be
enacted in time to mark the anniver-
sary of the abduction of Adam Walsh.
For that timetable, Senator HATCH de-
serves a great deal of credit.

As is well known, Senator HATCH
chaired the Senate Judiciary Com-
mittee for many years. His leadership
is still a very key factor, especially on
this legislation.

In my opinion, my colleague, Senator
RICK SANTORUM, as well as Senator
KYL, Senator DEWINE, Senator TALENT,
and others, for their support in pro-
ducing 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 FBI Office, which are both dedi-
cated 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
McCutchcn, who was sentenced last
year to 35 to 70 years in a Pennsylvania
prison for attempting to murder and
abduct a little girl in the middle of an
American public restroom. He was a repea-
toffender. 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 sec-
ond crime might not have happened be-
cause the community would have been
on notice of McCutchen’s first attack on
a little girl.

I know from my work as district at-
torney 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 vic-
tim 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 im-
portant issue. I thank Chairman SEN-
SENBERNER, the chairman of the
House Judiciary Committee, for his co-
operation 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 Com-
mittee.
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 Senator from Nevada, Ms. Duckworth, our old friend, a great advocate of this legislation. We want to thank her for her support and encouragement.

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, Revel 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 weeks 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 Act of 1984, which founded the 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 which will make it easier for local law enforcement to track sex offenders and prevent repeat offenses. It 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.
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 week, 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 an 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 Internet users online—1 in 5. And as a recent “Date line 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; to prevent 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.

I also 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 as profound as this one. 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 all 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—through 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 parents, 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 to engage parents’ consent notice requirement 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 able to make 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 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 Tenth 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 Sontelle 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 part of 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 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 to partner, since 2005.

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


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 as 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 high honors. In 1991, he received a 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 legal career as a lawyer and scholar. Following law school he served as a law clerk to Judge David B. Sontelle of the U.S. Court of Appeals for the Tenth Circuit. He then had the rare distinction of clerkship 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 served in the former justice with his work on the Tenth Circuit, where he was 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 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.
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 has a “Well 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.


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 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 Santiago Valdes 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 unani-mously rated Judge Gelpi “Well 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 was recently 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 sup-port 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 nomi-nated to the Court of Appeals for the Eighth Circuit. That he is nominated by Senator SALAZAR is pleased that we were able to move his nomination quickly as well. Today we also consider two dis-trict 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 nomi-nated 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 eight appellate judges this year. That 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 delay 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 stall of Merrick Garland’s nomination in 1996. After two more nominees in the first 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 nomi-nees when Democrats controlled the Senate.

I am pleased that the Republican leadership has scheduled the votes 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 Gery Myers III, Terrence W. Boyle, and Normand Randy Smith. The Republican leadership has sought to stay focused on filling vacancies 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 will prove to be kind of jurists 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. Mr. President, this nomination is 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 from Colorado. Mr. Gorsuch has served his country. He has represented both plaintiffs and defendants. He has represented both individuals and corporations. He has litigated civil cases and criminal cases. He has served as a law clerk 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 served as a law clerk to the Associate Attorney General.

While Mr. Gorsuch is highly qualified, he is a person 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 would 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 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 unani- mously 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 Tenth Circuit Court of Appeals.

Mr. President, this nomination is to 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. Once confirmed, he will return to 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 of the things 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 unplug 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 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 heartily endorse this nomination and 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, and the 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. 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 Shepherd’s nomination process numeros 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 consider 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. 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 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 see 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 Mississippi lawyer.

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 law school, and was a member of 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 a lifetime appointment to the Federal bench. 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 an assistant prosecutor for the Board of Bar Admissi.

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.

The son of Dan Jordan, I am glad to refer 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 call of the roll.

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 without passports or 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 that fee, 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 confronted 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, but only on 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.

The United Nations must insist that Hezbollah 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 Katyushas and its soldiers were its own and we would also respond with force—proportional 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 missiles 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 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, 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 United Nations condemned the action, and Bolton, called on the Syrian president, Bashar Assad to arrest Hamas leader Khaled Mashaaal, 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 a bridge 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 the first 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 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 areas it vacated by Israel. Israel rightfully opposes any prisoner exchange with Hamas or Hezbollah. Israel cannot send the message that it withdraws and for Lebanon to assert control over its territories and will not respond 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. Iran’s regime provides the home, safe haven and command center to Hamas leader, Khaled Mashal, and it continues to sponsor acts of terrorism. The timing of these attacks served to destabilize negotiations between the Hamas and Fatah 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 and its 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 hope in this crisis. Many Palestinian and Lebanese citizens do not support the aggressive actions of Hezbollah and its 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 attacks on Israel increase, Israel and capture Israeli soldiers, Israel is left with no other choice but to defend its people and its borders.
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 Mark Anthony J. Nettles, 22, died April 2 while 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 Engineer 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 while 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 Aracadia, 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, Camp Pendleton, 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 against enemy forces in the Al Anbar province of Iraq. He was assigned to 17th Infantry Regiment, 172nd Stryker Brigade Combat Team, Fort Wainwright, AK. He was from Anchorage, AK.

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 Marke Cordarly, 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.
Manuel J. Holguin, 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 15, 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 Huntington Park, 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 16 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 Armored Brigade, Fort Hood, TX. He was from San Antonio, LA. He was from Huntington Park, CA.

Sgt 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 20, in Baghdad, Iraq, from 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 Zachary 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 Pontana, 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 the 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 other indicators of human suffering, including malnourishment and 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 accompanying team 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 instrumental in 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 project in 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 Corps 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 $644.1 million, with an estimated Federal cost of $462.4 million and an estimated non-Federal cost of $181 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 infra-
structure and for allowing this body to
discuss the merits of Corps of Engi-
neers reform.

As you know, I supported allowing
this bill to come to the Senate floor for
consideration. I strongly believe that,
considering Hurricane Katrina, there
is no more important issue that would
require a water resources authorization bill
since 2000, and particularly in the wake
of Hurricane Katrina, this debate is
long overdue. While many attempted to
delay consideration of this debate, I did
not believe that we must have this dis-
tinction 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 opportu-
nity to incorporate the many lessons
learned since the last WRDA bill
passed in 2000. Consider the following
developments that highlight the crit-
ical 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 rea-
sional basis for determining whether to pro-
cceed 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 re-
programmed over $2 billion through 7,000
reprogramming actions in fiscal years 1993
and 2004, the GAO noted that the Corps’ prac-
tice was often “not necessary” and is
“reflect[ive] of poor planning and an absence
of Corps for its Civil Works priorities.”

First and foremost, we have to de-
velop our ability to prioritize author-
ized Corps projects. The Corps cur-
rently has a significant 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,
will languish in line for funding. In addition
the Corps is not accountable to
Congress to analyze the hundreds of
proposals, be allowed to review these
projects or slow project construction. We
must do better. With billions of dollars
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.

In a report to Congress in 2003 regarding
the Sacramento flood protection project, the
GAO found that the Corps used “an inap-
priate methodology to calculate the value
of protected properties” and failed to properly
report expected cost increases. Consider the
project costs for the three primary Sac-
ramento levee compliance Projects.

Project increased from $57 million in 1996 to
$70 million in 2002; the American Features
project increased from $44 million in 1996 to
$135 million in 2004; and the North Fork
component has ballooned from an early esti-
mated cost of $13 million, to $212 million in
2002.

In 2002, the 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 sub-
sequent investigation by the Army Corps
general, we know that the Corps “manipu-
lated the economic analyses of the feas-
ibility 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 offi-
cials also were criticized for giving “pre-
ferrential treatment to the barge industry”
by “...be no representative from the
infrastructure with an economic analysis.”
U.S. Office of Special Counsel:
Statement of Elaine Kaplan, Special Coun-
sel, 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 fundamen-
tally 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 ques-
tions of Corps officials.

The Corps plays a central role in the
oversight of all Federal agencies, and
with respect to the Corps, we have failed taxpayers miserably. Why? Per-
haps a better question would be to ask
who benefits most from lax congres-
sional oversight. I would argue that
Members themselves are the real win-
ers. We get the projects we want, regard-
less of the cost or the overall im-
 pact on critical national infrastruc-
ture, and the Corps is allowed to oper-
atel...this environment—
with every incentive for construction
and little or no incentive for account-
ability—is a recipe for disasters of all
sorts.

The only way to fix this problem in
the long term is to bring fiscal trans-
parency and oversight to this process.

Second, in our efforts to improve this
important process, Congress must con-
sider ways to bring greater oversight
to the Corps. The many instances of wrong-
doing in the project jus-
tification 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 can-
not 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 for-
ward 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
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 Ameri-
cans, many of whom are in my State.
The agency itself, however, is failing
demands our attention. If the
Corps is to continue to meet the mand-
ate it has been given and serve the
needs of the American taxpayer, we
must not move forward without the in-
corporation of new oversight and trans-
parency.

America’s waterways and flood con-
tractions 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 in-
creasingly diminish. As it stands
today, the Corps is not accountable to
Congress, and ultimately, it is not ac-
countable 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-Pri-
oritization amendment, to the Water
Resources Development Act.

The city of New Orleans has been
used as a constant reminder 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 over-
whelmed. There was the great flood of
1927 when the Mississippi River spilled
into the city, and more recently, Hurricane
Betsy in 1965, which, according to Sen-
ator 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 $655 million, and, according to the Army Corps, would 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 southern Louisiana. Building levees in this part of the country required the Army Corps to return time and time again to draw down the water levels 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 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 design 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 co-sponsor, 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, navigation, 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 should receive funding 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 to allow the Corps to make decisions about projects that are critical to a particular State. This is not the case. The 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 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 JURRYS, 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 BINGMAN, BOXER, HARKIN, MENENDEZ, and REED in introducing the Global Warming Pollution Reduction Act of 2006, GWPRRA. 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 reductions 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 confirms 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 wilderness. 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 supplies, and severe weather further threatening 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 establishes 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 JURRYS, 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 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 resolutions on reviving stalled peace talks between these warring 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 reunify Cyprus and 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 steep. 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 3 train units 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. Any community 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 responsibility, 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 from 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 2005 and 2006; 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 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 text 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 materials ordered to be printed in the RECORD, follows:

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 South Area Chamber of Commerce submitted an independent study by a prestigious accounting firm setting forth detailed reasons why $2.5 billion loan to the Dakota, Minnesota and Eastern Railroad (DM&E) posed a substantial risk to the American taxpayers that the loan should 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 violate the express 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 physicians 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.

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 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 responsibility, to exercise all necessary due diligence before their decisions about this enormous financing.
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,

MAJOR 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.

The Secretary of Transportation must consider the effect 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 has 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 $236 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 2005, 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 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 percent 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 research 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 restrict a company to 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, with tens of thousands of hazardous materials, including a record 16 in 2005, the number of trains through Rochester and 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 effect 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 Secretary of Transportation must consider the effect 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.

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 18 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 Shant Attarian, Rigo Benitez, Edgar Hernandez, Sergio Maciel, Vlanna 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 effort in the 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 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 Waialuku, 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 Hawaii, and second place team to Baldwin High School.

The Baldwin cheerleaders were then named grand champions for placing highest in the most divisions, beating out 141 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. The team's hard work and dedication to their families and communities.

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 Matsumura, Keoni Mawae, Gillian Piatt, Tiare Pimental, Sershie Shimabuku, Zeyuna Tabernero, Jenna Takushi, Kamila 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 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 the reports on the economic and budget outlook and the estimates 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 re-solved, 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 bill, 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 Management, 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 Dry Bean Produced in the Central Great Plains” (Docket No. AP 1281-D) 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 Toxicity and the Endangered Species Act” (FRL No. 777-7588) received on July 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7589. A communication from the President and Chief of Staff of the 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 the 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-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” ((RIN2502-0141)) 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 Executive of the U.S.-Japan Fusion Energy Organization for the 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 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 Offshore” (RIN1010-DJ25) 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 389 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 continuing implementation of agreements with Afghanistan, Bangladesh, Bhutan, India, Indonesia, Japan, Kazakhstan, Kyrgyzstan, Laos, Malaysia, Mauritius, Mongolia, 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 of the four strongest hurricanes, causing approximately $35 billion in estimated gross probable insurance losses, and

Whereas, the hurricanes from the 2004 and 2005 have produced high winds, coastal storm surges, torrential rainfalls, and flooding resulting in significant damage to Florida and the Gulf Coast states, which resulted in displacement of policyholders from their dwellings, loss of personal belongings and contents, closing of businesses and financial institutions, and temporary unemployment 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 under 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, 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 pass a National Catastrophe Insurance Program. Policyholders require a rational insurance mechanism for responding to the economic losses resulting from uninsured losses. The national catastrophe insurance program must be addressed through a public-private partnership involving individuals, private industry, local and state governments. Federal Government and has quantifiable level of risk management and financing mechanism that would provide a quantifiable risk management through the Federal Government. The program should encompass:

1. Providing consumers with a private market residential insurance program that provides a tax-advantaged basis for the purchase of mitigation enhancements and catastrophe losses.

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; providing newborns and policyholders 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.

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; providing for a state-registered emergency management; 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 premium assessment 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.

Resolved, Whereas, the insurance industry, state officials, and consumer groups have been striving to develop solutions to insure mega-catastrophic risks, because hurricanes, earthquakes, tornadoes, floods, wildfires, ice storms, and other natural catastrophes continue to affect policyholders across the United States, and

Whereas, high fuel prices have a negative impact on the standard of living of consumers and have a negative impact on the productivity of businesses; and

Whereas, according to a 2005 National Oceanic and Atmospheric Administration, 2004 was the hottest year on record with 19 of the hottest 20 years having occurred in the past 20 years; and

Whereas, hurricane and electric utility 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 that benefits many Massachusetts seniors; and

Whereas, according to a 2005 National Consumer Law Center report, as a result 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 have aggressively collected payment from owners of their own 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 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 homeowners and businesses the programs that provide direct subsidy to low and moderate income consumers and small businesses, and some of the proceeds may also be used to assist heat and brine projects 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, presidents 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 canner; 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 region; 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; and

Whereas, commercial prices 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 by the 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: There-fore,
Resolved, That the House of Representatives of the Legislature of Louisiana memorializes the Congress of the United States to appropriate funds for the recovery of the shrimp industry. Be it further
Resolved, That the House of Representa-tives of the Legislature of Louisiana memorializes the Congress of the United States to vote against the repeal of the “Byrd Amend-ment”. 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-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.

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 100,000 households in Utah and brings more than $200,000,000 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 communications mechanisms 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 utilize existing state infrastructure, where appropriate, to support EITC outreach and statewide availability of VITA programs, 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 education, increase involvement of community and school community efforts, and utilizing economic development tools and negotiation to encourage and support EITC outreach and improve existing VITA sites where appropriate. Be it further
Resolved, That copies of this resolution be sent to each department of Utah State Gov-ernment.

POM-398. A concurrent resolution adopted by the Legislature of the State of Utah relative to the United States Congress.

Whereas, the average age of beginning tobacco use 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 60% of youth who were heavy realizers of marijuana, alcohol and illicit drugs in the month prior to being surveyed; Whereas, these harmful substances negatively affect 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 helping 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 concuring therein, strongly urge educators in Utah’s public education system to utilize Prevention Dimension, 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 Governor recognize local youth councils and other youth groups for their invaluable ef-forts 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.

HOUSE CONCURRENT RESOLUTION No. 3
Whereas, 74% of tobacco users start before they reach the legal age of 19;
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 presumed to be the most fundamental institution of civilization”; and

Whereas, the efforts of nineteen states to protect traditional marriage, while constitutional amendments 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 citizens of these states 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 comprised within 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, to the President of the United States, 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 extending certain provisions of the Voting Rights Act of 1965; to the Committee on the Judiciary.

House Concurrent Resolution No. 537

Whereas, on March 7, 1965, a group of civil rights marchers gathered at the Edmund Pettus Bridge, in the state of Alabama, and 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; and

Resolved, That copies 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. 25

Whereas, on August 6, 1965, President John- son 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, outlaw intimidation during the electoral process, federalizes elections, provides for federal 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 in 1962 to protect the rights of voters with disabilities; and

Whereas, despite noteworthy progress from 40 years of enforcement of the act, voter in- equalities, disabilities 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 mechanism that those areas of the country where Congress believes the potential for discrimination to be high and prohibits any change affecting voters without submitting such changes to the attorney general for determination 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 lan- guage minority communities in certain jur- isdictions. The language minority provi- sions apply to four language minority groups: American Indians, Asian Americans, Alaskan natives and peoples of Spanish her- itage; and

Whereas, The Voting Rights Act is a crit- ical link in the struggle to enfranchise the politically marginalized. Without reauthoriza- tion of these special provisions of the act, America risks a serious setback in voter discrimi- nation; Now, therefore, be it

Resolved, By the House of Representatives of the State of Kansas, the Senate concurring therein, That the Kansas legislature memori- alizes 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 pro- vide 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 marriage, to the Com- mittee on the Judiciary.

House Joint Resolution No. 25

Whereas, the phrase “life, liberty and the pursuit of property” in the Declaration of Independence guarantees the “pursuit of Happiness” in order to en- compass more fully the natural rights doc- trine; and

Whereas, President Thomas Jefferson, drafter of the Declaration of Independence wrote, “We owe every . . . sacrifice to our- selves, 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-im- posed, and securing to its members the en- joyment of liberty, liberty, property, and peace; and further to show, that even when the gov- ernment degenerates into a tyranny, there is a tend- ency to degeneracy, we are not at once to de- spair but that the will and watchfulness of its sounder parts will reform its aberrations, recall it to its original and legitimate prin- ciples, 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 put an end to the confusion and . . . This being the end of government . . . that is not a just government, nor is property secure under it, where the property which a man acquires by his labor, . . . is . . . an ordinance for the service of the rest”; Now, therefore, be it

Resolved, by the Senate and House of Rep- resentatives in General Court convened, That the general court or New Hampshire encour- ages 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, Cape Cod and Islands and New Hampshire congressional delegation.
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 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 $1.3 billion in Congressional appropriations for the fiscal year 2006 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 Innovation Program; to the Committee on Banking, Housing, and Urban Affairs.

POM—406. A resolution adopted by the Town Council 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—407. 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 relating to the 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, to strike out the nature of a substitute and an amendment to the title:

H.R. 3585. A bill making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and military construction for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109-236).

By Mr. SPECTER, from the Committee on Appropriations:

S. 3708. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and re- pealed after December 31, 2006, the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109-237).

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

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. 109-238).

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 Test and Evaluation, Department of Defense.

Air Force nominations beginning with Colonel Gregory A. Biscone and ending with Colonel Ted 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 Judge Advocate General.


Army nomination of Brig. Gen. Charles H. Davidson IV to be Major General.

Army nominations beginning with Brigadier General Steven R. Aft 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.


Marine Corps nomination of Lt. Gen. James F. Amos to be Lieutenant General.


Marine Corps nomination of Col. Charles M. Gurganus to be Brigadier General.

Navy nomination of Rear Adm. (bh) David J. Dorsett to be Rear Admiral.

Navy nominations beginning with Rear Adm. (bh) Richard E. Collon and ending with Rear Adm. (ih) 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. (ih) 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. Crowley to be Vice Admiral.

Navy nomination of Rear Adm. Albert M. Calland III to be Vice Admiral.

Navy nomination of Rear Adm. David J. Veulet 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 the following nomination lists which were printed in the Congressional Record 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 Karl Woodmansey, 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. Aplin and ending with Dawn M.K. Ziccardi, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with David W. Acaff and ending with Michael E. Yarmar, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Army nomination of Larry L. Williams to be Colonel.

Army nominations beginning with Gerald P. Heiman and ending with E. O’Donnell, 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. Trouwle, 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. Trouwle, which nominations were received by the Senate and appeared in the Congressional Record on July 26, 2006.

Army nominations beginning with Michelle A. Cooper and ending with David W. Trouwle, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nominations beginning with Richard Barnett and ending with E. O’Donnell, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nominations beginning with Richard Barnett and ending with E. O’Donnell, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nominations beginning with 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. Whitside, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006. 

Army nominations beginning with Christopher A. Boggs 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 Esmeralda 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 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 local systems 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. LUTENBERG, Mr. KENNEDY, Mr. LEHAY, Mr. REED, Mr. AKAKA, Mr. DODD, Mr. SARAHANES, and Mr. HAYAKAWA):
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. DeMINT):
S. 3701. A bill to determine successful methods to provide protection from cataclysmic health expenses for individuals who have exceeded health insurance coverage for uninsured individuals, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (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. LUTENBERG):
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. BINGMAN, Mrs. CLINTON, Mrs. MURRAY, Mr. REED, Mr. DADLETON, Mr. MIKULSKI, Mr. DAYTON, Mrs. STABENOW, and Mr. SCHUMER):
S. 3705. A bill to amend title XIX of the Social Security Act to ensure 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. BINGMAN, and Mr. CORNYN):
S. 3706. A bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

By Mr. SCHUMER:
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. MENENDEZ:
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. LANDBERG, 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.

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. MENENDEZ):
S. Res. 537. A resolution supporting the National Sexual Assault Hotline and commending the Hotline for counseling and supporting more than 1.5 million callers; to the Committee on the Judiciary.

By Mr. HAGEL (for himself, Mr. LUGAR, Mr. OBAMA, Ms. MURkowski, and Mr. GRUEDER):
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. 3668; considered and agreed to.

ADDITIONAL COSPONSORS

S. 3691. 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. 400, 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 to 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. 1053. At the request of Mr. INHOFE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1053, 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.
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 306B of the Public Health Service Act to improve the availability of inpatient drugs for Medicaid and safety net hospitals.

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1840, a bill to amend section 306B of the Public Health Service Act to improve the availability of inpatient drugs for Medicaid and safety net hospitals.

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2762, a bill to amend title XVIII of the Social Security Act to establish Medicare Health Savings Accounts, and for other purposes.

At the request of Ms. MIKULSKI, the name of the Senator from South Carolina (Mr. DE MINT) was added as a cosponsor of S. 2884, a bill to ensure appropriate payment for the cost of long-term care provided to veterans in State homes, and for other purposes.

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 extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

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.

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.

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.

At the request of Mr. DE MINT, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3449, a bill to amend the Public Health Service Act to improve the availability of inpatient drugs for Medicaid and safety net hospitals.

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3659, 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.

At the request of Mr. SNOWE, the name of the Senator from South Dakota (Mr. THUNE) 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.

At the request of Mr. DION, the name of the Senator from New Hampshire (Mr. BINGAMAN) was added as a cosponsor of S. 3659, a bill to amend the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

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.

At the request of Mr. BUNNING, the names of 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 to military service to the United States.

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”.

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”.

At the request of Mr. CONRAD, the name of the Senator from Ohio (Mr. DE WINE) was added as a cosponsor of S. Res. 565, 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. 3556. A bill to amend the Social Security Act to establish Medicare Health Savings Accounts, and for other purposes.

S. 3659. 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. 3677. A bill to amend the Social Security Act to establish Medicare Health Savings Accounts, and for other purposes.

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. 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 to military service to the United States.

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

S. Res. 508. A resolution designating October 20, 2006 as “National Mammography Day”.

S. Res. 565. A resolution commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals.

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 co-sponsor 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 and their families by ensuring 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 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 allow the sale of 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 109th and 110th Congresses. My bill removes numerous 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 incentive to produce the flu vaccine allowing construction of flu vaccine production facilities.

As a result of my sister's death from cancer and treatment we learned about critical access hospitals, which might have saved her life, Senator SAM BROWNBACK and I introduced S. 292, 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 use of investigational drugs showing efficacy during clinical trials, for use by the severely ill patient population. Severely 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 sponsored 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 innovative treatments 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, and the "1st 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 health-care planning 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 an 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 to dissolve 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 HSAs. This activity points to the administration's support of HSAs and desire to see all seniors receive the best possible coverage.

As the July 12, 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 Average Premium (MAP) 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 country, 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 make 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 and more economically competitive.
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—live in 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 trifile 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 by 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, the 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. 3898

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. 7601 et seq.) is amended by adding at the end the following:

"TITLE VII—COMPREHENSIVE GLOBAL WARMING POLLUTION REDUCTIONS

"Sec. 701. Findings.
"Sec. 702. Purposes.
"Sec. 703. Definitions.
"Sec. 704. Global warming pollution emission reductions.
"Sec. 705. Conditions for accelerated global warming pollution emission reduction.
"Sec. 706. Use of allowances for transition assistance and other purposes.
"Sec. 707. Vehicle emission standards.
"Sec. 708. Emission standards for electric generation units.
"Sec. 709. Low-carbon generation requirement.
"Sec. 710. Geological disposal of global warming pollutants.
"Sec. 711. Research and development.
"Sec. 713. Renewable portfolio standard.
"Sec. 714. Standards to account for biogenic carbon dioxide emissions.
"Sec. 715. Global warming pollution reporting.
"Sec. 716. Clean energy technology deployment in developing countries.
"Sec. 717. Paramount interest waiver.
"Sec. 718. Effect on other law.

"SEC. 701. FINDINGS.

Congress finds that—

(A) the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average; or

(B) global atmospheric concentrations of global warming pollutants do 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; or

(B) 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; and

(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; and

(9) to position the United States as the world leader in reducing the potential future temperature increases could result in—

(A) the further or complete melting of the Antarctic and Greenland ice sheets; and

(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.

"SEC. 703. DEFINITIONS.

In this title—

(A) the term "global warming pollutants" means the following—

(1) the greenhouse gases covered by section 1621 of title 42, United States Code; and

(2) any other greenhouse gas that the Administrator determines, by rule, should be included as a global warming pollutant; and

(B) the term "aggregate net level of global warming pollution emissions" means, with respect to the United States, the annual average global warming pollution emissions of the United States for any calendar year, as determined by the Administrator, and adjusted for changes in the Baseline period;

"SEC. 704. GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.

"A. Global warming pollutants.

"(1) The United States shall reduce 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; or

(B) global atmospheric concentrations of global warming pollutants do not exceed 450 parts per million in carbon dioxide equivalent.

"(2) To the extent that the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average, the United States will allow the Nation to be—

(A) a leader in solving global warming; 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.

"B. Research and development.

The purposes of this title are—

(1) to address, among other matters, the following—

(A) the need for research and development; and

(B) the rapid shrinking of glaciers;

(C) the disruption of the North-Atlantic Thermohaline Circulation (commonly known as the Gulf Stream);

(D) the extinction of species; and

(E) the widespread thawing of permafrost in polar, subpolar, and mountainous regions; and

(F) to encourage energy efficiency and the use of renewable energy by establishing a renewable portfolio standard and an energy efficiency portfolio standard;

(G) to provide for research relating to, and development of, the technologies to control global warming pollution emissions; and

(H) to provide for research relating to, and development of, the technologies to control global warming pollution emissions; and

(I) to position the United States as the world leader in reducing the potential future temperature increases could result in—

(A) the further or complete melting of the Antarctic and Greenland ice sheets; and

(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.

"C. Pollution control and reporting.

The purposes of this title are—

(1) to provide for pollution control and reporting; and

(2) to encourage the development of, the technologies to control global warming pollution emissions; and

(3) to address, among other matters, the following—

(A) the need for research and development; and

(B) the rapid shrinking of glaciers;

(C) the disruption of the North-Atlantic Thermohaline Circulation (commonly known as the Gulf Stream);

(D) the extinction of species; and

(E) the widespread thawing of permafrost in polar, subpolar, and mountainous regions; and

(F) to encourage energy efficiency and the use of renewable energy by establishing a renewable portfolio standard and an energy efficiency portfolio standard;

(G) to provide for research relating to, and development of, the technologies to control global warming pollution emissions; and

(H) to provide for research relating to, and development of, the technologies to control global warming pollution emissions; and

(I) to position the United States as the world leader in reducing the potential future temperature increases could result in—

(A) the further or complete melting of the Antarctic and Greenland ice sheets; and

(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.
(19) 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 has 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) polyfluorinated compounds;

(G) any other anthropogenically-emitted greenhouse gas that places an absolute limit on the aggregate net level of global warming pollution emissions of the United States during calendar year 1990; (II) the State or local law is at least as stringent as the rules established by the Administrator, after an opportunity for public notice and comment, the Administrator shall promulgate any rules that are necessary to reduce the aggregate net level of global warming pollution emissions of the United States during calendar year 1990.

(2) by calendar year 2040, by at least 80 percent of the aggregate net level of global warming pollution emissions of the United States during calendar year 1990; and

(3) by calendar year 2050, by at least 90 percent of the aggregate net level of global warming pollution emissions of the United States during calendar year 1990.

(4) ACCELERATED EMISSION REDUCTION MILESTONES.—If an NAS report determines that any of the events described in section 705(a) have occurred, or are more likely to occur in the foreseeable future, not later than 2 years after the date of completion of the NAS report, the Administrator shall, after an opportunity for public notice and comment, the Administrator shall promulgate any rules that are necessary to reduce the aggregate net level of global warming pollution emissions of the United States during calendar year 1990.

(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 a 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.

SECT. 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 of 1990—

(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 540 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 by more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

(B) to stabilize average global warming pollution concentrations 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 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 2020, 2030, 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 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) have occurred, or are more likely to occur in the foreseeable future, not later than 2 years after the date of completion of the NAS report, the Administrator shall, after an opportunity for public notice and comment, the Administrator shall promulgate any rules that are necessary—

(1) to reduce the aggregate net levels of global warming pollution emissions of 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 (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 subsection (d), 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) EXEMPTIONS MADE IN COMPLIANCE WITH STATE AND LOCAL LAWS.—A market-based program may recognize reductions of global warming pollution emissions that occur before the effective date of the market-based program if the Administrator determines that—

(i) the reductions were made in accordance with a law that is at least as stringent as the rules established for the market-based program under paragraph (1); and

(ii) the reductions are at least as verifiable as reductions made in accordance with those rules.

(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.—

(1) 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-INDE XED 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, the economy of which is such that 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-INDE XED STOP PRICE.—The term 'technology-indexed stop price' means a price per ton of global warming pollution emissions determined by the Administrator that is not less than the technology-specific average cost of preventing the emission of 1 ton of global warming pollution through consistent use 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) solar thermally-generated energy;

(cc) geothermal energy;

(dd) wave-based forms of energy;

(ee) any fossil fuel-based electric generating technology emitting less than 250 pounds per megawatt hour; and

(ff) 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 and the implications of any possible reductions in emissions cap through the use of a technology-indexed stop price.

(iii) OTHER EMITTING SECTORS.—The Administrator may consider the implications of any potential reductions in emissions cap through the use of a technology-indexed stop price, or similar approaches, for other emitting sectors based on low-carbon or zero-carbon technologies, including—

(A) biofuels;

(B) 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. 706. REPORTS EVALUATING FOREIGN-RELATED 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, not later than December 31, 2039, the Academy shall prepare and submit to Congress and the Administrator a report that describes or analyzes 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 achieving 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, 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) energy 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) any technology determined to be technologically infeasible will become technologically feasible; and

"(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 that describes or analyzes any of the events described in section 706(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 and projected 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 data described in subsection (a)(2); and

"(4) such other information as the Academy determines to be appropriate.

"SEC. 707. 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) shall require the Administrator 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;

"(C) to distribute the proceeds of any sale of emission allowances to the appropriate beneficiaries; and

"(D) allocation for transition assistance—The Administrator may allocate emission allowances, in accordance with regulations promulgated under subsection (a), to—

"(i) communities, individuals, and companies that have experienced disproportionately adverse impacts as a result of—

"(II) a transition to a lower carbon-emitting economy; or

"(II) global warming;

"(2) any owners and operators of high 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 global warming pollution.

"(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 funding rebate or other programs to reduce 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 funding programs to 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.

"(b) 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) 32 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

"(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.

"(c) HIGHER 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(h)(3).

"(d) HIGHWAY VEHICLES OVER 10,000 POUNDS.—

"(1) IN GENERAL.—Not later than January 1, 2017, based on 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 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) 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) HIGHEST SIX 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 by the number of 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 produce electricity at a unit capacity factor of at least 60 percent and that began to operate 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 in which 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, adjure 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) LOW-CARBON GENERATION.—The term "low-carbon generation" means electric energy sold to electric consumers in violation of subsection (b), and (2) project that is geologically disposed of carbon dioxide; and

"(B) techniques for monitoring the geologically disposed carbon dioxide; and

"(C) public response to the geological disposal deployment project.

"(3) COMPONENTS.—Each geological disposal deployment project shall include an analysis of—

"(A) mechanisms for trapping the carbon dioxide to be geologically disposed; and

"(B) techniques for monitoring the geologically disposed carbon dioxide; and

"(C) public response to the geological disposal deployment project; and

"(D) the permanency of carbon dioxide storage in geological reservoirs.

"(a) IN GENERAL.—The Administrator shall establish—

"1. For each of calendar years 2021 through 2025, the Administrator may, by regulation, modify the regulation described in paragraph (1) and described in paragraph (1) by up to 3 percent—

"2. 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, as specified in the following table:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Minimum Annual Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>0.5</td>
</tr>
<tr>
<td>2016</td>
<td>1.0</td>
</tr>
<tr>
<td>2017</td>
<td>1.5</td>
</tr>
<tr>
<td>2018</td>
<td>2.0</td>
</tr>
<tr>
<td>2019</td>
<td>2.5</td>
</tr>
<tr>
<td>2020</td>
<td>3.0</td>
</tr>
<tr>
<td>2021</td>
<td>3.5</td>
</tr>
<tr>
<td>2022</td>
<td>4.0</td>
</tr>
<tr>
<td>2023</td>
<td>4.5</td>
</tr>
<tr>
<td>2024</td>
<td>5.0</td>
</tr>
<tr>
<td>2025</td>
<td>5.5</td>
</tr>
<tr>
<td>2026</td>
<td>6.0</td>
</tr>
<tr>
<td>2027</td>
<td>6.5</td>
</tr>
<tr>
<td>2028</td>
<td>7.0</td>
</tr>
<tr>
<td>2029</td>
<td>7.5</td>
</tr>
<tr>
<td>2030</td>
<td>8.0</td>
</tr>
</tbody>
</table>

"(1) 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 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.

"(2) TERMINATION OF AUTHORITY.—This section shall not apply after December 31, 2025.
‘‘(i) appropriate conditions for environmental protection with respect to geological disposal deployment projects to protect public health and the environment; and

(ii) the demonstration applicability to applications for grants under this subsection.

‘‘(B) RULEMAKING.—The establishment of requirements under subparagraph (A) shall not reduce or delay 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) SELECTIVE 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 adverse environmental effects from the project.

‘‘(7) PERIOD OF GRANTS.—

(A) IN GENERAL.—A geological disposal deployment project carried out under subsection (a), the Administrator shall, by regulation, establish final geological carbon dioxide disposal standards.

(B) CONSIDERATION.—In developing standards under subsections (a) and (b), 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.

(C) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate on December 31, 2030.

‘‘SEC. 711. RESEARCH AND DEVELOPMENT.

(A) CONTENTS AND PRIORITIES.—The Administrator shall carry out a program to perform and support research on climate change 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 PRIORITY.—

(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 for future trends in global warming pollutants (including the measurement of progress in emission reductions);

(iii) for international exchange as scientific and technical research 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.

‘‘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 that would likely be adopted in the absence of energy-efficiency programs, as determined by the Administrator.

(B) 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.

(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) TARIFFS.—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 electrical energy usage by retail customers in such a manner that is not less than the applicable target percentage specified in the following table:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Target Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>5</td>
</tr>
<tr>
<td>2009</td>
<td>10</td>
</tr>
<tr>
<td>2010</td>
<td>20</td>
</tr>
<tr>
<td>2011 and Later</td>
<td>30</td>
</tr>
</tbody>
</table>
Policy Act of 2005 (42 U.S.C. 15852(b)) other than energy generated from—

(1) municipal solid waste;
(2) wood contaminated with plastics or metals; or
(3) tires.

(b) RENEWABLE ENERGY REQUIREMENT.—Of the base quantity of electricity sold by each retail electricity supplier to electric consumers during a calendar year, the quantity generated by renewable energy sources shall be not less than the following percentages:

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>Minimum annual percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008 through 2009</td>
<td>5 percent</td>
</tr>
<tr>
<td>2010 through 2014</td>
<td>10 percent</td>
</tr>
<tr>
<td>2015 through 2019</td>
<td>15 percent</td>
</tr>
<tr>
<td>2020 and subsequent years</td>
<td>20 percent</td>
</tr>
</tbody>
</table>

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).

(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) a national carbon budget; and
(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 biologically 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) REQUIREMENTS FOR REPORTS.—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 subsection (a)(1)) 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 determinations of greenhouse gas 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;

“(2) otherwise fails to comply with those regulations.

“SEC. 716. CLEAN ENERGY TECHNOLOGY DEVELOPMENT 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 Appendix I of the Global Warming Framework Convention on Climate Change, done at New York on May 9, 1992.

“(B) INCLUSION.—The term ‘developing country’ shall include a country with an economy in transition, as determined by the Secretary.

“(c) TASK FORCE.—The ‘Task Force’ means the Task Force on International Clean, Low-Carbon Energy Cooperation established under subsection (b)(1).

“(d) COORDINATION.—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 United States Trade Representative; and

“(vi) each other Federal agency as are determined to be appropriate by the President.

“(g) DUTIES.—

“(1) INITIAL STRATEGY.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Task Force shall submit to the President an initial strategy that

“(i) to support the development and implementation of programs and policies in developing countries to facilitate 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) open and expand clean, low-carbon energy technology markets; and

“(B) 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, the Administrator may submit to Congress a final strategy that

“(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.

“(h) PERFORMANCE CRITERIA.—The Task Force shall develop and submit to the Administrator performance criteria for use in the provision of assistance under this section.

“(i) 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.—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 requirement pursuant to this title to achieve that minimization.

“(b) CONSIDERATION.—In making an emergency determination under subsection (a), the President shall, to the maximum extent practicable, consult with and take into account—

“(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.

“(a) MODIFICATION.—Nothing in this title 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 any Act.

“SEC. 2. 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 that the use of which, over the 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 ‘or title VI, or title VII’;

“(2) in subsection (b)(2), by striking ‘or title VI’ and inserting ‘or title VI, or title VII’; and

“(3) by inserting ‘or’ before the first sentence of paragraph (1), by striking ‘(vi) relating to stratospheric ozone control), and inserting ‘(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 ‘or VI, or VII’;

“(4) in subsection (d)(1)(B), by striking ‘or VI’ and inserting ‘or VI, and VII’;

“(5) in the first sentence of subsection (f), by striking ‘or VI’ and inserting ‘or 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. 2982)) as subsection (n); and

“(2) by inserting after subsection (n) (as redesignated by paragraph (1)) the following:

“(c) GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.—

“(1) IN GENERAL.—Not later than January 1, 2017, 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 new 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) by striking “section 111,” and inserting “section 111.”; and

(B) by inserting “any emission standard or requirement pursuant to title VII, after “under section 120,”; and

(2) in the second sentence, by striking “section 112, and inserting “section 112.”; and

(3) 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 on 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 international treaty.
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 review. 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 he did not meet 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 mourned 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 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 the early 1980s, two and a half minutes 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 general plan 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 is 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 have health care needs. 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 uninsured individuals, 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 catastrophic 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 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 and the inclusion 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 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 Senate.

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 colleagues 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 from Oregon believe there needs to be more bipartisanship, Senator SMITH doesn't just talk about it, he is consistently present 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 Senator SMITH and I believe it is a moral blott 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 bipartisan legislation. For example, Senator SNOWE and I today are introducing the bipartisan agenda for the Senate.

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.

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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 exceeds $2,250. At that point, the senior is on their own until their spending for prescription drugs reaches a total of $5,100, where the benefit kicks in 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 Senate Appropriations Committee 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 lifetime to coverage.

Senators 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 improve the drug benefit. Senator Snowe and I have teamed up together on many occasions to try to improve the drug benefit. Together, these provisions will give seniors a lifeline to coverage.

As you can see, this issue does not affect my home State of California. It is a problem that requires national attention. Congress needs to take action to ensure these workers can safely 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 agricultural workers. To the Committee on Health, Education, Labor, and Pensions.

Mrs. SNOWE. Mr. President, I rise today to introduce legislation with Senator SNOWE that would 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 some 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 off 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.

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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 has doubtless left some seniors 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 loophole this year, and 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 plans 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 will 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, 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 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. While we vary state to state, we are in each 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. Join me and my colleagues to join us in this effort—to preserve drug access for our seniors so both they and 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 all life-threatening situations; 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 Grukowski, whose life was cut tragically short by a failure to call 9-1-1. The great State of New Jersey 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 Grukowski and raised in Carteret, N.J. 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 of a failure to experience the positive benefits of independent living.

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 minimum number of 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 of 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 WORK WITH DEVELOPMENTALLY DISABLED INDIVIDUALS TO CALL EMERGENCY SERVICES UNDER THE DUTY TO PROVIDE 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 individuals with a developmental disability or traumatic brain injury are required to call the telecommunication 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. BROWN, Mrs. CLINTON, Mr. 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 reviews of 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.

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 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in subsection (1)—

(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 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 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 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

(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 TO CHILDREN WITH DEVELOPMENTAL, PHYSICAL, OR MENTAL HEALTH NEEDS.—

(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, that direct care staff providing health-related services to individuals with a developmental disability or traumatic brain injury are required to call the telecommunication 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.”.

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.

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(1) in subsection (1)—

(A) in paragraph (22), by striking the period at the end and inserting “; or”; and

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“(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 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 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 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

(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 TO CHILDREN WITH DEVELOPMENTAL, PHYSICAL, OR MENTAL HEALTH NEEDS.—

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“(i) provides for an itemization to the Secretary, that direct care staff providing health-related services to individuals with a developmental disability or traumatic brain injury are required to call the telecommunication 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.”.

The amendments made by subsection (a) take effect on January 1, 2007.
“(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 consistent with such methodology; or

“(iii) prohibiting the Secretary from reviewing the bundle of items, services, and administrative costs that make up the 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 or to be furnished 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) in 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 must establish that the amount expended—

“(i) a medical need for transportation is specifically listed in the individualized education program for the individual established under 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 that is furnished or to be furnished pursuant to part C of such Act, or is furnished to the individual pursuant to section 506 of the Rehabilitation Act of 1973;”

“(ii) the contract to furnish such transportation service is specially equipped or staffed to accommodate individuals who have not attained age 21 with developmental, physical, mental, or health needs and who have not attained age 21 and whose physical, mental, or 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 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 such 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 1905(m)(2) of the Social Security Act (42 U.S.C. 1396m(2)) is amended—

“(A) in subparagraph (A), by inserting after clause (i) the following new clause:

“(ii) The contract with the entity specifies the coverage and payment responsibilities of the entity in relation to medical assistance for the items and services furnished to an individual pursuant to section 1903(m) of the Social Security Act (42 U.S.C. 1396m(b)(2)) and exempted from such section by section 1905(m)(2) of such Act, or is furnished to the individual pursuant to part C of such Act, or is furnished or to be furnished to the individual pursuant to section 506 of the Rehabilitation Act of 1973 and which are not specifically included in the services required to be paid to a provider furnishing the same service in a non-educational program or setting;”

“(B) by inserting after (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 the items and services furnished 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 provided under the State plan, the contract with the entity requires the entity to—

“(I) enter into a provider network service agreement with a 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 such children furnished such services through the 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, items and services paid for under the State plan, that the entity retain the administrative cost incurred to carry out the plan, that is furnished in or through an educational program or setting, the State shall pay pursuant to section 1903(m);”

“(2) PROHIBITION ON DUPLICATIVE PAYMENTS.—Section 1903(b) of the Social Security Act (42 U.S.C. 1396b(b)), as amended by subsection (a), is amended—

“(i) in paragraph (24)(B), by striking the period at the end of the provisions and inserting a semicolon;

“(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 has 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 1906(b) of such Act (42 U.S.C. 1396b(w)), as amended by subsection (a), is amended by striking “(a)(1)(C)”, and inserting “(a)(24)”.

“(C) ALLOWABLE SHARE OF FFP WITH RESPECT TO PAYMENT FOR SERVICES FURNISHED THROUGH AN EDUCATIONAL PROGRAM OR SETTING.—Section 1906(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 a contract with an entity in or through an educational program or setting, the administrative cost incurred to carry out the plan, that is furnished in or through an educational program or setting, that is paid for under the contract with the entity in or through an educational program or setting, the State shall pay pursuant to section 1903(m);”

“(ii) 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 or through an educational program or setting and (or) the 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 costs) an amount as appropriate, between such agencies and such a consortium, if applicable) of the amount 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 per diem payments 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 or private entities that incurred costs in connection with the collection or submission of claims for such expenditures or costs)."

(4) For purposes of fulfilling the requirements of paragraphs (2)(B) and (4) of section 614(i)(1), the term ‘educational program or setting’ means any location in which the services or items 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.

(5) The methodology described in paragraph (4)(A) shall be used to determine whether an individualized education plan established pursuant to part B of the Individuals with Disabilities Education Act or an individualized family service plan established pursuant to part C of such Act (20 U.S.C. 1405(d)) is developed and implemented in an educational program or setting.

(q) 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, and in coordination with 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) shall require—

(A) that the State shall provide a uniform methodology for paying claims for payment of medical assistance and administrative costs that are provided or conducted in accordance with section 1902(c) of the Social Security Act (2 U.S.C. 1396a(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.

(r) 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. Bingham, 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, Sessions, and Bingham, to mark 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 Cosmodrome, 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 this 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 develop 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 used by many companies seeking manufacturing and launch services toward our international competitors.

Spaceports are subdivisions of State governments that provide additional launch support for commercial spaceports. Currently, U.S. 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 and commercial entities. A 2004 Gallup poll shows over 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 economy is estimated to exceed 40,000. These related technologies have helped employ tens of millions of people worldwide. The economic activity generated from impacted tourism, secondary contracts, and spinoff technologies is estimated to exceed 40,000. These related technologies have helped employ tens of millions of people worldwide. The economic activity generated from impacted tourism, secondary contracts, and spinoff technologies is estimated to exceed 40,000. These related technologies have helped employ tens of millions of people worldwide.

The 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 focuses 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 additional commercial spaceports in Alabama, California, Montana, Nevada, Oklahoma, South Dakota, Texas, Utah, Washington, and other States are forming space authorities. These authorities function much like governments that provide additional services toward 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 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.

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 revenue act. With increasing 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 1988, 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.
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 1970 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, addresses 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, as follows:

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 AS 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:

(ii) 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) is amended by adding at the end the following new subparagraph:

(C) OTHER TERMS.

The term ‘spacecraft’ means a launch vehicle or a reentry vehicle.

(c) DEFINITION OF SPACEPORT.—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

(d) SPACECRAFT.—The term ‘spacecraft’ includes satellites, scientific experiments, other property transported into space, and any other property (whether or not such property returns from space).

(E) SPACECRAFT.—The term ‘spacecraft’ means a launch vehicle or a reentry vehicle.

(c) DEFINITION OF SPACECRAFT.—The term ‘spacecraft’ means a launch vehicle or a reentry vehicle.

(d) SPACECRAFT.—The term ‘spacecraft’ includes satellites, scientific experiments, other property transported into space, and any other property (whether or not such property returns from space).

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, while promoting 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 the bill.

As research makes clear, good teachers are the single most important factor in achieving the success of students, both academically and developmentally. 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 and mentoring 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 engage 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. And it is supported 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 curricula. 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 their 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 create 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 line of the nation’s schools and in our efforts to improve public education. We cannot expect the quality of our classrooms to improve without investment 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 support of this bill and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 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 in their jobs.

(3) More than one-third of children in grades 7 through 12 are taught by less effective teachers. 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 10% of 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 left 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 who taught 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 high-quality teachers.

(6) Research shows that individual teachers have a great impact on how well their students learn. 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 and collaborative.

(9) Research shows that the characteristics of successful professional development include a focus on concrete classroom applications, sharing of ideas and experiences, feedback, observation, reflection, collaboration, and goal setting.

(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. Concrete 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 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 of the title the following:

(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 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 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 activity including:

(1) Assessing the professional development needs of the teachers and other instructional school employees, such as librarians, computer technicians, paraprofessionals, to be served by the center.

(2) Providing intensive support to staff in improving 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 conduct interactive forms of professional learning.

(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 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.

(b) TEACHER CENTER POLICY BOARD.—

(1) IN GENERAL.—An applicant 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 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.

(i) 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

(ii) may include paraprofessionals.

(c) 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, if an 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.

(d) 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 enrolled 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 low-income 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).

"(1)Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2007 and amounts 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 item:

“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. DE MINT) 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 Reserve;

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

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 650,000 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 resolution 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 managed it 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 affiliate agencies across the country; and

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 announcement 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 conviction 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 & Incest National Network. RAINN created this toll-free telephone hotline—1-800-656-4HOPE—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 first answered its first call on July 27, 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 toward 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 hotlines 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:

WHEREAS on August 6, 2002, the President declared a new era of cooperation between the United States and Mongolia; and

WHEREAS Mongolia has provided strong and comprehensive partnership between the United States and Mongolia; and

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 peace, democracy and international stability, notably by its involvement in Iraq and Afghanistan. America’s relationship with Mongolia carries geostrategic importance.

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 peace, democracy and international stability, notably by its involvement in Iraq and Afghanistan. America’s relationship with Mongolia carries geostrategic importance.

WHEREAS 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, appropriate state enterprises, lifting price controls and improved fiscal discipline. Mongolia has achieved remarkable progress and continues to express its commitment to continued democratic and economic transition.

WHEREAS the United States and 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 minorities, 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 1990;

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 peace, democracy and international stability, notably by its involvement in Iraq and Afghanistan. America’s relationship with Mongolia carries geostrategic importance.

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, appropriate state enterprises, lifting 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.

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States should begin negotiations to establish 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.
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:

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT
Sec. 101. Short title.
Sec. 102. Declaration of purpose.
Sec. 103. Establishment of program.
Subtitle A—Sex Offender Registration and Notification
Sec. 111. Relevant definitions, including
Amie Zamp Community Notification Program.
Sec. 112. Registry requirements for jurisdictions.
Sec. 113. Registry requirements for sex offenders.
Sec. 114. Information required in registration.
Sec. 115. Duration of registration requirements.
Sec. 116. Periodic in person verification.
Sec. 117. Duty to notify sex offenders of registration requirements and to register.
Sec. 118. Public access to sex offender information through the Internet.
Sec. 119. National Sex Offender Registry.
Sec. 120. Dru Sjodin National Sex Offender Public Website.
Sec. 121. Megan Nicole Kanka and Alexandra Nicole Zamp Community Notification Program.
Sec. 122. Actions to be taken when sex offender fails to comply.
Sec. 123. Development and availability of registry management and website software.
Sec. 124. Fees for implementation by jurisdictions.
Sec. 125. Failure of jurisdiction to comply.
Sec. 126. Sex Offender Management Assistance (SOMA) Program.
Sec. 127. Election by Indian tribes.
Sec. 128. Registration of sex offenders entering the United States.
Sec. 129. Repeal of predecessor sex offender program.
Sec. 130. Limitation on liability for the national center for missing and exploited children.
Sec. 131. Immunity for good faith conduct.
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.
Sec. 142. Federal assistance with respect to vital elements of registration requirements.
Sec. 143. Project Safe Childhood.
Sec. 144. Federal assistance in identification and location of sex offenders relocate as a result of a major disaster.

Sec. 131. Immunity for good faith conduct.

Sec. 132. Actions to be taken when sex offender fails to comply.

Sec. 133. Development and availability of registry management and website software.

Sec. 134. Fees for implementation by jurisdictions.

Sec. 135. Failure of jurisdiction to comply.

Sec. 136. Sex Offender Management Assistance (SOMA) Program.

Sec. 137. Election by Indian tribes.

Sec. 138. Registration of sex offenders entering the United States.

Sec. 139. Repeal of predecessor sex offender program.

Sec. 140. Limitation on liability for the national center for missing and exploited children.

Sec. 141. Immunity for good faith conduct.

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Sec. 142. Federal assistance with respect to vital elements of registration requirements.
Sec. 143. Project Safe Childhood.
Sec. 144. Federal assistance in identification and location of sex offenders relocate as a result of a major disaster.

SEC. 145. Expansion of training and technology efforts.
Sec. 146. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.
Subtitle C—Access to Information and Resources Needed To Ensure That Children Are Not Attacked or Abused
Sec. 151. Access to national crime information program.
Sec. 152. Requirement to complete background checks before approval of any foster or adoptive placement, or to check national crime information databases and State child abuse registries; suspension and subsequent revocation of Opt-Out.
Sec. 153. Schools Safe Act.
Sec. 154. Missing child reporting requirements.
Sec. 155. DNA fingerprinting.

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.
Sec. 203. Penalties for coercion and enticement by sex offenders.
Sec. 204. Penalties for conduct relating to child prostitution.
Sec. 205. Penalties for sexual abuse.
Sec. 206. Increased penalties for sexual offenses against children.
Sec. 207. Sexual abuse of wards.
Sec. 208. Mandatory penalties for sex-trafficking of children.
Sec. 209. Child abuse reporting.
Sec. 211. No limitation for prosecution of felony sex offenses.
Sec. 212. Victims’ rights associated with habeas corpus proceedings.
Sec. 213. Kidnapping jurisdiction.
Sec. 214. Marital communication and admissibility exceptions.
Sec. 215. Abuse and neglect of Indian children.
Sec. 216. Improvements to the Bail Reform Act to violent sex crimes and other matters.

TITLE III—CIVIL COMMITMENT OF DANGEROUS SEX OFFENDERS
Sec. 301. Jimmy Ryce State civil commitment program for sexually dangerous persons.
Sec. 302. Jimmy Ryce civil commitment program.

TITLE IV—IMMIGRATION LAW REFORMS TO PREVENT SEX OFFENDERS FROM ABUSING CHILDREN
Sec. 401. Failure to register a deportable offender.
Sec. 402. Barring convicted sex offenders from having family-based petitions approved.

TITLE V—CHILD PORNOGRAPHY PREVENTION
Sec. 501. Findings.
Sec. 502. Other record keeping requirements.
Sec. 503. Record keeping requirements for simulated sexual conduct.
Sec. 504. Prevention of distribution of child pornography used as evidence in prosecutions.
Sec. 505. Authorizing civil and criminal asset forfeiture in child exploitation and obscenity cases.
Sec. 506. Prohibiting the production of obscenity as well as transportation, distribution, and sale.
Sec. 507. Guardians ad litem.

TITLE VI—GRANTS, STUDIES, AND PROGRAMS FOR CHILDREN AND COMMUNITY SAFETY
Subtitle A—Mentoring Matches for Youth
Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Grant program for expanding Big Brothers Big Sisters mentoring programs.
Sec. 604. Biannual report.
Sec. 605. Authorization of appropriations.
Subtitle B—National Police League Youth Enrichment Act
Sec. 611. Short title.
Sec. 612. Findings.
Sec. 613. Purpose.
Sec. 614. Grants authorized.
Sec. 615. Use of funds.
Sec. 616. Authorization of appropriations.
Sec. 617. Name of League.
Subtitle C—Grants, Studies, and Other Provisions
Sec. 621. Pilot program for monitoring sexual offenders.
Sec. 622. Treatment and management of sex offenders in the Bureau of Prisons.
Sec. 623. Sex offender apprehension grants; juvenile sex offender treatment grants.
Sec. 624. Assistance for prosecution of cases cleared through use of DNA backlog clearance funds.
Sec. 625. Grants to combat sexual abuse of children.
Sec. 626. Crime prevention campaign grant.
Sec. 627. Grants for fingerprinting programs for children.
Sec. 628. Grants for Rape, Abuse & Incest National Network.
Sec. 629. Children’s safety online awareness campaigns.
Sec. 630. Grants for online child safety programs.
Sec. 631. Jessica Lunsford Address Verification Grant Program.
Sec. 632. Fugitive safe surrender.
Sec. 633. National registry of substantiated cases of child abuse.
Sec. 634. Comprehensive examination of sex offender issues.
Sec. 635. Annual report on enforcement of registration requirements.
Sec. 636. Government Accountability Office studies on feasibility of using driver’s license registration processes as additional registration requirements for sex offenders.
Sec. 637. Sex offender risk classification study.
Sec. 638. Study of the effectiveness of restricting the activities of sex offenders to reduce the occurrence of repeat offenses.

TITLE VII—INTERNET SAFETY ACT
Sec. 701. Child exploitation enterprises.
Sec. 702. Increased penalties for registered sex offenders.
Sec. 703. Deception by embedded words or images.
Sec. 704. Additional prosecutors for offenses relating to the sexual exploitation of children.
Sec. 705. Additional computer-related resources.
Sec. 706. Additional ICAC Task Forces.
Sec. 707. Marsha’s Law.

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 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) John and Reve Walsh, whose son, Adam, was abducted at a mall, sexually assaulted, and murdered in Florida in February, 2004.

(2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in Wisconsin in 1996.

(3) John and Reve Walsh, whose son, Adam, was abducted at a mall, sexually assaulted, and murdered in Florida in February, 2004.

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2000 in Cedar Rapids, Iowa.

(5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jonna 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 2006, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile sex offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Forno, who was 13 years old, was abducted, sexually assaulted, and murdered in 1984, in Tempe, Arizona.

(10) Alejandro 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) Elizabeth Smart, who was 14 years old, was kidnapped and murdered in Florida in 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 and murdered in Florida in 1993 by a career offender in California.

(16) Elizabeth K SEARCH, 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) Sara Ault, who was 5 years old, was abducted, sexually assaulted, and murdered in California on July 15, 2002.

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:

(11) Polly Klaas, who was 12 years old, was sexually assaulted and murdered in 2003, in Florida.

(12) Elizabeth Smart, who was 14 years old, was abducted and murdered in Florida in February, 2004.

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:

(13) Reckless Richardon, who was 5 years old, was abducted, sexually assaulted, and murdered in California on July 15, 2002.

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:

(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 and murdered in Florida in 1993 by a career offender in California.

(16) Elizabeth K SEARCH, 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.

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:

(17) Sara Ault, who was 5 years old, was abducted, sexually assaulted, and murdered in California on July 15, 2002.

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:

(18) Elizabeth K SEARCH, 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.

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:

(19) Elizabeth Smart, who was 14 years old, was abducted and murdered in Florida in February, 2004.

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:

(20) Elizabeth K SEARCH, 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.

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:

(21) Elizabeth Smart, who was 14 years old, was abducted and murdered in Florida in February, 2004.

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:

(22) Elizabeth K SEARCH, 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.
SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.—
(a) JURISDICTION TO MAINTAIN A REGISTRY.—Each jurisdiction shall maintain a jurisdiction-wide sex offender registry containing all 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 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 transmit all information required 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 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 offense giving rise to the registration requirement:
(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 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 or pending 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 photography 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 remain registered 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).
(b) RedUCED REGISTRATION PERIOD.—(1) 15 years, if the offender is a tier I sex offender;
(2) 25 years, if the offender is a tier II sex offender;
(3) the life of the offender, if the offender is a tier III sex offender.
(c) EXTENSION OF PERIODS.—A 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 10 years; and
(1) any information about a tier I sex offender convicted of a felony other than a specified offense against a minor;
(2) the name and address of each residence at which the sex offender resides or will reside.
(3) Any other information required by the Attorney General.
(d)復PROVISON OF SUBSECTION (b).—(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.
(e) RedUCED REGISTRATION PERIOD.—(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 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, give the sex offender giving rise to the duty to register—
(1) inform the sex offender of the duties of a sex offender under this title and explain these 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 requirements; 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 the public and to the public, all information about each sex offender in the registry. The jurisdiction shall maintain the Internet site in a manner that permits 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 that did not result in conviction; and
(3) 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 a felony 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 be provided to, at the extent practicable, links to sex offender safety and education resources.
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) INFORMATION TO BE PROVIDED.—The Attorney General shall consult with the appropriate law enforcement agency (hereinafter in this section referred to as the “Agency”) to develop a data sheet 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. 122. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT AND WEBSITE SOFTWARE.

(a) DUTY TO PROVIDE SUPPORT.—The Attorney General shall, in consultation with the jurisdiction, develop and support software to enable jurisdictions to establish and operate unified 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. 123. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

(a) FAILURE OF JURISDICTION TO COMPLY.—

(1) 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 part 1 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) 3 years after the date of the enactment of this Act; and
(2) 1 year after the date on which the software described in subsection (a) is available.

(c) REALLOCATION.

(1) 5 percent of such total, if 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 this section if the SORMA program for the fiscal year beginning after that determination.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated by this title, there are appropriated to be appropriated such sums as may be necessary to the Attorney General, to be available for grants provided for in this Act.

SEC. 124. ELECTION BY INDIAN TRIBES.

(a) ELECTION.—

(1) In General.—An Indian tribe may, by resolution of its governing body, elect to delegate its functions under this title to the Attorney General or the Attorney General’s designee.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated by this title, there are appropriated such sums as may be necessary to the Attorney General or the Attorney General’s designee, to carry out this title.

SEC. 125. FAILURE OF JURISDICTION TO COMPLY.

(a) 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.

(b) EFFORTS.—If the circumstances arise under paragraph (1), the Attorney General 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 highest court over which the jurisdiction has jurisdiction, 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.

(c) 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 substantial compliance with the requirements of this title if the jurisdiction has made, or is in the process of implementing reasonable alternative procedures or accommodations, which are consistent with the requirements of this title.

(d) 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).

(e) 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 failed to substantially implement the title or may be reallocated from which they were withheld to be used solely for the purpose of implementing this title.

(f) 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 this section if the jurisdiction is in substantial compliance with this title.

SEC. 127. ELECTION BY INDIAN TRIBES.

(a) Election.—

(1) In General.—An Indian tribe may, by resolution of the tribal council, elect to carry out this title.

(b) Authorization of Appropriations.—In addition to any amounts otherwise authorized to be appropriated by this title, there are appropriated such sums as may be necessary to the Attorney General or the Attorney General’s designee, to carry out this title.
likely to become capable of doing so within a reasonable amount of time.

(b) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(1) IN GENERAL.—A tribe subject to this subtitle is not required to duplicate functions under this subtitle which are fully carried out by another jurisdiction or jurisdiction over which the territory of the tribe is located.

(2) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such an ordinary business activity.

(b) REQUIREMENT OF JUSTIFICATION.—Such an activity involving general administration related to an ordinary business activity, or personnel management.

SEC. 128. REGISTRATION OF SEX OFFENDERS EN- TERING THE UNITED STATES.

The Attorney General, in consultation with 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 interest of the system.

SEC. 129. REPEAL OF PREDECESSOR SEX OF- FENDER 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 Act of 1994, and section 8 of the Pam Lychner Act of 1996 (42 U.S.C. 14073), are repealed.

(2) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with other jurisdiction.

SEC. 131. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, 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 Sex Offenders

SEC. 141. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OF- FENDER 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.—Whenever—

(1) is required to register under the Sex Offender Registration and Notification Act; and

(2) the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply; and

(b) Affirmative Defense.—In a prosecu- tion for a violation of subsection (a), it is an affirmative defense that—

(1) uncontrollable circumstances pre- vented the individual from complying; or

(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; or

(2) in paragraph (2), by striking "the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply; and"

(3) the individual committed as soon as such circumstances ceased to exist.

(d) Punishment.—The punishment for a violation of this section shall be not more than 8 years, or both.

(e) False Statement Offense.—Section 1001(a) of title 18, United States Code, is amended by adding at the end the following:

"(f) Failure to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and"

(f) Supervised Release.—Section 3623(a) of title 18, United States Code, is amended—

(1) in paragraph (3), by striking "(3) during the term for which the person failed to register; and"

(2) by inserting "and, if a person is convicted of violating this section after a period of supervised release, 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 there- in. Such term shall not be less than 5 years.";

(g) Duties of the Bureau of Prisons.—Section 6363(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "2244(a)(1), 2244(a)(2)" and inserting "2244, 2244, 2245, 2250";

(2) by inserting "less than 5," after "any term of years;" and

(3) by adding at the end the following:

"(e) 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 1501, 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 there- in. Such term shall not be less than 5 years.";

(h) Jurisdiction of 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 5K2.13 of title 18, United States Code:

(1) Whether the person committed another sex offense in connection with, or during, the period for which the registered offender was under supervision; and

(2) Whether the person voluntarily com- promised or adjudicated delinquent for any offense other than the offense which gave rise to the requirement to register; and

(3) Whether the person was convicted of an offense other than the offense which gave rise to the requirement to register.

SEC. 142. 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 cat- egory specified by the Attorney General;" and

(2) in paragraph (2)—

(A) in the first sentence, by striking "shall 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)".

SEC. 143. CONFORMING REPEAL OF DEADWOOD.—Paragraph (4) of section 4042(c) of title 18, United States Code, is repealed.

1. 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”.

(b) Section 115(a)(8)(C)(iii) of Public Law 103–119 (111 Stat. 2466; 10 U.S.C. 951 note) is amended by striking “the amendments made by subsection (B)” and inserting “the Sex Offender Registration and Notification 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 any sex offender registration requirements. For the purposes of section 566(c)(1)(B) of title 28, United States Code, a sex offender who violates a sex offender registration requirement is defined as a fugitive.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2011 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 also 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 Program authorized and funded under section 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); and

(C) the development by each United States Attorney of a district-specific strategic plan to coordinate the investigation and prosecution of computer-facilitated crimes; and

(b) 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, Federal Bureau of Investigation, and the United States Marshals Service to coordinate the investigation and prosecution of cases involving the following:

(A) the Child Exploitation and Obscenity Section within the Department of Justice;

(B) the Innocent Images Unit of the Federal Bureau of Investigation; and

(C) any task forces established in connection with the Project Safe Childhood program set forth under subsection (a); and

(D) any investigative functions 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.

(b) Initial Implementation.

(1) The Attorney General shall, in consultation with the Project Safe Childhood program established by the Sex Offender Registration and Notification Act, develop and maintain a Project Safe Childhood program in accordance with this section.

(2) The Attorney General shall, in consultation with the Project Safe Childhood program established by the Sex Offender Registration and Notification Act, and the Project Safe Childhood Task Force Program; and

(c) 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 any sex offender registration requirement, for the purpose of carrying out this section, to provide for the following 5 purposes:

(1) Increased Federal involvement in child pornography and enticement cases by providing additional investigative tools and increased penalties under Federal law.

(2) Expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the exploitation of children committed by sex offenders who use the Internet and technology to solicit or otherwise exploit children.

(3) Facilitate meetings involving corporations that sell computer hardware and software or provide services to the general public related to the use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children.

(4) Hold national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pre-active approaches to monitoring sex offender activity on the Internet.

(5) 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

(e) Technology.—The Attorney General shall deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

 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 exploitation of children committed by sex offenders who use the Internet and technology to solicit or otherwise exploit children;

(b) Technology.—The Attorney General shall —

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the exploitation of children committed by sex offenders who use the Internet and technology to solicit or otherwise exploit children;
(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 secure the registration of offenders or to other measures for the protection of children or other members of the public from sexual abuse or exploitation; and
(4) perform such functions as the Attorney General may delegate.

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**SEC. 151. ACCESS TO NATIONAL CRIME INFORMATION DATABASES.**

(a) In general.—Notwithstanding any other provision of law, the Attorney General shall have access to the national crime information databases (as defined in section 539 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 only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) Conditions of access.—The access provided under paragraph (a) is associated with 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) limited to personnel of the Center or of other agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

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**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)(B) of the Social Security Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) by inserting “, or if

(i) in subparagraph (A), in the matter preceding subparagraph (B), by striking “an individual having information as a result of a check under subsection (b) may release that information only to appropriate officers or agents of child welfare agencies, public or private elementary or secondary schools, or educational agencies or other persons authorized by law to receive that information.

(B) the Attorney General may delegate.

(c) Protection of information.—An individual having information as a result of a check under subsection (b) may release that information only to appropriate officers or agents of child welfare agencies, public or private elementary or secondary schools, or educational agencies or other persons authorized by law to receive that information.

(d) Criminal penalty.—A person 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 not more than $250,000, and if the individual was 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 setting.

(e) Fingerprint-based check.—Where possible, the check shall include a fingerprint-based check of State criminal history databases.

(f) Fees.—The Attorney General and the States may charge any applicable fees for the checks.

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**SEC. 154. MISSING CHILD REPORTING REQUIREMENTS.**

(a) In general.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 3702) is amended—

(1) by redesigning paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and
(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 functional system or the National Crime Information Center computer database based solely on the age of the person; and

(b) Definitions.—


(i) through subparagraph (B) and inserting a semicolon.
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 for life or for any term of years not more than 30 years, and in relation to the crime of violence, be fined for life or for any term of years not more than 30 years.

“(2) A person with a valid prescription that is not more than 30 years or for life, or if a dangerous weapon was used during the course of an offense under this chapter, or if the crime of violence is kidnapping (3); and inserting “—

“(3) if the crime of violence is kidnapping (as defined in section 1201) or maiming (as defined in section 1114), be imprisoned for life or any term of years not less than 25; and

“(4) 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. 202. JETSETA GAGE ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN

Section 2254 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 violates 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 maximum term of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offenses—

“(i) if the crime of violence is murder, is 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.

“(ii) if the crime of violence is kidnapping (as defined in section 1201) or maiming (as defined in section 1114), is imprisoned for life or any term of years not less than 25; and

“(iii) 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 ENTRAPMENT BY SEX OFFENDERS

Section 2421 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. PENALTY FOR ENGAGING IN PROSTITUTION RELATING TO CHILD PROSTITUTION

Section 2422(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 “imprisoned for any term of years or for life”.

SEC. 206. INCREASED PENALTIES FOR SEXUAL ACTUAL OR POSTERIOR CONTACT WITH CHILDREN

SEC. 206. INCREASED PENALTIES FOR SEXUAL ACTUAL OR POSTERIOR CONTACT WITH 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 “... imprisoned for not less than 30 years or for life”.

(2) AGGRAVATED SEXUAL CONTACT WITH CHILDREN.—Section 2241 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) by striking “; and” and inserting “; or”;

(ii) by inserting “; and” before “before section 2241;”; and

(iii) by inserting “or” at the end of paragraph (3); and

(B) by striking the period at the end of paragraph (4) and inserting “: or”;

(c) by inserting after paragraph (4) the following:

“(5) A person who, in the first place it appears;”.

(c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN REPEATED 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 (b) after “under section”.

SEC. 207. SEXUAL ABUSE OF WARDS

Chapter 109A of title 18, United States Code, is amended—

(1) in section 2245(b), by striking “five years” and inserting “15 years”;

(2) by inserting a comma after “Attorney General” each place it appears.
SEC. 208. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1991(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “or imprisonment” and inserting “and imprisonment”; and

(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 “for not more than 40 years, or both” and inserting “and imprisonment for not less than 10 years for a violation of section 1591; and

(B) by striking “, or both”; and

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 3623(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “or”; and

(2) in paragraph (3) by striking the period at the end and inserting “; and

(3) by striking “(4)” and inserting “(5)”

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 2287 and 2257A, or 117, and section 1951); and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

"§ 2260. Protection and sex offenses".

SEC. 212. VICTIMS’ RIGHTS ASSOCIATED WITH HABEAS CORPUS PROCEEDINGS.

Section 377(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.—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), and (6) 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 obligations or requirements applicable to personnel of any agency of the Executive Branch of the Federal Government.

(D) DEFINITION.—For purposes of this paragraph, as used in paragraphs (1) and (3) of subsection (d), 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 of that person.

SEC. 215. ABUSE AND NEGLECT OF INDIAN CHILDREN.

(a) AUTHORITY.—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 available 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.

(b) PROVISIONS.—In any case that involves multiple victims, subsection (a)(1) shall apply.

(c) FUNDING.—Except as provided in paragraphs (1) and (2), the Attorney General shall—

(1) submit a plan for the establishment of a program that involves multiple victims, subsection (b), by striking “to interstate” and inserting “in interstate”.

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:

"(2) In any case that involves a minor victim under section 1362, 1221, 2241, 2251, 2261A, 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, 2425 of this title, or a failure to report sex offenses 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:

"(a) GRANTS AUTHORIZED.—Except as provided in paragraphs (1) and (2), the Attorney General shall—

(A) make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(1) LIMITATION.—The Attorney General shall—

(A) not make any grant under this section to a jurisdiction that does not restrict, in an equivalent proceeding, 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.

(2) ADMINISTRATION.—In any case that involves multiple victims, subsection (a)(1) shall apply.

(b) LIMITATION.—The Attorney General may—

(A) establish 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 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.

SEC. 218. ENFORCEMENT.

The Attorney General shall

(1) submit a plan for the establishment of a program that involves

(a) secure civil confinement, including appropriate control, and treatment for individuals released following 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.

(4) By order 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 chapter 5—

(i) by amending paragraph (2)(C) to read

"(C) in paragraph (2), by striking "and if, at any time after the commencement of probation or supervised release, the court determines that the person is no longer a sexually dangerous person, the court shall release the person to the appropriate official of the State in which the person was convicted, or was tried if such State will assume such responsibility for his custody, care, and treatment."

(ii) by amending paragraph (3), by striking the word "and" and inserting "or"

(iii) in paragraph (8), by striking "if released under" and inserting "if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall--"

(iv) in paragraph (10), by striking "if the person is released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall--"

(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 1225(f).

(c) Hearing.—The hearing shall be conducted pursuant to the provisions of section 1225(d)(3).

(d) Determination and Disposition.—If, after the hearing, the court finds by a preponderance of the evidence that the person is a sexually dangerous person, the court shall tighten, modify, or terminate the regimen of medical, psychiatric, or psychological care or treatment, the court shall--

(1) by amending clause (iv) to read

"(iv) a person conditionally discharged under subsection (b) is released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall--"

(A) order that he be monitored and that he be immediately discharged;

(B) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall--

(C) order that he be released to the appropriate official of the State in which he was convicted, or was tried if such State will assume such responsibility; and

(D) order that he be released to the appropriate official of the State in which he was convicted, or was tried if such State will assume such responsibility;

(e) Discharge.—When the Director of the facility in which a person is hospitalized or placed pursuant to subsection (d) determines that the person's condition is such that he is no longer a sexually dangerous person, the court shall release the person to the appropriate official of the State in which he was convicted, or was tried if such State will assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall release the person to the appropriate official of the State in which he was convicted, or was tried if such State will assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall release the person to the appropriate official of the State in which he was convicted, or was tried if such State will assume such responsibility.

(f) 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 the person has been certified to the court as a sexually dangerous person, the court shall release the person to the appropriate official of the State in which the person is convicted, or was tried if such State will assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall release the person to the appropriate official of the State in which the person is convicted, or was tried if such State will assume such responsibility.

TITLE IV—IMMIGRATION LAW REFORMS TO PREVENT SEX OFFENDERS FROM ABUSING CHILDREN

SEC. 401. FAILURE TO REGISTER A DEPORTABLE PERSON AS A SEX OFFENDER.

Section 1227(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(9)) is amended—

(1) by redesignating clause (a) as clause (vi) and redesignating clauses (b) through (f) as clauses (a) through (v) respectively;

(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 314 of title 18, United States Code, of a sexual offense under section 2250 of title 18, United States Code, is deportable.
"
TITLES V—CHILD PORNOGRAPHY PREVENTION

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The effect of the interstate production, transportation, distribution, receipt, advertising, and possession of child pornography on the interstate market in child pornography.

(2) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a national network of individuals openly advertising, marketing, and exploiting child pornography.

(3) In the interstate market for child pornography, children are used as objects of sex, and the child is a victim of the crime of child pornography.

(4) The interstate market for child pornography is a new criminal enterprise.

(5) The interstate market for child pornography is growing.

(6) The effect of the interstate market for child pornography is to cause harm to children.

(7) The interstate market for child pornography is a new criminal enterprise.

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, or 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 (9), 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:

"(b) 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 (b) and inserting the following:

"(b) In this section—"{illegible} 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; "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, or otherwise managing the sexually explicit content of, a computer site or service that contains a visual depiction of, sexually explicit conduct; and"

"(iv) any activity, other than those activities identified in subparagraph (A), that does not involve the hiring, contracting for, manufacturing, or otherwise arranging for the participation of the depicted performers;"

"(v) the provision of a telecommunication 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, 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) does not constitute such selection or alteration of the content of the communication; and
The term 'performer' includes any person portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct.

(b) The provisions of section 2357 shall not apply to any depiction of actual sexually explicit conduct as described in clauses (i) through (iv) of subsection (a) of title 18, United States Code, if such matter is intended for commercial distribution under circumstances such that the ordinary person would conclude that the matter is not intended for commercial distribution.

(c)(1) Any person to whom subsection (a) applies shall retain possession of the records required by this section with respect to any visual depiction and shall maintain individually identifiable information as may be prescribed by regulations.

(2) Such information shall include the name, address, and date of birth of the performer.

(3) Whoever violates paragraph (2) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

(4) As used in this section, the term 'produces in whole or in part' includes every page of a record kept pursuant to this section, and regulation promulgated under this section.

(5) Whoever violates paragraph (4) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

(6) As used in this section, the term 'produces in whole or in part' includes every page of a record kept pursuant to this section, and regulation promulgated under this section.

(7) Whoever violates paragraph (6) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

(8) As used in this section, the term 'produces in whole or in part' includes every page of a record kept pursuant to this section, and regulation promulgated under this section.

(9) Whoever violates paragraph (8) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

(10) As used in this section, the term 'produces in whole or in part' includes every page of a record kept pursuant to this section, and regulation promulgated under this section.

(11) Whoever violates paragraph (10) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

(12) As used in this section, the term 'produces in whole or in part' includes every page of a record kept pursuant to this section, and regulation promulgated under this section.

(13) Whoever violates paragraph (12) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

(14) As used in this section, the term 'produces in whole or in part' includes every page of a record kept pursuant to this section, and regulation promulgated under this section.

(15) Whoever violates paragraph (15) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

(16) As used in this section, the term 'produces in whole or in part' includes every page of a record kept pursuant to this section, and regulation promulgated under this section.

(17) Whoever violates paragraph (17) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

(18) As used in this section, the term 'produces in whole or in part' includes every page of a record kept pursuant to this section, and regulation promulgated under this section.

(19) Whoever violates paragraph (19) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

(20) As used in this section, the term 'produces in whole or in part' includes every page of a record kept pursuant to this section, and regulation promulgated under this section.

(21) Whoever violates paragraph (21) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

(22) As used in this section, the term 'produces in whole or in part' includes every page of a record kept pursuant to this section, and regulation promulgated under this section.

(23) Whoever violates paragraph (23) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

(24) As used in this section, the term 'produces in whole or in part' includes every page of a record kept pursuant to this section, and regulation promulgated under this section.

(25) Whoever violates paragraph (25) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.
SEC. 504. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3209 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 the defendant with 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 defendant who may seek to qualify to furnish expert testimony at trial.”

SEC. 505. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPOSURE 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 “or any property” 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.

“(d) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) inserting “or who is convicted of an offense under section 2252B of this chapter,” after “2250 of this chapter”;

(B) by striking an offense under section 2421, 2252, or 2252A of chapter 117 and inserting an offense under chapter 109A; and

(2) in paragraph (1), by inserting “2252A, 2252B, or 2250” after “2250”;

(3) in paragraph (1), by inserting “or any property traceable to such property” before the period.

(c) CRIMINAL FORFEITURE PROCEDURE.—Section 2243 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 this title 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 1466 of title 18, 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 distribute, transport, transmit in interstate or foreign commerce, or whoever knowingly uses any communication facility in the United States to facilitate and distributes, transports, transmits in interstate or foreign commerce, or knowing or reasonably believing that the property is intended to be used to facilitate and transports, or transmits in interstate or foreign commerce, or who receives, possesses or knowingly uses any communication facility in the United States to facilitate, and transports, or transmits in interstate or foreign commerce, and before “transport or transmits in commerce, and before “transport or transmits in commerce,”

(3) by inserting a comma after “in or affecting such commerce”;

(4) by striking “or transfers or offers to sell or transfer” before “or transfers or offers to sell or transfer obscene matter”; and

(5) by striking “(b)” after “or transfers or offers to sell or transfer such material.”

(b) Section 1466 of title 18, United States Code, is amended—

(1) by striking “and” in section 2254 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting “producing with the 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. GUARDIANSHIP OF THE DAMAGED.

Section 3509(h)(1) of title 18, United States Code, is amended by adding—

“and, where appropriate, will provide reason for reasonable compensation and payment of expenses for any other guardian.”

SEC. 508. 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 no later than June 30 of the fiscal year and the second report in a fiscal year no 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) $11,000,000 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 redesigning 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”;

(B) by striking “1,000,000 youth” and inserting “2,000,000 youth”; and

(4) in paragraph (4), by striking “82 percent” and inserting “85 percent”; and

(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 “17 are at risk”;

(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—

“(C) 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”;

(2) in subsection (b)(1)(B), by striking “not less than 570 PAL chapters in operation before January 1, 2001” 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 Employment 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(d) of the National Police Athletic League Youth Employment Act of 2000 (42 U.S.C. 13751 note) is amended by striking “1997” and inserting “2006”.
(b) T EXT.
The National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking “The national Police Athletic league” each place such term appears and inserting “Police Athletic League”.

Subtitle C—Grants, Studies, and Other Provisions

SEC. 621. PILOT PROGRAM FOR MONITORING SEX OFFENDERS.
(a) SEX OFFENDER MONITORING PROGRAM.—
(1) GRANTS AUTHORIZED.—
(A) IN GENERAL.—The Attorney General is authorized to award grants (referred to as “Jessie 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) USE OF GRANT AMOUNTS.
(i) IN GENERAL.—Such grants may only be used for the following purposes:
(I) to purchase computer hardware and software necessary to investigate sexual abuse of children.
(ii) to purchase computer hardware and software necessary to investigate sexual abuse of children.
(iii) to purchase computer hardware and software necessary to investigate sexual abuse of children.
(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 sex offender;
(ii) contain a central processing unit with global positioning system and cellular technology in a single unit; and
(iii) provide two- and three-way voice communication; and
(iv) permit active, real-time, and continuous monitoring of offenders 24 hours a day.
(2) APPLICANTS.—
(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) include such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.
(b) GRANT RECIPIENTS.—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 fiscal years 2007 through 2008 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 continued 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 pre-release 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 for fiscal years 2007 through 2010 to carry out this section.

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 units of local government, Indian tribal governments, correctional facilities, and other public and private entities, and any 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 in the treatment of juvenile sex offenders.
(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. 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 the use of funds provided for DNA backlog elimination.
(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for 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 GRANTAMOUNTS.—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; and
(2) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet.
(c) CRITERIA.—The Attorney General shall give priority to law enforcement agencies making a showing of need.

SEC. 626. CRIME PREVENTION CAMPAIGN GRANT.
Title 2 of Part E of title I of the Omnibus Crime Control and Safe Streets 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 make grants to any national, regional, or local 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) 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) 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 Clubs;

(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. 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 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 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 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 advocated for prevention 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 (RAINN) to reach 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 137,000 people, an all-time record.

(17) The programs sponsored by RAINN and its local affiliates have contributed to the increasing percentage of those 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) Authorization of Appropriations.—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 promising public programs, research, laws, legislation, and policies that benefit victims of sexual assault; and

(E) provision of technical assistance to law enforcement agencies, Federal 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.
Missing and Exploited Children, is authorized to develop and carry out a public awareness campaign to demonstrate, explain, and encourage parents, children, and community leaders to protect children when such children are on the Internet.

(2) REQUIRED COMPONENTS.—The public awareness campaign described under paragraph (1) shall include appropriate components that complement and reinforce the campaign message in a variety of media, including the Internet, television, radio, and billboards.

(b) AWARDS TO STATES FOR PROGRAMS 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 may be 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, local political subdivisions of a State, local government, and nonprofit organizations for the purposes of establishing and maintaining programs with respect to improving the safety and well-being of children and parents in the best ways for children to be safe when on the Internet.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be 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 States, 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 is sought;

(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 applications 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 2011 such sums as may be necessary to carry out this section.

(2) EXCEPTION.—If, prior to the date of 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 philanthropic 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 other alternatives.

(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 carried out in cooperation with 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 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 shall establish a 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)).

(b) DATA COLLECTION STANDARDS.—

(1) GENERAL.—(A) STANDARDS.—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) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committees on Appropriations of 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.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of the fiscal years 2006 and 2007 to carry out the study required by this subsection.
SEC. 614. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.

(a) In General.—The National Institute of Justice shall conduct a comprehensive study to examine the current registration, 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 paragraph (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 to the Senate and the Committee on the Judiciary the results of the study conducted under subsection (a) together with findings to Congress on the effectiveness of registration and notification requirements in increasing public safety, and the costs and burdens of the requirements.

(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. 615. 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, the reasons for failure to register;

(4) the reasons necessary to implement, and the legal implications of implementing, risk-based sex offender classification systems for sex offender registries; 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. 616. 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 shall require the following studies:

(1) Not later than 6 months after the date of the enactment of this Act, the Government Accountability Office shall conduct a study to examine the costs and burdens associated with such changes and the implementation and enforcement of such changes.

(2) Not later than 9 months after the date of the enactment of this Act, the Office shall conduct a study to evaluate the effectiveness of risk-based sex offender classification systems, in—

(A) determining what measures are needed to improve the performance of Federal, State, and local criminal investigators of homicide; and

(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

(b) Report.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall conduct a study of the costs and benefits of implementing risk-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;

(2) including an examination of—

(1) the benefits of increasing training and resources for such investigations, with respect to investigative techniques, best practices, and forensic services;

(2) 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 enactment of this Act, the Attorney General shall report to the Committee on the Judiciary, the Committee on the Judiciary of the House of Representatives, and the Senate the results of the study under this section.

SEC. 638. STUDY OF THE EFFECTIVENESS OF RESTRICING 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, including such 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) including an examination of—

(A) the ability of law enforcement agencies and courts to enforce such restrictions; and

(b) Report.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit the report to the Senate and 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 FAMILIES 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 enactment of this Act, the Attorney General shall conduct a study with respect to the following—

(1) outlining what measures are needed to improve the performance of Federal, State, and local criminal investigators of homicide; and

(2) the coordination in the sharing of information among Federal, State, and local law enforcement and coroners and medical examiners; and

(c) Improvements Needed for Solving Homicides Involving Missing Persons and Unidentified Human Remains.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary, 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
(D) any improvement in the performance of postmortem examinations, autopsies, and reporting procedures of unidentified persons or remains.

3. (E) any coordination between the National Center for Missing Children and the National Center for Missing Adults;

4. (F) the possibility (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

5. (G) any improvement with respect to—

(a) the collection of DNA information for missing persons and unidentified human remains; and

(b) 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 for the purposes of this section if the person violates section 1201, section 1202 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 REGULAR OFFENDERS.

(a) OFFENSE.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

'§ 2280A. 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 sections 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1211(1), 1211(2), 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1221, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, or 1245, 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) CRIMINAL 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:

'2280A. Penalties for registered sex offenders.'.

SEC. 703. DECEPTION BY EMBOSSED 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) Offense.—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—

(i) the term ‘obscene material that is harmful to minors’ and ‘sex’ have the meaning given such terms in section 2252B; and

(ii) 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 110A 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;

(b) ADDITIONAL PROSECUTORS.—In fiscal year 2007, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of attorneys in United States Attorneys’ Offices designated to investigate crimes involving the sexual exploitation of children, and transfer of obscene materials, and shall be in addition to the ones authorized in section 143 of this Act.

(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 ICAC TASK FORCES.

(a) ADDITIONAL TASK FORCES.—In fiscal year 2007, the Attorney General, 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 Department of Justice for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 706. MASHA’S LAW.

(a) SHORT TITLE.—This section may be cited as ‘‘Masha’s Law’’.

(b) IN GENERAL.—Section 2252(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) 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 others 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 NATURE 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 J effery D. Jarrett, Mark Myers, of Alaska, to be Director of the United States Geological Survey, Department of the Interior, vice Charles G. Groat, resigned. Druce 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 JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate 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. Tydings-Gatewood, to be Judge of 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. 2455, Terrorist Surveillance Act of 2006, De Winkle;
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. 2932, Immigration 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. 1845, Circuit Court of Appeals Restructuring and Modernization Act of 2005, Ensign, Kyl;
S. 2679, Unresolved 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 Deceived; 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 that grant floor privileges to Toval 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 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...
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) commends the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals.

Whereas, with a growing recognition of the need for the dignified expression of end-of-life traditions, the Patriot Guard Riders, an organization of motorcycle enthusiasts, have begun a movement to ensure that fallen service members receive the respect and honor due at the time of their death;

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 protesters 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 Representives concurring), That in the enrollment of the bill, S. 3693, the Secretary of the Senate shall insert “or reentries” after “States,” and “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. 483

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following bills:

Calendar No. 484

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, Manassas, Virginia, shall be known and designated as the “Harry J. Parrish Post Office.”

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution (S. Res. 535) be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 535) was agreed to.

The resolution (S. Res. 535) was read a third time and passed and the motion to reconsider be laid upon the table.

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 facility of the United States Postal Service 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 Massepequa, 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 304 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.

**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.