

The Senate fiscal year 2006 Labor, Health and Human Services, and Education Appropriations bill took an important first step toward providing adequate LIHEAP funds by including \$2.183 billion for the program for next fiscal year. This is a good starting point.

However, \$2.183 billion represents only a very slight increase over fiscal year 2005 levels and is likely not enough to meet the needs of LIHEAP beneficiaries in the coming winter.

For this reason, I have worked to find ways to increase funding for the LIHEAP program and to do so in a manner that is fiscally responsible. The Reed amendment would have added \$2.92 billion to the LIHEAP program and paid for this increase by taxing the windfall profits of major oil companies.

Some have criticized this windfall profits tax. Yet I believe that a temporary, limited tax on the windfall profits of energy companies is a reasonable way to help the least fortunate among us pay for their home energy needs.

Indeed, I believe that the country's oil producers can afford to help pay for LIHEAP. Last month they posted record profits. ExxonMobil reported that their profits rose 75 percent, and in just 3 months they made \$9.92 billion in profit. Similar record profits have been reported by all of the major integrated oil companies. Some of this increase in profit is due to oil prices that started to rise this summer even before Hurricanes Katrina and Rita struck the gulf coast. After the hurricanes, though, the price of gasoline, diesel, jet fuel and other refined oil products soared.

Our Nation is still struggling to recover from the disasters along the gulf coast. All Americans have had to make sacrifices as a result. This winter the country is facing another crisis, record energy prices and associated increased household heating bills.

According to the U.S. Energy Information Administration, consumers who heat their homes with natural gas prices—about 55 percent of U.S. households—are expected to see their heating bills rise by 48 percent this winter. Those who heat with oil will pay 32 percent more, those who heat with propane will pay 30 percent more, and those who heat with electricity will pay 5 percent more.

These increases will take the greatest toll on the least fortunate among us. Low-income Americans will have a harder time heating their homes and may turn their heat down dangerously low in hopes of being able to pay their monthly bills.

That is why the LIHEAP program is so important. LIHEAP provides vital home energy assistance to low-income families to help them weatherize their homes and pay their energy bills.

The Reed amendment would have asked the oil companies that have profited so much from recent rising energy

prices to help ease the burden of this winter's high prices.

I am pleased with the approach taken by the Reed amendment because I believe that we should try to pay for increases in spending. I have been uncomfortable supporting some previous amendments to increase funding for the LIHEAP program because they did not find a way to pay for the increased spending.

Senator REED has found a way not only to fully fund this vital program, but to pay for it as well.

Unfortunately, Senator REED's amendment was not accepted by the full Senate during consideration of the tax reconciliation bill. The amendment needed 60 votes to overcome a point of order and received only 50.

We will keep trying though.

The LIHEAP program serves a vital function in helping as many as 5 million low-income households who need a bit of help paying their energy bills or weatherizing their homes. I'm pleased to have been a cosponsor of the Reed amendment and I will continue to look for ways to increase funding for the LIHEAP program.

INTERNET GOVERNANCE

Mr. BURNS. Mr. President, I rise to say a few words about the resolution I submitted and which was approved by unanimous consent on the Senate floor this week, in support of the President's position on Internet governance at the U.N. Summit on the Information Society. I thank the cosponsors on this resolution: Senators STEVENS, INOUE, LEAHY, SMITH, SUNUNU, BILL NELSON, HUTCHISON, INHOFE and CRAIG. And I also acknowledge Senator COLEMAN for all his good work on this issue.

No one can really control the Internet. It is not supposed to be controlled. It is an architecture, literally and figuratively, of freedom—freedom of information, of speech, of interconnection, of religion. Because the Internet was developed and commercialized in the United States, it reflects those core American values, and boosts them all around the world. And the United States should be proud of the way it has handled the growth of the Internet—particularly in the way it has kept the private sector experts in charge, and government bureaucrats out.

I have been particularly concerned the status of the Internet Corporation for Assigned Names and Numbers, ICANN, the private, expert body that oversees and manages the Internet's Domain Name System. This is the "plumbing" that makes each Internet site unique and keeps the Internet a global unitary network. The United States created ICANN and its unique model of oversight, with the input of international stakeholders. And U.S. Government oversight of ICANN has been critical in making ICANN more responsive and more capable of carrying out its important technical mis-

sion. ICANN is not perfect. I have been critical of its shortcomings in the past, and will continue to do so in the future. But I strongly support its model of governance that leaves the private-sector experts in charge.

The preliminary news from the U.N. conference seems to be good. Some of the worst ideas, such as creating a new U.N. bureaucracy instead of ICANN, or to direct ICANN, seem to have been avoided. But I will look closely at the final results and make sure that nothing has been agreed to that could damage the Internet. I hope to hold a hearing in the Commerce Committee early next year about this, and I look forward to hearing the testimony of the key stakeholders at that time.

THE SUCCESS OF THE 1994 BRADY ACT

Mr. LEVIN. Mr. President, statistics released last month by the Department of Justice indicate that the 1994 Brady Act has had a meaningful impact on keeping firearms out of the hands of criminals. The annual Bureau of Justice Statistics bulletin titled "Background Checks for Firearms Transfers" reveals that nearly 126,000 firearm transactions to prohibited individuals were prevented in 2004 alone.

As my colleagues know, the 1994 Brady Act requires individuals seeking to acquire guns from a federally licensed firearms dealer to undergo a background check. This process requires the applicant to provide a variety of personal information, which is not retained longer than 4 days unless the person is prohibited by law from receiving or possessing firearms. The primary factors that disqualify individuals from receiving firearms include felony or domestic violence convictions, identification as a fugitive or illegal alien, substance abuse, and serious mental illness. Unfortunately, membership in a known terrorist organization does not automatically disqualify an applicant from receiving or possessing a firearm under current law. This is one of the loopholes in our gun safety laws that should be addressed by Congress.

The Department of Justice reports that since enactment of the 1994 Brady Act, more than 1.2 million applications for firearms transfers have been rejected because disqualifying information was uncovered during a background check of the applicant. Of the applications that were rejected in 2004, 44 percent were rejected because the applicant had been convicted of or was under indictment for a felony offense. In addition, 16 percent were rejected because of domestic violence convictions or a related restraining order.

According to the Department of Justice statistics, almost 80 percent of the rejected applicants in 2004 had a serious criminal history, had been involved in domestic violence, or were identified as a fugitive. This means that nearly 100,000 times last year, criminals and

known domestic abusers were denied access to dangerous firearms because of background checks required by the 1994 Brady Act.

Unfortunately, not all firearms transactions are subject to a background check. The law requires background checks only for those transactions that involve a federally licensed firearms dealer. According to the Coalition to Stop Gun Violence "two out of every five guns acquired in the United States; including guns bought at gun shows, through classified ads, and between individuals; change hands without a background check." The Coalition to Stop Gun Violence also estimates that "extending criminal background checks to all gun transactions in the United States could prevent nearly 120,000 additional illegal gun sales every year."

It is important that we do not infringe on the rights of law-abiding citizens. However, with those rights in mind and protected, we should not allow those with a violent or serious criminal record to acquire dangerous firearms. I urge my colleagues to join me in support of commonsense gun safety legislation, such as the 1994 Brady Act, that will make our nation safer.

AIR FORCE ACADEMY

Mr. ALLARD. Mr. President, in an era when college football players are almost universally derided as troublemakers, stories about football players who become leaders and role models off the field are indeed hard to find. One such leader currently exists at the U.S. Air Force Academy.

Earlier this week the Air Force Academy announced that Andy Gray, a senior cadet, has been selected to take over as the commander of the entire 4,000-strong cadet wing next semester. In this position, Andy will serve as the chief liaison between the academy's leadership and the cadet student body, akin to a student body president.

However, Andy is different than the average student body president. He has received extensive leadership training along with his fellow cadets. He has endured the rigorous cadet schedule of academics and military training. And, he has done it all while excelling as a member of the NCAA Division One Air Force Academy Falcon football team.

Andy is only the sixth football player to be chosen for this leadership role, and the first in 16 years. The last academy athlete to serve as the cadet wing commander was Delavane Diaz who played volleyball for the Falcons in 2003.

Andy Gray entered the academy in 2000 and played quarterback and defensive safety for much of his cadet career. In the fall of 2004, he was No. 1 on the depth chart as quarterback for the Falcons. This past season he played safety and had a big interception in the Air Force Academy's victory over UNLV.

Becoming a cadet wing commander is not easy and requires candidates to go through a rigorous screening process. Only the top two cadets from each of the academy's 35 squadrons are nominated to be considered. Then the pool is narrowed to 20. Each of the surviving candidates is closely interviewed by a board that includes members of the academy's leadership.

I commend Andy for his selection to be the academy's cadet wing commander. This selection is a real honor for him, and I know he will not take his new responsibilities lightly. I wish Andy the best as he takes up this important leadership position.

I also applaud the academy's football coach, Fisher DeBerry, for being such an outstanding role model for cadets like Andy. Coach DeBerry is a man of character who, for over 22 years, has turned hundreds of cadets into leaders while running a top-notch football program. I look forward to seeing in the future many more Academy football players become leaders in our Air Force.

THE SITUATION IN NEPAL

Mr. LEAHY. It may seem strange that on a day when the Congress is debating the budget resolution, I would be asking the Senate to turn its attention for a moment to the remote and tiny nation of Nepal.

I do so because for the past several years, a ruthless Maoist insurgency and a corrupt, repressive monarchy have brought that impoverished but breathtakingly beautiful country to the brink of disaster. It is important for the Nepalese people to know that while they may live half a world away, the difficulties they are facing have not gone unnoticed by the U.S. Congress.

It has been almost 9 months since Nepal's King Gyanendra dismissed the multiparty government, suspended civil liberties, and arrested the prime minister along with other opposition political leaders, human rights defenders, prodemocracy student activists, and journalists.

The king's explanation was that democracy had failed to solve the Maoist problem. He said that he would take care of it himself and then restore democracy after 3 years.

It is true that Nepal's nascent democracy had not solved the Maoist problem. Neither had the king. In the 4½ years since King Gyanendra assumed the throne and became commander in chief of the Nepalese army, the Maoists have grown from a minor irritant to a national menace. While the Maoists use threats and violence to extort money and property and they abduct children from poor Nepalese villages, the army often brutalizes those same people for suspicion of supporting the Maoists. Like most armed conflicts, defenseless civilians are caught in the middle.

What the Nepalese people desire most is peace. Despite the king's autocratic

maneuvers on February 1, many would have given him the benefit of the doubt if he had a workable plan to quickly end the conflict. Nine months later, it is clear that he does not. One can only wonder why King Gyanendra thought that he could defeat the Maoists by dissolving the government, curtailing civil liberties, and surrounding himself with a clique of elderly advisers from the discredited, feudalistic Panchayat era.

The United States, Great Britain, and India criticized the king's actions and have urged him to negotiate with Nepal's political parties to restore democratic government. Unfortunately, although he has released most political prisoners and reinstated some civil liberties, the king has increasingly behaved like a despot who is determined to consolidate his own power.

In the meantime, the Maoists declared a ceasefire. The violence has reportedly decreased, although abductions and extortions have continued apace. Whether the ceasefire is a sinister ploy or a sincere overture for peace may never be known, however, because it is due to expire next month and neither the king nor the army has indicated a willingness to reciprocate.

Against this disheartening backdrop, the Congress, on November 10, 2005, approved my amendment to impose new restrictions on military aid for Nepal. On November 14, President Bush signed it into law. I want to briefly review what we did, and why.

The amendment says that before the Nepalese army can receive U.S. aid, the Secretary of State must certify that the Government of Nepal has "restored civil liberties, is protecting human rights, and has demonstrated, through dialogue with Nepal's political parties, a commitment to a clear timetable to restore multi-part democratic government consistent with the 1990 Nepalese Constitution."

This builds on an amendment that was adopted last year, which required the Secretary of State to certify that the Nepalese army was providing unimpeded access to places of detention and cooperating with the National Human Rights Commission, NHRC, to resolve security related cases of people in custody. Unfortunately, the Secretary was not able to make the certification. Not only were the NHRC's members replaced through a process that was contrary to Nepal's constitution, the International Committee of the Red Cross suspended its visits to military detention centers because it was denied the free access it requires.

The Nepalese Government objects to any conditions on U.S. aid, arguing that the army needs help to fight the Maoists. The army does need help, but it also needs to respect the law and the rights of the Nepalese people. The Congress took this action only after it could no longer ignore the pattern of arbitrary arrests, disappearances, torture and extrajudicial killings by the army. The army's abusive conduct,