(Mr. WARNER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 412, a resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 1 through 7, 2006.

S. RES. 442

At the request of Mr. COLEMAN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Res. 442, a resolution expressing the deep disappointment of the Senate with respect to the election of Iran to a leadership position in the United Nations Disarmament Commission and requesting the President to withhold funding to the United Nations unless credible reforms are made.

AMENDMENT NO. 3599

At the request of Mr. LUGAR, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Vermont (Mr. JEFFORDS), the Senator from Nevada (Mr. REID), the Senator from Ohio (Mr. DEWINE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3599 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3606

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3606 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3626

At the request of Mr. VITTER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of amendment No. 3626 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3627

At the request of Mr. VITTER, the names of the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of amendment No. 3627 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3643

At the request of Mr. SALAZAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 3643 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3644

At the request of Mr. SALAZAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 3644 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3646

At the request of Mr. SALAZAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 3646 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3648

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3648 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. VITTER, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of amendment No. 3648 proposed to H.R. 4939, supra.

AMENDMENT NO. 3650

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 3650 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3662

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 3662 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 3665

At the request of Mr. WYDEN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 3665 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 3665 proposed to H.R. 4939, supra.

At the request of Mr. SMITH, his name was added as a cosponsor of amendment No. 3665 proposed to H.R. 4939, supra.

At the request of Mr. GRAHAM, his name was added as a cosponsor of amendment No. 3665 proposed to H.R. 4939, supra.

At the request of Ms. SNOWE, her name was added as a cosponsor of amendment No. 3665 proposed to H.R. 4939, supra.

AMENDMENT NO. 3670

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3670 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself and Mr. DEWINE):

S. 2663. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I am pleased today to join with my colleague Senator DEWINE to introduce legislation to protect the most vulnerable members of our society: newborn infants. Many people know the joy of parenthood. They also know the sense of worry about whether their kids are doing well, are feeling well, and are safe. Nothing is of greater importance than the health and well-being of our children.

Thanks to incredible advances in medical technology, it is now possible to test newborns for more than 50 genetic and metabolic disorders. Many of these disorders, if undetected, would lead to severe disability or death. However, babies that are properly diagnosed and treated can, in many cases, go on to live healthy lives. So newborn screening can literally save lives.

Frighteningly, the disorders that newborn screening tests for can come without warning. For most of these disorders, there is no medical history of the condition in the family, no way to predict the health of a baby based on the health of the parents. Although the disorders that are tested for are quite rare, there is a chance that any one newborn will be effected a sort of morbid lottery. In that sense, this is an issue that has a direct impact on the lives of every family.

Fortunately, some screening has become common practice in every State. Each year, over four million infants have blood taken from their heel to detect these disorders that could threaten their life and long-term health. As a result, about one in 4,000 babies is diagnosed with one of these disorders. That means that newborn screening could protect the health or save the life of approximately 1,000 newborns each year. That is 1,000 tragedies that can be averted families that can know the joy of a new infant rather than absolute heartbreak.

That is the good news. However, there is so much more to be done. For every baby saved, another two are estimated to be born with potentially detectable disorders that go undetected

because they are not screened. These infants and their families face the prospect of disability or death from a preventable disorder. The survival of a newborn may very well come down to the State in which it is born, because not all States test for every detectable disorder.

The Government Accountability Office (GAO) released a report in 2003 highlighting the need for this legislation. According to the report, most States do not educate parents and health care providers about the availability of tests beyond what is mandated by a state. States also reported that they do not have the resources to purchase the technology and train the staff needed to expand newborn screening programs. Finally, even when States do detect an abnormal screening result, the majority do not inform parents directly.

Two weeks ago, I visited Stamford Hospital in my home State of Connecticut to talk to physicians and parents about newborn screening. I was joined there by Pamela Sweeney. Pamela is the mother of 7-year-old Jonathan Sweeney. At the time of his birth, Connecticut only tested for eight disorders. He was considered a healthy baby, although he was a poor sleeper and needed to be fed quite frequently. One morning in December of 2000, Pamela found Jonathan with his eyes wide open but completely unresponsive. He was not breathing and appeared to be having a seizure. Jonathan was rushed to the hospital where, fortunately, his life was saved. He was later diagnosed with L–CHAD, a disorder that prevents Jonathan's body from turning fat into energy.

Despite this harrowing tale, Jonathan and his family are extremely fortunate. Jonathan is alive, and his disorder can be treated with a special diet. He has experienced developmental delays that most likely could have been avoided had he been tested for L–CHAD at birth. This raises a question. Why was he not tested? Why do many States still not test for L–CHAD?

The primary reason for this unfortunate reality is the lack of a consensus on the federal level about what should be screened for, and how a screening program should be developed. Fortunately, that is changing. In the Children's Health Act of 2000, Senator DEWINE and I authored language to create an Advisory Committee on newborn screening within the Department of Health and Human Services. Last year, that Advisory Committee released a report recommending that all States test for a standard set of 29 disorders. Several States, including Connecticut, are already well on their way to meeting this recommendation.

The legislation that we are introducing today will give states an additional helping hand towards meeting the Advisory's Committee's recommendation by providing $25 million for States to expand and improve their newborn screening programs. In order to access these resources, States will be required to commit to screening for all 29 disorders.

Our legislation will also provide $15 million for two types of grants. The first seeks to address the lack of information available to health care professionals and parents about newborn screening. Every parent should have the knowledge necessary to protect their child. The tragedy of a newborn's death is only compounded by the frustration of learning that the death was preventable. This bill authorizes grants to provide education and training to health care professionals, state laboratory personnel, families and consumer advocates.

The second type of grant will support States in providing follow-up care for those children diagnosed by a disorder detected through newborn screening. While these families are the fortunate ones, in many cases they are still faced with the prospect of extended and complex treatment or major lifestyle changes. We need to remember that care does not stop at diagnosis.

Finally, the bill directs the Centers for Disease Control and Prevention (CDC) to establish a national surveillance program for newborn screening, and provides $15 million for that purpose. Such a program will help us conduct research to better understand these rare disorders, and will hopefully lead us towards more effective treatments and cures.

I urge my colleagues to support this important initiative so that every newborn child will have the best possible opportunity that America can offer to live a long, healthy and happy life.

I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. BURNS. Mr. President, I come to the floor today to introduce the Aviation Fuel Tax Simplification Act. This bill would suspend the new tax system on aviation grade kerosene until we have time to adequately address and study the impacts of such a proposal on aviation small businesses and the Airport and Airway Trust Fund.

This bill addresses a problem created in the Highway Bill this body passed last year. That bill contained a change in the collection of fuel taxes for business and general aviation operators.

Prior to the Highway bill passing, jet fuel intended for noncommercial use was taxed at 21.9 cents per gallon. Under the new provision, all taxes on aviation jet fuel are collected at the diesel fuel rate, which is 24.4 cents per gallon. After collection at the higher rate, the operator or ultimate vendor then has to file a claim with the Internal Revenue Service, IRS, to be reimbursed for the 2.5 cent per gallon difference. Once, and only if, the vendor files the claim do the tax revenues then get transferred to the Airport and Airway Trust Fund.

For general aviation, most of the entities that would be the ultimate vendors are the Fixed Based Operators, FBOs, located at the 19,200 airports, heliports and seaplane bases throughout the U.S. Most of these FBOs are very small mom and pop businesses, and they do not have the resources to comply with the IRS's ultimate vendor rules.

The Highway bill provision took effect last October, with little guidance from the IRS on how aviation fuel operators should apply the new policy. This lack of guidance has created an onerous and convoluted process for taxing aviation jet fuel. It also presents an enormous administrative challenge for aviation businesses, the overwhelming majority of which have never been engaged in any sort of wrongdoing.

This provision was put in the Highway bill with the best of intentions in an effort to fight fuel fraud. However, I believe that provision has fallen into the category covered by the rule of unintended consequences. Unfortunately, the reality is the impact on small aviation businesses far outweighs the intent.

In theory, the provision was put into place to address fuel fraud allegations directed at truck drivers filling up with jet fuel to avoid the 24.4 highway/diesel fuel tax. In reality, jet fuel is considerably more expensive than diesel fuel. It makes no sense to me that a truck driver would pay at least $1 per gallon more to save 25 cents per gallon in taxes.

I have heard from many Montana providers on this issue and I think I can safely say, while the intent was noble, the impact is far too burdensome. Because of the burden and the possible impact on the Airport and Airway Trust Fund I feel it necessary to immediately suspend the new tax system. I look forward to working with my colleagues to find a more appropriate way of curbing fuel fraud.

Mr. DEWINE. Mr. President, I rise today to join my colleague Senator DODD in introducing the Newborn Screening Saves Lives Act of 2006.

This important legislation would help States expand and improve their newborn screening programs, educate parents and health care providers about newborn screening, and improve follow-up care for infants with an illness detected through screening.

Newborn screening is a public health activity used for early identification of infants affected by certain genetic, metabolic, hormonal and functional conditions for which there may be an effective treatment or intervention. If left untreated, these conditions can cause death, disability, mental retardation, and other serious health problems. Every year, over 4 million infants are born and screened to detect such conditions, with an estimated 3,000 babies identified in time for treatment. However, the number and quality of newborn screening tests performed varies dramatically from State to State. The Newborn Screening Saves Lives Act of 2006 aims to remedy these problems and improve newborn screening for all of America's newborns.

This legislation is important because it provides resources to States to expand and improve their newborn screening programs and encourage States to test for the full roster of disorders recommended by the Advisory Committee on Heritable Disorders in Newborns and Children. It is imperative that we test for the full roster of disorders. That is why we are introducing this legislation to provide adequate funds to get this program started. It authorizes $65 million in fiscal year 07 and such sums as may be necessary for fiscal year 08 through fiscal year 11 for grants to educate health care professionals, laboratory personnel, and parents about newborn screening and relevant new technologies.

I encourage my colleagues to join Senator DODD and me in co-sponsoring this important bill.

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

S. 2663

*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 ''Newborn Screening Saves Lives Act of 2006''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Currently, it is possible to test for more than 30 disorders through newborn screening.

(2) There is a lack of uniform newborn screening throughout the United States. While a newborn with a debilitating condition may receive screening, early detection, and treatment in 1 location, in another location the condition may go undetected and result in catastrophic consequences.

(3) Each year more than 4,000,000 babies are screened by State and private laboratories to detect conditions that may threaten their long-term health.

(4) There are more than 2,000 babies born every year in the United States with detectable and treatable disorders that go unscreened through newborn screening.

**SEC. 3. AMENDMENT TO TITLE III OF THE PUBLIC HEALTH SERVICE ACT.**

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

**''SEC. 399AA. NEWBORN SCREENING.**

''(a) AUTHORIZATION OF GRANT PROGRAMS.—

''(1) GRANTS TO ASSIST HEALTH CARE PROFESSIONALS.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator of the Maternal and Child Health Bureau of the Health Resources and Services Administration (referred to in this section as the 'Associate Administrator') and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children (referred to in this section as the 'Advisory Committee'), shall award grants to eligible entities to enable such entities to assist in providing health care professionals and newborn screening laboratory personnel with—

''(A) education in newborn screening; and

''(B) training in—

''(i) relevant and new technologies in newborn screening; and

''(ii) congenital, genetic, and metabolic disorders.

''(2) GRANTS TO ASSIST FAMILIES.—

''(A) IN GENERAL.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator and in consultation with the Advisory Committee, shall award grants to eligible entities to enable such entities to develop and deliver educational programs about newborn screening to parents, families, and patient advocacy and support groups. The educational materials accompanying such educational programs shall be provided at appropriate literacy levels.

''(B) AWARENESS OF THE AVAILABILITY OF PROGRAMS.—To the extent practicable, the Secretary shall make relevant health care providers aware of the availability of the educational programs supported pursuant to subparagraph (A).

''(3) GRANTS FOR QUALITY NEWBORN SCREENING FOLLOWUP.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator and in consultation with the Advisory Committee, shall award grants to eligible entities to enable such entities to establish, maintain, and operate a system to assess and coordinate treatment relating to congenital, genetic, and metabolic disorders.

''(b) APPLICATION.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(c) SELECTION OF GRANT RECIPIENTS.—

''(1) IN GENERAL.—Not later than 120 days after receiving an application under subsection (b), the Secretary, after considering the approval factors under paragraph (2), shall determine whether to award the eligible entity a grant under this section.

''(2) APPROVAL FACTORS.—

''(A) REQUIREMENTS FOR APPROVAL.—An application submitted under subsection (b) may not be approved by the Secretary unless the application contains assurances that the eligible entity—

''(i) will use grant funds only for the purposes specified in the approved application and in accordance with the requirements of this section; and

''(ii) will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the eligible entity under the grant.

''(B) EXISTING PROGRAMS.—Prior to awarding a grant under this section, the Secretary shall—

''(i) conduct an assessment of existing educational resources and training programs and coordinated systems of followup care with respect to newborn screening; and

''(ii) take all necessary steps to minimize the duplication of the resources and programs described in clause (i).

''(d) COORDINATION.—The Secretary shall take all necessary steps to coordinate programs funded with grants received under this section.

''(e) USE OF GRANT FUNDS.—

''(1) GRANTS TO ASSIST HEALTH CARE PROFESSIONALS.—An eligible entity that receives a grant under subsection (a)(1) may use the grant funds to work with appropriate medical schools, nursing schools, schools of public health, schools of genetic counseling, internal education programs in State agencies, nongovernmental organizations, and professional organizations and societies to develop and deliver education and training programs that include—

''(A) continuing medical education programs for health care professionals and newborn screening laboratory personnel in newborn screening;

''(B) education, technical assistance, and training on new discoveries in newborn screening and the use of any related technology;

''(C) models to evaluate the prevalence of, and assess and communicate the risks of, congenital conditions, including the prevalence and risk of some of these conditions based on family history;

''(D) models to communicate effectively with parents and families about—

''(i) the process and benefits of newborn screening;

''(ii) how to use information gathered from newborn screening;

''(iii) the meaning of screening results, including the possibility of false positive findings;

''(iv) the right of refusal of newborn screening, if applicable; and

''(v) the potential need for followup care after newborns are screened;

''(E) information and resources on coordinated systems of followup care after newborns are screened;

''(F) information on the disorders for which States require and offer newborn screening and options for newborn screening relating to conditions in addition to such disorders;

''(G) information on additional newborn screening that may not be required by the State, but that may be available from other sources; and

''(H) other items to carry out the purpose described in subsection (a)(1) as determined appropriate by the Secretary.

''(2) GRANTS TO ASSIST FAMILIES.—An eligible entity that receives a grant under subsection (a)(2) may use the grant funds to develop and deliver to parents, families, and patient advocacy and support groups, educational programs about newborn screening that include information on—

''(A) what newborn screening is;

''(B) how newborn screening is performed;

''(C) who performs newborn screening;

''(D) where newborn screening is performed;

''(E) the disorders for which the State requires newborns to be screened;

''(F) different options for newborn screening for disorders other than those included by the State in the mandated newborn screening program;

''(G) the meaning of various screening results, including the possibility of false positive and false negative findings;

''(H) the prevalence and risk of newborn disorders, including the increased risk of disorders that may stem from family history;

''(I) coordinated systems of followup care after newborns are screened; and

''(J) other items to carry out the purpose described in subsection (a)(2) as determined appropriate by the Secretary.

''(3) GRANTS FOR QUALITY NEWBORN SCREENING FOLLOWUP.—An eligible entity that receives a grant under subsection (a)(3) shall use the grant funds to—

''(A) expand on existing procedures and systems, where appropriate and available, for the timely reporting of newborn screening results to individuals, families, primary care physicians, and subspecialists in congenital, genetic, and metabolic disorders;

''(B) coordinate ongoing followup treatment with individuals, families, primary care physicians, and subspecialists in congenital, genetic, and metabolic disorders after a newborn receives an indication of the presence or increased risk of a disorder on a screening test;

''(C) ensure the seamless integration of confirmatory testing, tertiary care medical services, comprehensive genetic services including genetic counseling, and information about access to developing therapies by participation in approved clinical trials involving the primary health care of the infant;

''(D) analyze data, if appropriate and available, collected from newborn screenings to

identify populations at risk for disorders affecting newborns, examine and respond to health concerns, recognize and address relevant environmental, behavioral, socioeconomic, demographic, and other relevant risk factors; and

''(E) carry out such other activities as the Secretary may determine necessary.

''(f) REPORTS TO CONGRESS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall submit to the appropriate committees of Congress reports—

''(A) evaluating the effectiveness and the impact of the grants awarded under this section—

''(i) in promoting newborn screening—

''(I) education and resources for families; and

''(II) education, resources, and training for health care professionals;

''(ii) on the successful diagnosis and treatment of congenital, genetic, and metabolic disorders; and

''(iii) on the continued development of coordinated systems of followup care after newborns are screened;

''(B) describing and evaluating the effectiveness of the activities carried out with grant funds received under this section; and

''(C) that include recommendations for Federal actions to support—

''(i) education and training in newborn screening; and

''(ii) followup care after newborns are screened.

''(2) TIMING OF REPORTS.—The Secretary shall submit—

''(A) an interim report that includes the information described in paragraph (1), not later than 30 months after the date on which the first grant funds are awarded under this section; and

''(B) a subsequent report that includes the information described in paragraph (1), not later than 60 months after the date on which the first grant funds are awarded under this section.

''(g) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State or a political subdivision of a State;

''(2) a consortium of 2 or more States or political subdivisions of States;

''(3) a territory;

''(4) an Indian tribe or a hospital or outpatient health care facility of the Indian Health Service; or

''(5) a nongovernmental organization with appropriate expertise in newborn screening, as determined by the Secretary.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $15,000,000 for fiscal year 2007; and

''(2) such sums as may be necessary for each of fiscal years 2008 through 2011.''.

**SEC. 4. IMPROVED NEWBORN AND CHILD SCREENING FOR HERITABLE DISORDERS.**

Section 1109 of the Public Health Service Act (42 U.S.C. 300b–8) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (E), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

''(F) an assurance that the entity has adopted and implemented, is in the process of adopting and implementing, or will use grant amounts received under this section to adopt and implement the guidelines and recommendations of the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111 (referred to in this section as the 'Advisory Committee') that are adopted by the Secretary and in effect at the time the grant is awarded or renewed under this section, which shall include the screening of each newborn for the heritable disorders recommended by the Advisory Committee and adopted by the Secretary and the reporting of results; and''; and

(2) in subsection (i), by striking ''such sums'' and all that follows through the period at the end and inserting ''$25,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2011.''.

**SEC. 5. EVALUATING THE EFFECTIVENESS OF NEWBORN- AND CHILD-SCREENING PROGRAMS.**

Section 1110 of the Public Health Service Act (42 U.S.C. 300b–9) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2011.''.

**SEC. 6. ADVISORY COMMITTEE ON HERITABLE DISORDERS IN NEWBORNS AND CHILDREN.**

Section 1111 of the Public Health Service Act (42 U.S.C. 300b–10) is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (5);

(B) in paragraph (2), by striking ''and'' after the semicolon;

(C) by inserting after paragraph (2) the following:

''(3) recommend a uniform screening panel for newborn screening programs that includes the heritable disorders for which all newborns should be screened, including secondary conditions that may be identified as a result of the laboratory methods used for screening;

''(4) develop a model decision-matrix for newborn screening program expansion, and periodically update the recommended uniform screening panel described in paragraph (3) based on such decision-matrix; and''; and

(D) in paragraph (5) (as redesignated by subparagraph (A)), by striking the period at the end and inserting '', including recommendations, advice, or information dealing with—

''(A) followup activities, including those necessary to achieve rapid diagnosis in the short term, and those that ascertain long-term case management outcomes and appropriate access to related services;

''(B) diagnostic and other technology used in screening;

''(C) the availability and reporting of testing for conditions for which there is no existing treatment;

''(D) minimum standards and related policies and procedures for State newborn screening programs;

''(E) quality assurance, oversight, and evaluation of State newborn screening programs;

''(F) data collection for assessment of newborn screening programs;

''(G) public and provider awareness and education;

''(H) language and terminology used by State newborn screening programs;

''(I) confirmatory testing and verification of positive results; and

''(J) harmonization of laboratory definitions for results that are within the expected range and results that are outside of the expected range.''; and

(2) by adding at the end the following:

''(d) DECISION ON RECOMMENDATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the Advisory Committee issues a recommendation pursuant to this section, the Secretary shall adopt or reject such recommendation.

''(2) PENDING RECOMMENDATIONS.—The Secretary shall adopt or reject any recommendation issued by the Advisory Committee that is pending on the date of enactment of the Newborn Screening Saves Lives Act of 2006 by not later than 180 days after the date of enactment of such Act.

''(3) DETERMINATIONS TO BE MADE PUBLIC.—The Secretary shall publicize any determination on adopting or rejecting a recommendation of the Advisory Committee pursuant to this subsection, including the justification for the determination.

''(e) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall continue to operate during the 5-year period beginning on the date of enactment of the Newborn Screening Saves Lives Act of 2006.''.

**SEC. 7. LABORATORY QUALITY AND SURVEILLANCE.**

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b–1 et seq.) is amended by adding at the end the following:

**''SEC. 1112. LABORATORY QUALITY.**

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111, shall provide for—

''(1) quality assurance for laboratories involved in screening newborns and children for heritable disorders, including quality assurance for newborn-screening tests, performance evaluation services, and technical assistance and technology transfer to newborn screening laboratories to ensure analytic validity and utility of screening tests; and

''(2) population-based pilot testing for new screening tools for evaluating use on a mass scale.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2011.

**''SEC. 1113. SURVEILLANCE PROGRAMS FOR HERITABLE DISORDERS SCREENING.**

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

''(1) to collect, analyze, and make available data on the heritable disorders recommended by the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111, including data on the causes of such disorders and on the incidence and prevalence of such disorders;

''(2) to operate regional centers for the conduct of applied epidemiological research on the prevention of such disorders;

''(3) to provide information and education to the public on the prevention of such disorders; and

''(4) to conduct research on and to promote the prevention of such disorders, and secondary health conditions among individuals with such disorders.

''(b) GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

''(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

''(A) IN GENERAL.—Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies,

equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

''(B) REDUCTION.—With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

''(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

''(c) BIENNIAL REPORT.—Not later than February 1 of fiscal year 2007 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that, with respect to the preceding 2 fiscal years—

''(1) contains information regarding the incidence and prevalence of heritable disorders and the health status of individuals with such disorders and the extent to which such disorders have contributed to the incidence and prevalence of infant mortality and affected quality of life;

''(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

''(3) contains an assessment of the extent to which various approaches of preventing heritable disorders and secondary health conditions among individuals with such disorders have been effective;

''(4) describes the activities carried out under this section;

''(5) contains information on the incidence and prevalence of individuals living with heritable disorders, information on the health status of individuals with such disorders, information on any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

''(6) contains a summary of recommendations from all heritable disorders research conferences sponsored by the Centers for Disease Control and Prevention; and

''(7) contains any recommendations of the Secretary regarding this section.

''(d) APPLICABILITY OF PRIVACY LAWS.—The provisions of this section shall be subject to the requirements of section 552a of title 5, United States Code. All Federal laws relating to the privacy of information shall apply to the data and information that is collected under this section.

''(e) COORDINATION.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall coordinate, to the extent practicable, programs under this section with programs on birth defects and developmental disabilities authorized under section 317C.

''(2) PRIORITY IN GRANTS AND CONTRACTS.—In making grants and contracts under this section, the Secretary shall give priority to entities that demonstrate the ability to coordinate activities under a grant or contract made under this section with existing birth defects surveillance activities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2011.''.

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By Mr. BAUCUS (for himself, Mrs. LINCOLN, and Mr. CONRAD):

S. 2664. A bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing the Pharmacy Access Improvement Act of 2006.

The Medicare prescription drug benefit got off to a bumpy start. As the new benefit was rolled out, the program experienced problems related to its computer system and databases. A lot of those problems have been fixed. But a new computer program or new software could not fix a number of the problems that pharmacists faced.

The Medicare drug benefit made big changes to the pharmacy business. Transitioning dual eligible beneficiaries from Medicaid to Medicare drug coverage affected the pharmacists who provide drugs. And pharmacists have experienced problems dealing with the private drug plans that offer the new benefit.

I have been hearing from pharmacists in Montana who are struggling. They are trying to help their patients. But they face great difficulty. The success of the Medicare drug benefit ultimately depends on the pharmacists who deliver the drugs. So we have to help them. And we must act now, before pharmacists find that they are no longer able to provide drugs to Medicare beneficiaries, or to provide drugs at all.

This bill would provide the help that pharmacists need to continue delivering the Medicare drug benefit. It would resolve problems that they face every day as they provide Medicare beneficiaries with their drugs. It would help ensure that pharmacies remain open and operable so the drug benefit can be a meaningful part of beneficiaries' health care.

The Pharmacy Access Improvement Act would do several things to help pharmacies. First, it would strengthen the access standards that drug plans have to meet. It is important that the drug plans contract with broad and far-reaching networks of pharmacies. This bill would ensure that the pharmacies that drug plans count in their networks provide real access to Medicare beneficiaries.

It would also help safety net pharmacies to join drug plan networks. These pharmacies have served the most vulnerable patients for years. They should be able to continue to do so. Drug plans should not be allowed to exclude safety net pharmacies. Excluding them does a huge disservice to needy beneficiaries. This bill would rectify the problems that safety net pharmacies have encountered in participating in the Medicare drug benefit.

The Pharmacy Access Improvement Act would speed up reimbursement to pharmacies. The delay that pharmacies have experienced in receiving payment from drug plans has sent pharmacies all over the country into financial frenzy. These delays have forced pharmacies to seek additional credit, dip into their savings, or worse, as they try to continue operations. This bill would require drug plans to pay promptly. Most claims would be reimbursed within 2 weeks, making it easier for pharmacies to operate. And the bill would impose a monetary penalty on plans if they paid late.

One of the most common complaints from beneficiaries has been how confused they are. One source of their confusion comes from the practice of co-branding. Co-branding is when a drug plan partners with a pharmacy chain and then includes the pharmacy's logo or name on its marketing materials and identification cards. This is confusing, because it sends the message that drugs are available only from that pharmacy. And that is not true. To help end this confusion, the Pharmacy Access Improvement Act would prohibit drug plans from placing pharmacy logos or trademarks on their identification cards and restrict other forms of co-branding.

This bill would also require that pharmacists be paid reasonable dispensing fees for each prescription that they fill. Currently, some plans pay no dispensing fees. Other plans pay only nominal dispensing fees. Pharmacists are not able to cover their costs of dispensing drugs. And that puts them at a severe disadvantage. It eats up their margins from non-Medicare business. And it is unsustainable in the long-run.

Some would say that it is too soon to consider legislation that affects the Medicare drug benefit. I disagree. The problems that pharmacists are facing are real. And they are not going away. If we wait a year to consider the Pharmacy Access Improvement Act, it may be too late for many pharmacists and the beneficiaries whom they serve. We have a duty to make the Medicare drug benefit as strong and robust as it can be. And the Pharmacy Access Improvement Act presents an opportunity for us to do just that. I urge my colleagues to support it.

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By Mr. BAUCUS (for himself, Mr. WYDEN, Mrs. LINCOLN, Mr. CONRAD, and Mr. JEFFORDS):

S. 2665. A bill to amend title XVIII of the Social Security Act to simplify and improve the Medicare prescription drug program; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing the Medicare Prescription Drug Simplification Act of 2006. This bill would improve the Medicare drug benefit by creating simple, understandable benefit packages. It would

provide extra funds for State counselors who educate Medicare beneficiaries about the drug benefit. And it would strengthen consumer protections for beneficiaries who enroll.

Medicare drug benefits are critical to the health of our Nation's elderly and disabled. In 2003, after years of debate, Congress added drug coverage to Medicare through passage of the Medicare Modernization Act, the MMA. I was proud to help pass that bill. The law was not perfect. But, as I said then, we should not let perfection be the enemy of the good. The MMA can go a long way toward helping those who need it most.

But implementation of the law has been flawed. The Centers for Medicare and Medicaid Services, or CMS, was put in charge of ensuring that the prescription drug benefit was fully operational by January 1, 2006. The task was big. And CMS worked hard to get it done. Unfortunately, CMS's efforts have come up short in a few major areas.

First, CMS made the new program needlessly confusing. The law charged CMS with approving prescription drug plans. Last April, I urged CMS to approve only the plans meeting the highest standards, so that seniors could choose among a manageable number of solid offerings. But CMS ignored that advice.

Instead, CMS approved 47 plans in my State alone, and more than 1,500 nationwide. Furthermore, the differences between the plans are mind-boggling and difficult to sort out, even for the most-savvy consumer. Beneficiaries deserve better. They must be able to make apples-to-apples comparisons in order to choose what is best for them.

There are other problems in the way that CMS chose to implement the new program. Consumer protections are weak and inconsistent. The list of drugs covered by plans should not change in the middle of the year. Plan formularies should be transparent. And patients should be able to request exceptions to them using the same process and forms, no matter which plans the patients enrolled in.

Also, CMS terribly underfunded State Health Insurance Programs, known as SHIPs. These agencies are mainly staffed by volunteers who help educate and advise people about Medicare and the new drug benefit. They have held thousands of community events and assisted millions of people across the country. But they struggled to meet demand for help with the new drug program. Last week, Montana AARP donated $40,000 of its own funds to help the Montana SHIP keep enough staff and volunteers through the May 15 deadline. CMS provided only $7,500 for a five-county region in Montana with an area bigger than Delaware. In contrast, CMS spent $300 million for an ad campaign, a bus tour, and a blimp.

Yet despite these ads, many seniors are still confused about the drug benefit. When I asked Montanans how they feel about the new program, they tell me that it is too complex and confusing.

Recent focus groups conducted by MedPAC, the group that advises Congress on Medicare policy, found the same the problem. According to MedPAC, beneficiaries are ''confused by the number of plans, variation in benefit structure.''

And a study released by the Kaiser Family Foundation says: ''the absence of any standardization for many features of drug plan benefit design, and even some of the basic terminology used to describe these plans, adds to the challenges for beneficiaries'' and ''is likely to make apples-to-apples comparisons across plans more difficult for consumers.'' The report ''confirm[ed] the importance of federal safeguards . . . to minimize unnecessary complexity in [the] Medicare prescription drug plan marketplace.''

The message is coming through loud and clear from constituents, researchers, advocacy groups, and government advisers. We need to make the Medicare drug benefit more understandable, straightforward, and transparent. And that's what this bill would do.

First, the bill would make choices among prescription drug plans more simple and straightforward. It would require the Federal Department of Health and Human Services to define six types of drug benefit packages that insurers could offer. In addition, Medicare and insurers would both have to use uniform language, names, and terminology to describe drug benefit packages. Seniors can reach informed decisions, but they deserve clear options.

This approach is similar to the one Congress took with the Medicare supplemental market. In 1980, Congress enacted the Baucus amendments to fix marketing abuses and consumer confusion with supplemental or Medigap plans.

Those reforms required private issuers to meet minimum standards and have minimum loss ratios. Ten years later, Congress again took up Medigap reform, passing legislation that led to the standardization of Medigap policies. This resulted in a limited number of Medigap options, each with a fixed set of benefits. These changes were successful in helping consumers to make comparisons and in strengthening consumer protections.

My colleague and co-sponsor, Senator RON WYDEN, was instrumental in bringing about these reforms. And I thank him for his involvement then and today.

The bill that we are introducing today would build on these lessons and apply them to the Medicare drug benefit. By establishing six standardized types of benefit packages that insurers can offer, the bill would help people to make apples-to-apples comparisons. It would make choices more understandable. It would reduce confusion and help beneficiaries make the decisions that are best for each individual. And it would do this while preserving the ability of insurers to compete in the marketplace.

Second, the bill would provide extra funds to State Health Insurance Programs through 2010. Putting information on the Internet, television, and a toll-free hotline is not enough.

Third, the bill would stop drug plans from removing medications or increasing drug costs during the benefit year.

Fourth, the bill would prohibit insurance agents from engaging in unfair marketing practices that prey on vulnerable people—practices like cold-calling seniors.

I believe strongly that Medicare beneficiaries need prescription drug coverage. And, if CMS implements it correctly, the market-based approach envisioned in the MMA can deliver those benefits effectively. But a market can work only if the product is well defined and consumers have sufficient knowledge of it. As Adam Smith said: ''[Value] is adjusted . . . not by any accurate measure, but by the haggling and bargaining of the market.'' It's not fair to expect seniors and people with disabilities to haggle and bargain if the choices are incomprehensible.

Some may say that lots of choice is good. This is true when people buy cars or toasters. But, as many economists have shown, the health care market is different. People want to choose their providers and pharmacies. But they do not necessarily want to wade through a confusing array of plans.

Some may say that we should hold off making changes until the market consolidates. But that is both unfair and unrealistic. With more than 1,500 plans in the market now, how much consolidation could really fix the problem of confusion and complexity? Furthermore, the next enrollment period is fast approaching, and consumers are insisting on relief now.

Some may say that enrollment is high, so why tinker with the benefit? But look at the numbers. In 2003, CMS said that they expected 19 million Americans to sign up for the drug program. But so far, only 8 million have voluntarily enrolled. In Montana, only 42 percent of people who have a choice about whether to sign up have done so. We can do better than that. And with passage of the Medicare Prescription Drug Simplification Act, we will.

The MMA tried to balance the needs of private plans and beneficiaries. But implementation has tilted that balance toward the private firms, rather than seniors and the disabled. The Medicare Prescription Drug Simplification Act of 2006 would restore the proper balance needed to make the drug program work fairly for people with Medicare.

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By Mr. REID. (for Mr. KERRY (for himself, Mr. KOHL, and Mr. LIEBERMAN)):

S. 2670. A bill to restore fairness in the provision of incentives for oil and gas production, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mr. KERRY):

S. 2672. A bill to amend the Internal Revenue Code of 1986 to provide that oil and gas companies will not be eligible for the effective rate reductions enacted in 2004 for domestic manufacturers; to the Committee on Finance.

Mr. REID (for Mr. KERRY). Mr. President, the Energy Policy Act of 2005 contained $2.6 billion over 10 years in tax breaks for oil and gas companies. The bill also contained a $1.5 billion fund for an oil consortium that brings the total handouts for oil companies to more than $4 billion over ten years. These giveaways are on top of at least $6 billion in tax breaks already available to the oil industry through 2009. And these new tax breaks come at a time when the world's largest energy companies are reaping record-setting profits.

Just this week, President Bush said: ''Record oil prices and large cash flows also mean that Congress has got to understand that these energy companies don't need unnecessary tax breaks like the write-offs of certain geological and geophysical expenditures, or the use of taxpayers' money to subsidize energy companies' research into deep water drilling. I'm looking forward to Congress to take about $2 billion of these tax breaks out of the budget over a 10-year period of time. Cash flows are up. Taxpayers don't need to be paying for certain of these expenses on behalf of the energy companies.''

Not long ago, we heard the top oil executives testify before Congress that they don't need the tax breaks either.

Today I am introducing the Energy Fairness for America Act and the Restore a Rational Tax Rate on Petroleum Production Act of 2006. These bills repeal tax breaks for oil companies, close corporate tax loopholes that benefit oil companies, and repeal the new domestic manufacturing deduction for oil and gas companies.

The Energy Fairness for America Act will repeal provisions approved in the recent Energy Policy Act, as well as pre-existing handouts. Instead of providing tax breaks to oil companies, the Energy Fairness for America Act will save at least $28 billion for tax payers. This money can then go to provide relief to consumers suffering from higher energy costs as well as investments in efficiency and renewable technologies that can benefit all Americans.

The Restore a Rational Tax Rate on Petroleum Production Act of 2006 would repeal the new manufacturing deduction for oil and gas companies that was enacted by Congress in 2004. Congressman MCDERMOTT is introducing companion legislation in the House. This domestic manufacturing deduction was designed to replace export-related tax benefits that were successfully challenged by the European Union.

Producers of oil and gas did not benefit from this tax break. Initial legislation proposed to address the repeal of the export-related tax benefits and to replace with a new domestic manufacturing deduction only provided the deduction to industries that benefited from the export-related tax benefits. However, the final product extended the deduction to include the oil and gas industry.

This legislation repeals the 2004 manufacturing deduction for oil and gas companies because these industries suffered no detriment from the repeal of export-related tax benefits. At a time when oil companies are reporting record profits, there is no valid reason to reward them with a tax deduction.

Many Members of Congress including myself support a windfall profits tax and providing this deduction to oil and gas companies operates as a reverse windfall profits tax. This deduction lowers the tax rate on the windfall profits they are currently enjoying. Without Congressional action, this benefit will increase. The domestic manufacturing deduction is currently three percent and is schedule to increase to six percent in 2007 and nine percent in 2010. This means that next year oil companies that are benefiting from this deduction will see their benefits double and triple in 2010.

I urge my colleagues to support both the Energy Fairness for America Act and the Restore a Rational Tax Rate on Petroleum Production Act of 2006. We owe it to the American people to eliminate tax benefits to the oil industry at a time of record profits, record gas prices, and a projected record deficit.

I ask unanimous consent that the text of these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2670

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; ETC.**

(a) SHORT TITLE.—This Act may be cited as the ''Energy Fairness for America Act''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:



**SEC. 2. TERMINATION OF DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.**

(a) IN GENERAL.—Section 263(c) is amended by adding at the end the following new sentence: ''This subsection shall not apply to any taxable year beginning after the date of the enactment of this sentence.''.

(b) CONFORMING AMENDMENTS.—Paragraphs (2) and (3) of section 291(b) are each amended by striking ''section 263(c), 616(a),'' and inserting ''section 616(a)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 3. TERMINATION OF PERCENTAGE DEPLETION ALLOWANCE FOR OIL AND GAS WELLS.**

(a) IN GENERAL.—Section 613A is amended by adding at the end the following new subsection:

''(f) TERMINATION.—For purposes of any taxable year beginning after the date of the enactment of this subsection, the allowance for percentage depletion shall be zero.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 4. TERMINATION OF ENHANCED OIL RECOVERY CREDIT.**

(a) IN GENERAL.—Section 43 is amended by adding at the end the following new subsection:

''(f) TERMINATION.—This section shall not apply to any taxable year beginning after the date of the enactment of this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 5. TERMINATION OF CERTAIN PROVISIONS OF THE ENERGY POLICY ACT OF 2005.**

(a) IN GENERAL.—The following provisions of the Energy Policy Act of 2005 are repealed on and after the date of the enactment of this Act:

(1) Section 342 (relating to program on oil and gas royalties in-kind).

(2) Section 343 (relating to marginal property production incentives).

(3) Section 344 (relating to incentives for natural gas production from deep wells in the shallow waters of the Gulf of Mexico).

(4) Section 345 (relating to royalty relief for deep water production).

(5) Section 357 (relating to comprehensive inventory of OCS oil and natural gas resources).

(6) Subtitle J of title IX (relating to ultra-deepwater and unconventional natural gas and other petroleum resources).

(b) TERMINATION OF ALASKA OFFSHORE ROYALTY SUSPENSION.—

(1) IN GENERAL.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking ''and in the Planning Areas offshore Alaska''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on and after the date of the enactment of this Act.

**SEC. 6. TERMINATION OF CERTAIN TAX PROVISIONS OF THE ENERGY POLICY ACT OF 2005.**

(a) ELECTRIC TRANSMISSION PROPERTY TREATED AS 15-YEAR PROPERTY.—Section 168(e)(3)(E)(vii) is amended by inserting '', and before the date of the enactment of the Energy Fairness for America Act'' after ''April 11, 2005''.

(b) TEMPORARY EXPENSING OF EQUIPMENT USED IN REFINING LIQUID FUELS.—Section 179C(c)(1) is amended—

(1) by striking ''January 1, 2012'' and inserting ''the date of the enactment of the Energy Fairness for America Act'', and

(2) by striking ''January 1, 2008'' and inserting ''the date of the enactment of the Energy Fairness for America Act''.

(c) NATURAL GAS DISTRIBUTION LINES TREATED AS 15-YEAR PROPERTY.—Section 168(e)(3)(E)(viii) is amended by striking ''January 1, 2011'' and inserting ''the date of the enactment of the Energy Fairness for America Act''.

(d) NATURAL GAS GATHERING LINES TREATED AS 7-YEAR PROPERTY.—Section 168(e)(3)(C)(iv) is amended by inserting '', and before the date of the enactment of the Energy Fairness for America Act'' after ''April 11, 2005''.

(e) DETERMINATION OF SMALL REFINER EXCEPTION TO OIL DEPLETION DEDUCTION.—Section 1328(b) of the Energy Policy Act of 2005 is amended by inserting ''and beginning before the date of the enactment of the Energy Fairness for America Act'' after ''this Act''.

(f) AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.—Section 167(h) is amended by adding at the end the following new paragraph:

''(5) TERMINATION.—This subsection shall not apply to any taxable year beginning after the date of the enactment of the Energy Fairness for America Act.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on and after the date of the enactment of this Act.

**SEC. 7. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.**

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term ''layer adjustment amount'' means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term ''barrel-of-oil equivalent'' has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term ''applicable integrated oil company'' means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

**SEC. 8. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.**

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

**SEC. 9. RULES RELATING TO FOREIGN OIL AND GAS INCOME.**

(a) SEPARATE BASKET FOR FOREIGN TAX CREDIT.—

(1) YEARS BEFORE 2007.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income), as in effect for years beginning before 2007, is amended by striking ''and'' at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

''(I) foreign oil and gas income, and''.

(2) 2007 AND AFTER.—Paragraph (1) of section 904(d), as in effect for years beginning after 2006, is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) foreign oil and gas income.''

(b) DEFINITION.—

(1) YEARS BEFORE 2007.—Paragraph (2) of section 904(d), as in effect for years beginning before 2007, is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

''(H) FOREIGN OIL AND GAS INCOME.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g).''

(2) 2007 AND AFTER.—Section 904(d)(2), as in effect for years after 2006, is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L) and by inserting after subparagraph (I) the following:

''(J) FOREIGN OIL AND GAS INCOME.—For purposes of this section—

''(i) IN GENERAL.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g).

''(ii) COORDINATION.—Passive category income and general category income shall not include foreign oil and gas income (as so defined).''

(c) CONFORMING AMENDMENTS.—

(1) Section 904(d)(3)(F)(i) is amended by striking ''or (E)'' and inserting ''(E), or (I)''.

(2) Section 907(a) is hereby repealed.

(3) Section 907(c)(4) is hereby repealed.

(4) Section 907(f) is hereby repealed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) YEARS AFTER 2006.—The amendments made by paragraphs (1)(B) and (2)(B) shall apply to taxable years beginning after December 31, 2006.

(3) TRANSITIONAL RULES.—

(A) SEPARATE BASKET TREATMENT.—Any taxes paid or accrued in a taxable year beginning on or before the date of the enactment of this Act, with respect to income which was described in subparagraph (I) of section 904(d)(1) of such Code (as in effect on the day before the date of the enactment of this Act), shall be treated as taxes paid or accrued with respect to foreign oil and gas income to the extent the taxpayer establishes to the satisfaction of the Secretary of the Treasury that such taxes were paid or accrued with respect to foreign oil and gas income.

(B) CARRYOVERS.—Any unused oil and gas extraction taxes which under section 907(f) of such Code (as so in effect) would have been allowable as a carryover to the taxpayer's first taxable year beginning after the date of the enactment of this Act (without regard to

the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(C) LOSSES.—The amendment made by subsection (c)(3) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

**SEC. 10. ELIMINATION OF DEFERRAL FOR FOREIGN OIL AND GAS EXTRACTION INCOME.**

(a) GENERAL RULE.—Paragraph (1) of section 954(g) (defining foreign base company oil related income) is amended to read as follows:

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'foreign oil and gas income' means any income of a kind which would be taken into account in determining the amount of—

''(A) foreign oil and gas extraction income (as defined in section 907(c)), or

''(B) foreign oil related income (as defined in section 907(c)).''

(b) CONFORMING AMENDMENTS.—

(1) Subsections (a)(5), (b)(5), and (b)(6) of section 954, and section 952(c)(1)(B)(ii)(I), are each amended by striking ''base company oil related income'' each place it appears (including in the heading of subsection (b)(8)) and inserting ''oil and gas income''.

(2) Subsection (b)(4) of section 954 is amended by striking ''base company oil-related income'' and inserting ''oil and gas income''.

(3) The subsection heading for subsection (g) of section 954 is amended by striking ''FOREIGN BASE COMPANY OIL RELATED INCOME'' and inserting ''FOREIGN OIL AND GAS INCOME''.

(4) Subparagraph (A) of section 954(g)(2) is amended by striking ''foreign base company oil related income'' and inserting ''foreign oil and gas income''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders ending with or within such taxable years of foreign corporations.

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S. 2672

*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 ''Restore a Rational Tax Rate on Petroleum Production Act of 2006''.

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) like many other countries, the United States has long provided export-related benefits under its tax law,

(2) producers and refiners of oil and natural gas were specifically denied the benefits of those export-related tax provisions,

(3) those export-related tax provisions were successfully challenged by the European Union as being inconsistent with our trade agreements,

(4) the Congress responded by repealing the export-related benefits and enacting a substitute benefit that was an effective rate reduction for United States manufacturers,

(5) producers and refiners of oil and natural gas were made eligible for the rate reduction even though they suffered no detriment from repeal of the export-related benefits, and

(6) the decision to provide the effective rate reduction to producers and refiners of oil and natural gas has operated as a reverse windfall profits tax, lowering the tax rate on the windfall profits they are currently enjoying.

**SEC. 3. DENIAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.**

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) the production, refining, processing, transportation, or distribution of oil, natural gas, or any primary product thereof.''.

(b) CONFORMING AMENDMENTS.—Section 199(c)(4) of such Code is amended—

(1) in subparagraph (A)(i)(III) by striking ''electricity, natural gas,'' and inserting ''electricity'', and

(2) in subparagraph (B)(ii) by striking ''electricity, natural gas,'' and inserting ''electricity''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

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By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2671. A bill to provide Federal coordination and assistance in preventing gang violence; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President I rise today with my colleague Senator FEINSTEIN to introduce a bill to combat gang violence and honor a young girl from California, Mynesha Crenshaw, who was killed last year in a tragic shooting.

On November 13, 2005, a gang-related dispute broke out in San Bernardino, CA and gunfire sprayed an apartment building, killing 11-year old Mynesha Crenshaw and seriously wounding her 14-year old sister as they ate Sunday dinner with their family.

Imagine the fear and anguish the family and the community still feel over this tragedy a young girl, full of hope and promise, dead. Her big sister, wounded from the same gunfire, though thankfully she subsequently recovered. Imagine the fear that this could happen again. Our hearts and our prayers go out to Mynesha's family and to the entire community, which like so many others across the United States, has struggled with gang violence.

Last year, there were 58 homicides in San Bernardino, a city of 200,000 east of Los Angeles, and 13 more homicides so far this year. And just last month, two men were caught in a gang-related crossfire and died in Downtown San Bernardino. This has to stop. It is a waste of life; it is unacceptable.

San Bernardino's diverse population of young people and their families face many challenges, but San Bernardino also has a vibrant and united community, strong leadership, and a desire to come together to improve their city.

Mynesha Crenshaw's death galvanized over 1,000 residents to take to the streets, demanding change. And some 40 community and religious leaders, public officials, and concerned citizens from San Bernardino have joined together to form ''Mynesha's Circle'' to find solutions to the plague of gang violence and to help San Bernardino's young people grow up safe, finish school, and succeed in life.

I applaud Mayor Patrick Morris, Police Chief Michael Billdt, community leaders Kent Paxton and Rev. Reggie Beamon and Robert Balzer, the publisher of the San Bernardino Sun, for taking up this cause.

I want to also thank all the other members of ''Mynesha's Circle'' Sheryl Alexander, Betty Dean Anderson, Donald Baker, Fred Board, Ruddy Bravo, Hardy Brown, Cheryl Brown, Mark and Katrina Cato, Larry Ciecalone, Stephani Congdon, San Bernardino City Schools Superintendent Arturo Delgado, Tim Evans, San Bernardino County Schools Superintendent Herb Fischer, Rialto Schools Superintendent Edna Herring, Sheriff Rod Hoops, Syeda Jafri, Walter Jarman, Rev. David Kalke, CSU President Al Karnig, William Leonard, Sheriff Gary Penrod, DA Michael Ramos, Sandy Robbins, Doug Rowand, Larry Sharp, Ron Stark, Tori Stordahl, Heck Thomas, David Torres, Mark Uffer, San Bernardino Police Chief Gary Underwood, Councilmember Rikke Van Johnson, Bobby Vega, and the Sun Reader Advisory Board members: Daniel Blakely, Barbara Lee Harn Covey, Mark Henry, Julie Hernandez, Lynette Kaplan, Brenda Mackey, James Magnuson, Julian Melendez, Ernest Ott, Jeffrey Pryor, John Ragsdale, Glenda Randolph, Nora Taylor, and David Torres.

I have pledged to do what I can at the Federal level to help San Bernardino. And that is why today I am introducing ''Mynesha's Law,'' with my colleague, Senator FEINSTEIN.

''Mynesha's Law'' will create an interagency Task Force at the Federal level, including the Departments of Justice, Education, Labor, Health and Human Services, and Housing and Urban Development, to take a comprehensive approach to reducing gang violence and targeting resources at the communities in our nation most at risk. The resources will come from proven existing Federal programs, including Child Care Block Grants, Head Start, Even Start, Job Corps, COPS, Byrne Grants and other programs the Task Forces chooses.

Communities will be able to apply to the Department of Justices for designation as a ''High-Intensity Gang Activity Area'' and then be eligible to receive targeted assistance from the Task Force.

The Task Force will be required to report annually to Congress on the best practices and outcomes among the High-Intensity Gang Activity Areas and on the adequacy of Federal funding to meet the needs of these areas. If the Task Force identifies any programmatic shortfalls in addressing gang prevention, the report will also include a request for new funding or reprogramming of existing funds to meet the shortfalls and the bill authorizes such sums to be appropriated.

In addition to ''Mynesha's Law,'' I am seeking a $1 million appropriation that the city of San Bernardino has requested to implement a comprehensive gang intervention and prevention strategy called ''San Bernardino Gang Free Schools.'' The program would fund 10 probation officers to provide gang resistance and education training to 57,000 students, as well as case management and oversight for at-risk youth.

I am also requesting a $3 million appropriation to renovate and equip what may be the most important organization for at-risk young people in the area the Boys and Girls Club of San Bernardino.

The Boys and Girls Club is one of the few safe and supportive places in San Bernardino where young people can go after school to get help with homework or play sports with their friends. Many community leaders believe the Boys and Girls Club is one of the best gang prevention programs in San Bernardino and has helped many young people stay in school and out of trouble.

This tragic shooting of Mynesha Crenshaw symbolizes the struggle that so many communities across the United States, like San Bernardino, face in combating gang violence and serves as a reminder of the nationwide problem we face in protecting our children from senseless violence. I believe ''Mynesha's Law'' will help the children of San Bernardino, and across our nation, grow up safely so they can reach their dreams.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2671

*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 ''Mynesha's Law''.

**SEC. 2. FINDINGS.**

Congress finds—

(1) with an estimated 24,500 gangs operating within the United States, gang violence and drug trafficking remain serious problems throughout the country, causing injury and death to innocent victims, often children;

(2) on November 13, 2005, a gang-related dispute broke out in San Bernardino, California, and gunfire sprayed an apartment building, killing 11-year old Mynesha Crenshaw and seriously wounding her 14-year old sister as they ate Sunday dinner with their family;

(3) this tragic shooting symbolizes the struggle that so many communities across the United States, like San Bernardino, face in combating gang violence, and serves as a reminder of the nationwide problem of protecting children from senseless violence;

(4) according to the National Drug Threat Assessment, criminal street gangs are responsible for the distribution of much of the cocaine, methamphetamine, heroin, and other illegal drugs throughout the United States;

(5) the Federal Government has made an increased commitment to the suppression of gang violence through enhanced law enforcement and criminal penalties; and

(6) more Federal resources and coordination are needed to reduce gang violence through proven and proactive prevention and intervention programs that focus on keeping at-risk youth in school and out of the criminal justice system.

**SEC. 3. DESIGNATION AS A HIGH-INTENSITY GANG ACTIVITY AREA.**

(a) IN GENERAL.—A unit of local government, city, county, tribal government, or a group of counties (whether located in 1 or more States) may submit an application to the Attorney General for designation as a High-Intensity Gang Activity Area.

(b) CRITERIA.—

(1) IN GENERAL.—The Attorney General shall establish criteria for reviewing applications submitted under subsection (a).

(2) CONSIDERATIONS.—In establishing criteria under subsection (a) and evaluating an application for designation as a High-Intensity Gang Activity Area, the Attorney General shall consider—

(A) the current and predicted levels of gang crime activity in the area;

(B) the extent to which violent crime in the area appears to be related to criminal gang activity;

(C) the extent to which the area is already engaged in local or regional collaboration regarding, and coordination of, gang prevention activities; and

(D) such other criteria as the Attorney General determines to be appropriate.

**SEC. 4. PURPOSE OF THE TASK FORCE.**

(a) IN GENERAL.—In order to coordinate Federal assistance to High-Intensity Gang Activity Areas, the Attorney General shall establish an Interagency Gang Prevention Task Force (in this Act referred to as the ''Task Force''), consisting of a representative from—

(1) the Department of Justice;

(2) the Department of Education;

(3) the Department of Labor;

(4) the Department of Health and Human Services; and

(5) the Department of Housing and Urban Development.

(b) COORDINATION.—For each High-Intensity Gang Activity Area designated by the Attorney General under section 3, the Task Force shall—

(1) coordinate the activities of the Federal Government to create a comprehensive gang prevention response, focusing on early childhood intervention, at-risk youth intervention, literacy, employment, and community policing; and

(2) coordinate its efforts with local and regional gang prevention efforts.

(c) PROGRAMS.—The Task Force shall prioritize the needs of High-Intensity Gang Activity Areas for funding under—

(1) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(2) the Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.);

(3) the Healthy Start Initiative under section 330H of the Public Health Services Act (42 U.S.C. 254c-8);

(4) the Head Start Act (42 U.S.C. 9831 et seq.);

(5) the 21st Century Community Learning Centers program under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.);

(6) the Job Corps program under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.);

(7) the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

(8) the Gang Resistance Education and Training projects under subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921);

(9) any program administered by the Office of Community Oriented Policing Services;

(10) the Juvenile Accountability Block Grant program under part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.);

(11) the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.); and

(12) any other program that the Task Force determines to be appropriate.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 1 of each year, the Task Force shall submit to Congress and the Attorney General a report on the funding needs and programmatic outcomes for each area designated as a High-Intensity Gang Activity Area.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) an evidence-based analysis of the best practices and outcomes among the areas designated as High-Intensity Gang Activity Areas; and

(B) an analysis of the adequacy of Federal funding to meet the needs of each area designated as a High-Intensity Gang Activity Area and, if the Task Force identifies any programmatic shortfalls in addressing gang prevention, a request for new funding or reprogramming of existing funds to meet such shortfalls.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to meet any needs identified in any report submitted under section 4(d)(1).

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By Mr. AKAKA (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. JOHNSON):

S. 2674. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce a bill that would amend the Native American Languages Act, NALA, that was enacted into law on October 30, 1990, to promote the rights and freedom of Native Americans to use, practice, and develop Native American languages. Since 1990, awareness and appreciation of Native languages has grown. Continued action and investment in the preservation of Native languages is needed. I am pleased to be joined by my colleagues, Senators DANIEL K. INOUYE and MAX BAUCUS, as we seek to improve the cultural and educational opportunities available to Native Americans throughout our Nation.

Historians and linguists estimate that there were more than 300 distinct Native languages at the time of first European contact with North America. Today, there are approximately 155 Native languages that remain and 87 percent of those languages have been classified as deteriorating or nearing extinction. Native communities across the country are being significantly impacted as individuals fluent in a Native language are passing away. These

speakers are not only important in perpetuating the language itself, but also serve as repositories of invaluable knowledge pertaining to customs and traditions, as well as resource use and management.

The Native American Languages Act Amendments Act of 2006 would amend NALA to authorize the Secretary of Education to provide funds to establish Native American language nest and survival school programs. Nest and survival school programs are site-based education programs conducted through a Native American language. These programs have played an integral role in bringing together elders and youth to cultivate and perpetuate Native American languages. My bill would establish at least four demonstration programs in geographically diverse locations to provide assistance to nest and survival schools and participate in a national study on the linguistic, cultural, and academic effects of Native American language nest and survival schools. Demonstration programs would be authorized to establish endowments for furthering activities related to the study and preservation of Native American languages and to use funds to provide for the rental, lease, purchase, construction, maintenance, and repair of facilities.

As Americans, it is our responsibility to perpetuate our Native languages that have shaped our collective identity and contributed to our history. For example, during World War II, the United States employed Native American code talkers who developed secret means of communication based on Native languages. The actions of the code talkers were critical to our winning the war and to saving numerous lives. My legislation would serve as another opportunity for our country to acknowledge and ensure that our future will be enhanced by the contributions of Native language and culture.

I urge my colleagues to join me in supporting this legislation to enhance the cultural and educational opportunities for Native Americans and Native American language speaking individuals.

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Mrs. BOXER:

S. 2675. A bill to amend title 49, United States Code, to set minimum fuel economy requirements for federal vehicles, to authorize grants to States to purchase fuel efficient vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, I rise today to introduce a bill that will increase the fuel economy for our Nation's Federal fleet.

Americans are facing record high gasoline prices at over $3 per gallon. In some places in my State of California, people are paying over $4 per gallon. Oil is selling for over $75 per barrel.

We need to say ''enough is enough.'' We need to reduce our dependence on oil and gasoline. We can do this without changing our quality of life by investing in fuel-efficient cars.

The Federal Government must set an example to the American public by improving the Nation's fleet. Each year, the Federal Government purchases 58,000 passenger vehicles. According to the Department of Energy, the average fuel economy of the new vehicles purchased for the fleet in 2005 was an abysmal 21.4 miles per gallon.

In an era, where hybrid cars on the market that can achieve over 50 miles per gallon (mpg), that level of fuel economy is unacceptable.

Instead, our government needs to purchase fuel-efficient cars, SUVs, and other light trucks.

This can be done today. I drive a Toyota Prius that gets over 50 mpg. The Ford Escape SUV can get 36 mpg.

To have the Federal Government set an example for the American public and to create a larger market for fuel-efficient vehicles, I am introducing the ''Fuel-Efficient Fleets Act of 2006.''

This legislation would require all new Federal fleet vehicles to obtain a minimum miles per gallon based on vehicle type. The new fuel efficiency standards would be as follows: 45 mpg for cars, 36 mpg for SUVs, 24 mpg for pickup trucks, 20 mpg for minivans, and 15 mpg for vans.

The bill establishes a phase-in schedule over 4 years to allow for flexibility in purchasing new cars.

Additionally, the bill has a provision to allow the standards to be increased if technological advances allow fuel economy to improve.

Finally, the bill authorizes $100 million in incentive grants for the States' fleets to match or exceed the Federal standards.

I urge my colleagues to support the bill. This will be a good step to use less gasoline in this country.

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By Mr. CRAPO (for himself and Mrs. LINCOLN):

S. 2676. A bill to authorize the Secretary of Agriculture to enter into partnership agreements with entities and local communities to encourage greater cooperation in the administration of Forest Service activities on the near National Forest System land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAPO. Mr. President, last August I participated in the White House Conference on Cooperative Conservation. The conference reinforced that conservation success can be achieved by collaboration. Many of the advancements in conservation result from the commitment of individuals to work together and with local and Federal agencies. Cooperative conservation requires cooperative legislation.

That is why I rise to introduce the Forest Service Partnership Act, which will enhance the ability of the Forest Service to work cooperatively with local communities. Unfortunately, the authorities for the Forest Service to work jointly with others are a complex patchwork of temporary authorities, which have resulted in differing interpretations and lengthy procedures. Additionally, the existing authorities need enhancements to accommodate today's resources conservation needs and allow for the delivery of a range of visitor services and interpretive and educational materials.

The Forest Service Partnership Enhancement Act will better enable cooperative work with the Forest Service by consolidating and providing permanent authority for mutually-beneficial agreements with the Forest Service. The legislation would also enable visitors to purchase health and safety items in remote Forest Service locations and permit joint facilities and publications, which benefit the public.

In fiscal year 2005 alone, the Forest Service entered into more than 3,000 cooperative agreements that would be permanently authorized through this legislation. These agreements leveraged $37.3 million in Federal funds with $32.8 million in private contributions for a total of more than $70 million worth of mutually-beneficial collaborative successes. In my home State of Idaho, the Forest Service entered into a public-private partnership for the construction of 1900 feet of new channel and associated flood plain on Granite Creek. This project restores habitat connectivity to approximately 6 miles of stream. The cooperative work of the Forest Service, Avista Utilities, the Idaho Department of Fish and Game, the U.S. Fish and Wildlife Service, and 15 volunteers from Trout Unlimited enabled the leveraging of $60,000 of Forest Service funds with $120,000 from the participating partners.

Collaboration is necessary to bring lasting conservation success. The Forest Service Partnership Act would enhance the ability of the Forest Service to partner with other Federal agencies, local communities, tribal governments, and other interested parties, and I encourage the commitment to collaborative conservation by supporting this legislation.

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By Ms. CANTWELL (for herself, Mr. BIDEN, and Mr. LEAHY):

S. 2681. A bill to amend title 10, United States Code, to provide for reports on the withdrawal or diversion of equipment from Reserve units to other Reserve units being mobilized, and for other purposes; to the Committee on Armed Services.

Ms. CANTWELL. Mr. President, I rise today to introduce the National Guard Equipment Accountability Act. I want to thank my colleagues, the Senator from Delaware, Senator BIDEN, and the co-chair of the Senate National Guard Caucus the Senator from Vermont, Senator LEAHY, who have cosponsored this important piece of legislation.

As a Nation, we have a solemn duty to honor, prepare, and properly equip all of our men and women in uniform.

That includes our Reserves and National Guard.

The National Guard and Reserves represent an essential element of our national defense, confronting our enemies in distant lands and responding to threats of terror right here within our own borders. In Washington State, we face threats from volcanoes, tsunamis, and other natural disasters. The National Guard played a critical role in the emergency response following the eruption of Mount St. Helens. We have relied on the civil response capabilities of the Guard to protect our communities from wildfires, floods, and to secure our skies in the uncertain hours after 9/11. More recently, in the aftermath of Hurricane Katrina, the National Guard responded with urgency and compassion.

There are approximately 30,000 members of the National Guard currently deployed to places like Iraq and Afghanistan. About 500 members of the Washington National Guard are among them.

The men and women who serve in the National Guard are making a great sacrifice, fulfilling a distinct and important responsibility. And we owe them all of the resources necessary to safely and effectively achieve their mission.

Right now, there is simply too much uncertainty and when it comes to maintaining adequate equipment levels for our National Guard.

When our Reserves and National Guard are deployed on operations overseas, they are deployed with equipment from their unit.

While serving abroad, their equipment becomes integrated with the greater mission. As a result, when our men and women return home their equipment does not often return with them.

And too often there is no established plan or process to replace or even track that equipment once it's been left behind. As a result, too many of our National Guard units are left underequipped—lacking the necessary equipment for training or to respond to domestic civil emergencies.

The numbers are clear: According to the Department of Defense, the Army National Guard has left more than 75,000 items valued at $1.7 Billion overseas in support of ongoing military operations.

Last October, the Government Accountability Office found that at the time the Army could not account for more than half of all items left behind and has not committed to an equipment replacement plan, as Department of Defense (DoD) policy requires.

Given the amount of equipment left behind in total, National Guard Units in other States are surely facing a similar situation.

The provisions of my legislation would simply codify provisions of Department of Defense policy that are critical to providing our men and women in uniform with the protection and resources they deserve.

The National Guard Equipment Accountability Act would require a comprehensive report about all transferred equipment. Within 90 days of diverting equipment from any reserve unit to another reserve unit or to active duty forces, the Secretary of the Army or Air Force would be required to report it to the Secretary of Defense.

The report must also include a plan to replace equipment to the original unit. Further, if a reserve unit returns from abroad but leaves equipment in the theater of operations, the Department of Defense would be required to provide a replacement plan for equipment to facilitate continued training.

Finally, my amendment would require a signed Memorandum of Understanding specifying exactly how withdrawn equipment will be tracked and when that equipment will be returned.

Given the current equipment situation, my legislation's provisions are crucial. Our soldiers have chosen to follow a noble and selfless path. We have a responsibility to give our active duty, reserve units, and the men and women of the National Guard, the very best resources so they may fulfill their mission as safely and effectively as possible.

We must do so today and everyday for their sacrifice is immense and our gratitude is profound.

Mr. BIDEN. Mr. President, first, I want to thank Senator CANTWELL for her leadership on this issue. This bill is a direct result of what we have seen traveling through our States and overseas.

Every time I travel to Iraq and Afghanistan, I am struck by the commitment and professionalism of the men and women of our military. They honor America with their service and dedication.

What is also noticeable to those of us who have been around for awhile is that it is impossible to tell who is in the Guard, the Reserves, or the Active Duty.

Unfortunately, when those same brave men and women return home, it is often to units lacking the most basic equipment—radios, trucks, and engineering equipment.

This is not ''nice to have'' equipment. It is the essential stuff, the most basic equipment, needed to respond to natural disasters or perform homeland defense missions.

When a governor calls the State Adjutant-General because there has been a major winter storm, severe flooding, or any natural disaster, that governor expects the National Guard to have the ability to get to the disaster area, assist those in need, and communicate with State and Federal leaders and others responding.

Today, many State Guard units may not be able to do those basic tasks because they do not have the equipment they need.

Why not? Three reasons.

First, for years the Guard was not given all of the equipment it needed. Most units had 65 to 79 percent of what they needed. So they started the war short.

Second, in 2003 the Army began a policy of leaving equipment in Iraq to reduce transportation costs and to make sure that those in Iraq would have what they needed. The Defense Department estimates that the Army Guard has left over $1.7 billion worth of equipment in Iraq and Afghanistan.

Unfortunately, the Government Accountability Office has found that the Army cannot account for over half of these items and, even worse, the Army has no plan for replacing the equipment.

Third, the Army has a huge equipment bill because the equipment in Iraq is being worn out at two to nine times the rate planned for and the Army is trying to transform itself into a modular force with entirely new and different equipment.

So, I understand why we have equipment shortages. What I don't understand is why the Secretary of Defense doesn't have a plan to fix the shortages.

In April of 2005, the Department of Defense issued a policy directive that said every time equipment is taken from a Reserve unit, a plan had to be developed within 90 days to replace that equipment.

It's been a full year since the policy was made official and yet States across the country are desperately short of needed equipment and have not seen any plans.

Our legislation would simply make 000 live up to its rhetoric and provide the plans it has promised.

There is more that we need to do to address equipment shortages throughout all of our ground forces, but at a minimum we should all be able to agree to start by following the current policy of the Defense Department and make a plan to replace equipment that is not being returned to State units.

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By Mr. NELSON of Florida:

S. 2682. A bill to exclude from admission to the United States aliens who have made investments directly and significantly contributing to the enhancement of the ability of Cuba to develop its petroleum resources, and for other purposes; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, I rise today to respond to the comments of several of our Senate colleagues. Many of my friends across the aisle have recently spoken about Fidel Castro's announcement that he plans to begin drilling for oil off the coast of Cuba. This means that oil rigs will be operating just 50 miles from the Coast of Florida and near the Florida Keys National Marine Sanctuary. My colleagues argue that if Castro can drill 50 miles from Florida, American companies must have the right to meet them on the same playing field and beat them at their own game. This line of reasoning, however, has several flaws.

Since when have we made any law or set any business or environmental standard using Cuba as a model? I am astounded that we would attempt to justify our actions by holding up Castro's actions as an example to follow.

The answer to Castro's outrageous proposal to drill 50 miles from Florida is not to kick off a race to see who can set up the most rigs in our precious coastal waters—the answer is to hit back hard and fast to stop Castro from drilling so close to our shores.

At the same time, it is important to keep in mind that this debate, at its heart, is not about Castro. Preventing drilling off the coast of Florida is about preserving one of America's most important coastlines: a stretch of precious land and sea where critical environmental, economic and military assets overlap. What is truly important to understand in this debate is how inextricably linked these three elements of our national interest are: environmental protection is critical to the tourism industry that is the economic backbone of the southeastern United States, and above it all, our military uses this protected area for essential land-, air- and sea exercises and testing.

Florida, as a community and an economic entity, has worked hard, tremendously hard, to build a $62 billion tourism industry employing nearly 1 million citizens. This industry would not exist on such a large, vital scale without the unique and precious environment that is the beauty and essence of our state. Florida is windswept beaches, clear blue water, and the great ''River of Grass'' itself—the Everglades. And all of these wonders of nature are inhabited by some of America's most beautiful and exotic wildlife: manatees, crocodiles, panthers and ospreys. We have learned the hard way that failing to protect our environment has deadly consequences, consequences that will have a stark impact on the very tourism industry that support so many families in our state. In fact, Congress has invested some $8 billion in restoring this remarkable ecosystem. Now that investment is put at risk.

In January 1969, an explosion at a California offshore drilling site caused a 200,000-gallon crude oil spill off the coast. While small in comparison to other spills, that incident dealt a devastating blow to neighboring beaches and aquatic life. As tides brought an 800-square-mile slick ashore, oil coated 35 miles of the coastline, blackening beaches and killing thousands of birds, dolphins, seals, fish and other wildlife. A national outcry followed, and sparked a movement that led to legal bans on drilling on the Outer Continental Shelf, including the eastern Gulf of Mexico off of Florida.

This wise ban is now at risk—nearly 40 years after that deadly spill in California, must we be doomed to repeat the past? After so many years and so much additional economic and environmental research, we know better than ever that the real value lies in protecting the tourism industry and its environmental foundation. I refuse to see the long-standing consensus against drilling off of Florida scrapped for the sake of ''keeping up with the Castros.''

And, finally, I would like to draw my colleagues' attention to the grave consequences that oil drilling poses not only to America's beaches and environment, but also to our national interests and foreign policy. We must do all we can to prevent Castro from drilling for oil so close to the shores of Florida. Foreign oil companies must not provide the props to support Castro's regime without facing stiff penalties.

For all of these reasons, I am introducing legislation today that will nullify the agreement that defines the maritime borders between the United States and Cuba. This agreement was negotiated in 1977—a different era—when oil drilling so close to our shores was not contemplated. The agreement draws a line through the middle of the 90 miles of ocean that separate our two countries. Without this line, foreign oil companies have no legal basis for exploring in waters that are claimed by both the U.S. and Cuba. We cannot allow this agreement—never ratified by the Senate—to enable Castro's foolhardy exploration for oil in areas so near to some of the most pristine waters in our country.

The legislation also takes a second step to further dissuade foreign oil companies from exploring for oil so close to our coastline. It will bar the Secretary of State from granting visas to executives of foreign oil companies who invest in petroleum development off the North coast of Cuba. This legislation, an expansion of the landmark Helms-Burton law, is a step in the right direction. It is only a first step, but I call on my colleagues to join me in preventing a tyrannical dictator from drilling for oil so close to our shores.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2682

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. NULLIFICATION OF MARITIME BOUNDARY AGREEMENT.**

Notwithstanding any other provision of law, the Maritime Boundary Agreement Between the United States of America and the Republic of Cuba signed at Washington D.C., December 16, 1977, shall have no force and effect after the date of the enactment of this Act.

**SEC. 2. EXCLUSION OF CERTAIN ALIENS.**

(a) IN GENERAL.—The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 note) is amended by inserting after section 401 the following:

**''SEC. 402. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO DIRECTLY AND SIGNIFICANTLY CONTRIBUTE TO THE ABILITY OF CUBA TO DEVELOP PETROLEUM RESOURCES OFF OF CUBA'S NORTH COAST.**

''(a) IN GENERAL.—The Secretary of State shall deny a visa to, and the Attorney General and the Secretary of Homeland Security shall exclude from the United States, any alien who the Secretary of State determines is a person who—

''(1) is an officer or principal of an entity, or a shareholder who owns a controlling interest in an entity, that, after the date of the enactment of this section, makes an investment of $1,000,000 or more (or any combination of investments that in the aggregate equals or exceeds $1,000,000 in any 12-month period), that directly and significantly contributes to the enhancement of Cuba's ability to develop petroleum resources off of Cuba's north coast; or

''(2) is a spouse, minor child, or agent of a person described in paragraph (1).

''(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of the person who would otherwise be excluded under this section is necessary for medical reasons or for purposes of litigation of an action under title III.

''(c) DEFINITIONS.—In this section:

''(1) DEVELOP.—The term 'develop', with respect to petroleum resources, means the exploration for, or the extraction, refining, or transportation by pipeline of, petroleum resources.

''(2) INVESTMENT.—

''(A) IN GENERAL.—The term 'investment' means any of the following activities if such activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Cuba or a nongovenmental entity in Cuba, on or after the date of the enactment of this section:

''(i) The entry into a contract that includes responsibility for the development of petroleum resources located in Cuba, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract.

''(ii) The purchase of a share of ownership, including an equity interest, in that development.

''(iii) The entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation.

''(B) EXCEPTION.—The term 'investment' does not include the entry into, performance, or financing of a contract to sell or purchase goods, services, or technology.

''(3) PETROLEUM RESOURCES.—The term 'petroleum resources' includes petroleum and natural gas resources.''.

(b) EFFECTIVE DATE.—The amendment made by this section applies to aliens seeking to enter the United States on or after the date of the enactment of this Act.

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By Mr. BYRD:

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools; to the Committee on the Judiciary.

Mr. BYRD. Mr. President, I rise today to introduce an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in the public schools of this country.

On September 25, 1885, an entrancing poem was published in the Glenville Crescent, the local paper in Gilmer County, West Virginia. The poem was attributed to Mrs. Ellen Rudell King, the wife of the Reverend David King, a man of the cloth who ministered to the citizens of Glenville, WV. Over time, people learned that the poem may have been written by the reverend as a gift to his wife Ellen, his soulmate. Just as my beloved Erma was my soulmate the West Virginia Reverend David King also had a soulmate, his wife Ellen.

Today we recognize that his poem was a gift not just to his wife Ellen but also to the State of West Virginia and to the Nation. In fact, when the poem was published at the end of the 19th century, its tone was so melodious, its message so inspiring, it drew the attention of a composer named Howard Engle. West Virginians know the story of what happened next. Howard Engle liked the poem so much that he decided to compose a tune to accompany its lyrical verse. In 1961, his musical composition became the West Virginia State song, known by its title today as ''The West Virginia Hills.'' Let me read for the Senators just a few of the stanzas of this beautiful song:

Oh, West Virginia hills! How majestic and how grand, with their summits bathed in glory, like our Prince Immanuel's land! Is it any wonder then, that my heart with rapture thrills, as I stand once more with loved ones on those West Virginia hills?

Oh, the West Virginia hills! Where my childhood hours were passed, where I often wandered lonely, and the future tried to cast; many are our visions bright, which the future ne'er fulfills; but how sunny were my daydreams on those West Virginia hills!

Oh, the West Virginia hills, how unchanged they seem to stand, with their summits pointed skyward to the great Almighty's land! Many changes I can see, which my heart with sadness fills; but no changes can be noticed in those West Virginia hills.

Ah, ah, those West Virginia hills. For West Virginians, this song, with its prayerful verse, has always been an uplifting reminder of the memories of our childhoods, our fervent hopes for a bright future, a testament to the beauty of our resplendent natural landscape, and a source of solace in time of trouble.

Regrettably, since January, West Virginians have had good reason to seek such solace. As witnessed by all of America since this year began, West Virginia has been beset by unspeakable tragedy. We have lost 18 coal miners—favorite sons of the West Virginia hills—in Boone County, in Logan County, in Mingo County, and in Upshur County. In the words of our ancient sweet song, these tragic events ''our heart with sadness fills.''

But we West Virginians stand strong despite our grief, steadfast in our devotion to one another and to Almighty God, from whom all good things come, from whom all blessings flow.

In our Easter season we celebrate the belief in both the resurrection of the dead and the life of the world to come. We know that while our way may not always be God's way, His way is the only way. Therefore, our way must be His way. We know that life's most bitter travails can, at times, sear the human soul, painfully driving good people to their knees—sometimes through no fault of their own. But we also know that as long as there is life, there is hope, and we know that hardship can be endured and in fact diminished through the power—the ever working power—of prayer. We know this. We know it. We know it based on experience.

Over these past 5 years, as I watched my childhood sweetheart, my darling Erma—my darling Erma, who is in heaven now—I watched her fall ill and become increasingly frail. But she and I prayed for each other. We prayed every day. There were many good times—many good times—but there were also times that were difficult. Through it all, it was our abiding faith, Erma's and mine which we celebrated in prayer together, which I believe kept us devoted to one another and to God for nearly 69 years, through thick and thin, through good times and hard times. Our marriage was literally made in heaven, and I believe its duration was God's answer to our shared prayer.

So when I say that I know prayer can work miracles and move mountains, I speak from experience. I am a witness to the power of prayer.

But I am not unique. West Virginians have been and always will be a deeply spiritual and reverent people. In that sense, it remains as true today as it was in 1885 that no changes can be noticed in those West Virginia hills.

The Apostle Paul has told us that in the face of affliction—in the face of affliction—it is our job not to give in to discouragement but to proclaim the truth openly and to commend ourselves to every man's conscience before God.

So for people of faith, the question remains how best to do this. How do we lift our heads from the darkness to the light—from the darkness to the light? How do we help ourselves and others to keep the faith? The answer lies in three simple words: Let us pray. The Gospel, St. John 14, verse 13, tells us that we can have this confidence in God: that he hears us—yes, that he hears us whenever we ask for anything according to His will. Not always according to our will but according to His will.

The importance of prayer throughout all of the millennia is recognized by people of faith in nearly every denomination. Now get this: Yet, in America, prayer is increasingly estranged from public life. Some are hesitant to pray for fear they might offend someone else. How ridiculous, to think that prayer can be offensive. Offensive to whom? Nonbelievers? Well, they need only close their ears. How sad, really, that we cannot share our faith, particularly in an effort to comfort others, without being accused of offending someone or, worse, violating the first amendment to the Constitution.

Regrettably, that is the unfortunate situation that confronts the faithful in America today. How can this be possible? Does anyone really believe this state of affairs is consistent with the intent of the Framers of the Constitution?

I have referenced the religious beliefs of our Founders many times on the Senate floor, but I think it bears repeating. I think we should not forget the mindset of those who established our representative democracy, this Republic. They were not afraid of prayer. They believed in a Supreme Being, and they did not hesitate to say so. They were proud of their faith. They proclaimed it from the rooftops; yes, from the steeple tops. They did not hang their heads in shame.

Listen. Listen. Listen to what John Adams said. He served as Vice President for 8 years under George Washington. He was a member of the Continental Congress. He signed the Declaration of Independence. In an entry in his diary on February 22, 1756, John Adams wrote:

Suppose a nation in some distant region should take the Bible for their only lawbook and every member should regulate his conduct by the precepts there exhibited. Every member would be obliged in conscience to temperance, frugality, and industry; to justice, kindness, and charity toward his fellow men; and to piety, love and reverence toward almighty God. . . . What a Utopia, what a paradise would this region be.

John Adams believed that the Bible could be our only lawbook—think of that. What a small but mighty tome.

What about Benjamin Franklin? Was he afraid to discuss religion for fear of offending sensibilities? No, heavens no. When the Congress established a three-man committee, of John Adams, Thomas Jefferson, and Ben Franklin, to design a great seal of the United States, it was Franklin who suggested that the seal be one of Moses lifting his wand, dividing the Red Sea, with pharaoh in his chariot, overwhelmed by water. His suggested motto was, ''Rebellion to tyrants is obedience to God.''

Thomas Jefferson similarly suggested a Biblical theme, highlighting the children of Israel in the wilderness, led by a cloud by day and a pillar of fire by night. These are vivid religious images that our Founding Fathers proposed be adopted as enduring symbols of our representative form of government.

The Founders did not view these proposals as repugnant religiosity, something to be kept under wraps for fear of offending the popular culture. They were creating the culture.

I have long been opposed to what I call the censorship of religion in America. I have said it before. I say it again. I don't agree with many of the decisions that have come down from the courts concerning prayer in the public schools or prohibiting the display of religious items in public places. I believe in ruling after ruling some of our courts, led by the Supreme Court, have been moving closer and closer to prohibiting the free exercise of religion in America, and it chills my soul. Americans don't want religious censorship—

no. Ours is a religious nation. It may not seem so but it is. We are a religious people. We may not seem so at times, not all of us, but we embrace religion as a people. We draw it close, close to us. We drape it over us, we draw it around us, we envelope our families in its protective shield. We will not shun it. We will not deny it. We will not run from it. We must be free to exercise our religious faith, if we have a religious faith, whatever it may be.

The religion clauses of the first amendment state:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .

In my humble opinion, too many have not given equal weight to both of these clauses. Instead, they seem to have focused only on the first clause which says ''Congress shall make no law respecting an establishment of religion,'' at the expense of the second clause, which says, ''or prohibiting the free exercise thereof.''

Yes, that protects the right of Americans to worship as they please. I have always believed that this country was founded by men and women of strong faith whose intent was not to suppress religion but to ensure that the government favors no single religion over another. This principle makes a lot of sense to me; namely, that government itself should seek neither to discourage nor to promote religion. We can understand the outrage of many fine people of faith who today decry the nature of our public discourse, with its overt emphasis on sex, violence, profanity, and materialism.

In addition, we live today with the omnipresent fear of another terrorist attack, global warming, avian flu, rising fuel and health care costs, and a whole panoply of other potential calamities over which we seem to have little or no control. Our Nation has every reason to seek comfort through prayer.

Nearly 44 years ago, on June 27, 1962—I was here. I was sitting over on that side of the Chamber, to my left, in the back row. Forty-four years ago, on June 27, 1962, 2 days after the U.S. Supreme Court first struck down prayer in schools, I made the following statement on the Senate floor. I said it then. I say it today.

Thomas Jefferson expressed the will of the American majority in 1776 when he included in the Declaration of Independence the statement, ''All men''—

Meaning, of course, women, too—

''All men are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.''

Little could Mr. Jefferson suspect when he penned that line that the time would come that the Nation's highest Court might rule that a nondenominational prayer to the Creator of us all, if offered by schoolchildren in the public schools of America during class periods, would be unconstitutional. I believe this ingrained predisposition against expressions of religious or spiritual beliefs is wrongheaded, destructive, and completely contrary to the intent of the illustrious Founders of this great Nation. Instead of ensuring freedom of religion in a nation founded in part to guarantee that basic liberty, a suffocation or strangulation, if you might, of that freedom has been the result. The rights of those who do not believe, and they are few in number who do not believe—the rights of those who do not believe in a Supreme Being have been zealously guarded to the denigration—and I repeat, denigration—of the rights of those people who do so believe.

The Supreme Court has bent over backward to prevent the government from establishing religion—which is all right—but it has not gone far enough and, in fact, our government has fallen far short of protecting the right of all Americans to exercise their religion.

The free exercise clause of the first amendment states:

Congress cannot make laws that prohibit the free exercise of religion.

Well, it seems to me that any prohibition of voluntary prayer in the public schools violates the right of our schoolchildren to practice their free religion, and that is not right. Any child should be free to pray to God of his or her own volition, whether at home, whether at church, whether at school, period.

I am not a proponent of repeatedly amending the U.S. Constitution. I believe such amendments should be done only rarely and with great care. However, because I feel as strongly about this today as I have for more than 40 years, I take this opportunity, once again, as I have at least 7 times over the past 44 years, to introduce today a joint resolution to amend the Constitution to clarify the intent of the Framers with respect to voluntary prayer in schools.

Our revered Constitution—this sacred document—was conceived by the Framers neither to prohibit nor to require the recitation of voluntary prayer in public schools. Consequently, the exact language of the resolution that I am introducing to amend the Constitution simply makes that clear.

It states—get this:

Nothing in this Constitution, including any amendments to this Constitution, shall be construed to prohibit voluntary prayer or require prayer at a public school extracurricular activity.

This resolution is similar to legislation that I introduced or cosponsored starting in 1962 but more recently in 1973, 1979, 1982, 1993, 1995, and 1997.

I believe Members of the Supreme Court have placed exaggerated emphasis on the Framers' alleged intent to erect an absolute ''wall of separation'' between church and state. I do not share that view.

I believe the right of every schoolchild to pray or not to pray voluntarily, if he or she chooses to do so, is protected by both the free speech and the free exercise clauses of the U.S. Constitution.

Even the Supreme Court in the case of Lynch v. Donnelly, in 1984, agreed that the Constitution does not require the complete separation of church and state. Instead, it mandates an accommodation of all religions and forbids hostility toward any.

Let me be clear that what we are talking about is not a radical departure. It is simply a reiteration of what should already be permissible under a correct interpretation of the first amendment.

My resolution does not change the language of the first amendment, and it would not permit any school to advocate a particular religious message endorsed by the government. My resolution would simply reiterate the Framers' intent that a child should be able to utter a voluntary prayer. There is absolutely nothing unconstitutional about that.

This resolution seeks neither to advance nor to inhibit religion. It does not signify government approval of any particular religious sect or creed. It does not compel a ''nonbeliever'' to pray. In fact, it does not require an atheist to embrace or to adopt any religious action, belief, or expression. It does not coerce or compel anyone to do anything. And it does not foster any excessive government entanglement with religion.

This constitutional amendment is neutral. It is nondiscriminatory. It does not endorse state-sponsored school prayer. It simply allows children to pray voluntarily, if they wish to do so. It permits children to express themselves on the subject of prayer just as anyone is free to express themselves on any other topic.

As Justice Scalia recently held: ''A priest has as much liberty to proselytize as a patriot.''

The Supreme Court has held that the establishment clause is not violated so long as the government treats religious speech and other speech equally.

This resolution has a valid secular purpose, which is to ensure that religious and nonreligious speech are treated equally, and this secular purpose is preeminent. This purpose is not secondary to any religious objective.

In one of the more recent cases on the subject, the Supreme Court, in Santa Fe v. Jane Doe, reiterated that the religious clauses of the first amendment prevent the government from ''making any law respecting the establishment of religion or prohibiting the free exercise thereof.'' But by ''no means,'' the Court held, ''do these commands impose a prohibition on all religious activity in our public schools.''

''Indeed,'' the Court ruled, ''the common purpose of the Religious Clauses is to secure religious liberty.''

Thus, Justice Stevens wrote:

Nothing in the Constitution as interpreted by this Court prohibits any public school student from unvoluntarily praying at any time before, during or after the school day.

He went on to declare, though, that ''the religious liberty protected by this

Constitution is abridged when the state affirmatively sponsors a particular religious practice or prayer.''

So let me reiterate that the resolution I am introducing today addresses only voluntary student prayer—not state-sponsored speech.

In one of her final rulings on this subject, Justice O'Connor held that the first amendment expresses our Nation's fundamental commitment to religious liberty by means of two provisions—one protecting the free exercise of religion, the other barring the establishment of religion.

''They were written,'' she said, ''by the descendants of people who had come to this land precisely so that they could practice their religion freely.'' And, ''by enforcing these two clauses,'' she said, ''we have kept religion a matter for the individual conscience, not for the prosecutor or the bureaucrat.''

We should keep it that way. We should keep it that way. We should keep religion a matter for the individual conscience. But does keeping religion a matter for the individual conscience mean that a schoolchild must stand silent, unable to turn to God for comfort or guidance in times of trial or heartache? No. No. No. Not even our Supreme Court has recognized that. Not every reference to God constitutes the impermissible establishment of religion.

Where would we be without recourse to prayer?

As we know, even the mighty King David sought guidance from above. In Psalm, 17, he implores:

Hear, O Lord, a just suit; attend to my outcry; harken to my prayer from lips without deceit . . . I call upon You for You will answer me, O God; incline Your ear to me; hear my word . . . keep me as the apple of your eye; hide me in the shadows of Your wings.

In our Nation's Capitol, just off the Rotunda, there is a small room called the Prayer Room. I was there when it was first dedicated. A small room called the Prayer Room was set aside in 1954 by the 83rd Congress to be used for private prayer and contemplation by Members of Congress. The room is open.

Have you ever been there? If you haven't, you ought to go to see that Prayer Room. I go to it still from time to time.

The room is open when Congress is in session though not open to the public. The room's focal point is a stained glass window that shows George Washington kneeling in prayer. Behind him are etched these words from Psalm 16:1: ''Preserve me, o God, for in thee do I put my trust.''

What right do we have to take from schoolchildren their right to pray a voluntary prayer when we preserve, protect, and defend and even create a seperate room to enshrine that same right to ourselves here in the Senate?

St. Luke, the apostle, tells us that such efforts are as much in our own interest as they are in the best interests of a child. Here is what St. Luke tells us:

Ask and you shall receive; seek and you shall find; knock and it shall be opened to you. For whoever asks, receives; whoever seeks, finds; whoever knocks is admitted. What father among you will give his son a snake if he asks for a fish, or hand him a scorpion if he asks for an egg? If you, with all your sins, know how to give your children good things, how much more will the Heavenly Father give the Holy Spirit to those who ask him?

We must work to be certain that the free exercise clause remains as applicable and respected today as it was at the time it was conceived by the Framers.

We must guard its protection so that all Americans, including, yes, children, little children—suffer little children—retain their right freely to practice their religion. Let us make certain that every individual, including any child nestled in the West Virginia hills or anywhere else in America, can pray to God as they please.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 35

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

''ARTICLE —

''Nothing in this Constitution, including any amendment to this Constitution, shall be construed to prohibit voluntary prayer or require prayer in a public school, or to prohibit voluntary prayer or require prayer at a public school extracurricular activity.''.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 448—SUPPORTING THE GOALS AND IDEALS OF ''NATIONAL LIFE INSURANCE AWARENESS MONTH''

Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, and Mr. CRAIG) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 448

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2006 as ''National Life Insurance Awareness Month'' as a means to encourage consumers to—

(1) become more aware of their life insurance needs;

(2) seek professional advice regarding life insurance; and

(3) take the actions necessary to achieve financial security for their loved ones: Now therefore, be it

*Resolved,* That the Senate—

(1) supports the goals and ideals of ''National Life Insurance Awareness Month''; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

### SENATE RESOLUTION 449—COMMENDING THE EXTRAORDINARY CONTRIBUTIONS OF MAX FALKENSTIEN TO THE UNIVERSITY OF KANSAS AND THE STATE OF KANSAS

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 449

Whereas Max Falkenstien has served as a broadcaster for the basketball and football programs at The University of Kansas for 60 consecutive years, and will retire after the 2005–2006 men's basketball season;

Whereas Mr. Falkenstien broadcasted his first men's basketball and football games for the Kansas Jayhawks in 1946, after serving 35 months in the Army Air Corps;

Whereas Mr. Falkenstien has received honors from—

(1) the College Football Hall of Fame, which awarded him the Chris Schenkel Award for Broadcasting Excellence;

(2) the Naismith Memorial Basketball Hall of Fame, which named him the winner of the 15th Annual Curt Gowdy Electronic Media Award;

(3) the Kansas Association of Broadcasters, which awarded him the Distinguished Service Award;

(4) Baker University, which presented him with the Lifetime Achievement Award; and

(5) The University of Kansas Alumni Association, which awarded him the Ellsworth Medallion;

Whereas Mr. Falkenstien is a member of—

(1) the Kansas Broadcasters Hall of Fame; and

(2) the Kansas Sports Hall of Fame;

Whereas Mr. Falkenstien was the first—

(1) inductee into the Lawrence High School Hall of Honor; and

(2) media member of The University of Kansas Athletic Hall of Fame; and

Whereas the State of Kansas has been privileged to have the benefit of 60 years of dedicated service provided by Max Falkenstien to The University of Kansas: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the extraordinary contributions of Max Falkenstien to The University of Kansas and the State of Kansas;

(2) congratulates him for 60 years of outstanding service;

(3) offers the best wishes of the Senate for his future endeavors; and