

To paraphrase the Israeli diplomat and politician Abba Eban, Hamas literally cannot afford to miss this opportunity to renounce terrorism, recognize Israel, and embrace responsible governance. If they do that, they will find the missed opportunity very costly.

#### HONORING OUR ARMED FORCES

**Mrs. BOXER.** Mr. President, today I rise to pay tribute to 15 young Americans who have been killed in Iraq since December 9. This brings to 523 the number of soldiers who were either from California or based in California that have been killed while serving our country in Iraq. This represents 23 percent of all U.S. deaths in Iraq.

LCpl Samuel Tapia, age 20, died December 18 from small-arms fire while conducting combat operations in Ar Ramadi. He was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SGT Regina C. Reali, age 25, died December 23 in Baghdad when an improvised explosive device detonated near her humvee. She was assigned to the Army Reserve's 351st Civil Affairs Command, Mountain View, CA. She was from Fresno, CA.

SGT Cheyenne C. Willey, age 36, died December 23 in Baghdad when an improvised explosive device detonated near his humvee. He was assigned to the Army Reserve's 351st Civil Affairs Command, Mountain View, CA. He was from Fremont, CA.

SPC Sergio Gudino, age 22, died December 25 in Baghdad when an improvised explosive device detonated near his M1A1 tank during combat operations. He was assigned to the 1st Battalion, 64th Armor Regiment, 2nd Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA. He was from Pomona, CA.

SPC Marcelino R. Corniel, age 23, died December 31 in Baghdad when an enemy mortar attack occurred in the vicinity of his observation post. He was assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment, Fullerton, CA. He was from La Puente, CA.

PVT Robbie M. Mariano, age 21, died January 5 in An Najaf when an improvised explosive device detonated near his humvee during convoy operations. He was assigned to the 3rd Battalion, 16th Field Artillery, 2nd Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. He was from Stockton, CA.

SGT Adam L. Cann, age 23, was killed in action on January 5 by a suicide bomb attack on an Iraqi police recruitment center in Ar Ramadi. He was assigned to Security Battalion, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

MAJ Douglas A. La Bouff, age 36, died January 7 near Tal Afar when his

UH-60 Black Hawk helicopter crashed. He was assigned to the Army's 3rd Armored Cavalry Regiment, Fort Carson, CO. He was from La Puente, CA.

LCpl Raul Mercado, age 21, died January 7 when his vehicle was attacked with an improvised explosive device while conducting combat operations near Al Karmah. He was assigned to 2nd Maintenance Battalion, 2nd Marine Logistics Group, Camp Lejeune, NC. He was from Monrovia, CA.

CPL Justin J. Watts, age 20, died January 14 from an apparent nonhostile gunshot wound in Haditha. His death is currently under investigation. He was assigned to the 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

CWO3 Rex C. Kenyon, age 34, died January 16 in Baghdad when his Apache helicopter was shot down while conducting aerial patrols. He was assigned to the 1st Battalion, 4th Aviation Regiment (Attack), Combat Aviation Brigade, 4th Infantry Division, Fort Hood, TX. He was from El Segundo, CA.

CPL Carlos Arrelanopandura, age 22, died January 20 from a suicide vehicle-borne improvised explosive device while conducting combat operations in Haqlaniyah. He was assigned to the 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Los Angeles, CA.

LCpl. Brandon Dewey, age 20, died January 20 from a suicide vehicle-borne improvised explosive device while conducting combat operations in Haqlaniyah. He was assigned to the 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from San Joaquin, CA.

SGT David L. Herrera, age 26, died January 28 in Baghdad when an improvised explosive device detonated near his humvee during combat operations. He was assigned to the 2nd Battalion, 506th Infantry Regiment, 4th Brigade Combat Team, 101st Airborne Division, Fort Campbell, KY. He was from Oceanside, CA.

LCpl Hugo R. Lopezlopez, age 20, died January 27 at Brooke Army Medical Center in San Antonio from wounds sustained from an improvised explosive device while conducting combat operations against enemy forces in Rawah, Iraq on November 20, 2005. He was assigned to the 2nd Battalion, 11th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from La Habra, CA.

Mr. President, 523 soldiers who were either from California or based in California have been killed while serving our country in Iraq. I pray for these young Americans and their families.

#### HOUSE PASSAGE OF THE DEFICIT REDUCTION ACT OF 2005

**Mr. GRASSLEY.** Mr. President, today the House of Representatives completed final action on the S. 1932, the Deficit Reduction Act of 2005, DRA. I am pleased that this important legislation will soon be enacted into law.

It has been 8 years since Congress last passed a reconciliation bill. In crafting S. 1932, we worked hard to ensure that none of the changes made would adversely affect beneficiary coverage. The Deficit Reduction Act will allow States across the country to continue to offer these essential services to their beneficiaries.

The Deficit Reduction Act also includes a number of provisions to ensure that the Federal Government pays Medicare providers accurately and appropriately. One such provision relates to payment policies under the Medicare Advantage program. Specifically, Section 5301 of S. 1932 phases-out the budget neutrality adjustment for Medicare Advantage plans. Section 5301 and the joint statement which accompanied the conference report in the Senate requiring adjustments for differences in coding patterns is intended to include adjustments for coding that is inaccurate or incomplete for the purpose of establishing risk scores that are consistent across both fee-for-service and Medicare Advantage settings, even if such coding is accurate or complete for other purposes. This will ensure that the goal of risk adjustment—to pay plans accurately—is met.

I am also pleased that the Deficit Reduction Act includes the Family Opportunity Act. I have been working tirelessly on this legislation since 1999 with Senator KENNEDY. The measure will allow States to create options for families who have children with multiple medical needs to buy into Medicaid while continuing to work. Families with children with such medical needs should not have to choose between providing for their children and their children's health care. This provision in the Deficit Reduction Act will help prevent just that.

I applaud the Congress for passing this important legislation today. Beneficiaries and taxpayers across the country deserve to get the highest value for every dollar that is spent on Medicare, Medicaid and other safety net programs. This legislation will help accomplish that objective.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

**Mr. SMITH.** Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate

crime that has occurred in our country.

James Oliver Bailey was an 80-year-old gay man. On November 26, 2005, he was beaten to death with a 2 by 4 by Chris Nieves. According to reports, Mr. Nieves attacked Mr. Bailey solely because of sexual advances perpetrated by Bailey.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### DEMOCRACY AND PEACE IN NEPAL

Mr. LEAHY. Mr. President, one of the many things one learns as a Senator is that speaking out about autocratic, corrupt and abusive governments invariably elicits a response.

The victims of such regimes, including human rights and prodemocracy citizens who are often imprisoned and tortured, express their appreciation. Knowing that they have supporters halfway around the world gives them hope.

The officials of those governments and their supporters respond differently. Knowing that they cannot honestly defend their ill gotten gains and abuse of power, they do what they can do. They attack the messenger. And they do so through distortion and outright fabrication.

I have made several statements about the troubling situation in Nepal, a poor country with the most majestic mountains on Earth, which has received too little attention by the Congress. It is a country struggling against a determined Maoist insurgency that has brought extortion, brutality and false promises of a better future to virtually every province.

And it is a country in which an autocratic monarchy has sought to consolidate its grip on power and take the country backwards after a decade of fledgling democracy.

One year has passed since last February 1 when King Gyanendra dissolved the multiparty government, curtailed civil liberties, and imprisoned political opponents. He has ignored appeals of the United States, India, and Great Britain, as well as the United Nations, to negotiate with the leaders of Nepal's political parties on a plan to restore democracy.

When the Maoists unilaterally announced and then extended a 4-month cease-fire, the army and the palace rejected out of hand the suggestion that reciprocating could test the Maoists' intentions and possibly create an opening for dialogue to end the conflict.

What we are witnessing in Nepal is, put simply, a struggle between the discredited, anachronistic past, and the possibility of a democratic future.

There is also a third possibility. A Maoist government that imposes its will on whomever remains in Nepal after a mass exodus, and which further destabilizes an already troubled region.

Predictably, those who have enjoyed the undeserved benefits of absolute power and privilege want to hold on to what they have. They seem to believe that the Maoists can be defeated by military force. As desirable as that might be, there is no evidence to support it.

Those who see the King's repressive policies as reckless and playing into the hands of the Maoists, have risked their freedom and their lives by calling for an inclusive democratic process. And, as the situation continues to deteriorate, calls for a republic are growing louder.

On January 2, the Maoists ended their cease-fire by triggering bombs in several locations. A few days later they killed 12 police officers in Katmandu. They have carried out attacks in Nepalganj and other cities, causing civilian casualties. A week ago, in an apparent attempt to derail the controversial municipal elections scheduled for February 8, gunmen who are suspected of being Maoists killed a promonarchy party member in the city of Janakpur. These brutal acts should be universally condemned. There is absolutely no justification for the use of violence to terrorize civilians or to disrupt an election.

But neither can it be said that the United States has an effective policy when it appears to amount to little more than blaming the Maoists and repeating over and over that the King should reach out to the political parties. He should, but for almost a year he has refused to do so and absent stronger pressure there is no reason to believe that he will.

It also begs the question of what is the legitimate role in the 21st century for a monarchy that has squandered its moral authority and shown no competence for governing.

Three weeks ago, in the King's latest attempt to quell mounting public criticism of his failed policies, the palace announced a preemptive curfew and a ban on political demonstrations. Since then, hundreds of prodemocracy citizens, including several political party leaders, have been imprisoned around the country.

Two weeks ago, the police used tear gas and water cannons to break up a rally in Katmandu, and more political protesters were arrested. The former Prime Minister remains in custody after a widely ridiculed "trial" by the King's hand picked anticorruption commission.

The Nepali people want peace. But nearly a year after King Gyanendra justified his power grab as necessary to defeat the Maoists, they are stronger and peace is more elusive. As many others have said, the only viable way forward is through dialogue, including the Maoists, under United Nations or

other international auspices, with the clear purpose of developing a broadly accepted plan to restore and strengthen democracy.

To those of Nepal's ruling class who in various opinion pieces have distorted my words, mischaracterized my record and questioned my motives, I can only say that sooner or later they will have to face reality. They could help save their country, but not if they continue to bury their heads in the sand and malign those whose only desire is to see a democratic, peaceful Nepal.

Nepal is a beautiful country with a remarkable culture. Its people, as resilient as they are, do not deserve the hardships of caste discrimination, poverty and violence that they endure daily. The Maoists have shown no respect for the rights of civilians. But neither has the King shown that he has a workable plan to stop Nepal's downward spiral. His decision to hold municipal elections has only widened the gap between himself and the leaders of the political parties who were never consulted, who see this latest move as part of a calculated strategy to consolidate his power, and who have said they won't participate.

Far more creative and persuasive leadership is urgently needed in Nepal, including from the army, as well as from the United States, India, China and other friends of Nepal, to prevent a tragic situation from becoming a disaster.

#### CONSOLIDATION IN THE ENERGY INDUSTRY: RAISING PRICES AT THE PUMP?

Mr. LEAHY. Mr. President, earlier this morning, the Judiciary Committee held a hearing on the consolidation of the energy industry. Regrettably, due to a scheduling conflict, I was unable to attend the hearing which was noticed only 1 week ago. I come to the floor this afternoon because this is an issue that needs to be addressed, not only by me, or the Committee, but by this entire body. The exorbitant cost of fuel is one of the most critical issues facing our nation.

Strong leadership by this Congress is needed to help all of the Americans whose pockets are being emptied by the skyrocketing costs of fuel. Consumers, small businesses, farmers, families trying to heat their homes in the cold winter months, senior citizens on limited incomes, every community in this country has felt the pinch of trying to keep up with energy costs. Everyone has suffered—or rather, almost everyone.

The day before yesterday, the big oil companies posted their year-end profit reports for 2005. The five biggest—ExxonMobil, ChevronTexaco, ConocoPhillips, BP, and Shell—trumpeted raking in record profits for the year. In fact, ExxonMobil, with \$36.7 billion in profit last year, turned the highest yearly profit in U.S. history for any business.