

On page 250, strike lines 5 through 10, and insert the following:

“(a) AUTHORITY.—

“(1) IN GENERAL.—The Secretary of Homeland Security may grant a temporary visa to an H-2C nonimmigrant during the 5-year period beginning on the date of the Comprehensive Immigration Reform Act of 2006 if such nonimmigrant demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15).

“(2) SUNSET.—Notwithstanding any other provision of law, after the date of end of the 5-year period referred to in paragraph (1), no alien may be issued a new visa as an H-2C nonimmigrant for an initial period of authorized admission under subsection (f)(1). The Secretary of Homeland Security may continue to issue an extension of a temporary visa issued to an H-2C nonimmigrant pursuant to such subsection after such date.

**SA 4082.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, line 22, strike the period at the end and insert “and stated in such posting that a worker hired for such opportunity will receive compensation that includes health insurance that provides benefits that are, at a minimum, actuarially equivalent to the benefits that the worker would receive under the State Medicaid plan established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) of the State in which the employment opportunity will be located if the worker were eligible for benefits under such plan, as determined by such State.”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 18, 2006, at 9:30 a.m. to conduct a hearing on “The Report of the Congress on International Economic and Exchange Rate Policies.”

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

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 18, 2006, at 9:30 a.m. to mark up S. 1811, the “San Francisco Old Mint Commemorative Coin Act;” S. 633, the “American Veterans Disabled for Life Commemorative Coin Act;” and S. 2784, the “Fourteenth Dalai Lama Gold Medal Act.”

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and

Transportation be authorized to meet on Thursday, May 18, 2006, at 10 a.m. on S. 2686, the Consumer’s Choice, and Broadband Deployment Act of 2006.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce Science and Transportation be authorized to meet on Thursday, May 18, 2006, at 2:30 p.m. for an Executive Session.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce Science and Transportation be authorized to meet on Thursday, May 18, 2006, at 2:30 p.m. for an Executive Session.

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

##### COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, May 18, 2006, at 10:30 a.m., in 215 Dirksen Senate Office Building, to consider proposed legislation implementing the U.S.-Oman Free Trade Agreement, and the nomination of W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 18, 2006, at 9:30 a.m. to hold a hearing on Iran’s Political/Nuclear Ambitions and U.S. Policy Options.

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

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, May 18, 2006, at 10 a.m. to consider the nomination of Robert I. Cusick to be Director of the Office of Government Ethics.

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

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 18, 2006 at 9:30 a.m. to hold a confirmation hearing on General Michael V. Hayden to be Director of the Central Intelligence Agency.

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

##### SPECIAL COMMITTEE ON AGING

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select

Committee on Aging be authorized to meet May 18, 2006 from 10 a.m.–12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

##### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, May 18, 2006, at 2:30 p.m. for a hearing regarding “Unobligated Balances: Freeing up Funds, Setting Priorities and Untying Agency Hands.”

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

##### SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on Near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Thursday, May 18, 2006, at 2:30 p.m. to hold a hearing on Nepal: Transition from Crisis to Peaceful Democracy.

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

#### PRIVILEGES OF THE FLOOR

Mr. AKAKA. Mr. President, I ask unanimous consent that Dr. Bonni Berge, a Brookings fellow in my office, be allowed floor privileges for the duration of the Senate’s debate on S. 2611, the Comprehensive Immigration Reform Act of 2006.

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

#### HEROES EARNED RETIREMENT OPPORTUNITIES ACT

Mr. CHAMBLISS. Mr. President, I ask that the Chair now lay before the Senate the House message to accompany H.R. 1499.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

##### H.R. 1499

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 1499) entitled “An Act to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes”, with the following House amendment to Senate amendment:

At the end of the Senate amendment add the following:

On page 3, after line 3 of the House engrossed bill, insert the following:

(c) CONTRIBUTIONS FOR TAXABLE YEARS ENDING BEFORE ENACTMENT.—

(1) IN GENERAL.—In the case of any taxpayer with respect to whom compensation was excluded from gross income under section 112 of

the Internal Revenue Code of 1986 for any taxable year beginning after December 31, 2003, and ending before the date of the enactment of this Act, any contribution to an individual retirement plan made on account of such taxable year and not later than the last day of the 3-year period beginning on the date of the enactment of this Act shall be treated, for purposes of such Code, as having been made on the last day of such taxable year.

(2) **WAIVER OF LIMITATIONS.**—

(A) **CREDIT OR REFUND.**—If the credit or refund of any overpayment of tax resulting from a contribution to which paragraph (1) applies is prevented at any time by the operation of any law or rule of law (including *res judicata*), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date that such contribution is made (determined without regard to paragraph (1)).

(B) **ASSESSMENT OF DEFICIENCY.**—The period for assessing a deficiency attributable to a contribution to which paragraph (1) applies shall not expire before the close of the 3-year period beginning on the date that such contribution is made. Such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

(3) **INDIVIDUAL RETIREMENT PLAN DEFINED.**—For purposes of this subsection, the term “individual retirement plan” has the meaning given such term by section 7701(a)(37) of such Code.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

#### BROADCAST DECENCY ENFORCEMENT ACT OF 2005

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. 193, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 193) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The bill (S. 193) was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 193

*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 “Broadcast Decency Enforcement Act of 2005”.

#### SEC. 2. INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.

Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) Notwithstanding subparagraph (A), if the violator is—

“(i)(I) a broadcast station licensee or permittee; or

“(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

“(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language, the amount of any forfeiture penalty determined under this subsection shall not exceed \$325,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$3,000,000 for any single act or failure to act.”; and

(3) in subparagraph (D), as redesignated by paragraph (1), by striking “subparagraph (A) or (B)” and inserting “subparagraph (A), (B), or (C)”.

#### CONDEMNING THE MILITARY JUNTA IN BURMA

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 484 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 484) expressing the sense of the Senate condemning the military junta in Burma for its recent campaign of terror against ethnic minorities and calling on the U.N. Security Council to adopt immediately a binding, nonpunitive resolution on Burma.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, today's Burma resolution reflects the Senate's grave concern about the deteriorating situation in Burma. It also reflects the view of the Senate that, while a second United Nations Security Council briefing on Burma is welcomed, there now needs to be a legally binding, nonpunitive resolution regarding Burma passed by the U.N. Security Council. Absent such action, the Association of South East Asian Nations could very well end up being tougher on Burma than the U.N. The Senate has expressed its concern for the plight of the Burmese not only through this resolution but also by recently including \$5 million in the emergency supplemental bill to assist refugees from Burma who are in Thailand.

On a related note, I have concerns about the visit of U.N. envoy, Ibrahim Gambari, to Burma this week. This visit should not be viewed as a success unless and until Mr. Gambari has an audience with Nobel Peace Prize winner, Daw Aung San Suu Kyi and Burmese leader, Than Shwe. Mr. Gambari

should consider cutting his trip short if it becomes apparent he will not be permitted to hold these meetings, or if the SPDC otherwise interferes with his visit.

I would also add that I applaud the President's action today in extending the state of emergency with respect to Burma. It reflects the clear recognition by the President of the grave problems facing this beleaguered country.

These problems were poignantly addressed by Benedict Rogers, in his May 16, 2006, piece in The Wall Street Journal. In that piece, Rogers told of his encounter with a 15-year-old Burmese boy. This youth had witnessed the murder of both parents and the razing of his village and had endured abduction into forced labor. He hauntingly pleaded to Rogers “[p]lease tell the world not to forget us.” The Senate has not forgotten Burma and it is my profound hope that the U.N. will not either.

Mr. CHAMBLISS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 484) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 484

Whereas the regime in Burma, the State Peace and Development Council (SPDC), reportedly threatened to abolish the pro-democracy National League for Democracy;

Whereas recent reports indicate that the SPDC escalated its brutal campaign against ethnic groups in November 2005;

Whereas reports indicate that the military operation has resulted in approximately 13,000 new internally displaced persons in Burma;

Whereas reports estimate that approximately 540,000 people are now internally displaced within Burma, the most serious internal displacement crisis in Asia;

Whereas the Thailand Burma Border Consortium reports that the military junta in Burma has destroyed, relocated, or forced the abandonment of approximately 2,800 villages in eastern Burma over the past 10 years;

Whereas refugees continue to pour across Burma's borders;

Whereas those forced to flee their homes in Burma are increasingly vulnerable, and the humanitarian situation grows more dire as the rainy season approaches;

Whereas the United Nations Security Council was briefed on the human rights situation in Burma for the first time ever in December 2005;

Whereas United Nations Secretary-General Kofi Annan and Under-Secretary-General for Political Affairs Ibrahim Gambari acknowledged the seriousness of the problems in Burma, and the Secretary-General's office suggested the first-ever course of action on Burma at the United Nations Security Council at the December 2005 briefing;

Whereas numerous efforts outside the United Nations Security Council to secure reform in Burma, including 28 consecutive non-binding resolutions of the United Nations General Assembly and United Nations Commission on Human Rights, have failed to bring about change;