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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

''To You, O Lord, we lift our minds and hearts in prayer. In You, our God, we place all our trust; for anyone who hopes in You will never be disappointed.''

Those who do not have hope have no future. Lord, sustain those who feel helpless. Cast Your light of promise upon those who live in fear.

May the imagination of peace take root in our soul. This Congress and this Nation look to You, O Lord, to nurture fruitful seeds buried in the winter of our vision.

May the warmth of Your presence draw near, that in our coldness we may

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

NOTICE

If the 109th Congress, 2d Session, adjourns sine die on or before December 15, 2006, a final issue of the *Congressional Record* for the 109th Congress, 2d Session, will be published on Wednesday, December 27, 2006, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 27. The final issue will be dated Wednesday, December 27, 2006, and will be delivered on Thursday, December 28, 2006.

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TRENT LOTT, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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be touched by Your word and rise to new life.

Our land and its children believe in the approaching spiritual solstice; and readies itself for the surprises of goodness and generosity which You alone can bring; both in this life and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3678. An act to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

The message also announced that pursuant to Public Law 107–12, the Chair, on behalf of the Majority Leader, announces the appointment of William Pickle of Virginia to serve as a member of the Medal of Valor Review Board.

OCCUPIED TERRITORY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, several nations are involved. These nations, with their thousands of peoples, have occupied someone else's sovereign country. They moved in silently over a long period of time. Some of the infiltrators were organized, some were not. They crossed national boundaries without regard for the rule of law. The migrant peoples began to colonize the new land because it was flowing with milk and honey. And the inhabitants did not resist the infiltration. The inhabitants of the occupied land paid little attention to the invasion. The inhabitants and their leaders were too busy. After all, they were protecting the borders of other nations. The colonists from the foreign nations began to take from the new land. They demanded and received benefits from the inhabitants. The locals suddenly became alarmed and asked, how can this be happening? These foreign nations were uninvited. They cared little about the sovereignty of the occupied nation. They came and brought another culture, another language. They moved in and lived on the land because they could.

Mr. Speaker, this ought not to be. But it is. It is the occupied territory of the United States of America. And that's just the way it is.

DEMOCRATS SIX FOR 2006 WILL BE IMPLEMENTED EARLY NEXT YEAR

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, last month the American people demanded change from Washington, and in January they are going to get it.

Over the last couple of years, the American people have grown increasingly disillusioned with a government that was not working for them. It is time that Washington stop listening exclusively to the elite special interests and start listening to the people who send us here.

That is why Democrats want to repeal billions of dollars in tax breaks for big oil companies to instead invest in new energy technologies. Rather than handouts to Big Oil, we should be working to make America energy independent. The inclusive Democratic agenda starts us down that path.

Our agenda also looks out for American seniors over the interests of drug companies. There is simply no reason why our government shouldn't negotiate for lower prices. The government already negotiates on behalf of our veterans, and they are now enjoying a 42 percent savings on their drugs. Democrats and Republicans have heard the loud voices of Americans. Their voices should be echoed in this people's House by every Member of this new Congress.

CONFIRMATION OF DR. ROBERT GATES

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, with the recent resignation of Secretary of Defense Donald Rumsfeld, I urge my Senate colleagues to work swiftly in a bipartisan manner to confirm President Bush's nominee, Dr. Robert Gates, as soon as possible. I was pleased to learn that the Senate Armed Services Committee unanimously agreed to forward Mr. Gates' confirmation to the Senate floor for final approval.

We are currently fighting a global war on terror and it is essential to have a Secretary of Defense at the helm in the Pentagon to oversee and effectively utilize the vast resources of the Department of Defense. A Nation at war needs Dr. Gates' leadership at this time.

He is a superb choice and is highly qualified. He recently left his position as president of Texas A&M University, the seventh largest university in the Nation, after serving 27 years in the intelligence community. He has a distinguished record of public service, having served six Presidents of both parties, and most recently as the director of the Central Intelligence Agency from 1991 to 1993. He is the only career officer in the CIA's history to rise from an entry-level employee to the director. He is highly regarded and extremely qualified.

I urge my Senate colleagues to act swiftly to confirm Dr. Gates.

A NEW CONGRESS AND A NEW DIRECTION IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, the American public did not vote for the Iraq Study Group. They voted for a new Congress and a new direction in Iraq: Out.

Now, many who voted for change will be surprised to learn that there are some who say they oppose the war and will continue to fund it in the name of supporting the troops. We will not abandon our troops in the field, some solemnly pronounce, while continuing to fund a war that even generals say cannot be won militarily.

Well, then, we have already abandoned our troops in the field. We have abandoned them to lies about why the war was being fought. We have abandoned them to getting shot at from all sides. We have left them in a type of hell where we profess a strange love for them by keeping them there.

The money is in the pipeline right now to bring the troops home now; $70 billion was appropriated for Iraq on October 1. The administration will ask for another $160 billion in the spring. That is a total of $230 billion for the Iraq war. In less than 2 years the war on the so-called defense budgets will cost more than $1 trillion.

Stop wasting money. Stop wasting lives. Bring the troops home now and cut off funds for more war.

GODSPEED TO ERIC DELL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, today I rise with mixed feelings. As the 109th Congress draws to a close, my longtime chief of staff, Eric Dell, will complete his tenure on Capitol Hill.

Eric and I have worked together for the past 14 years. More than a trusted, competent staff member, Eric is a good friend. While I know he will go on to great things, his counsel and leadership in the office will be missed. I am happy about his new opportunities.

Raised in Ridgeland, South Carolina, by his loving parents, Wayne and Ouida

Dell, Eric has a distinguished career in South Carolina public service. He served as an intern to Senator Strom Thurmond and Governor Carroll Campbell. He managed the final campaign of my predecessor, the late Congressman Floyd Spence. He was the first-ever Republican chief of staff of the State Senate Transportation Committee.

I appreciate Eric's success and his training of his successor, Dino Teppara, who has served capably as legislative director for the Second District.

In conclusion, God bless our troops, and we will never forget September 11.

CUTS TO MEDICARE PHYSICIAN REIMBURSEMENT

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, we have a problem. Without immediate congressional action, there are seniors in our country who will not receive medical care from their doctor next year. Payments to physicians who provide health care services to Medicare patients will be cut by over 5 percent as of January 1, 2007. If Congress fails to act before we adjourn this year, this cut will automatically go into effect. The result will be reduced access to care for Medicare patients across our Nation. Older Americans should not have to worry that their doctors will be forced to stop treating them because Congress did not act.

At a time when physician costs are skyrocketing, we cannot expect our doctors to lose money when they treat Medicare patients. There is still time to act, but the clock is ticking, and seniors are looking to Congress for leadership on this important issue.

The 109th Congress will soon end. It would be an outrage and a dereliction of duty if the Republican Congress, in its final days, does not fix this serious problem to avert a potential health care crisis for millions of our fellow Americans.

I urge that we pass a Medicare reimbursement fix before we leave this week.

□ 1015

COMMEMORATING THE 175TH ANNIVERSARY OF THE RABBIT HASH GENERAL STORE

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to celebrate the 175th anniversary of the Rabbit Hash General Store. Rabbit Hash, located on the banks of the Ohio River, has a very special place in the heart of Kentuckians. I have a picture of the legendary general store hanging here in my office on Capitol Hill, and it seems that nearly every constituent that visits has a story to share about this very unique place.

After all, how many towns can say that they have elected a dog as their mayor twice. Rabbit Hash General Store traces its roots back to 1831 when it was first constructed to store goods awaiting the arrival of steamboats traveling on the Ohio River. The general store has remained in continuous operation since then, withstanding the test of time and of Mother Nature. The unique engineering of a blacksmith in the 1880s locks the structure of the general store in place when the waters of the Ohio begin to rise.

Rabbit Hash has been listed on the Register of National Historic Places, and in 2002 was sold to the Rabbit Hash Historical Society to ensure preservation for future generations of Kentuckians. I am extremely proud of those who kept this small community vibrant over the years and am excited to share in their celebration of the 175th anniversary of the Rabbit Hash General Store.

''FLAT STANLEY'' PROJECT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to talk about a project that a student in our district is participating in. Emily Leal is a first grade student and an excellent student at Roosevelt Elementary School and contacted me about the Flat Stanley project. Roosevelt is a recognized school for its quality and also happens to be the elementary school in our district that I went to.

This national project, originally designed by Arthur Brown in his book, Flat Stanley, encourages communication and education among children around the world. Students make a Flat Stanley and start a journal for him. Then he is sent around to schools, professionals, persons in different geographic locations where Flat Stanley is treated as a guest for a few days and this journal is completed.

Flat Stanley and his journal are then returned to the original student who can plot his travels and share the journal for educational purposes with his or her fellow students. Since Emily's first grade class is participating in this project, she is a constituent of mine, and she chose to send Flat Stanley to me so he can visit the floor of Congress in Washington, DC.

Before I return Flat Stanley to Emily this next week, I am going to bring him to the House floor where America's elected officials participate in democracy. I hope that Flat Stanley will have a safe trip back with me to our district, and that Emily's class enjoys reading about his visit to Congress.

CONGRATULATING LISA KAPLAN AND BRAD SHERMAN ON THEIR RECENT WEDDING

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Madam Speaker, it is with great pleasure that I rise to congratulate our colleague, BRAD SHERMAN, and his wonderful new wife, Lisa Kaplan, on their recent wedding. On Sunday, I happily joined Lisa and BRAD at the beautiful Calamigos Ranch in Malibu, where they exchanged their vows surrounded by family and friends.

The groom, as we all know, is a fine and thoughtful gentleman who serves his constituents in southern California with great distinction, and is a dear friend to many of us. The bride is also a charming and wonderful individual. She does important work in the Office of Global Anti-Semitism at the State Department.

Now, I am sorry the newlyweds must spend their honeymoon here in the lame duck session, but I know they have a more romantic trip planned in the near future. I want to congratulate Lisa's father and stepmother, Robert and Peggy Kaplan, and honor the memory of her mother, Carol Weisberg.

I also want to honor the memory of BRAD's father, Maurice Sherman, and congratulate his mom, my dear friend Lane Sherman. To Lisa and BRAD, we wish you a life together of health and happiness. Mazel Tov.

THE ECONOMY AND THE DEFICIT

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. Madam Speaker, the past few years the Republican rule in Washington has left our Nation severely crippled with debt. Reckless fiscal policies have turned record surpluses into record deficits in 6 short years. Democrats believe that fiscal responsibility is a crucial ingredient in good government.

When we assume the majority in Congress next year, Democrats in this body will implement a pay-as-you-go plan for spending that will put our Nation back on the right financial path. Pay-as-you-go is the policy that helped us create those record surpluses in the late 1990s, surpluses that have been eliminated with tax breaks for the wealthiest few over the last 6 years. We must be accountable for every dollar that is allocated through this Congress, not constantly passing massive debt on to our children and grandchildren.

Madam Speaker, after Republicans refused to live up to their promises of fiscal restraint, the American people turned to Democrats to get our Nation's books out of the red. When the next Congress begins, we will start the process by using commonsense measures such as pay-as-you-go.

RAISING THE MINIMUM WAGE

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Madam Speaker, with the holiday season in full swing, many American families are feeling the strain on their family finances. This is especially true for the millions of Americans who work full time for minimum wage and only earn about $10,700 a year. The minimum wage in this Nation is currently at its lowest level in 50 years when adjusted for inflation.

Yet Republicans have continually refused to raise the pay of these full-time workers who struggle to make ends meet while facing a rapidly rising cost of living. An hourly wage of $5.15 an hour is simply not a fair living wage for anyone. Democrats have fought for years to raise the minimum wage to $7.25 an hour, a move that would positively benefit 7.3 million Americans. Madam Speaker, last month the American people showed their overwhelming support for this much-needed increase by voting for a Democratic majority in Congress and passing the minimum wage increase ballot initiatives in several States. Within the first 100 hours of the next Congress, Democrats will pass this important and long overdue legislation. Let's raise the minimum wage now.

WELCOME CHANGE AT THE DEPARTMENT OF DEFENSE

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. Madam Speaker, as a strong opponent of the war in Iraq from the very beginning, I welcome the change in leadership at the Department of Defense. After years of hearing shifting rationales for the preemptive military strike launched by the Bush administration, the American public deserves a realistic evaluation of the conflict which has cost thousands of American and Iraqi lives.

It was sobering to hear Robert Gates, the nominee for Secretary of Defense, acknowledge yesterday that we are not winning the war in Iraq despite repeated reassurances to the contrary by the former Defense Secretary. Those of us who made the case in October of 2002 that we should not rush to war until the weapons inspectors had completed their work are deeply saddened that this unnecessary war has taken such a heavy toll and diminished the standing of the United States around the world.

I look forward to examining the recommendations of the bipartisan Iraq Study Group so that we can try to find our way out of this quagmire that was created by the rush to war based on faulty or, even worse, deliberately distorted intelligence.

DO-NOTHING CONGRESS

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, this year's Republican Congress was dubbed the most do-nothing Congress of all time, because it refused to do its job. Every year, at the very least, Congress is supposed to pass a budget and the 10 appropriation bills that fund the Federal Government. The Republicans never agreed on a budget resolution, and to date only two of the 10 appropriations bills have been signed into law.

Congressional Republicans plan to adjourn this week without passing the eight other bills. It doesn't matter that we are already 2 months into the 2007 fiscal year. It doesn't matter to them apparently that important spending decisions need to be made for crucial health care, education, transportation and environmental programs. Congressional Republicans simply refuse to do the job they were sent here to do.

Instead, they want to punt all of these funding decisions to the next Democratic Congress, giving us only a month to address the 2007 budget before the President sends us his 2008 budget recommendations. This is not the way Congress is supposed to work. The American people rightfully rejected a do-nothing Congress that continues to live up to its name.

LAME DUCK CONGRESS WADDLES TO AN IRRESPONSIBLE CLOSE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, last month Americans went to the voting booth to voice their displeasure with the most do-nothing Congress in our Nation's history. It was bad enough the Republican Congress rejected our efforts to increase the minimum wage, to prevent Big Oil from price-gouging the American consumer, and to prevent seniors from falling into the prescription drug doughnut hole.

But now the most do-nothing Congress of all time prepares to leave Washington without passing a budget for the current fiscal year. Under the headline, ''The lame duck Congress waddles to an irresponsible close,'' the Washington Post yesterday wrote, and I quote, ''We understand the political temptation to do mischief by doing nothing, but this is a gross abdication of lawmakers' fundamental responsibilities. It creates enormous problems across the broad spectrum of Federal agencies which have no assurance about what their final spending allowances will be.''

House Republicans refuse to do their job and have decided to throw their budget mess to the new Democratic Congress. Talk about being irresponsible.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken later today.

EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2006

Mrs. BIGGERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 3938) to reauthorize the Export-Import Bank of the United States, as amended.

The Clerk read as follows:

S. 3938

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Export-Import Bank Reauthorization Act of 2006''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Extension of authority.
Sec. 3. Sub-Saharan Africa Advisory Committee.
Sec. 4. Extension of authority to provide financing for the export of nonlethal defense articles or services the primary end use of which will be for civilian purposes.
Sec. 5. Designation of sensitive commercial sectors and products.
Sec. 6. Increasing exports by small business.
Sec. 7. Anti-circumvention.
Sec. 8. Transparency.
Sec. 9. Aggregate loan, guarantee, and insurance authority.
Sec. 10. Tied aid credit program.
Sec. 11. Prohibition on assistance to develop or promote certain railway connections and railway-related connections.
Sec. 12. Process for notifying applicants of application status; implementation of Ex-Im Online.
Sec. 13. Competitiveness initiatives.
Sec. 14. Office of financing for socially and economically disadvantaged small business concerns and small business concerns owned by women.
Sec. 15. Governance.
Sec. 16. Sense of Congress regarding multibuyer insurance and capital guarantee programs.
Sec. 17. Sense of Congress regarding office of renewable energy promotion.
Sec. 18. Environmental matters.
Sec. 19. Government Accountability Office study of bank performance standards for assistance to small businesses, especially those owned by social and economically disadvantaged individuals and those owned by women.
Sec. 20. Reports.
Sec. 21. Study of how Export-Import Bank could assist United States exporters to meet import needs of new or impoverished democracies; report.

SEC. 2. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking ''2006'' and inserting ''2011''.

SEC. 3. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.

(a) EXTENSION OF AUTHORITY.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking ''2006'' and inserting ''2011''.

(b) IMPROVED LIAISON WITH AFRICAN REGIONAL FINANCIAL INSTITUTIONS.—

(1) MASTER GUARANTEE AGREEMENTS.—Within 1 year after the date of the enactment of this Act, the Export-Import Bank of the United States shall seek to ensure that there is in effect a contract between each approved lender in Africa and the Bank, which sets forth the Bank's guarantee undertakings and related obligations between the Bank and each lender.

(2) REPORT ON WORKING RELATIONSHIPS WITH THE AFRICAN DEVELOPMENT BANK, THE AFRICAN EXPORT-IMPORT BANK, AND OTHER INSTITUTIONS.—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)) is amended by adding at the end the following:

''(C) The Bank shall include in the annual report to the Congress submitted under section 8(a) a separate section that contains a report on the efforts of the Bank to—

''(i) improve its working relationships with the African Development Bank, the African Export-Import Bank, and other institutions in the region that are relevant to the purposes of subparagraph (A) of this paragraph; and

''(ii) coordinate closely with the United States Foreign Service and Foreign Commercial Service, and with the overall strategy of the United States Government for economic engagement with Africa pursuant to the African Growth and Opportunity Act.''.

(c) INCREASING THE NUMBER OF QUALIFIED AFRICAN ENTITIES.—Section 2(b)(9) of such Act (12 U.S.C. 635(b)(9)), as amended by subsection (b), is amended by adding at the end the following:

''(D) Consistent with the requirement that the Bank obtain a reasonable assurance of repayment in connection with each transaction the Bank supports, the Bank shall, in consultation with the entities described in subparagraph (C), seek to qualify a greater number of appropriate African entities for participation in programs of the Bank.''.

SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking ''2001'' and inserting ''2011''.

SEC. 5. DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended by adding at the end the following new paragraph:

''(5) DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.—Not later than 120 days after the date of the enactment of this Act, the Bank shall submit a list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which designates sensitive commercial sectors and products with respect to which the provision of financing support by the Bank is deemed unlikely by the President of the Bank due to the significant potential for a determination that such financing support would result in an adverse economic impact on the United States. The President of the Bank shall review on an annual basis thereafter the list of sensitive commercial sectors and products and the Bank shall submit an updated list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such sectors and products.''.

SEC. 6. INCREASING EXPORTS BY SMALL BUSINESS.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

''(f) SMALL BUSINESS DIVISION.—

''(1) ESTABLISHMENT.—There is established a Small Business Division (in this subsection referred to as the 'Division') within the Bank in order to—

''(A) carry out the provisions of subparagraphs (E) and (I) of section 2(b)(1) relating to outreach, feedback, product improvement, and transaction advocacy for small business concerns (as defined in section 3(a) of the Small Business Act);

''(B) advise and seek feedback from small business concerns on the opportunities and benefits for small business concerns in the financing products offered by the Bank, with particular emphasis on conducting outreach, enhancing the tailoring of products to small business needs and increasing loans to small business concerns;

''(C) maintain liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns; and

''(D) provide oversight of the development, implementation, and operation of technology improvements to strengthen small business outreach, including the technology improvement required by section 2(b)(1)(E)(x).

''(2) MANAGEMENT.—The President of the Bank shall appoint an officer, who shall rank not lower than senior vice president and whose sole executive function shall be to manage the Division. The officer shall—

''(A) have substantial recent experience in financing exports by small business concerns; and

''(B) advise the Board, particularly the director appointed under section 3(c)(8)(B) to represent the interests of small business, on matters of interest to, and concern for, small business.

''(g) SMALL BUSINESS SPECIALISTS.—

''(1) DEDICATED PERSONNEL.—The President of the Bank shall ensure that each operating division within the Bank has staff that specializes in processing transactions that primarily benefit small business concerns (as defined in section 3(a) of the Small Business Act).

''(2) RESPONSIBILITIES.—The small business specialists shall be involved in all aspects of processing applications for loans, guarantees, and insurance to support exports by small business concerns, including the approval or disapproval, or staff recommendations of approval or disapproval, as applicable, of such applications. In carrying out these responsibilities, the small business specialists shall consider the unique business requirements of small businesses and shall develop exporter performance criteria tailored to small business exporters.

''(3) APPROVAL AUTHORITY.—In an effort to maximize the speed and efficiency with which the Bank processes transactions primarily benefitting small business concerns, the small business specialists shall be authorized to approve applications for working capital loans and guarantees, and insurance in accordance with policies and procedures established by the Board. It is the sense of Congress that the policies and procedures should not prohibit, where appropriate, small business specialists from approving applications for working capital loans and guarantees, and for insurance, in support of exports which have a value of less than $10,000,000.

''(4) IDENTIFICATION.—The Bank shall prominently identify the small business specialists on its website and in promotional material.

''(5) EMPLOYEE EVALUATIONS.—The evaluation of staff designated by the President of the Bank under paragraph (1), including annual reviews of performance of duties related to transactions in support of exports by small business concerns, and any resulting recommendations for salary adjustments, promotions, and other personnel actions, shall address the criteria established pursuant to subsection (h)(2)(B)(iii) and shall be conducted by the manager of the relevant operating division following consultation with the officer appointed to manage the Small Business Division pursuant to subsection (f)(2).

''(6) STAFF RECOMMENDATIONS.—Staff recommendations of denial or withdrawal for medium-term applications, exporter held multi-buyer policies, single buyer policies, and working capital applications processed by the Bank shall be transmitted to the officer appointed to manage the Small Business Division pursuant to subsection (f)(2) not later than 2 business days before a final decision.

''(7) RULE OF INTERPRETATION.—Nothing in this Act shall be construed to prevent the delegation to the Division of any authority necessary to carry out subparagraphs (E) and (I) of section 2(b)(1).

''(h) SMALL BUSINESS COMMITTEE.—

''(1) ESTABLISHMENT.—There is established a management committee to be known as the 'Small Business Committee'.

''(2) PURPOSE AND DUTIES.—

''(A) PURPOSE.—The purpose of the Small Business Committee shall be to coordinate the Bank's initiatives and policies with respect to small business concerns (as defined in section 3(a) of the Small Business Act), including the timely processing and underwriting of transactions involving direct exports by small business concerns, and the development and coordination of efforts to implement new or enhanced Bank products and services pertaining to small business concerns.

''(B) DUTIES.—The duties of the Small Business Committee shall be determined by the President of the Bank and shall include the following:

''(i) Assisting in the development of the Bank's small business strategic plans, including the Bank's plans for carrying out section 2(b)(1)(E) (v) and (x), and measuring and reporting in writing to the President of the Bank, at least once a year, on the Bank's progress in achieving the goals set forth in the plans.

''(ii) Evaluating and reporting in writing to the President of the Bank, at least once a year, with respect to—

''(I) the performance of each operating division of the Bank in serving small business concerns;

''(II) the impact of processing and underwriting standards on transactions involving direct exports by small business concerns; and

''(III) the adequacy of the staffing and resources of the Small Business Division.

''(iii) Establishing criteria for evaluating the performance of staff designated by the President of the Bank under subsection (g)(1).

''(iv) Coordinating the provision of services with other United States Government departments and agencies to small business concerns.

''(3) COMPOSITION.—

''(A) CHAIRPERSON.—The Chairperson of the Small Business Committee shall be the officer appointed to manage the Small Business Division pursuant to subsection (f)(2). The Chairperson shall have the authority to call meetings of the Small Business Committee, set the agenda for Committee meetings, and request policy recommendations from the Committee's members.

''(B) OTHER MEMBERS.—Except as otherwise provided in this subsection, the President of the Bank shall determine the composition of the Small Business Committee, and shall appoint or remove the members of the Small Business Committee. In making such appointments, the President of the Bank shall ensure that the Small Business Committee is comprised of—

''(i) the senior managing officers responsible for underwriting and processing transactions; and

''(ii) other officers and employees of the Bank with responsibility for outreach to small business concerns and underwriting and processing transactions that involve small business concerns.

''(4) REPORTING.—The Chairperson shall provide to the President of the Bank minutes of each meeting of the Small Business Committee, including any recommendations by the Committee or its individual members.''.

(b) ENHANCE DELEGATED LOAN AUTHORITY FOR MEDIUM TERM TRANSACTIONS.—

(1) IN GENERAL.—The Export-Import Bank of the United States shall seek to expand the exercise of authority under section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)) with respect to medium term transactions for small business concerns.

(2) CONFORMING AMENDMENT.—Section 2(b)(1)(E)(vii)(III) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)(III)) is amended by inserting ''or other financing institutions or entities'' after ''consortia''.

(3) DEADLINE.—Not later than 180 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall make available lines of credit and guarantees to carry out section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 pursuant to policies and procedures established by the Board of Directors of the Export-Import Bank of the United States.

SEC. 7. ANTI-CIRCUMVENTION.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by section 5 of this Act, is amended—

(1) by inserting after paragraph (1), the following flush paragraph:

''In making the determination under subparagraph (B), the Bank shall determine whether the facility that would benefit from the extension of a credit or guarantee is reasonably likely to produce a commodity in addition to, or other than, the commodity specified in the application and whether the production of the additional commodity may cause substantial injury to United States producers of the same, or a similar or competing, commodity.'';

(2) in paragraph (2), by adding at the end the following:

''(E) ANTI-CIRCUMVENTION.—The Bank shall not provide a loan or guarantee if the Bank determines that providing the loan or guarantee will facilitate circumvention of an order or determination referred to in subparagraph (A).''; and

(3) by adding at the end the following:

''(6) FINANCIAL THRESHOLD DETERMINATIONS.—For purposes of determining whether a proposed transaction exceeds a financial threshold under this subsection or under the procedures or rules of the Bank, the Bank shall aggregate the dollar amount of the proposed transaction and the dollar amounts of all loans and guarantees, approved by the Bank in the preceding 24-month period, that involved the same foreign entity and substantially the same product to be produced.''.

SEC. 8. TRANSPARENCY.

(a) IN GENERAL.—Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by sections 5 and 7 of this Act, is amended by adding at the end the following:

''(7) PROCEDURES TO REDUCE ADVERSE EFFECTS OF LOANS AND GUARANTEES ON INDUSTRIES AND EMPLOYMENT IN UNITED STATES.—

''(A) CONSIDERATION OF ECONOMIC EFFECTS OF PROPOSED TRANSACTIONS.—If, in making a determination under this paragraph with respect to a loan or guarantee, the Bank conducts a detailed economic impact analysis or similar study, the analysis or study, as the case may be, shall include consideration of—

''(i) the factors set forth in subparagraphs (A) and (B) of paragraph (1); and

''(ii) the views of the public and interested parties.

''(B) NOTICE AND COMMENT REQUIREMENTS.—

''(i) IN GENERAL.—If, in making a determination under this subsection with respect to a loan or guarantee, the Bank intends to conduct a detailed economic impact analysis or similar study, the Bank shall publish in the Federal Register a notice of the intent, and provide a period of not less than 14 days (which, on request by any affected party, shall be extended to a period of not more than 30 days) for the submission to the Bank of comments on the economic effects of the provision of the loan or guarantee, including comments on the factors set forth in subparagraphs (A) and (B) of paragraph (1). In addition, the Bank shall seek comments on the economic effects from the Department of Commerce, the Office of Management and Budget, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

''(ii) CONTENT OF NOTICE.—The notice shall include appropriate, nonproprietary information about—

''(I) the country to which the goods involved in the transaction will be shipped;

''(II) the type of goods being exported;

''(III) the amount of the loan or guarantee involved;

''(IV) the goods that would be produced as a result of the provision of the loan or guarantee;

''(V) the amount of increased production that will result from the transaction;

''(VI) the potential sales market for the resulting goods; and

''(VII) the value of the transaction.

''(iii) PROCEDURE REGARDING MATERIALLY CHANGED APPLICATIONS.—

''(I) IN GENERAL.—If a material change is made to an application for a loan or guarantee from the Bank after a notice with respect to the intent described in clause (i) is published under this subparagraph, the Bank shall publish in the Federal Register a revised notice of the intent, and shall provide for a comment period, as provided in clauses (i) and (ii).

''(II) MATERIAL CHANGE DEFINED.—As used in subclause (I), the term 'material change', with respect to an application, includes—

''(aa) a change of at least 25 percent in the amount of a loan or guarantee requested in the application; and

''(bb) a change in the principal product to be produced as a result of any transaction that would be facilitated by the provision of the loan or guarantee.

''(C) REQUIREMENT TO ADDRESS VIEWS OF ADVERSELY AFFECTED PERSONS.—Before taking final action on an application for a loan or guarantee to which this section applies, the staff of the Bank shall provide in writing to the Board of Directors the views of any person who submitted comments pursuant to subparagraph (B).

''(D) PUBLICATION OF CONCLUSIONS.—Within 30 days after a party affected by a final decision of the Board of Directors with respect to a loan or guarantee makes a written request therefor, the Bank shall provide to the affected party a non-confidential summary of the facts found and conclusions reached in any detailed economic impact analysis or similar study conducted pursuant to subparagraph (B) with respect to the loan or guarantee, that were submitted to the Board of Directors.

''(E) RULE OF INTERPRETATION.—This paragraph shall not be construed to make subchapter II of chapter 5 of title 5, United States Code, applicable to the Bank.

''(F) REGULATIONS.—The Bank shall implement such regulations and procedures as may be appropriate to carry out this paragraph.''.

(b) CONFORMING AMENDMENT.—Section 2(e)(2)(C) of such Act (12 U.S.C. 635(e)(2)(C)) is amended by inserting ''of not less than 14 days (which, on request of any affected party, shall be extended to a period of not more than 30 days)'' after ''comment period''.

SEC. 9. AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Subparagraph (E) of section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended to read as follows:

''(E) during fiscal year 2006, and each fiscal year thereafter through fiscal year 2011,''.

SEC. 10. TIED AID CREDIT PROGRAM.

(a) IN GENERAL.—Section 10(b)(5)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(b)(5)(B)(ii)) is amended to read as follows:

''(ii) PROCESS.—In handling individual applications involving the use or potential use of the Tied Aid Credit Fund the following process shall exclusively apply pursuant to subparagraph (A):

''(I) The Bank shall process an application for tied aid in accordance with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

''(II) Twenty days prior to the scheduled meeting of the Board of Directors at which an application will be considered (unless the Bank determines that an earlier discussion is appropriate based on the facts of a particular financing), the Bank shall brief the Secretary on the application and deliver to the Secretary such documents, information, or data as may reasonably be necessary to permit the Secretary to review the application to determine if the application complies with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

''(III) The Secretary may request a single postponement of the consideration by the Board of Directors of the application for up to 14 days to allow the Secretary to submit to the Board of Directors a memorandum objecting to the application.

''(IV) Case-by-case decisions on whether to approve the use of the Tied Aid Credit Fund shall be made by the Board of Directors, except that the approval of the Board of Directors (or a commitment letter based on that approval) shall not become final (except as provided in subclause (V)), if the Secretary indicates to the President of the Bank in writing the Secretary's intention to appeal the decision of the Board of Directors to the President of the United States and makes the appeal in writing not later than 20 days after the meeting at which the Board of Directors considered the application.

''(V) The Bank shall not grant final approval of an application for any tied aid credit (or a commitment letter based on that approval) if the President of the United States, after consulting with the President of the Bank and the Secretary, determines within 30 days of an appeal by the Secretary under subclause (IV) that the extension of the tied aid credit would materially impede achieving the purposes described in subsection (a)(6). If no such Presidential determination is made during the 30-day period, the approval by the Bank of the application (or related commitment letter) that was the subject of such appeal shall become final.''.

(b) CLARIFICATION OF USE OF TIED AID CREDIT FUND TO MATCH.—Section 10 of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3) is amended—

(1) in subsection (a), in paragraph (6)—

(A) in the matter preceding subparagraph (A), by inserting '', including those that are not a party to the Arrangement,'' after ''countries'';

(B) in subparagraph (B), by adding ''and'' at the end; and

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

''(C) promoting compliance with Arrangement rules among foreign export credit agencies that are not a party to the Arrangement;''; and

(2) in subsection (b), in paragraph (5)(B)—

(A) in clause (i)—

(i) in subclause (I), by striking ''and'' and by inserting '', and to seek compliance by those countries that are not a party to the Arrangement'' before the period; and

(ii) in subclause (III), by adding at the end the following: ''In cases where information about a specific offer of foreign tied aid (or untied aid used to promote exports as if it were tied aid) is not available in a timely manner, or is unavailable because the foreign export credit agency involved is not subject to the reporting requirements under the Arrangement, then the Bank may decide to use the Tied Aid Credit Fund based on credible evidence of a history of such offers under similar circumstances or other forms of credible evidence.''.

SEC. 11. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.

Section 2(b) of the Export-Import Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end the following new paragraph:

''(13) PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.—The Bank shall not guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of any good or service relating to the development or promotion of any railway connection or railway-related connection that does not traverse or connect with Armenia and does traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey.''.

SEC. 12. PROCESS FOR NOTIFYING APPLICANTS OF APPLICATION STATUS; IMPLEMENTATION OF EX-IM ONLINE.

Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end the following:

''(g) PROCESS FOR NOTIFYING APPLICANTS OF APPLICATION STATUS.—The Bank shall establish and adhere to a clearly defined process for—

''(1) acknowledging receipt of applications;

''(2) informing applicants that their applications are complete or, if incomplete or containing a minor defect, of the additional material or changes that, if supplied or made, would make the application eligible for consideration; and

''(3) keeping applicants informed of the status of their applications, including a clear and timely notification of approval or disapproval, and, in the case of disapproval, the reason for disapproval, as appropriate.

''(h) RESPONSE TO APPLICATION FOR FINANCING; IMPLEMENTATION OF ONLINE LOAN REQUEST AND TRACKING PROCESS.—

''(1) RESPONSE TO APPLICATIONS.—Within 5 days after the Bank receives an application for financing, the Bank shall notify the applicant that the application has been received, and shall include in the notice—

''(A) a request for such additional information as may be necessary to make the application complete;

''(B) the name of a Bank employee who may be contacted with questions relating to the application; and

''(C) a unique identification number which may be used to review the status of the application at a website established by the Bank.

''(2) WEBSITE.—Not later than September 1, 2007, the Bank shall exercise the authority granted by subparagraphs (E)(x) and (J) of subsection (b)(1) to establish, and thereafter to maintain, a website through which—

''(A) Bank products may be applied for; and

''(B) information may be obtained with respect to—

''(i) the status of any such application;

''(ii) the Small Business Division of the Bank; and

''(iii) incentives, preferences, targets, and goals relating to small business concerns (as defined in Section 3(a) of the Small Business Act), including small business concerns exporting to Africa.''.

SEC. 13. COMPETITIVENESS INITIATIVES.

(a) EXPANSION OF SCOPE OF ANNUAL COMPETITIVENESS REPORT.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by inserting after section 8 the following:

''SEC. 8A. ANNUAL COMPETITIVENESS REPORT.

''(a) IN GENERAL.—Not later than June 30 of each year, the Bank shall submit to the appropriate congressional committees a report that includes the following:

''(1) ACTIONS OF BANK IN PROVIDING FINANCING ON A COMPETITIVE BASIS, AND TO MINIMIZE COMPETITION IN GOVERNMENT-SUPPORTED EXPORT FINANCING.—A description of the actions of the Bank in complying with the second and third sentences of section 2(b)(1)(A). In this part of the report, the Bank shall include a survey of all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters (including through use of market windows (as defined pursuant to section 10(h)(7))) and, to the extent such information is available to the Bank, indicate in specific terms the ways in which the Bank's rates, terms, and other conditions compare with those offered from such other governments directly or indirectly. With respect to the preceding sentence, the Bank shall use all available information to estimate the annual amount of export financing available from each such government and government-related agency. In this part of the report, the Bank shall include a survey of a representative number of United States exporters and United States commercial lending institutions which provide export credit on the experience of the exporters and institutions in meeting financial competition from other countries whose exporters compete with United States exporters.

''(2) ROLE OF BANK IN IMPLEMENTING STRATEGIC PLAN PREPARED BY THE TRADE PROMOTION COORDINATING COMMITTEE.—A description of the role of the Bank in implementing the strategic plan prepared by the Trade Promotion Coordinating Committee in accordance with section 2312 of the Export Enhancement Act of 1988.

''(3) TIED AID CREDIT PROGRAM AND FUND.—The report required by section 10(g).

''(4) PURPOSE OF ALL BANK TRANSACTIONS.—A description of all Bank transactions which shall be classified according to their principal purpose, such as to correct a market failure or to provide matching support.

''(5) EFFORTS OF BANK TO PROMOTE EXPORT OF GOODS AND SERVICES RELATED TO RENEWABLE ENERGY SOURCES.—A description of the activities of the Bank with respect to financing renewable energy projects undertaken under section 2(b)(1)(K), and an analysis comparing the level of credit extended by the Bank for renewable energy projects with the level of credit so extended for the preceding fiscal year.

''(6) SIZE OF BANK PROGRAM ACCOUNT.—A separate section which—

''(A) compares, to the extent practicable, the size of the Bank program account with the size of the program accounts of the other major export-financing facilities referred to in paragraph (1); and

''(B) makes recommendations, if appropriate, with respect to the relative size of the Bank program account, based on factors including whether the size differences are in the best interests of the United States taxpayer.

''(7) CO-FINANCING PROGRAMS OF THE BANK AND OF OTHER EXPORT CREDIT AGENCIES.—A description of the co-financing programs of the Bank and of the other major export-financing facilities referred to in paragraph (1), which includes a list of countries with which the United States has in effect a memorandum of understanding relating to export credit agency co-financing and, if such a memorandum is not in effect with any country with a major export credit-financing facility, an explanation of why such a memorandum is not in effect.

''(8) SERVICES SUPPORTED BY THE BANK AND BY OTHER EXPORT CREDIT AGENCIES.—A separate section which describes the participation of the Bank in providing funding, guarantees, or insurance for services, which shall include appropriate information on the involvement of the other major export-financing facilities referred to in paragraph (1) in providing such support for services, and an explanation of any differences among the facilities in providing the support.

''(9) EXPORT FINANCE CASES NOT IN COMPLIANCE WITH THE ARRANGEMENT.—Detailed information on cases reported to the Bank of export financing that appear not to comply with the Arrangement (as defined in section 10(h)(3)) or that appear to exploit loopholes in the Arrangement for the purpose of obtaining a commercial competitive advantage. The President of the Bank, in consultation with the Secretary of the Treasury, may provide to the appropriate congressional committees the information required by this subsection in a separate and confidential report, instead of providing such information in the report required by this subsection.

''(10) FOREIGN EXPORT CREDIT AGENCY ACTIVITIES NOT CONSISTENT WITH THE WTO AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—A description of the extent to which the activities of foreign export credit agencies and other entities sponsored by a foreign government, particularly those that are not members of the Arrangement (as defined in section 10(h)(3)), appear not to comply with the Arrangement and appear to be inconsistent with the terms of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)), and a description of the actions taken by the United States Government to address the activities. The President of the

Bank, in consultation with the Secretary of the Treasury, may provide to the appropriate congressional committees, the information required by this subsection in a separate and confidential report, instead of providing such information in the report required by this subsection.

''(b) INCLUSION OF ADDITIONAL COMMENTS.—The report required by subsection (a) shall include such additional comments as any member of the Board of Directors may submit to the Board for inclusion in the report.

''(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.''.

(b) CONFORMING AMENDMENT.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended by striking all that follows the third sentence.

(c) EXPANSION OF COUNTRIES IN COMPETITION WITH WHICH THE BANK IS TO PROVIDE EXPORT FINANCING.—Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended in the second sentence by inserting '', including countries the governments of which are not members of the Arrangement (as defined in section 10(h)(3))'' before the period.

(d) SENSE OF CONGRESS REGARDING NEGOTIATION OF THE OECD ARRANGEMENT.—It is the sense of Congress that in the negotiation of the Arrangement (as defined in section 10(h)(3) of the Export-Import Bank Act of 1945) the goals of the United States include the following:

(1) Seeking compliance with the Arrangement among countries with significant export credit programs who are not members of the Arrangement.

(2) Seeking to identify within the World Trade Organization the extent to which countries that are not a party to the Arrangement are not in compliance with the terms of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)) with respect to export finance, and seeking appropriate action within the World Trade Organization for each country that is not in such compliance.

(3) Implementing new disciplines on the use of untied aid, market windows, and other forms of export finance that seek to exploit loopholes in the Arrangement for purposes of obtaining a commercial competitive advantage.

SEC. 14. OFFICE OF FINANCING FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as added by section 6, is amended by adding at the end the following:

''(i) OFFICE OF FINANCING FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED BY WOMEN.—

''(1) ESTABLISHMENT.—The President of the Bank shall establish in the Small Business Division an office whose sole functions shall be to continue and enhance the outreach activities of the Bank with respect to, and increase the total amount of loans, guarantees, and insurance provided by the Bank to support exports by, socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act) and small business concerns owned by women.

''(2) MANAGEMENT.—The office shall be managed by a Bank officer of appropriate rank who shall report to the Bank officer designated under subsection (f)(2).

''(3) STAFFING.—To the maximum extent practicable, the President of the Bank shall ensure that qualified minority and women applicants are considered when filling any position in the office.''.

(b) FINANCING DIRECTED TOWARD SMALL BUSINESSES OWNED BY MINORITIES OR WOMEN.—Section 2(b)(1)(E)(v) of such Act (12 U.S.C. 635(b)(1)(E)(v)) is amended by adding at the end the following: ''From the amount made available under the preceding sentence, it shall be a goal of the Bank to increase the amount made available to finance exports directly by small business concerns referred to in section 3(i)(1).''.

SEC. 15. GOVERNANCE.

Section 3(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)) is amended by adding at the end the following:

''(9) At the request of any 2 members of the Board of Directors, the Chairman of the Board shall place an item pertaining to the policies or procedures of the Bank on the agenda for discussion by the Board. Within 30 days after the date such a request is made, the Chairman shall hold a meeting of the Board at which the item shall be discussed.''.

SEC. 16. SENSE OF CONGRESS REGARDING MULTI-BUYER INSURANCE AND WORKING CAPITAL GUARANTEE PROGRAMS.

It is the sense of Congress that the Export-Import Bank of the United States should seek to expand the number and size of the regional multi-buyer insurance programs and working capital guarantee programs operated by, through, or in conjunction with the Bank.

SEC. 17. SENSE OF CONGRESS REGARDING AN OFFICE OF RENEWABLE ENERGY PROMOTION.

It is the sense of Congress that—

(1) the Export-Import Bank of the United States should establish, within 2 years of the date of the enactment of this Act, an Office of Renewable Energy Promotion staffed by individuals with appropriate expertise in renewable energy technologies to proactively identify new opportunities for renewable energy financing and to carry out section 2(b)(1)(K) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(K));

(2) in carrying out the purposes of such an Office of Renewable Energy Promotion, the head of such Office should consider the recommendations of the Renewable Energy Exports Advisory Committee of the Bank to promote renewable energy technologies; and

(3) the Bank should include in its annual report a description of the activities carried out by such an Office of Renewable Energy Promotion, including for each year a description of the amount of credit extended by the Bank for renewable energy technologies during that year and a comparison between that amount and the amount of such credit extended by the Bank in previous years.

SEC. 18. ENVIRONMENTAL MATTERS.

(a) ENVIRONMENTAL REPRESENTATIVES ON THE ADVISORY COMMITTEE.—Section 3(d) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''15'' and inserting ''17''; and

(B) in subparagraph (B), by inserting ''environment,'' before ''production,''; and

(2) in paragraph (2), by adding at the end the following:

''(C) Not less than 2 members appointed to the Advisory Committee shall be representative of the environmental nongovernmental organization community, except that no 2 of the members shall be from the same environmental organization.''.

(b) PUBLIC DISCLOSURE OF CERTAIN DOCUMENTS.—Section 11(a)(1) of the Export-Import Bank of 1945 (12 U.S.C. 635i-5(a)(1)) is amended by inserting after the first sentence the following: ''Such procedures shall provide for the public disclosure of environmental assessments and supplemental environmental reports required to be submitted to the Bank, including remediation or mitigation plans and procedures, and related monitoring reports. The preceding sentence shall not be interpreted to require the public disclosure of any information described in section 1905 of title 18, United States Code.''.

SEC. 19. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF BANK PERFORMANCE STANDARDS FOR ASSISTANCE TO SMALL BUSINESSES, ESPECIALLY THOSE OWNED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS AND THOSE OWNED BY WOMEN.

(a) PERFORMANCE STANDARDS.—The Bank shall develop a set of performance standards for determining the extent to which the Bank has carried out successfully subparagraphs (E) and (I) of section 2(b)(1) of the Export-Import Bank Act of 1945, and the functions described in subsections (f)(1), (g)(1), (h)(1), and (i)(1) of section 3 of such Act.

(b) ASSESSMENT OF STANDARDS.—Within 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall transmit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

(1) an assessment of the performance standards developed by the Bank pursuant to subsection (a); and

(2) using the performance standards developed pursuant to subsection (a), an assessment of the Bank's efforts to carry out subparagraphs (E) and (I) of section 2(b)(1) of the Export-Import Bank Act of 1945, and the functions described in subsections (f)(1), (g)(1), (h)(1), and (i)(1) of section 3 of such Act.

SEC. 20. REPORTS.

Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end the following:

''(f) ADDITIONAL REPORTS.—Not later than March 31 of each year, the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate reports on—

''(1) the extent to which the Bank has been able to use the authority provided, and has complied with the mandates contained, in section 2(b)(1)(E), and to the extent the Bank has been unable to fully use such authority and comply with such mandates, a report on the reasons for the Bank's inability to do so and the steps the Bank is taking to remedy such inability;

''(2) the extent to which financing has been made available to small business concerns (described in subsection (e)) to enable them to participate in exports by major contractors, including through access to the supply chains of the contractors through direct or indirect funding;

''(3) the specific measures the Bank will take in the upcoming year to achieve the small business objectives of the Bank, including expanded outreach, product improvements, and related actions;

''(4) the progress made by the Bank in supporting exports by socially and economically disadvantaged small business concerns (defined in section 8(a)(4) of the Small Business Act) and small business concerns (as defined in section 3(a) of the Small Business Act) owned by women, including estimates of the amounts made available to finance exports directly by such small business concerns, a comparison of these amounts with the

amounts made available to all small business concerns, and a comparison of such amounts with the amounts so made available during the 2 preceding years;

''(5) with respect to each type of transaction, the interest and fees charged by the Bank to exporters (including a description of fees and interest, if any, charged to small business concerns), buyers, and other applicants in connection with each financing program of the Bank, and the highest, lowest, and average fees charged by the Bank for short term insurance transactions;

''(6) the effects of the fees on the ability of the Bank to achieve the objectives of the Bank relating to small business;

''(7) the fee structure of the Bank as compared with those of foreign export credit agencies; and

''(8)(A) the efforts made by the Bank to carry out subparagraphs (E)(x) and (J) of section 2(b)(1) of the Export-Import Bank Act of 1945, including the total amount expended by the Bank to do so; and

''(B) if the Bank has been unable to comply with such subparagraphs—

''(i) an analysis of the reasons therefor; and

''(ii) what the Bank is doing to achieve, and the date by which the Bank expects to have achieved, such compliance.''.

SEC. 21. STUDY OF HOW EXPORT-IMPORT BANK COULD ASSIST UNITED STATES EXPORTERS TO MEET IMPORT NEEDS OF NEW OR IMPOVERISHED DEMOCRACIES; REPORT.

(a) STUDY.—The Export-Import Bank of the United States shall conduct a study designed to assess the needs of new or impoverished democracies, such as Liberia and Haiti, for imports from the United States, and shall determine what role the Bank can play a role in helping United States exporters seize the opportunities presented by the need for such imports.

(b) REPORT TO CONGRESS.—Within 12 months after the date of the enactment of this Act, the Bank shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, in writing, a final report that contains the results of the study required by subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. BIGGERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to urge the immediate passage of Senate 3938, the Export-Import Bank Reauthorization Act of 2006. A compromise between the Senate-passed product and the House version, H.R. 5068, introduced by my friend from Ohio (Ms. PRYCE), this is an excellent bill that deserves broad and deep support.

Madam Speaker, I am very pleased to see this bill on the floor today. The House and Senate versions both enjoyed broad bipartisan support in committee and in floor consideration, and it seems to me that this bill makes a number of important reforms to the way Ex-Im operates that we all can be very proud of.

First and foremost, Madam Speaker, this bill firmly establishes congressional intent that the bank should focus its attention on increasing exports by small businesses. The bank does a tremendous job of supporting exports by large corporations and will continue to do so. But small businesses often have had a difficult time navigating the intricate and unfamiliar waters of loan guarantees and insurance offered by the bank.

This bill establishes a small business division within the bank staffed by specialists on small business operations. More importantly, it authorizes the small business specialist to approve loans, guarantees and insurance on some projects quickly so that the U.S. small businesses will not be aced out of international competition by another country's export credit agency that moves faster to cement the deal.

The bill also establishes a special office to serve small businesses owned by women and the economically disadvantaged and expresses the congressional view that Ex-Im should have an office that focuses on exports of renewable energy technology, an area where the U.S. can excel as a world leader.

Finally, this bill establishes a number of new reporting regimes and reorganizes others so that Congress can better monitor and perform oversight on Ex-Im operations, a job some have felt to be difficult in the past.

In our increasingly competitive global environment, we must ensure that we can provide every advantage and eliminate every obstacle for U.S. businesses to win the sale over foreign competitors. This is a bill that all Members can be proud of and will increase U.S. exports, and thus U.S. employment in a responsible manner.

I want to thank Chairman OXLEY and Ranking Member FRANK for their strong support in guiding this bill. They, along with Mrs. MALONEY, Mr. MANZULLO and Ms. VELÁZQUEZ, joined me as original cosponsors with Chairman PRYCE, and all were helpful, as well as Chairman SHELBY and Ranking Member SARBANES and Senator CRAPO in the Senate.

I would also like to thank the staff who worked on this bill: Chairman PRYCE's former staff member, Jackie Moran; Scott Morris of Mr. FRANK's staff; and Eleni Constantine from Mrs. MALONEY's staff. Also Gregg Richard on the staff of the Senate bill's sponsor, Senator CRAPO, was instrumental in passage, and I will note we trained him well when he worked here in the House, as well as Andrew Olmen from Senator SHELBY's staff and Steve Kroll for Senator SARBANES.

With that, Madam Speaker, I urge immediate passage of this bill and reserve the balance of my time.

□ 1030

Mrs. MALONEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as the ranking member of the Financial Services Subcommittee with jurisdiction over the Export-Import Bank, I am delighted to speak once again in support of S. 3938, the Export-Import Bank Reauthorization Act of 2006.

This bipartisan legislation was overwhelmingly supported by this body when it came to the floor in April as H.R. 5068, and was also strongly supported in the Financial Services Committee and the Small Business Committee on a bipartisan basis. We have all worked together on this, and I would like to thank Chairman OXLEY, Ranking Member FRANK, Chairman MANZULLO, Ranking Member VELÁZQUEZ, Chairwoman PRYCE, Representative WATERS and our staffs, especially Scott Morris and Joe Pinder of the Financial Services staff, Eleni Constantine from my staff, and many others for their very hard work on this bill.

The bill that we consider today, though it bears a Senate designation, includes substantially all of the key initiatives that we included in our House bill. Chief among these are new provisions on small business competition and transparency. Our small business initiative starts with a new small business division within the bank run by a senior VP who will advise the board directly.

Within the bank, the bill creates small business specialists with authority to approve smaller working capital loans and guarantees to speed up the process. The bill also creates a Small Business Committee to assist the bank in advancing its small business agenda. Within this division, the bill creates an office charged with expanding outreach to socially and economically disadvantaged small businesses and small businesses owned by women, and it also increases the amount of loans, guarantees and insurance provided by the bank to support exports by these small businesses.

The bill also empowers and directs the bank to deal more forcefully and directly with the looming threat to the U.S. export economy posed by China, which is effectively subsidizing its exports through its currency and otherwise. Since China is not a member of the Organization For Economic Cooperation and Development, Ex-Im's export credit activities are a particularly important vehicle to level the playing field. This is also true for subsidized exports from other non-OECD nations such as Brazil, which are taking a greater share of the markets and unfairly challenging our exports.

In this regard, the bill gives the bank greater authority to use the Tied Aid

Fund, a fund established several years ago by Congress specifically to combat unfair export activities by other countries' export credit agencies. U.S. companies should not have to compete with one hand tied behind their backs and unfair subsidies to their competitors.

I am also pleased that the pro-customer provisions that I was personally responsible for are part of this bill. They include notification requirements so that applicants know what is happening to their application and a mandate to improve Ex-Im Online to make it more user friendly and attract small business applicants. My constituents and many others have complained that the Ex-Im process is needlessly unhelpful and opaque, and these are simple steps to fix that problem. People should not have to wait for months, possibly even a year, to find out that one small item was missing from their application that caused them not to receive their support.

We have also dealt with some regional issues that are of significance to broad constituencies. First, the bill asks the bank to consult with the African Development Bank and similar entities to increase the number of qualified African entities.

Second, the bill prohibits the bank from funding railroad projects in the South Caucasus region that deliberately exclude Armenia, as Turkey has proposed. As a proud member of the Congressional Caucus on Armenian Issues and the representative of a large and vibrant Armenian community of Americans, I particularly want to thank my colleagues JOE CROWLEY and Representative ROYCE for their hard work on this issue.

Allowing the exclusion of Armenia from important transportation routes would stymie the emergence of this region as an important East-West trade corridor. It is in our economic and security interests to ensure that we do not support the historic aggression between Turkey and Armenia.

As the independent U.S. Government agency that assists in financing the export of U.S. goods and services to markets around the world through export credit insurance, loan guarantees and direct loans, the Ex-Im Bank has long played a key role in the economy of many of the districts that each of us represent. Today, more than ever, the future of the bank is of a great interest and concern because it has significant potential to affect the national economy, job growth and our trade imbalance.

Our country now faces a record trade imbalance of over $800 billion, the largest trade imbalance in our history. This is one agency which can work on the trade imbalance issue as part of its mission.

This reauthorization bill provides fresh guidance to the bank, as well as enabling it to carry on its very important work. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield such time as he may consume to the ranking member of the Financial Services Committee, the gentleman from the great State of Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, my congratulations to the two gentlewomen who are presiding over this bill. I think this is one more example, as this Congress draws to a close, of the way in which the Committee on Financial Services under the leadership of our retiring chairman, the gentleman from Ohio, Mr. OXLEY, was able to deal in a very bipartisan way on issues that deserve to be bipartisan.

I always want to point out that partisanship is a good thing in a democracy and there are issues where the parties legitimately ought to be presenting different viewpoints. The important thing is not to allow those legitimate differences to spill over and poison the ability to work together where there aren't differences of an ideological sort. This is an example.

Indeed, I want to thank the Members on the majority side for accommodating many of the concerns that we had here. The gentlewoman from New York who took the lead in forging this compromise from our side correctly mentioned some of them.

But in particular we have always felt that it is important to promote engines that help the economy grow but to recognize that growth does not automatically produce fairness. In our job, we have seen it as when we deal with these pro-growth engines, as I believe the Export-Import Bank can be when it is done right, that we put in some elements of fairness, and that is what has been done here with regard to smaller businesses, with regard to women and minorities.

Indeed, our colleague, the gentlewoman from New York, Ms. VELÁZQUEZ, who will chair the Small Business Committee in the next Congress, had some particular concerns, some of which have been accommodated, and I want to take this opportunity to say that if I become the chair of the committee, and the gentlewoman from New York will still be on the committee and will still be playing a major role, we intend to further work with the gentlewoman from New York, Ms. VELÁZQUEZ, to make sure that small business gets a piece of this.

Let me say, in an ideal world, we wouldn't have an Export-Import Bank. If there were no interventions in the market by other countries, there would be no need for this entity. But neither in economics nor in the military area do I think that unilateral disarmament makes sense; and I would hope, and we did this with regard to China, that this would be regarded as an instrument to be used in the legitimate self-defense of American industry. And to the extent that we can ever negotiate a disappearance of this kind of export subsidy everywhere, then I would be in favor of our dropping it. But until then, we need to be able to deal in this world, and I think this bill does this in the best possible way, and I thank the gentlewoman.

Mrs. BIGGERT. Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield 2 minutes to the gentleman from the Empire State, my colleague and good friend, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Madam Speaker, I thank my good friend CAROLYN MALONEY for yielding this time.

Madam Speaker, I rise in support of the Ex-Im Bank reauthorization legislation before us. This bill will strengthen the Ex-Im Bank's ability to allow American companies to compete in the global market as we try to increase our exports and increase our global competitiveness and create more and better paying jobs right here in the United States. This is a bill about exporting products, not a bill about exporting jobs.

Additionally, I am happy to say both the Senate and House versions of this bill include language that I coauthored pertaining to the nation of Armenia, a great ally of our country.

My language, done with Congressman ED ROYCE on the other side of the aisle and Congressman BRAD SHERMAN, prohibits the Ex-Im Bank from funding any railway projects from Azerbaijan through Jordan and Turkey which specifically and intentionally bypasses Armenia. I am very pleased that this language was included in the final version of this legislation.

This language will assist in promoting stability in the Caucasus region, help in ending longstanding conflicts and save U.S. taxpayers the responsibility of funding a project that goes against U.S. interests.

For over 10 years, Armenia has fought a blockade imposed on them by the countries of Turkey and Azerbaijan. These two countries continually exclude Armenia from regional development. Exclusion of one country in regional projects only fosters instability in that region.

Besides possibly creating a regional crisis, this project, if funded by the Ex-Im Bank, could cost U.S. taxpayers millions and millions of dollars. I do not believe that the U.S. taxpayers should be funding a project that goes against our United States interests. I am pleased this good language was added to an already good bill.

Therefore, I urge my colleagues to support this Ex-Im reauthorization legislation before us.

Mrs. BIGGERT. Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, first of all I do want to thank my colleagues

from New York, particularly JOE CROWLEY, for this provision in this bill relating to Armenia and the railroad in the Caucasus region.

I also want to thank the ranking member of the subcommittee, Mrs. MALONEY, she has always been outstanding on issues that impact Armenia and the Caucasus; as well as our full committee chairman and the ranking member, Mr. FRANK from Massachusetts.

I just want to stress how important this provision is with regard to Armenia and the Caucasus region. It has been the policy of this Congress, as Mr. CROWLEY said, for some time, to encourage interrogation of the Caucasus nations, that is, Armenia, Azerbaijan, Georgia, as well as Turkey. And the idea of building a railroad that would cut off Armenia, which has been suggested by Azerbaijan and Turkey, would be totally contrary to the policy that this Congress, both under Democrat and Republican leadership, has had for the last 20 years every time we have tried to encourage integration, even a customs union eventually between these Caucasus nations. And to cut off one of the countries in this significant way by building a railroad around Armenia that bypasses it is totally contrary to that policy.

We should also understand that an existing railroad is there. I actually was in Gumry in Armenia and there is a railroad now that goes between Turkey through Armenia and then to Azerbaijan. So there is absolutely no reason to build a new railroad. All you have to do is open the borders, which are now blockaded by Turkey and Azerbaijan, and allow this railroad to be upgraded somewhat, at very minimal cost.

You have to understand that in this region both the powers in Turkey, in the Karaz region of Turkey, as well as those within the Gumry region of Armenia, are in favor of opening the old railroad and ending the blockade. The mayors in these regions, the county officials, have worked together to try to bring these regions together. Unfortunately, in Ankara, the Turkish Government is opposed to it, and they have done everything they can to stop it, and now they propose this new railroad.

This unfortunately happened already with the oil pipeline. The Caspian oil pipeline was supposed to go through Armenia, it is the shortest route, and it was bypassed. So now we have a situation where, because of the oil situation, Armenia is bypassed and we find more and more this effort to isolate Armenia. It is a mistake.

As has been mentioned by my colleagues, if you don't bring countries together, and I use the European Union as an example, those countries in Europe fought each other for generations, but once you had a European Customs Union they worked together. Now they are a unified whole.

If this policy continues of isolating Armenia, it will only lead to another war, because as Armenia becomes isolated and those countries around it become more and more antagonistic, the end result could possibly be another war.

That is not in the interests of the United States. We have to fight this war against terrorism. We need all the Caucasus nations working together. Ultimately what I would like to see is a customs union similar to the European Union in these Caucasus nations.

So I just want to thank everyone, Mrs. MALONEY, Mr. FRANK, Mr. CROWLEY, for putting a stop to this policy of isolating Armenia, which is not good for Armenia, not good for the Caucasus nations, and ultimately not good for the United States. Let's continue the policy of cooperation in bringing these countries together for the common good.

□ 1045

Mrs. MALONEY. Madam Speaker, I yield myself such time as I may consume. I have no further requests for time, and I am about to yield back the balance of my time.

But before I do, I would like to once again congratulate two of my colleagues on the other side of the aisle who are retiring who served on this committee with great distinction, Chairman LEACH and Chairman OXLEY. I thank them for their service and for putting the safety and soundness and fairness of our financial institutions front and center on the concerns of this committee and for their attention and consideration to all points of view, including the minority. It was an honor to serve with them, and they served this country well. We will miss you.

Mr. OXLEY. Madam Speaker, I rise today in support of S. 3938, the Export-Import Bank Reauthorization Act of 2006, a strong compromise between the House and Senate versions of bills reauthorizing this country's vital export credit agency. This is the second time as Chairman of the Financial Services Committee that I have been involved with the Ex-Im Bank's reauthorization and I remain a strong supporter of the Bank primarily because it continues to create and sustain American jobs.

Since our last authorization in 2002, the Bank has provided guarantees on loans to buyers of U.S. exports and insurance products numbering close to 11,500 total transactions—of which $7 billion of authorizations supported over $63 billion in export value. Alongside these numbers is the very impressive fact that last year alone the Bank returned over $1.7 billion to the U.S. Treasury in the form of fees, far outstripping the $145 million appropriated.

Madam Speaker, I also am proud to note that like many of the bills we have passed throughout my chairmanship of the Financial Services Committee, this was an overwhelming bipartisan effort, led by Chairman DEBORAH PRYCE and Ranking Member CAROLYN MALONEY as well as Representatives BIGGERT, VELÁZQUEZ and MANZULLO and with the strong support of this committee's next chairman, BARNEY FRANK. This bill also represents important input from the Committee on Small Business, various export and banking experts, representatives of both small and large businesses, environmentalists and even a former president of the Bank.

Madam Speaker, the bill before us makes changes necessary to keep the Bank vital through the five years of this reauthorization. The greatest of these changes will be the creation of a permanent Small Business Division whose function will be conducting outreach programs and tailoring Bank products to be more user-friendly for small businesses. This division will better equip the Bank to meet its mandate of making 20 percent of its total loans and guarantees available to small businesses, with particular emphasis towards helping small businesses owned by women, minorities, and the socially and economically disadvantaged. Additionally the bill contains a number of reporting requirements that will allow Congress to better monitor the Bank's activities.

Madam Speaker, passage of S. 3938 will enable the Bank to be even more successful during the next five years. I urge its passage today.

Mr. MANZULLO. Madam Speaker, I want to commend the gentleman from Ohio (Mr. OXLEY), the gentlelady from Ohio (Ms. PRYCE), the gentleman from Massachusetts (Mr. FRANK), and the gentlelady from New York (Mrs. MALONEY) for finalizing action on this important bill to reauthorize the Export-Import Bank of the United States. I also want to commend the other body for working with us to get this bill over the finish line.

This bill should actually be renamed the Small Business Exporters Act of 2006. I am pleased that S. 3938 retains many of the key small business enhancements that I have advocated for many years. S. 3938 restores a viable Small Business Division and creates a Small Business Committee within Ex-Im to better serve the needs of small exporters. This legislation bill also enhances the Bank's delegated loan authority with respect to medium-term transactions by private lenders for small businesses. This is one key tool to help Ex-Im reach and exceed its 20 percent statutory mandate for small businesses.

S. 3938 retains the House provision designating adequate staff in each of the Bank's operating divisions to specialize in the needs of small business exporters. Furthermore, these small business specialists will have the authority under appropriate guidelines to approve loan, guarantee and insurance applications for small business exporters. While the final language contains a non-binding ''sense of Congress'' recommendation that these small business specialists have this authority up to $10 million, I strongly urge the Bank to make this a reality. Adequately implemented, this provision will help small business exporters overcome the obstacles of the historically slow internal approval process within the Ex-Im Bank.

These small business specialists will also serve as members of the Small Business Committee at the Bank. These small business specialists will be on the front line of assisting small business and will have first-hand knowledge of Ex-Im products that work and what needs to be changed.

Finally, I am pleased that the leaders of the House Financial Services Committee retained the Senate provision that allows the Senior Vice President for Small Business at the Bank

to intervene in applications from small businesses that appear on their way towards denial. This gives small business exporters one last crack at the bat to see what can be done to get an application approved.

I was pleased to work with many of the industry groups who support Ex-Im Bank, particularly the Small Business Exporters Association, in the development of the small business provisions in S. 3938. They are supportive of these provisions.

Madam Speaker, passage of S. 3938 will send a powerful positive signal to small business exporters around the nation that there will be internal advocates for them within the Bank from the time they enter the door until the time they exit with a decision. With these new legislative enhancements to Ex-Im's charter, small business exporters will have strong shoulders to stand on to win trade deals overseas. I urge the adoption of S. 3938.

Ms. LEE. Madam Speaker, I want to begin by thanking the outgoing and incoming Chairmen of the Financial Services Committee, Mr. OXLEY and Mr. FRANK, the outgoing DIMP subcommittee Chairwoman, Ms. PRYCE, and my colleague from New York, Mrs. MALONEY for working together in such a bipartisan way to reauthorize the Export-Import Bank.

I believe the legislation we have before us today significantly improves the ability of the bank to respond to the needs of small business exporters and particularly minority and women-owned small business exporters.

By creating a new office for socially and disadvantaged small businesses and businesses owned by women, we are responding to a critical and glaring gap in Ex-Im's outreach programs.

The office builds directly from an amendment that I co-authored in 2001, during the last reauthorization which required Ex-Im to annually report on the number and type of transactions it conducts with minority and women-owned businesses.

The inadequate reporting from Ex-Im and their token support for minority outreach has made this new office a necessity. I want to thank my colleagues for making it a priority, and specifically Ms. VELÁZQUEZ for her work on this.

I also want to express my gratitude to Ms. PRYCE and Mr. FRANK for agreeing to add language to the manager's amendment which requires the Bank President to consider qualified minority and women applicants when filling positions within this new office.

My amendment will ensure that Ex-Im conducts culturally competent and sensitive outreach by hiring individuals who can relate to the particular challenges faced by minority and women-owned small businesses and who can speak their language.

I am also supportive of the provisions in the bill to increase small business exports, simplify Ex-Im's application process, reaffirm our commitment to expanding exports to Sub-Saharan Africa and expand transparency at the Bank.

I believe that improvements to Ex-Im could still have been made, in particular, to ensure compliance with environmental standards following the completion of a transaction, and to get a better understanding of what Ex-Im's real impact is in creating and retaining American jobs.

However, in the next Congress as we conduct oversight of Ex-Im and its implementation of this bill, I hope that we can continue to examine these remaining issues.

Mrs. MALONEY. Madam Speaker, I yield back the balance of my time.

Mrs. BIGGERT. Madam Speaker, I would urge passage of this very important bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the Senate bill, S. 3938, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONGRESSIONAL TRIBUTE TO DR. NORMAN E. BORLAUG ACT OF 2006

Mrs. BIGGERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2250) to award a congressional gold medal to Dr. Norman E. Borlaug.

The Clerk read as follows:

S. 2250

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 ''Congressional Tribute to Dr. Norman E. Borlaug Act of 2006''.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Dr. Norman E. Borlaug, was born in Iowa where he grew up on a family farm, and received his primary and secondary education.

(2) Dr. Borlaug attended the University of Minnesota where he received his B.A. and Ph.D. degrees and was also a star NCAA wrestler.

(3) For the past 20 years, Dr. Borlaug has lived in Texas where he is a member of the faculty of Texas A&M University.

(4) Dr. Borlaug also serves as President of the Sasakawa Africa Association.

(5) Dr. Borlaug's accomplishments in terms of bringing radical change to world agriculture and uplifting humanity are without parallel.

(6) In the immediate aftermath of World War II, Dr. Borlaug spent 20 years working in the poorest areas of rural Mexico. It was there that Dr. Borlaug made his breakthrough achievement in developing a strand of wheat that could exponentially increase yields while actively resisting disease.

(7) With the active support of the governments involved, Dr. Borlaug's ''green revolution'' uplifted hundreds of thousands of the rural poor in Mexico and saved hundreds of millions from famine and outright starvation in India and Pakistan.

(8) Dr. Borlaug's approach to wheat production next spread throughout the Middle East. Soon thereafter his approach was adapted to rice growing, increasing the number of lives Dr. Borlaug has saved to more than a billion people.

(9) In 1970, Dr. Borlaug received the Nobel Prize, the only person working in agriculture to ever be so honored. Since then he has received numerous honors and awards including the Presidential Medal of Freedom, the Public Service Medal, the National Academy of Sciences' highest honor, and the Rotary International Award for World Understanding and Peace.

(10) At age 91, Dr. Borlaug continues to work to alleviate poverty and malnutrition. He currently serves as president of Sasakawa Global 2000 Africa Project, which seeks to extend the benefits of agricultural development to the 800,000,000 people still mired in poverty and malnutrition in sub-Saharan Africa.

(11) Dr. Borlaug continues to serve as Chairman of the Council of Advisors of the World Food Prize, an organization he created in 1986 to be the ''Nobel Prize for Food and Agriculture'' and which presents a $250,000 prize each October at a Ceremony in Des Moines, Iowa, to the Laureate who has made an exceptional achievement similar to Dr. Borlaug's breakthrough 40 years ago. In the almost 20 years of its existence, the World Food Prize has honored Laureates from Bangladesh, India, China, Mexico, Denmark, Sierra Leone, Switzerland, the United Kingdom, and the United States.

(12) Dr. Borlaug has saved more lives than any other person who has ever lived, and likely has saved more lives in the Islamic world than any other human being in history.

(13) Due to a lifetime of work that has led to the saving and preservation of an untold amount of lives, Dr. Norman E. Borlaug is deserving of America's highest civilian award: the congressional gold medal.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President Pro Tempore of the Senate and the Speaker of the House of Representatives are authorized to make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design, to Dr. Norman E. Borlaug, in recognition of his enduring contributions to the United States and the world.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 3 at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

(a) NATIONAL MEDAL.—The medal struck under this Act is a national medal for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all duplicate medals struck under this Act shall be considered to be numismatic items.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund, such sums as may be necessary to pay for the cost of the medals struck under this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 4 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. BIGGERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to urge Members to join in saluting an American hero who deserves to be recognized for his lifetime service to the world by passing S. 2250, the Congressional Tribute to Dr. Norman E. Borlaug Act of 2006.

Senate 2250 directs the Speaker of the House and the President of the Senate to make appropriate arrangements to award a gold medal on behalf of Congress to Dr. Norman Borlaug in recognition of his enduring contributions in fighting hunger around the world. This legislation is identical to H.R. 4924, introduced by the gentleman from Iowa (Mr. LATHAM).

Madam Speaker, Dr. Borlaug is a Nobel Peace Prize recipient of whom few have heard, a humanitarian responsible for mounting a global campaign against hunger that saved so many of the world's neediest people through agricultural science.

In 1944, he took on the task of researching high-yield and disease-resistant cereal grains. Through trial and error, Dr. Borlaug's efforts led to the development of varieties of wheat that completely altered production agriculture as it was then known in places like Pakistan, India and Mexico. The dwarf wheat variety allowed farmers to produce far more grain per acre than anyone could have predicted. This newfound bounty gave the world's poorest people access to food, ensuring children who otherwise would have been victims of malnutrition could thrive.

Dr. Borlaug's landmark discoveries in agriculture led to what is called the ''Green Revolution.'' However, this modest man, born and raised in Cresco, Iowa, and educated in Minnesota, once said his accomplishments were only ''a temporary success in man's war against hunger and deprivation.''

Madam Speaker, I recognize that many in Congress and throughout the country do not know about the progress we have made in production agriculture and are unaware of the countless contributions made by agricultural scientists such as Dr. Borlaug. However, his leadership has inspired so many others of our best and brightest students to pursue careers in agriculture sciences, and his work will live on in the lives of those who have been spared the misery of starvation.

Madam Speaker, this is an honor long overdue, and I would urge immediate passage of this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

I congratulate the delegation from Iowa on bringing forward this very important symbol honoring a very great man, a man who has performed enormous service for humanity. It was first called to my attention by the gentleman from Iowa who is I believe now the dean of the majority of the Iowa delegation, and I am delighted to be the first to recognize him in that context, my very good friend and a very good leader.

Madam Speaker, I yield as much time and as much corn as he may consume to the gentleman from Iowa (Mr. BOSWELL).

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Madam Speaker, thank you very much. I thank the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Massachusetts (Mr. FRANK) for yielding me this time.

I would also like to thank my colleague and friend Congressman LATHAM for working on this and leading out on this very, very worthwhile tribute to Dr. Borlaug. He is from Iowa. We have known him for some time. As you might reflect, some of you, some years ago he was awarded the Nobel Peace Prize. It was for his work in agriculture. He started the Green Revolution. It was he that led out with the education, the expertise, the research to feed the world. He is credited with a billion people, saved their lives, fed the world—it has been quite a thing.

I happened to be serving in the Iowa legislature at the time. I was appropriations chair, and it looked like the World Food Prize was going to disappear. We saw the opportunity to bring it to Iowa. A great benefactor, which Mr. LATHAM knows, too, Mr. John Ruan II, saw the need to keep this alive, and so put forth the effort in a hard time in our country, and we called it the agricultural crisis of those days, and was willing to put forth. We started out with a little public-private partnership working together with the understanding that the Ruan family, which they have done, would take it over and run with it. Well, they have.

Dr. Borlaug was the first awardee of the World Food Prize 20 years ago in Iowa, and wow, what an appropriate person to receive this honor. It has been ongoing. Ambassador Quinn, a former ambassador at the State Department for years, serves with distinction as the administrator and CEO of the World Food Prize. It is something we are very proud of in the United States of America. We are very proud of it in our State of Iowa. It is a worthy thing.

We think of our State of Iowa and the surrounding States as the food basket of our country, and so we have a World Food Prize. This is something that we ought to do to identify Dr. Borlaug. He is in his nineties. He is still very vital and vibrant and eloquent in his presentations, and the things he has done to reach out around the world with young people is most impressive. We have a great program and he is right in the middle of it and still providing a wonderful service, a wonderful example of what we would like to see coming from our country.

Of course, we are very proud, Tom and I and all of us in the delegation, of our State. I might add that our new Members, Mr. Braley and Mr. Lobsack, very much if they were able to would be signed on to this resolution as well, and I wanted to make note of that.

So I rise in support of Senate 2250, a tribute to Dr. Norman Borlaug. I would hope that every one of us would make this a unanimous thing, a great American, a great cause, and this is the highest recognition we can give, and we ought to do it.

I am very proud of my fellow Iowan Dr. Borlaug. He is a great humanitarian who has been credited with saving one billion lives. His research and work changed production agriculture, as we know it today. Dr. Borlaug's life has been marked with many accomplishments; one such accomplishment was founding the World Food Prize, which is located in Des Moines, Iowa. The World Food Prize recognizes contributions by individuals who have worked to improve the quality, quantity and availability of the world food supply. I am proud to say the Prize celebrated its 20th anniversary this year.

I would also like to recognize the Ruan family. When the World Food Prize was in trouble the Ruan family created a trust that would support the World Food Prize, patterned after the Nobel Peace Prize. This happened and I am pleased to report that the Ruan family, now under the leadership of John III, has fulfilled their pledge and the World Food Prize is a vital entity that we are very proud of.

Mrs. BIGGERT. Madam Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM), the sponsor of the identical legislation, H.R. 4924.

Mr. LATHAM. Madam Speaker, I thank the gentlewoman for recognizing me and Mr. FRANK for his kind words about the great State of Iowa and I thank Mr. BOSWELL very much for the kind words, a great friend.

I really would like to, first of all, thank the Speaker and the majority leader for allowing this bill to come to the floor today. It is extraordinarily important that we do recognize this great humanitarian.

I would also like to thank my staff who has worked for weeks and weeks on this to get the support that is needed to bring a provision like this to the floor. It is very much appreciated.

Dr. Norman Borlaug truly is an American superhero and really not that many people have heard of him because he has worked very quietly behind the scenes. He has done great things but he is someone who does not seek recognition.

His campaign to save the lives of the world's neediest people through agricultural science deserves this very, very special recognition. How many lives has he saved? Dr. Borlaug's innovative leadership in plant breeding and agricultural production is credited with saving the lives of nearly one billion people. That is right, one billion people.

It was back in 1944 when he was given the task, like Mrs. BIGGERT mentioned, of researching high-yield, disease-resistant cereal grains to help feed the neediest people, and through all of his efforts he was successful in developing varieties of wheat that completely altered agriculture as we know it in places like Pakistan, India, Mexico, Central America.

The wheat variety he developed has allowed those farmers to produce far more grain than they ever thought possible in those regions. This bounty gave the poorest people of the world an opportunity to be fed and, most importantly, to ensure that their children were not suffering from malnutrition and starvation.

He was the person that is credited with developing the Green Revolution, which changed agriculture, changed food production worldwide. He truly is a legendary figure with the agricultural community, and his name is well-known all across the world.

I am very proud of the fact that Dr. Borlaug was born and raised in my district in Cresco, Iowa, and is known locally as a very modest man who once talked about his accomplishments, and again, as a quote, ''a temporary success in man's war against hunger and deprivation.''

It is almost 40 years since the Nobel Peace Prize was given to Dr. Borlaug. Today, at age 92, he continues to work for improvement in mankind, and for this reason, I introduced H.R. 4924, a companion bill to the underlying measure, Senate 2250, which is a bill to award this great humanitarian, Dr. Norman Borlaug, the Congressional Gold Medal for his lifetime of service to the world.

I know there are many in Congress who do not think about the progress we have made in production agriculture and are probably unaware of the countless contributions made by agricultural scientists like Dr. Norman Borlaug. Dr. Borlaug's leadership has inspired so many young people to enter agricultural sciences today, and his legacy will go on forever, with his forethought and his innovation.

It really is his work and the work of future innovators that will live on in the lives who have been spared so much misery from starvation, and I respectfully urge my colleagues to support the underlying bill so that we can officially recognize this great humanitarian, Dr. Norman Borlaug.

Mr. FRANK of Massachusetts. Madam Speaker, in this Congress I run out of Iowans before the other side does. So I will reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield such time as he may consume to the gentleman also from Iowa (Mr. LEACH), and he has been a great leader and we will miss him in Congress.

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Mr. LEACH. I thank the gentlewoman for yielding, and I want to thank very much the chairman to-be of the Financial Services Committee for his cooperation in bringing this forth.

And I might say to the chairman to-be that I understand that you are thinking of a theme of being pro-business with an emphasis on fairness. I think that is a very appropriate theme, and I wish you every success. This Congress has a vested interest in seeing that the next Congress works well, so I wish you well.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I just want to express my appreciation. Those words coming from someone I admire as much as I admire the gentleman from Iowa, they mean a great deal. I guess I would say I have never been less happy to see my side win.

Mr. LEACH. I appreciate that very much. Thank you.

I also want to thank TOM LATHAM. TOM is a wonderful friend, and he has pursued this particular measure for an American citizen that fits all of our definitions of a hero. That is particularly the perspective of all Iowans and I am sure all Americans when we think about Dr. Borlaug's career.

I would only like to make one philosophical contribution to this debate, and that is that Dr. Borlaug has been awarded the Nobel Prize for the green revolution, the notion of pure science being used to expand the production of food crops of various kinds to make it possible for people in the world to have nourishment. But it is the same science that goes into expanding biological crops that allows crops to be used for energy, and so the same science that has produced the green revolution is also producing a black evolution, the idea that food can also be used for petroleum substitutes.

We are today facing a challenge of judgment as well as a challenge of new biology, which Dr. Borlaug is also continuing to work in, that there may not be enough crops that go around for both food and fuel. But, fortunately, it is not exactly an either/or; that is, the same kernels of corn can be used for extracting ethanol as well as producing a food additive for cattle. But we are going to have to continue to develop new techniques to increase yields.

That is what is happening in many great institutions in this country, such as Iowa State University, the University of Missouri, Purdue, Minnesota, et cetera, and we are very proud of that effort.

Dr. Borlaug stands on the shoulders of prior scientists. One from Iowa who we are also very proud of Henry Wallace, actually is the father of the movement which Dr. Borlaug pursued. It was Henry Wallace's idea to establish a research facility in Mexico in the early 1940s. That idea was brought by the then Vice-President to the Rockefeller Brothers Foundation who then chose Dr. Borlaug to head this research effort.

We in Iowa are naturally proud of the role that Iowa scientists have played. That role has been played with the help, to some degree, of government and, to a greater degree, of private charity. So this is a very American initiative and a very American scientific product that this body is honoring today. And it is honoring the leader of it, a gentleman who began his young life as many noble gentlemen begin, as a wrestler. As a wrestler from Cresco, a great Iowa wrestling town, Dr. Borlaug competed in the scientific arena where he has achieved as great merit as any scientist in this country in the 20th century.

We in Iowa are immensely proud, and I would like to thank TOM LATHAM, the leadership for allowing this bill to come forth, and the bipartisan spirit in which it is brought before us today.

Mr. FRANK of Massachusetts. Mr. Speaker, I just want to say that the typically thoughtful intervention by the gentleman from Iowa who often brought to our deliberations more than was there before he did, it is just one reason why I will miss him. And as the gentleman knows, I have previously been an advocate for the country making great use of his services. I am torn now, Mr. Speaker, between expressing my hope that the administration will find a way to use his services for the country, and my fear that my saying so will make that less likely.

Given that dilemma, I guess that is as much as I will say.

Mr. Speaker, I yield back the balance of my time.

Mrs. BIGGERT. I would recognize the gentleman from Iowa (Mr. KING) for 2 minutes.

Mr. KING of Iowa. I thank the gentlewoman for recognizing me and yielding time to me. And I particularly want to take an opportunity here to thank Congressman JIM LEACH for his years of service to this country and this Congress, and to the thoughtful process that he has brought. There is a legacy left with my friend JIM LEACH here as well as a legacy from Norman Borlaug, and all of us are justifiably proud to be from a State that can produce these kind of people, both JIM LEACH and Norman Borlaug.

I wanted to point out that the work that Norman Borlaug has done to alleviate starvation in the world has put to rest many of the Malthusian arguments that we have heard over the 40 or so years that I have paid attention in the debate and the deliberation in this country: What is the limitation on what we can do to raise food and fiber and energy now for people, not just in

America, but around the world. And I have had the privilege to travel into most of the continents and meet with the people that raise the food and the fiber, and, in our case, the energy in those places. And the fingerprints of Dr. Norman Borlaug are all over this planet, all over this globe, and on the dinner table of everyone with the 6-plus billion people that now inhabit this Earth. We don't know what that limitation might be for the population, but we know it is far greater because of Dr. Norman Borlaug.

Mr. HOBSON. Mr. Speaker, I rise today to ask my colleagues to join me in supporting S. 2250 to pay tribute to Dr. Norman E. Borlaug for his life's work to feed the world's poor.

It is because of Dr. Borlaug's success in developing high-yield and disease resistant cereal grains that billions of the world's poorest people have been fed.

In 1944, Dr. Borlaug's work began when he and his research team were tasked by the Rockefeller Foundation to increase wheat production in Mexico. Through years of cross-breading thousands of wheat varieties, they were able to develop high-yield dwarf wheat that was resistant to diseases known to cause significant crop damage such as "rust" fungi. As a result, Mexico became self-sufficient in wheat production.

Dr. Borlaug's findings came at a time when dire predictions were being made about the world's population growth and the possibility of mass starvation in poorer parts of the world. But, he continued to build on his findings from his work in Mexico and later worked with researchers in Pakistan and India to give farmers in those countries and regions high-yield dwarf wheat to increase their wheat production. The outreach was successful, and like Mexico, those countries also became self-sufficient in producing wheat.

It is for this work that Dr. Borlaug received the Nobel Peace Prize in 1970. When the board was presenting him with the honor, they made the following statement on his humanitarian contributions: "More than any other single person of this age, [he] has helped to provide bread for a hungry world. We have made this choice in the hope that providing bread will also give the world peace."

In today's world, it is easy to get caught up in our everyday lives and to overlook some of the landmark achievements that have made dramatic improvements in the lives of others. In this case, one individual improved the lives of billions of people by giving them access to life-sustaining nourishment.

Mr. Speaker, Dr. Borlaug's contributions to help relieve the world's poorest of hunger have saved billions of lives, and have inspired a new generation of researchers in agriculture to continue the fight against hunger. It is for these reasons that I ask my colleagues to support this bill to honor Dr. Borlaug with the Congressional Gold Medal..

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the Senate bill, S. 2250.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

DEXTROMETHORPHAN DISTRIBUTION ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5280) to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5280

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 ''Dextromethorphan Distribution Act of 2006''.

SEC. 2. FOOD AND DRUG ADMINISTRATION; RESTRICTIONS ON DISTRIBUTION OF DEXTROMETHORPHAN.

(a) IN GENERAL.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 503A the following:

''SEC. 503B. RESTRICTIONS ON DISTRIBUTION OF DEXTROMETHORPHAN.

''(a) IN GENERAL.—Not later than one year after the date of the enactment of the Dextromethorphan Distribution Act of 2006, the Secretary shall issue a final rule to prohibit the distribution of unfinished dextromethorphan to any person other than a person registered under section 510, subject to subsection (b).

''(b) FURTHER RESTRICTIONS.—Subsection (a) does not restrict the authority of the Secretary under section 201.122 of title 21, Code of Federal Regulations.

''(c) UNFINISHED DEXTROMETHORPHAN.—For purposes of this section, the term ''unfinished dextromethorphan'' means dextromethorphan that is not contained in a drug that is in finished dosage form.''.

(b) ENFORCEMENT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(ii) The distribution of unfinished dextromethorphan in violation of regulations under section 503B.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today to rise in favor of H.R. 5280, and I would like to thank Mr. UPTON of Michigan and Mr. LARSEN of Washington for their work on this important legislation. Dextromethorphan, or DXM as it is sometimes called, is an ingredient found in cough medicine. This ingredient relieves the coughing associated with a cold or the flu. Cough medicines containing this drug are common and can be obtained without a prescription.

While this drug is safe and effective, it is also dangerous if too much is taken. Reports have shown that some segments of the population, particularly young people, will take large amounts of this medicine in an attempt to absorb large amounts of DXM in order to get high. The abuse of this drug can cause death as well as other serious adverse effects such as brain damage, seizures, loss of consciousness, and irregular heartbeat.

The Food and Drug Administration has warned of the rise in the abuse of DXM, and the bill before us here today is an attempt to stem this abuse.

H.R. 5280 would allow the Secretary of Health and Human Services to prohibit the distribution of DXM that is in bulk form to any person not registered with the FDA. It is hoped that these restrictions on the distribution of DXM will lower the potential for its abuse, while at the same time protecting the public health.

Mr. Speaker, I would urge the Members to support this legislation, and I would reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I rise in support of H.R. 5280, the Dextromethorphan Distribution Act of 2006, a bill that would authorize the FDA to restrict the distribution of dex to registered producers of drugs and devices in order to protect the public health.

We know it is cold and flu season, and throughout our Nation pharmacies and convenience store shelves are stocked with over-the-counter medicines containing dex. Dex is an active ingredient in many over-the-counter OTC cough and cold medications. When used as directed, dex has proven to be an effective cough suppressant. Unfortunately, an alarming number of Americans, particularly teenagers, are abusing a variety of prescription over-the-counter OTC medications to get high, including those containing dex. Efforts to keep dex out of the hands of minors have proved difficult. Over-the-counter medicines containing dex are easy to find, easy to afford, and perfectly legal to possess. H.R. 5280 attempts to curb dex's misuse and abuse by restricting its access to registered producers of drugs and devices and providing the FDA with statutory tools to keep dex out of the hands of young people. This legislation is aimed at preventing drug dealers from purchasing dex wholesale and selling over the Internet and on the streets to young people seeking a cheap high.

Mr. Speaker, this bill is merely one step. Parents and guardians must continue the often difficult task of talking with our young people about drug misuse and abuse. Even if your child does

not abuse dex, odds suggest they know someone who does. And I am glad to know that H.R. 5280 has the support of key stakeholder groups, including the American Pharmacist Association, the Partnership for a Drug Free America, the Consumer Health Products Association, and the Association for Addiction Counselors. I want to acknowledge our colleagues, particularly Mr. UPTON and Mr. LARSEN, for their fine work on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 5 minutes to the author of the legislation, Mr. UPTON.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Thank you, Mr. Speaker, and I thank my chairman, Mr. DEAL, as well. Particularly, I want to thank Chairman BARTON and his staff; I want to thank the Republican leadership and their staff for getting this bill to the floor so quickly. I also want to thank my Democratic cosponsor, Mr. LARSEN, who I know is rushing to the floor to speak, and I know that in his district I am told that he has I think lost five individuals because of this.

Mr. Speaker, H.R. 5280 is a simple bill to ban the Internet sale of a drug called dextromethorphan, also known as DXM.

DXM is an excellent ingredient for a lot of cough syrups that are on the market and when used properly there is no danger. And I know that because I have a company in my district that makes this, and that same company came to me earlier this summer and said, we have a problem that we think you ought to be alerted to. And that is what this bill does.

There are some folks that are out there that are absolutely determined to sell this ingredient in its dry bulk form on the Internet. Sadly, kids are buying it. They are mixing it with alcohol to get high. In a massive dose, the drug can raise the blood pressure, lead to seizure or collapse into a coma and die, as we have seen in Mr. LARSEN's district and other places around the country. In fact, in the last 2 years we know that there have been at least five deaths directly attributed to this abuse.

The companies and the pharmacists that work with this ingredient on a regular basis don't want it to become the next meth. We have worked on that; we don't want another one. And they know that there is absolutely no reason to have this bulk ingredient outside of the regular channels for drug manufacturing. And that is why, as was said by Mr. PALLONE, it is endorsed by the American Pharmacist Association, the Consumer Health Care Products Association, which is the generic drug manufacturers, the Food Marketing Institute, the National Association of Chain Drug Stores, and obviously the Partnership for a Drug Free America.

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This bill allows the FDA to promulgate the rule on the sale of unfinished powder or bulk DXM. It limits the distribution of DXM to only those persons who are a valid part of the drug industry.

This bill, I think, will cut off the supply of pure DXM to those who sell it as a street drug or plan to use it to get high themselves. We need to pass this bill.

Sadly, kids are under the false impression that getting high off this is harmless because it is simply an ingredient in cough syrup. Nothing could be further from the truth. Our kids are playing Russian roulette each time they get high on DXM. Sooner or later somebody is going to die. We have seen it happen. Enough is enough. We need to end it.

I am pleased that we have had so many here in just the last 2 days coming into the office. Yesterday local CBS national radio talked about this as a terrible case that is plaguing many parts of America. Today I think it was on the Today show that they talked about this. We are acting quickly. We have recognized the problem and we are acting quickly. We need to pass this bill today and have the Senate adopt it as well.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Speaker, I rise in strong support of the Dextromethorphan Destruction Act.

DXM is a major ingredient in many over-the-counter cold medicines and is perfectly safe when used correctly. However, when taken in large amounts in its powdered form, it can cause hallucinations, brain damage, seizures and even death. DXM is not available to the public in its pure powder form but can be obtained.

Unfortunately, as our Nation's kids search for ways to get high, they have begun abusing both cough syrup and pure DXM purchased over the Internet. As the parent of two young boys, I am concerned about the growing number of teens consuming unfinished DXM. According for the Partnership for Drug-Free America, one out of 11 teenagers used cough medicines to get high last year. Substance abuse experts have noticed sporadic reports of teens intentionally obtaining unfinished DXM to get high by consuming large amounts of powder or mixing it with other drugs or alcohol.

In April 2005, two teenagers in my district overdosed on DXM they had purchased online and died. The investigation of their deaths showed that the teenagers had ordered the drug over the Internet from two men in Indiana who had set up shop in their garage. Three other kids from Florida and Virginia also died from overdosing on DXM they had ordered from the same two men.

This is a simple piece of legislation that requires anyone who purchases bulk DXM to be registered with the FDA. This legislation is commonsense legislation. The only people who should be buying DXM in bulk are those who manufacture cough and cold medicines. We must protect our kids from a new form of drug dealer, dealers, men like these folks in Indiana who decided they could make money by selling DXM to the two teens in my district.

This legislation send a strong message to individuals who are legally distributing DXM to our teenagers for recreational use. I urge my colleagues to vote ''yes'' for this simple, commonsense legislation that will keep our kids safer.

I also want to thank the gentleman from Michigan (Mr. UPTON) for his work in drafting this bill and making sure that it made it here to the floor today.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I urge adoption, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 5280, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UNBORN CHILD PAIN AWARENESS ACT OF 2006

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6099) to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

The Clerk read as follows:

H.R. 6099

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 ''Unborn Child Pain Awareness Act of 2006''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) At least by 20 weeks after fertilization, an unborn child has the physical structures necessary to experience pain.

(2) There is substantial evidence that by 20 weeks after fertilization, unborn children draw away from certain stimuli in a manner which in an infant or an adult would be interpreted as a response to pain.

(3) Anesthesia is routinely administered to unborn children who have developed 20 weeks or more after fertilization who undergo prenatal surgery.

(4) There is substantial evidence that the abortion methods most commonly used 20 weeks or more after fertilization cause substantial pain to an unborn child, whether by dismemberment, poisoning, penetrating or crushing the skull, or other methods. Examples of abortion methods used 20 weeks or more after fertilization include, but are not limited to the following:

(A) The dilation and evacuation (D and E) method of abortion is commonly performed in the second trimester of pregnancy. In a dilation and evacuation abortion, the unborn child's body parts are grasped with a long-toothed clamp. The fetal body parts are then torn from the body and pulled out of the vaginal canal. The remaining body parts are grasped and pulled out until only the head remains. The head is then grasped and crushed in order to remove it from the vaginal canal.

(B) Partial-birth abortion is an abortion in which the abortion practitioner delivers an unborn child's body until only the head remains inside the womb, punctures the back of the child's skull with a sharp instrument, and sucks the child's brains out before completing the delivery of the dead infant, and as further defined in 18 U.S.C. 1531.

(5) Expert testimony confirms that by 20 weeks after fertilization an unborn child may experience substantial pain even if the woman herself has received local analgesic or general anesthesia.

(6) Medical science is capable of reducing such pain through the administration of anesthesia or other pain-reducing drugs directly to the unborn child.

(7) There is a valid Federal Government interest in preventing or reducing the infliction of pain on sentient creatures. Examples of this are laws governing the use of laboratory animals and requiring pain-free methods of slaughtering livestock, which include, but are not limited to the following:

(A) Section 2 of the Act commonly known as the Humane Slaughter Act of 1958 (Public Law 85–765; 7 U.S.C. 1902) states, ''No method of slaughter or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane—

''(i) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

''(ii) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.''.

(B) Section 13(a)(3) of the Animal Welfare Act (7 U.S.C. 2143(a)(3)) sets the standards and certification process for the humane handling, care, treatment, and transportation of animals. This includes having standards with respect to animals in research facilities that include requirements—

(i) for animal care, treatment, and practices in experimental procedures to ensure that animal pain and distress are minimized, including adequate veterinary care with the appropriate use of anesthetic, analgesic, tranquilizing drugs, or euthanasia;

(ii) that the principal investigator considers alternatives to any procedure likely to produce pain to or distress in an experimental animal; and

(iii) in any practice which could cause pain to animals—

(I) that a doctor of veterinary medicine is consulted in the planning of such procedures;

(II) for the use of tranquilizers, analgesics, and anesthetics;

(III) for pre-surgical and post-surgical care by laboratory workers, in accordance with established veterinary medical and nursing procedures;

(IV) against the use of paralytics without anesthesia; and

(V) that the withholding of tranquilizers, anesthesia, analgesia, or euthanasia when scientifically necessary shall continue for only the necessary period of time.

(C) Section 495 of the Public Health Service Act (42 U.S.C. 289d) directs the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, to establish guidelines for research facilities as to the proper care and treatment of animals, including the appropriate use of tranquilizers, analgesics, and other drugs, except that such guidelines may not prescribe methods of research. Entities that conduct biomedical and behavioral research with National Institutes of Health funds must establish animal care committees which must conduct reviews at least semiannually and report to the Director of such Institutes at least annually. If the Director determines that an entity has not been following the guidelines, the Director must give the entity an opportunity to take corrective action, and, if the entity does not, the Director must suspend or revoke the grant or contract involved.

(8) There is a valid Federal Government interest in preventing harm to developing human life at all stages. Examples of this include regulations protecting fetal human subjects from risks of ''harm or discomfort'' in federally funded biomedical research, 45 C.F.R. 102(i) and 45 C.F.R. 46.201 et seq.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

''TITLE XXIX—UNBORN CHILD PAIN AWARENESS

''SEC. 2901. DEFINITIONS.

''In this title:

''(1) ABORTION.—The term 'abortion' means the intentional use or prescription of any instrument, medicine, drug, or any other substance or device or method to terminate the life of an unborn child, or to terminate the pregnancy of a woman known to be pregnant with an intention other than—

''(A) to produce a live birth and preserve the life and health of the child after live birth; or

''(B) to remove an ectopic pregnancy, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma or a criminal assault on the pregnant female or her unborn child.

''(2) ABORTION PROVIDER.—The term 'abortion provider' means any person legally qualified to perform an abortion under applicable Federal and State laws.

''(3) PAIN-CAPABLE UNBORN CHILD.—

''(A) IN GENERAL.—The term 'pain-capable unborn child' means an unborn child who has reached a probable stage of development of 20 weeks or more after fertilization.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as a determination or finding by Congress that pain may not in fact be experienced by an unborn child at stages of development prior to 20 weeks or more after fertilization.

''(4) PROBABLE AGE OF DEVELOPMENT.—The term 'probable age of development' means the duration of development after fertilization of the unborn child at the time an abortion is performed, as determined in the good faith judgment of the abortion provider using generally accepted medical criteria and information obtained by interviewing the pregnant woman.

''(5) UNBORN CHILD.—The term 'unborn child' means a member of the species homo sapiens, at any stage of development.

''(6) WOMAN.—The term 'woman' means a female human being whether or not she has reached the age of majority.

''(7) UNEMANCIPATED MINOR.—The term 'unemancipated minor' means an individual who is not older than 18 years and who is not emancipated under State law.

''SEC. 2902. REQUIREMENT OF INFORMED CONSENT.

''(a) REQUIREMENT OF COMPLIANCE BY PROVIDERS.—Any abortion provider in or affecting interstate or foreign commerce, who knowingly performs any abortion of a pain-capable unborn child, shall comply with the requirements of this title.

''(b) PROVISION OF CONSENT.—

''(1) IN GENERAL.—Before any part of an abortion involving a pain-capable unborn child begins, the abortion provider or his or her agent shall provide the pregnant woman involved, by telephone or in person, with the information described in paragraph (2). It may not be provided by a tape recording, but must be provided in a fashion that permits the woman to ask questions of and receive answers from the abortion provider or his agent. (In the case of the Unborn Child Pain Awareness Brochure, it may be provided pursuant to subsection (c)(2) or (c)(3)).

''(2) REQUIRED INFORMATION.—

''(A) IN GENERAL.—An abortion provider or the provider's agent to whom paragraph (1) applies shall provide the following information to the pregnant woman (or in the case of a deaf or non-English speaking woman, provide the statement in a manner that she can easily understand):

''(i) AGE OF UNBORN BABY.—The probable age of development of the unborn baby based on the number of weeks since fertilization.

''(ii) UNBORN CHILD PAIN AWARENESS BROCHURE.—An abortion provider to whom paragraph (1) applies must provide the pregnant woman with the Unborn Child Pain Awareness Brochure (referred to in this section as the 'Brochure') to be developed by the Department of Health and Human Services under subsection (c) or with the information described in subsection (c)(2) relating to accessing such Brochure.

''(iii) USE OF PAIN-PREVENTING DRUGS.—Drugs administered to the mother may not prevent the unborn child from feeling pain, but in some cases, anesthesia or other pain-reducing drug or drugs can be administered directly to the unborn child.

''(iv) DESCRIPTION OF RISKS.—After providing the information required under clauses (i), (ii), and (iii) the abortion provider shall provide the woman involved with his or her best medical judgment on the risks, if any, of administering such anesthesia or analgesic, and the costs associated therewith.

''(v) ADMINISTRATION OF ANESTHESIA.—If the abortion provider is not qualified or willing to administer the anesthesia or other pain-reducing drug to an unborn child in response to a request from a pregnant women, the provider shall—

''(I) arrange for a qualified specialist to administer such anesthesia or drug; or

''(II) advise the pregnant woman—

''(aa) where she may obtain such anesthesia or other pain reducing drugs for the unborn child in the course of an abortion; or

''(bb) that the abortion provider is unable to perform the abortion if the woman requires that she receive anesthesia or other pain-reducing drug for her unborn child.

''(vi) UNBORN CHILD PAIN AWARENESS DECISION FORM.—An abortion provider to which paragraph (1) applies shall provide the pregnant woman with the Unborn Child Pain Awareness Decision Form (provided for under subsection (d)) and obtain the appropriate signature of the woman on such form.

''(vii) RULE OF CONSTRUCTION.—Nothing in this section may be construed to impede an abortion provider or the abortion provider's agent from offering their own evaluation on the capacity of the unborn child to experience pain, the advisability of administering pain-reducing drugs to the unborn child, or any other matter, as long as such provider or agent provides the required information, obtains the woman's signature on the decision form, and otherwise complies with the affirmative requirements of the law.

''(B) UNBORN CHILD PAIN AWARENESS BROCHURE.—An abortion provider to whom paragraph (1) applies shall provide the pregnant woman with the Unborn Child Pain Awareness Brochure (referred to in this section as the 'Brochure') to be developed by the Department of Health and Human Services under subsection (c) or with the information described in subsection (c)(2) relating to accessing such Brochure.

''(C) UNBORN CHILD PAIN AWARENESS DECISION FORM.—An abortion provider to which paragraph (1) applies shall provide the pregnant woman with the Unborn Child Pain Awareness Decision Form (provided for under subsection (d)) and obtain the appropriate signature of the woman on such form.

''(c) UNBORN CHILD PAIN AWARENESS BROCHURE.—

''(1) DEVELOPMENT.—Not later than 90 days after the date of enactment of this title, the Secretary shall develop an Unborn Child Pain Awareness Brochure. Such Brochure shall:

''(A) Be written in English and Spanish.

''(B) Contain the following text: 'Your doctor has determined that, in his or her best medial judgment, your unborn child is at least 20 weeks old. There is a significant body of evidence that unborn children at 20 weeks after fertilization have the physical structures necessary to experience pain. There is substantial evidence that at least by this point, unborn children draw away from surgical instruments in a manner which in an infant or an adult would be interpreted as a response to pain. There is substantial evidence that the process of being killed in an abortion will cause the unborn child pain, even though you receive a pain-reducing drug or drugs. Under the Federal Unborn Child Pain Awareness Act of 2006, you have a right to know that there is evidence that the process of being killed in an abortion will cause your unborn child pain. You may request that anesthesia or other pain-reducing drug or drugs are administered directly to the pain-capable unborn child if you so desire. The purpose of administering such drug or drugs would be to reduce or eliminate the capacity of the unborn child to experience pain during the abortion procedure. In some cases, there may be some additional risk to you associated with administering such a drug.'

''(C) Contain greater detail on her option of having a pain-reducing drug or drugs administered to the unborn child to reduce the experience of pain by the unborn child during the abortion.

''(D) Be written in an objective and nonjudgmental manner and be printed in a typeface large enough to be clearly legible.

''(E) Be made available by the Secretary at no cost to any abortion provider.

''(2) INTERNET INFORMATION.—The Brochure under this section shall be available on the Internet website of the Department of Health and Human Services at a minimum resolution of 70 DPI (dots per inch). All pictures appearing on the website shall be a minimum of 200x300 pixels. All letters on the website shall be a minimum of 12 point font. All such information and pictures shall be accessible with an industry standard browser, requiring no additional plug-ins.

''(3) PRESENTATION OF BROCHURE.—An abortion provider or his or her agent must provide a pregnant woman with the Brochure, developed under paragraph (1), before any part of an abortion of a pain-capable child begins. The brochure may be provided—

''(A) through an in-person visit by the pregnant woman;

''(B) through an e-mail attachment, from the abortion provider or his or her agent; or

''(C) by certified mail, mailed to the woman at least 72 hours before any part of the abortion begins.

''(4) WAIVER.—After the abortion provider or his or her agent offers to provide a pregnant woman the brochure, a pregnant woman may waive receipt of the brochure under this subsection by signing the waiver form contained in the Unborn Child Pain Awareness Decision Form.

''(d) UNBORN CHILD PAIN AWARENESS DECISION FORM.—Not later than 30 days after the date of enactment of this title, the Secretary shall develop an Unborn Child Pain Awareness Decision Form. To be valid, such form shall—

''(1) with respect to the pregnant woman—

''(A) contain a statement that affirms that the woman has received or been offered all of the information required in subsection (b);

''(B) affirm that the woman has read the following statement: 'You are considering having an abortion of an unborn child who will have developed, at the time of the abortion, approximately ____ weeks after fertilization. There is a significant body of evidence that unborn children at 20 weeks after fertilization have the physical structures necessary to experience pain. There is substantial evidence that at least by this point, unborn children draw away from surgical instruments in a manner which in an infant or an adult would be interpreted as a response to pain. There is substantial evidence that the process of being killed in an abortion will cause the unborn child pain, even though you receive a pain-reducing drug or drugs. Under the Federal Unborn Child Pain Awareness Act of 2006, you have a right to know that there is evidence that the process of being killed in an abortion will cause your unborn child pain. You may request that anesthesia or other pain-reducing drug or drugs are administered directly to the pain-capable unborn child if you so desire. The purpose of administering such drug or drugs would be to reduce or eliminate the capacity of the unborn child to experience pain during the abortion procedure. In some cases, there may be some additional risk to you associated with administering such a drug.';

''(C) require the woman to explicitly either request or refuse the administration of pain-reducing drugs to the unborn child; and

''(D) be signed by a pregnant woman prior to the performance of an abortion involving a pain-capable unborn child; and

''(2) with respect to the abortion provider—

''(A) contain a statement that the provider has provided the woman with all of the information required under subsection (b);

''(B) if applicable, contain a certification by the provider that an exception described in section 2903 applies and the detailed reasons for such certification; and

''(C) be signed by the provider prior to the performance of the abortion procedure.

''(e) MAINTENANCE OF RECORDS.—The Secretary shall promulgate regulations relating to the period of time during which copies of forms under subsection (d) shall be maintained by abortion providers.

''SEC. 2903. EXCEPTION FOR MEDICAL EMERGENCIES.

''(a) IN GENERAL.—The provisions of section 2902 shall not apply to an abortion provider in the case of a medical emergency.

''(b) MEDICAL EMERGENCY DEFINED.—

''(1) IN GENERAL.—In subsection (a), the term 'medical emergency' means a condition which, in the reasonable medical judgment of the abortion provider, so complicates the medical condition of the pregnant woman so as to necessitate the immediate termination of her pregnancy to avert her death, or for which a delay would create a serious risk of substantial and irreversible impairment of a major bodily function. The term 'medical emergency' shall not include emotional, psychological or mental disorders or conditions.

''(2) REASONABLE MEDICAL JUDGMENT.—In paragraph (1), the term 'reasonable medical judgment' means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

''(c) CERTIFICATION.—

''(1) IN GENERAL.—Upon a determination by an abortion provider under subsection (a) that a medical emergency exists with respect to a pregnant woman, such provider shall certify the specific medical conditions that constitute the emergency.

''(2) FALSE STATEMENTS.—An abortion provider who willfully falsifies a certification under paragraph (1) shall be subject to all the penalties provided for under section 2904 for failure to comply with this title.

''SEC. 2904. PENALTIES FOR FAILURE TO COMPLY.

''(a) IN GENERAL.—An abortion provider who willfully fails to comply with the provisions of this title shall be subject to civil penalties in accordance with this section in an appropriate Federal court.

''(b) COMMENCEMENT OF ACTION.—The Attorney General may commence a civil action under this section.

''(c) FIRST OFFENSE.—Upon a finding by a court that a respondent in an action commenced under this section has knowingly violated a provision of this title, the court shall notify the appropriate State medical licensing authority and shall assess a civil penalty against the respondent in an amount not to exceed $100,000.

''(d) SECOND AND SUBSEQUENT OFFENSES.—Upon a finding by a court that the respondent in an action commenced under this section has knowingly violated a provision of this title and the respondent has been found to have knowingly violated a provision of this title on a prior occasion, the court shall notify the appropriate State medical licensing authority and shall assess a civil penalty against the respondent in an amount not to exceed $250,000.

''(e) PRIVATE RIGHT OF ACTION.—A pregnant woman upon whom an abortion has been performed in violation of this title, or the parent or legal guardian of such a woman if she is an unemancipated minor, may commence a civil action against the abortion provider for any knowing or reckless violation of this title for actual and punitive damages.''.

SEC. 4. PREEMPTION.

Nothing in this Act or the amendments made by this Act shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect greater protections for unborn children from pain than the protections provided under this Act and the amendments made by this Act.

SEC. 5. SEVERABILITY.

The provisions of this Act shall be severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman

from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6099, the Unborn Child Pain Awareness Act of 2006.

This legislation is intended to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child. It also ensures that women will have the chance to ask questions; and, if they so choose, request that pain-reducing medicines, anesthesia, or analgesia be administered to their unborn child before the abortion takes place.

At the outset, it is important to clarify that this legislation is not about the right to have an abortion. While citizens in other parts of the world, such as in Europe and in Canada, have the opportunity to vote and express their views on the issue of whether or not abortion should be legal, the United States is the only industrialized country in the world where its citizens do not have that right. The United States Supreme Court has effectively taken it away from the American people through its decisions.

As someone who believes in the sanctity of human life, I look forward to a day when the American citizens on both sides of the abortion debate can decide the issue democratically rather than having it decided for them through judicial activism. I trust the American people to make the right decision when that day comes.

But, Mr. Speaker, today rather than dealing with the legality of abortion itself, this legislation deals with the issue of informed consent for women choosing to have an abortion. The bill requires abortion providers to inform women about the pain experienced by their unborn child. It also requires women to be given a brochure and a consent form demonstrating that they have had an opportunity to make an inform decision on whether or not to administer pain mitigation to the unborn child before the abortion is performed.

A significant body of medical evidence now indicates that fetuses experience pain. Dr. Sunny Anand, a neurologist and the Nation's leading expert on fetal pain, testified that ''the human fetus possesses the ability to experience pain from 20 weeks of gestation, if not earlier, and the pain perceived by a fetus is possibly more intense than that experienced by term newborns or other children.''

Since Dr. Anand's groundbreaking research published in 1987 showed that by 20 weeks these fetuses can feel pain, other researchers have built on his work, further verifying the pain felt by the unborn. For example, just this year British researchers performed brain scans on premature babies as young as 23 weeks from fertilization and found new physiological evidence that these premature infants feel pain.

But perhaps more important than the scientific studies, we know that doctors who perform surgery on babies in the womb, as well as babies who are born prematurely, some as early as 23 weeks of gestation, routinely administer anesthesia to these children, just like an adult who is undergoing surgery.

As Dr. Jean Wright, a physician in Savannah, Georgia, who specializes in the care and anesthesia of critically ill children, testified before Congress last year, ''If you came back with me to Savannah tonight and came to our neonatal intensive care unit, we would stand between the bed of a 23-week infant, a 26-week infant, and you would not need a congressional hearing to figure out whether that infant feels pain. We roll back the sheets or blanket, and you would look to the facial expression, their response to the heel stick, you would understand that.''

As I have stated before, the problem that this legislation seeks to address is the issue of informed consent for women seeking abortions. Like most of us, women who arrive at clinics seeking abortions are usually not trained in the medical sciences. We rely on physicians to provide all of the information needed to make an informed decision.

In the case of abortion, we need to make sure that women know all the facts, including the evidence that unborn children feel pain. This is obviously for the benefit of the unborn child who may either be spared from abortion altogether or receive pain-reducing medicines.

Truly informed consent also benefits the woman who may decide against having an abortion, or may decide to use pain mitigation for the unborn child during the abortion procedure. Either way, she will be spared the severe psychological trauma that may result from making an uninformed decision.

This legislation is a commonsense measure that both pro-life and pro-choice Members should support. In fact, NARAL, a large pro-abortion organization, has publicly declared that they do not oppose the bill.

At this time, I would like to thank the lead sponsor of the bill, the gentleman from New Jersey (Mr. SMITH), for his work on this legislation and for being a stalwart in the pro-life cause in Congress. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 6099, the Unborn Child Pain Awareness Act of 2006. This bill mandates that a woman seeking an abortion after 20 weeks of pregnancy be given a written brochure stating that research indicates that a fetus at that stage of development will feel pain during an abortion.

This bill also requires a doctor to offer the woman anesthesia for the fetus which she may either accept or decline.

Mr. Speaker, the problem with this legislation is that the medical and scientific community has yet to reach a consensus with regard to the issue of when and if a fetus feels pain. In fact, the American College of Obstetricians and Gynecologists, along with physicians who are experts in fetal anesthesia and fetal surgery, know of no legitimate scientific data or information that supports these views. Despite this, Congress has decided to play politics with women's health.

This legislation may put women at risk. There is no evidence to show the effects on a woman by providing anesthesia directly to a fetus during an abortion. Without proper medical studies, we have no way of knowing how such procedures will affect a woman's health at the time of the abortion or in the future.

Mr. Speaker, supporters of this bill will argue that it includes an assurance that doctors who disagree with materials contained within these mandated brochures may offer their own views to patients. But what good comes from a doctor handing their patient a brochure and then conveying opposition to what is inside it? Instead of helping patients, Congress is interfering with a doctor's best medical judgment as well as the doctor-patient relationship.

Mr. Speaker, clearly written in this case by anti-choice advocates, these brochures are biased and define an abortion as ''the process of being killed.'' Normally I would support legislation which aims to offer women as much information as possible with respect to their medical decisions. Ensuring that patients have access to all of the important and relevant medical information should always be a priority for Congress, but this bill plays politics with those goals. Instead, it provides mandated, misleading information to women without proper scientific knowledge.

I urge my colleagues to vote against this bill. I think it is ill-advised. I think it sets a bad precedent for the type of information that is provided to patients. There is absolutely no reason why this should be mandated.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the author of this legislation, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, most, perhaps everybody in

this House today, has had to deal at one time or another with the emotional agony of a loved one dying from severe illness, an accident, or perhaps even an act of violence.

One of the questions we often ask is, Did they suffer? How much pain did they endure? Did we do everything we can to alleviate their pain?

Today, we can no longer deny, trivialize or gloss over the significant and ever-expanding body of knowledge that shows that an unborn child suffers real pain, excruciating pain, when he or she is dismembered, as in a D&E abortion, or jabbed with scissors as in a partial-birth abortion, or poisoned by an abortionist.

Not only is abortion violence against children, but we now know that the abortion act itself is painful to the baby as well. As the gentleman from Georgia pointed out a moment ago, Dr. Sunny Anand, an expert on pain for the unborn and the neonates, has pointed out that human fetuses possess the ability to experience pain from 20 weeks of gestation, if not earlier, and there is a whole growing body of evidence that clearly demonstrates that. Meanwhile, approximately 18,000 unborn children at 20 weeks or beyond, are destroyed without even the basic decency of pain relief.

Let me describe to you what one of the abortionists who now has turned pro-life, says about the D and E abortion procedure. He did about 10 abortions per week, Dr. Anthony Levatino, from New York, here is how he described this D&E method of abortion. These are his words, he did them: ''Once you have grasped something inside, squeeze on the clamp to set the jaws and pull hard, really hard. You feel something let go and out pops a fully formed leg about 4–5 inches long. Reach in again and grasp whatever you can. Set the jaw and pull really hard once again and out pops an arm about the same length.

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Reach in again and again with that clamp and tear out the spine, intestines, heart, and lungs. The toughest part of a D&E abortion is extracting the baby's head. ''The head of the baby that age is about the size of a plum,'' he goes on to say, ''and is now free floating inside the uterine cavity. You can be pretty sure you have hold of it when the Sopher clamp is spread about as far as your fingers will allow. You will know you have it right when you crush down on the clamp and see a pure white gelatinous material issued from the cervix. That was the baby's brains. You can then extract the skull pieces. If you have a really bad day,'' he goes on to say, ''like I often did, a little face may come out and stare right back at you.''

Mr. Speaker, this is a hideous, barbaric abuse of children. And, yes, sadly we are not stopping it with this legislation. I wish we had the ability to protect these children from this kind of child abuse. We need to affirm both patients, mother and baby. That is what prenatal care is all about. Our legislation is simply informed consent, requiring that a brochure, not unlike those booklets given to women in many States of the union that describe the growth of an unborn child and any problems she may experience, be given to her since she has the right to know this very important information.

Abortion methods kill, Mr. Speaker, and we need to at least allow that child pain medication information be conveyed to the mother.

Most—perhaps everyone in the House today—has had to deal at one time or another with the emotional agony of a loved one dying from severe illness, an accident or perhaps even an act of violence.

One of the questions we often ask is how much did they suffer? How much pain? Did we do everything possible to alleviate that pain?

Today, we can no longer deny, trivialize, or gloss over the significant and ever expanding body of knowledge that shows that an unborn child suffers real pain—excruciating pain—when he or she is dismembered as in a D & E abortion, or jabbed with scissors in a partial birth abortion, or poisoned by an abortionist.

Not only is abortion violence against children but we now know that abortion is painful to the baby as well.

In expert testimony provided to the Northern District of the US District Court in California during the partial birth abortion trials, Dr. Sunny Anand, Director of the Pain Neurobiology Lab at Arkansas Children's Hospital Research Institute said, ''the human fetus possesses the ability to experience pain from 20 weeks of gestation, if not earlier, and the pain perceived by a fetus is possibly more intense than that perceived by term newborn's or older children.''

In testimony before the Virginia State Senate, Dr. Jean Wright of Emory University School of Medicine said ''Aspects of pain architecture begin as early as six to seven weeks, mature and are identified by their anatomy, their physiology, and the coordination of responses so that by 20–22 weeks of gestation, the evidence reveals a developed system of pain perception and response. . . . The ability to modulate or blunt the pain response does not develop until the last weeks of pregnancy and the first few weeks of infancy, leading us to believe that the pain perceived in the fetus is greater than that in the full-term infant.

Dr. Anand further describes before the court that the'' highest density of pain receptors per square inch of skin in human development occurs in utero,'' while still in the womb, ''from 20 to 30 weeks gestation. During this period, the epidermis is still very thin, leaving nerve fibers closer to the surface of the skin than in older neonates and adults.''

He went on to explain that the pain inhibitory mechanisms, in other words fibers which dampen and modulate the experience of pain, do not begin to develop until 32 to 34 weeks of gestation. Thus, Dr. Anand concludes, a fetus 20 to 32 weeks of gestation would experience a much more intense pain than older infants or children or adults when these groups are subjected to similar types of injury.

Dr. Anand points out on the question of fetal consciousness that more than 3 decades of research show that preterm infants are actively perceiving, learning and organizing information, and are constantly striving to regulate themselves, their environment and their experiences. All preterm infants actively approach and favor experiences that are developmentally supporting and actively avoiding experiences that are disruptive.

Additionally a recent British study measured blood flow and oxygen in the part of the brain that feels pain while blood was drawn during a heel lance. The results showed a surge of blood and oxygen in the sensory area of their brains, meaning the pain was processed in the higher levels of the brain. Indicating that these little boys and girls do feel pain.

Meanwhile approximately 18,000 unborn children at 20 weeks or beyond are destroyed without the basic decency of pain relief. That means that twice every hour a baby is destroyed without pain alleviation by methods that include the D and E abortion.

The Unborn Child Pain Awareness Act is a modest but necessary expansion of informed consent.

To date several states have enacted informed consent laws that convey in booklet form to the mother the facts concerning development of an unborn baby as well as risks associated with abortions.

Our bipartisan legislation simply ensures that new information concerning pain capable in unborn babies be conveyed as well.

Under HR 6099, a woman considering an abortion at or past 20 weeks fertilization must simply be given an HHS produced brochure describing the most accurate and up to date information on unborn child pain. After that, the mother is given a decision form on which she may either request or decline pain relieving drugs for her baby prior to the abortion.

Is it our hope that this additional information may dissuade a woman from allowing her child to be killed? Absolutely.

I—we—believe good medicine should affirm the value, and dignity of every human life. We need to affirm both patients—mother and child.

For the child dismembered by hideous and abusive abortion methods like the D & E abortion that happen every day—the little girl or boy at least shouldn't be made to suffer.

Here's how Dr. Anthony Levatino, a former abortionist describes the painful D & E abortion.

''Once you have grasped something inside, squeeze on the clamp to set the jaws and pull hard—really hard. You feel something let go and out pops a fully formed leg about 4–5 inches long. Reach in again and grasp whatever you can. Set the jaw and pull really hard once again and out pops an arm about the same length. Reach in again and again with that clamp and tear out the spine, intestines, heart and lungs. . . The toughest part of a D&E abortion is extracting the baby's head. The head of the baby that age is about the size of a plum and is now free floating inside the uterine cavity. You can be pretty sure you have hold of it if the [Sopher] clamp is spread about as far as your fingers will allow. You will know you have it right when you crush down on the clamp and see a puer white gelatinous material issued from the cervix. That was the baby's brains. You can then extract the skull pieces. If you have a really bad day like I often did, a little face may come out and stare back at you.''

Mr. PALLONE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I rise in opposition to H.R. 6099 for many reasons.

Most glaringly is the fact that this bill is even up on the floor to begin with. We have not passed our spending bills. We have not fixed the looming physician fee reimbursement crisis, physicians who treat pain every day. We have not increased the minimum wage. We are inflicting pain on so many hardworking Americans. We have not adequately provided for our veterans' health care. I am thinking of veterans coming back from Iraq with relentless pain and the many unmet needs. These are issues that affect millions and millions of Americans every day.

Yet instead we are considering H.R. 6099, which may affect about 1 percent of the abortions performed annually in the United States and which we know will not be considered in the Senate and therefore never signed into law. We are wasting time today on a bill that is laden with rhetoric but very little science. It is opposed by many of the most reputable advocates for women's health, those on the front line of service to women and babies who would best know. This includes, as my colleague has said, the American College of Obstetricians and Gynecologists, who represent medical doctors serving the health needs of American women.

The legislation before us today proposes to insert narrow personal views into the private conversations between women and their doctors. As a health provider myself, I would shudder at the thought of having to communicate something that is absent of scientific consensus to patients. This is especially true when the legislation targets pregnancies that are for the most part being terminated because of health risks to the mother or fetus. Isn't that conversation already excruciating enough for a woman and her family without the government's unwarranted intrusion?

I urge my colleagues to vote ''no'' today on this bill both because you believe in medical integrity and also because you believe that it is our job to put America's true priorities first and foremost.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1¼ minutes to my colleague from Georgia, a physician, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank my colleague, Chairman DEAL from Georgia, for yielding.

This slow-talking Georgia physician can't say a whole lot in a minute, but I hope my words will strike a nerve.

Just as the author's poster showed the striking of many nerves in this procedure called late-term abortion on these infants, the youngest of our children, I want to just relay to my colleagues an experience, a life-changing experience, if you will. We have twin granddaughters, identical twin granddaughters, born at 26 weeks. They will be soon celebrating their 10th birthday. So we watched them for 80 days in the neonatal intensive care nursery, and the neonatalogist would come by every day and say we are not going to stick their heel again today because it is too painful and we are going to make sure that we only draw blood when it is absolutely necessary. And I, as a physician, having delivered many of these premature, immature male infants, offer anesthesia before a circumcision procedure. It is required as part of an informed consent. So this is what this bill is about. It is informed consent carried to its logical extent, and it is an act of compassion.

I commend the gentleman for the bill because this is simply trying to make sure that the informed consent is there. And even the National Abortion Rights League does not oppose this bill, and I commend them for that.

I support wholeheartedly the legislation, and I commend Representative SMITH for this bill.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker and my colleagues, this bill represents the triumph of ideology and politics over science. The Congress of the United States is going to tell doctors to give a brochure with information that scientists do not believe is accurate. The American College of Obstetricians and Gynecologists opposes this bill, and this is the professional society of physicians who know the most about the care of pregnant women, and they have stated they know of no legitimate scientific information that supports the statement that a fetus experiences pain. Well, let me repeat that. This organization says they know of no legitimate scientific information that supports the statement that a fetus experiences pain. So the Congress in this bill would tell doctors that they have to inform a woman of something that most of these doctors do not believe to be scientifically accurate. It is bad enough to interfere with the doctor-patient relationship, but to tell doctors that they have to give their patients inaccurate medical information would not just be meddlesome. It is completely out of line. It would be a dangerous precedent where we ask doctors to tell patients something that is scientifically not valid in the most personal of decisions of people's lives.

If we really care about women's informed consent, we should not force doctors to misinform them.

I urge opposition to this bill. I regret that we have a scientific matter just as we did in other cases like the right to life case in Florida where the Congress wants to tell people what to do, not just the women but their doctors, and this is an example of ideology and politics, not good science informing our decisions. I urge strong opposition to the bill.

Mr. DEAL of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, recent advances in ultrasound technology have shown that unborn babies have the ability to recognize and respond to positive and negative stimuli. In fact, researchers, scientists now know that unborn children smile and cry. For years doctors have thought that babies learn to smile from mimicking their parents. However, researchers now know that an unborn child can be seen smiling in the womb months before it was thought babies could make such expressions.

One of the London-based researchers, Dr. Stuart Campbell, said: ''It is remarkable that a newborn baby does not smile for about 6 weeks after birth. Before birth most babies smile frequently. This may indicate a baby's calm, trouble-free existence in the womb, and the relatively traumatic first few weeks after the birth when the baby is reacting to a strange, new environment.''

Another group of researchers in New Zealand were testing the effects of maternal smoking and drug use on unborn children. The co-author of the study, Dr. Edward Mitchell of the University in Auckland, stated that the research shows the baby has the necessary sensory and brain development to process the offending sound and recognize it as something negative.

Researchers observed deep inhalations and exhalations, open mouth, quivering chin, with the low decibel noise on the abdomen. There were many experiments that were done, but if unborn children can recognize positive and negative stimuli in utero, imagine the excruciating pain that must be felt during abortions.

I urge you to support the Unborn Child Pain Awareness Act.

Mr. PALLONE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I just want to point out that this bill is on the Suspension Calendar, which is normally reserved for bills that are of an uncontroversial nature, and it is clear just from the statements that have already been made on our side of the aisle that this is a very controversial bill. There are a lot of feelings back and forth on the issue within the medical community, as has been explained by Mrs. CAPPS and Mr. WAXMAN. There is a huge controversy over whether there is a need for this information and whether or not the type of pain that is described actually exists. So I would contend that it really does not belong on the Suspension Calendar, and that is the main reason, I think, why I would urge Members to vote against the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to another physician, Dr. WELDON of Florida.

Mr. WELDON of Florida. Mr. Speaker, I thank my colleague from Georgia for yielding.

I rise to speak in support of this legislation and just raise the point, based on my review of the medical literature as a physician and these are very well published reports, there is abundant evidence that the neuropathways that generate pain responses are present at 20 or 22 weeks, possibly well before that. Indeed, one of the most well respected researchers in this field who is trained in anesthesia and pediatrics, Dr. Kanwaljeet Anand, testified that human fetuses possess the ability to experience pain from 20 weeks of gestation.

I might also add that the new emerging field of fetal surgery, where we are actually repairing spina bifida, for example, in unborn babies as young as 16 weeks of age, there is actually a textbook about how you deliver anesthesia to these babies, and it is recommended and it is necessary to prevent movement because they experience pain.

Now, the other side may quote from a very bad study published in JAMA. It was basically published by the abortion industry. To me it was a disgrace to the Journal of JAMA that they would actually let something like that be published trying to make the contrary claim.

But I think the scientific evidence is overwhelming and this legislation is very, very badly needed. And I applaud the gentleman from New Jersey for introducing this bill and the gentleman from Georgia for bringing it forward, and I encourage all my colleagues to vote in favor of this important legislation.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia for yielding.

As always, I consider it a privilege to address this body and address you, Mr. Speaker. Especially I consider it a privilege to address you, Mr. Speaker.

I come to the floor to stand in support of the Unborn Child Pain Awareness Act. It is a bit of bizarre debate from my perspective. I believe the debate should be on what instant life begins rather than how we might kill an unborn baby and especially on how we would avoid perhaps inflicting pain on an unborn baby that is about to be killed, and I am talking about 20 to 22 weeks and beyond.

We have a law in this country called the Humane Slaughter Act, which says that an animal cannot be slaughtered unless it is rendered unconscious in a rather painless way. We also have a law called the Animal Welfare Act, which gives the Secretary of Agriculture authority to regulate how laboratory animals might be euthanized in a compassionate, humane fashion. And we can't raise up an unborn baby to this level?

It is astonishing to me that we are here and that there are people that oppose this bill. It is high time it has been brought to the floor. It is a baby step, if you will, Mr. Speaker. And I applaud the gentleman from New Jersey for being the lead on the Unborn Child Pain Awareness Act.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding and I thank CHRIS SMITH for his leadership on many pro-life issues and this one specifically.

□ 1145

I would urge my colleagues to support this legislation. I would like to quote Ronald Reagan, who stated, ''Medical science doctors confirm that when the lives of the unborn are snuffed out they often feel pain, pain that is long and agonizing.''

The topic of pain in the unborn, including whether or how early and to what extent an unborn baby feels that pain, ignites heated debate. Yet 77 percent of individuals who were surveyed not too long ago by Zogby indicated that they favored this type of legislation, that mothers ought to be aware of the pain that their unborn infants can suffer through one of these terrible procedures. And as chairman of the Subcommittee on the Constitution, we held hearings on this. And I would state unequivocally that I believe that this legislation is constitutional, and I would urge my colleagues to support it.

As Mr. KING mentioned, we have laws about slaughtering cattle in this country. We are talking about unborn children. Let's protect them. Let's let the mothers know the pain that these unborn children could go through.

Mr. PALLONE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, again, in response to the previous speaker, I think the point should be made that right now, under the current law, there's nothing to prevent a physician from advising a woman their opinion in the manner of pain that might be inflicted on the fetus. The problem is that legislation is imposing a mandate, a mandate that is based on evidence that simply is not scientifically proven. And that is why we have various medical organizations, most notably of course, the American College of Obstetricians and Gynecologists, and these are the people that are experts on anesthesia. And they say again, I quote, ''that there is no legitimate scientific data or information that supports the view this legislation purports with regard to the pain of the fetus.''

And that is the problem here. This is a mandate, Mr. Speaker, and I think it is a mistake to mandate that this be done when the science is not clear. And again, this is a bill on the Suspension Calendar. I would urge my colleagues to vote against it. We don't know what the true science is.

Mr. DEAL of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, my colleague, my Democrat colleague, on the other side of the aisle there is making reference, I believe, to a study that was done. The lead author of that was Susan Lee, who is a lawyer for NARAL. That is not exactly a credible witness.

And what we have on the other side of the argument, you have Dr. Myers and Dr. Bulich. They are authors of the textbook ''Anesthesia for Fetal Intervention and Surgery.'' They are professors at Harvard Medical School. And what they are explaining is that as we do these different routine operations to little children, before they are born, what we are doing is we are administering anesthesia because we understand that they feel pain. This is common practice in the medical community. And I am really amazed that anybody would be opposed to the idea of simply giving a mother a choice, a choice as to whether to administer anesthesia to her child. I mean, I hear these people. They say they are prochoice, and here is something that is choice, you can administer anesthesia; oh, no, we are against that. You might impose on giving them this opportunity to administer anesthesia. I can't understand why anybody could oppose it.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, a great man once said that a society is measured by how it treats those in the dawn of life, those in the shadows of life, and those in the twilight of life.

Because they are hidden, both in the dawn and in the shadows of life, we kill 400 late-term unborn children every day in America using methods that cause such agonizing pain to the child that it would be illegal under Federal law if it was done to an animal.

This bill would call upon abortionists to offer an anesthetic to assuage this agony to these children. Mr. Speaker, if we, as a human family in America, cannot find that much humanity within ourselves, if this human rights atrocity of dismembering our own children alive is truly who we are, then the patriot's dream is lost, Mr. Speaker. Those lying out in Arlington National Cemetery have died in vain, and twilight has fallen upon all of us.

I urge my colleagues to pass this legislation.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in strong support of H.R. 6099, The Unborn Child Pain Awareness Act introduced by my colleague, Congressman CHRIS SMITH.

This pro-information legislation ensures that women seeking an abortion are fully informed of the pain experienced by their unborn child at 20 weeks after fertilization.

In addition, the bill gives a woman the opportunity to request pain medication for her child during the abortion procedure.

Mr. Speaker, administering pain medication to an unborn child at 20 weeks of development is not a novel concept. Unborn children undergoing surgery in a mother's womb are given an anesthetic directly, and premature babies of the same age are given pain relieving drugs during medical operations.

At a minimum, a woman should be given the opportunity to request the same pain-easing medication for her unborn child.

It is time for us to do the right thing and arm women with all of the facts on abortion. I urge my colleagues to support this commonsense legislation.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I just wanted to read the text of this brochure. As I have said before, the problem with this legislation is it is a mandate, a mandate that the woman receive this brochure. And then it mandates in the legislation what the brochure should consist of. And I won't read the whole text, but let me just read part of it. It says, ''There is a significant body of evidence that unborn children at 20 weeks after fertilization have the physical structures necessary to experience pain. There is substantial evidence that at least by this point, unborn children draw away from surgical instruments in a manner which in an infant or an adult would be interpreted as a response to pain.''

And then it goes on to say, ''You may request that anesthesia or other pain-reducing drugs or drugs are administered directly to the pain-capable unborn child if you so desire.''

And then, ''In some cases, there may be some additional risk to you associated with administering such a drug.''

Now, you know, it is clear here that even the authors of this are not saying that this is definitive, only that there is a significant body of evidence that there may be pain experienced. And, it is also clear that the authors of the legislation understand that there may be some additional risk associated to the woman in administering such a drug. So again, this is, to think that you are going to mandate this in a brochure, when the scientific evidence of the impact on the fetus is not clear, and when there is the possibility, a real one, it is mentioned in here, that there may be additional risk to the woman, I think is just really the wrong thing to do to have this as a mandate that something has to be done.

And again, we are putting it on the Suspension Calendar, which is supposedly for noncontroversial measures. And again, I would urge my colleagues, we should not be putting this on the Suspension Calendar. We should not be mandating something that is not clear and where there may actually be additional risk to the woman herself. I think it is simply a mistake.

I would urge my colleagues to vote against this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, it is imperative we take appropriate measures to inform every woman who is seeking an abortion of the development of the unborn child to feel pain in her womb at least 20 weeks after fertilization. We have taken action to ensure that the pain of livestock and laboratory animals is reduced and prevented, yet when it comes to the unborn child we hesitate.

Every day unborn children have pain inflicted upon them, such as poisoning and even dismemberment, when a woman chooses to abort. All of this is without pain medicine. Studies show that fetuses respond to touch by 8 weeks' gestation, and respond to sound by 20 weeks. If an unborn child can recognize the positive and negative stimuli in the womb, I can't imagine the excruciating pain that must be felt during an abortion.

Today women are not fully informed of the extremely painful death their child will endure during an abortion. At minimum, we must act to ensure that abortion providers are legally obligated to inform every woman about her right to request pain-reducing medicine for her baby.

Life is a gift from God and should be respected. I hope my colleagues will join me in recognizing the pain unborn children experience during abortion by supporting this bill.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. SEKULA GIBBS), who is the third physician to speak on this issue in favor of the legislation.

Ms. SEKULA GIBBS. Mr. Speaker, I rise today to support the Unborn Child Pain Awareness Act. This bill is designed to provide information to women who are seeking late-term abortions.

As a physician who believes in the sanctity of life, I would rather be voting to ban abortions that are late term, but this bill is a step in the right direction.

And also, as a physician who has practiced for over 20 years, I support informed consent, and this is really what the bill is about. It is about giving women the information that their unborn fetus can experience pain. And the growing body of evidence suggests strongly, and this body of evidence is growing and has grown from the time I have been in medical school till now, that supports that fetuses do feel pain. And it gives women the option, the same kind of option that we have whenever our tooth is going to be extracted. Do you want anesthesia for that? The same kind of option whenever you have a skin biopsy. Do you want anesthesia for that? So it is an informed opportunity for the woman to make this decision. And if anesthesia is now routinely given to women when their fetus is undergoing surgery, it is appropriate to allow them the same choices now.

Mr. PALLONE. Mr. Speaker, I yield myself 1 minute.

Again, in response to the previous speaker, and I respect her opinion, but there is nothing under the current law that doesn't allow a woman to have the option of anesthesia in the manner in which the gentlewoman describes. The problem here is that we are mandating that they be given a brochure that provides information that is not scientifically proven. We are not in any way, neither would I suggest, that any woman not be able to opt for that kind of anesthesia. But the issue here is whether we should be mandating that they be given a brochure that is not at all clear, from a scientific point of view, as to whether or not that pain is going to be felt and what the impact might be on the woman herself. I just think that what the proponents of this bill are suggesting is a mandate for something that is unclear. And that is the wrong thing to do in this circumstance. I think it creates a lot of confusion on the part of women who are in that position, and it should simply be left up to the doctor.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I would say to Mr. PALLONE that I am prepared to yield the remaining time to Mr. SMITH who will conclude the debate on our side, if he has no other speakers.

Mr. PALLONE. Mr. Speaker, if I could just ask to make a minute closing remark myself, and then I will yield back the time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I just wanted to say again, and again I respect my colleagues, particularly my colleague from New Jersey, who I know truly believes in this issue and has spent a great deal of time on the issue throughout his career, but I really think that in this case, that we are making a huge mistake.

First of all, this is on the Suspension Calendar. It should not be. This is a very controversial issue. It is still a huge controversy in the scientific community, and for us to mandate that every woman in this situation has to get what may be, in fact, misinformation, I think is wrong. And so I would urge my colleagues to vote this bill down, that it not be on the Suspension Calendar.

Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield the balance of the time to Mr. SMITH from New Jersey.

□ 1200

Mr. SMITH of New Jersey. The Unborn Pain Child Awareness Act is a modest but necessary expansion of informed consent. Let me remind my colleagues that in State after State throughout the country these booklets like the one in my hand that describe fetal development are given to the woman prior to an abortion. These kinds of informed consent booklets have been vigorously opposed by the abortion lobby, and we know for a fact from former as well as current-day abortionists do not discuss the baby's pain. They rarely will talk about anything that is even remotely connected with the humanity of the unborn child. It is just not part of what they convey to the woman.

Let me also point out to my colleagues that the 2005 JAMA article that is being pushed by members and the press has been part of a slick disinformation campaign and is true junk science. The authors of that study failed to point out that their conflict of interest. Susan Lee is a medical student who was previously employed as a lawyer for NARAL, and Eleanor Drey, runs the largest abortion clinic in San Francisco, where they do 600 D and E or late-term abortions every year, those hideous abortions where the baby is dismembered and she has been a very strong advocate of partial birth abortion. Eleanor Drey too did not disclose as one of the authors of that study her affiliation. Talk about conflict of interest, and the study is riddled with holes.

Finally, what the legislation does, and let us be clear, it just requires the informed consent brochure from the Department of Health and Human Service and that the mother be given an informed consent form to sign.

Ms. SLAUGHTER. Mr. Speaker, today I rise in opposition to H.R. 6099, the so-called Unborn Child Pain Awareness Act. While this bill purports to represent the findings of the scientific community, it is merely sensationalistic junk science.

This bill would force doctors to violate their Hippocratic oath by mandating that they provide women with incorrect, unsupported information. It misleads women into believing that they need general anesthesia for an abortion. By glossing over the established risks of general anesthesia, this bill puts women's health at risk.

But don't take my word for it—look to the science. An August 2005, Journal of the American Medical Association study states "for pregnant women, general anesthesia is associated with increased morbidity and mortality, particularly because of airway-related complications and increased risk of hemorrhage from uterine atony."

The American College of Obstetricians and Gynecologists said it best in their statement against this bill. "Requiring a physician to provide a patient with information that is not supported by scientific fact violates the established doctrine of medical informed consent."

As a scientist myself, I am embarrassed that this body would even consider something so egregiously devoid of fact and scientific proof—something that blatantly puts women's health at risk. But I'm not the only scientist opposed to this bill.

The American Academy of Physician Assistants, the American College of Obstetricians and Gynecologists, the American Public Health Association, the American Society for Reproductive Medicine, the Association of Reproductive Health Professionals, the National Association of Nurse Practitioners in Women's Health—to name a few. All these groups oppose H.R. 6099. In total there are over 30 scientific, medical and advocacy organizations that are against this bill.

This bill is nothing but pure political pandering at the expense of science and women's health. Let's stop letting politics trump science. I urge a "no" vote on this bill.

Mrs. MALONEY. Mr. Speaker, last month, I attended the Supreme Court oral arguments on the so-called Partial Birth Abortion bill. You may recall that like the bill we have before us today, that bill included Congressional findings that found no basis in medical fact or science. The bill we are debating today is pseudoscience. The American College of Obstetricians and Gynecologists, in consultation with physicians who are experts in fetal anesthesia and fetal surgery, knows of no legitimate scientific data or information that supports the statement that a fetus experiences pain. Requiring a physician to provide a patient with information that is not supported by scientific fact violates the established doctrine of medical informed consent. This bill is a clear attempt by the current antichoice majority to once again chip away at a woman's right to choose.

H.R. 6099 does not inform women who are seeking abortions, it misinforms them. It forces doctors and nurses to distribute a brochure filled with biased language written by antichoice politicians, most of whom have no medical experience. This bill has nothing to do with improving women's healthcare or increasing access to medical information. It is just one more attempt for politicians to impose themselves on the unique and important doctor-patient relationship, which should remain private.

Mr. Speaker, in these last days of the 109th Congress, the anti-choice majority is lobbing a parting shot at American women. We shouldn't be wasting our time on bills that impede access to healthcare and impose further burdens on women seeking abortions.

I urge my colleagues to vote against H.R. 6099, a bill where the science is unproven and the result is harmful.

Mr. SHAYS. Mr. Speaker, I rise in opposition to H.R. 6099 because I believe it is a woman's choice whether to terminate a pregnancy, and oppose legislation requiring health care practitioners to tell a patient information that may or may not be true.

I am concerned about the precedent we are setting by having the Federal government mandate by law the medical advice doctors offer their patients. It seems to me the last thing physicians want or need is more federal intrusion into their practices.

I support a woman's right to choose whether to terminate a pregnancy subject to the restrictions of Roe v. Wade. Abortion is a very personal decision. While a woman's doctor, clergy, friends, family and public officials may have an opinion, the ultimate decision rests solely with her. I would like to see abortion remain safe and legal, yet rare.

Mr. FORTENBERRY. Mr. Speaker, thank you for this opportunity to champion the principle of informed consent, which should concern each and every one of us here today. I also want to thank Mr. Smith yet again for his courageous and tireless dedication to the most vulnerable persons among us, the unborn. His leadership on human rights is a constant inspiration.

For over 30 years, our society has been torn apart by the issue of abortion. There may be very few of us who have not been affected by the emotional and physical pain of abortion, as experienced by millions of women, children, and families throughout the country.

Modern therapeutic and diagnostic technologies make it increasingly more difficult to deny the essential humanness of unborn children. These technologies and sound, scientific research have enabled us to conclude beyond a reasonable doubt that unborn children are able to experience excruciating pain from 20 weeks of gestation.

It is my hope that one day we will all choose to open our hearts and minds to the unborn and face the reality of abortion for what it is. Until that day, let us at the very least work to ensure that women are given the medical facts about fetal pain. Women deserve this respect.

Mr. STARK. Mr. Speaker, Republicans are apparently so concerned about the pain of unborn children that they are willing to promote junk science and have Congress dictate the contents of a brochure given to all women seeking to have an abortion. Where is the sense of urgency for children once they are actually born? What has this Congress done to address increasing rates of child poverty and hunger, decreasing access to health care, and the abysmal state of education and child care in this country?

Inevitably, my Republican colleagues say it's a "state issue" or that there's not enough evidence that federal action would work. I guess this bill proves that if the issue is important enough to the Christian Right, federalism and evidence get tossed aside. If only the needs of children or the demands of voters had similar power to break through right wing ideology. This is a fitting end to the Congress that found the time to meddle with Terri Schiavo and vote against the fabricated war on Christmas but couldn't make time to finish nine appropriations bills.

Mr. Speaker, the jig is up on this pathetic excuse for governing. Let's begin a new direction for America by voting against this divisive bill.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to the Unborn Child Pain Awareness Act, which purports to provide

women important information related to their health, but instead will substitute ideology for scientific evidence.

The House of Representatives is again legislating morals and is poking its nose where it doesn't belong.

This bill will require that family planning providers inform a patient seeking a legal abortion after 20 weeks that there is ''substantial evidence'' that a fetus may feel pain during an abortion procedure.

These women would be required to read and sign a form drafted by Congress, which states that ''there is substantial evidence'' that the abortion will cause pain to the fetus and they will be offered medications intended to reduce pain administered directly to the fetus.

There is an ongoing debate in the scientific community on this issue. Many scientists believe that there is too little information on the effectiveness of medications administered directly to a fetus.

In fact, a federal court found in 2004, ''the issue of a fetus feeling pain is unsettled in the scientific community . . . there is no consensus of medical opinion on this issue,'' and ''much of the debate is based upon speculation and inference.''

Proponents of this bill are claiming compassion for the unborn and using biased ''scientific'' information to prove their misguided ideology.

What would be compassionate is for this body to consider legislation such as the Prevention First Act, which would help to reduce the number of unintended pregnancies.

This is what we should be considering.

In reality, the goal of the Unborn Child Pain Awareness Act is not one based on compassion.

The goal is to undermine a woman's right to choose and to make what is a difficult decision for many women, increasingly more difficult.

I urge all my colleagues to vote against this measure.

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to H.R. 6099, the Unborn Child Pain Awareness Act. H.R. 6099 is another heavy-handed attempt by the majority to intrude into the doctor-patient relationship. This legislation would proscribe a consent form that states as medical fact unsubstantiated studies which have no consensus in the medical community.

This legislation is meant to further undermine the U.S. Supreme Court's Roe vs. Wade decision regarding a woman's right to privacy and her ability to make personal medical decisions. Once again, instead of allowing a controversial bill such as this one full and clear debate, the House leadership is trying to sneak one by the American people on one of the last days of a lame-duck session in a desperate attempt to score political points with those factions who wish to deprive women of their rights. And by putting it on the Suspension Calendar, they have denied Members the opportunity to offer substantive amendments on these important issues.

I urge my colleagues to vote against this legislation so that we may consider it, as well as substantive amendments that could improve it, in the 110th Congress.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the bill, H.R. 6099.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. DEAL of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

N O T I C E

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, WEDNESDAY, DECEMBER 6, 2006 No. 133

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable CRAIG THOMAS, a Senator from the State of Wyoming.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

O God, the fountain of wisdom whose will is good and gracious and whose law is true, order the steps of our Senators. May the words of their lips and the meditations of their hearts please You. Lift them above the claims of political expediency and make them fearless to seek to know and to do right. Keep them from friendships and alliances that lead them from You. As they strive to be faithful, use their example and influence to bless our land. Show them the right road and guide them by Your might.

We pray in Your holy Name. Amen.

NOTICE

The Government Printing Office will publish corrections to the *Congressional Record* as a pilot program that has been authorized by the U.S. Senate and House of Representatives. Corrections to the online *Congressional Record* will appear on the page on which the error occurred. The corrections will also be printed after the History of Bills and Resolutions section of the *Congressional Record Index* for print-only viewers of the *Congressional Record*.

By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

NOTICE

If the 109th Congress, 2d Session, adjourns sine die on or before December 15, 2006, a final issue of the *Congressional Record* for the 109th Congress, 2d Session, will be published on Wednesday, December 27, 2006, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 27. The final issue will be dated Wednesday, December 27, 2006, and will be delivered on Thursday, December 28, 2006.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 6, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CRAIG THOMAS, a Senator from the State of Wyoming, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. THOMAS thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. ENSIGN. Mr. President, this morning the Senate will conduct a period of morning business until 11:30. A number of Senators will be here to pay tribute to our retiring colleagues. At 11:30 we will proceed to executive session to consider the nomination of Robert Gates to be our next Secretary of Defense. It is the majority leader's hope that we will have a vote on this nomination later today.

The Senate will recess from 12:30 until 2:15 to accommodate the weekly policy luncheons.

Last night the majority leader filed cloture on the nomination of Andrew von Eschenbach to be the FDA Commissioner. Under the regular order, that vote will occur on Thursday morning.

RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT OF 2006

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be discharged from further consideration of H.R. 6143, and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6143) to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

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

Mr. KENNEDY. Mr. President, today marks an important milestone in our ongoing national struggle with HIV and AIDS. Twenty-five years ago, the Centers for Disease Control and Prevention issued its first warning about the disease we now know as AIDS. Today, we approve the third extension of the Ryan White CARE Act, the comprehensive legislation first enacted in 1990, for the prevention and treatment of HIV and AIDS.

In those early days, the Nation failed on all levels to recognize the danger posed by this disease. Its victims suffered in silence and stigma. Shamefully, those who had the power to help did nothing.

Then, mid-eighties, a young boy's courage awakened the Nation to the very real tragedy of AIDS. A disease that had seemed distant was suddenly threatening us all, and we could no longer claim that it was someone else's problem. We realized it was a virus that knows no color, religion, political affiliation, or income status. And I think Ryan White would be proud of the effort we are putting forth today with this compromise we have worked hard on for the last few months.

In 1987, Senator HATCH and I introduced bipartisan legislation calling for a comprehensive national strategy of education, prevention, and research to halt the spread of AIDS. We called on government, the public health community, and the media to all do their part in order to prevent the AIDS epidemic from continuing its rampage across America.

We were optimistic that we were poised to handle this challenge more effectively than at any previous point in our history. We would not lose the battle, unless we failed to wage it with wisdom, reason, dignity, and common sense.

Yet the battle continues. We mourn the 500,000 Americans we have lost to the AIDS virus. Each victim is a human tragedy—so much potential lost before its time. But we take heart in the fact that AIDS is no longer a death sentence. Through testing and treatment, people are living long and full lives with HIV. We are identifying victims earlier in the progression of the disease and keeping them healthier longer.

But we still have a long way to go. Many who live with HIV and AIDS do not have insurance to pay for costly treatments. As a result, heavy demands are placed on community-based organizations and State and local governments. For these citizens, the Ryan White CARE Act continues to provide the only means to obtain the care and treatment they need. It doesn't matter where they live.

Americans agree. Seventeen percent of our people name HIV as the most urgent health problem facing the country, just behind cancer and heart disease. Sixty-three percent say the Government is spending too little at home to fight HIV and AIDS. Six in ten believe more spending on prevention and testing will help slow the spread of this disease.

Four in ten say they know someone with HIV. Eighty-one percent say discrimination against people living with HIV or AIDS is a fact of life in America today.

We have far to go in educating people about the disease. Thirty-seven percent of Americans fear the spread of HIV through kissing, twenty-two percent by sharing a drinking glass, and sixteen percent by touching a toilet seat, none of which are true.

We have not finished the job we started 25 years ago.

The Ryan White Care Act began as an emergency response to the crisis in urban areas, but today it represents a national plan to provide care and support for persons living with HIV and AIDS anywhere in America—urban or rural, coastal or inland.

This bill represents a working agreement among States, cities, community-based organizations, hospitals and health providers, and persons living with HIV and AIDS their families and advocates.

It responds to an evolving epidemic that continues to grow in the very cities and States that have long borne the greatest burden of disease. It is expanding into regions of the country that have been historically less affected.

With this bill, we take a major step toward a more effective response. It preserves access to life-saving medications, quality health care, and support services for persons living with HIV and AIDS who have come to depend on publicly-funded systems. It extends this system of quality care to persons with HIV and AIDS who have faced long waiting lists for medications and severe limits on their access to specialty health care. It protects governmental and community-based institutions charged with providing this care, all of whom face growing case loads and the greater challenges of an evolving population of persons with HIV/AIDS. It balances the needs of high-prevalence cities and States with those facing rapidly growing epidemics. It ensures those who have been relying on their local system of care that it will continue to be there for them. It reassures persons seeking tests for HIV that comprehensive care and support will also be ready to serve them. And it authorizes the expenditure of $7 billion over the next 3 years to carry out this mission.

This legislation is good for Massachusetts.

This bill recognizes the added burden facing States like Massachusetts that have increasing numbers of people with HIV and AIDS living in cities like Boston. It ensures sufficient resources to maintain a HIV/AIDS service system

strained by a rising case load. It stabilizes funding to the State and stabilizes funding to the city of Boston because a larger portion of their award will be based on a predictable formula.

The bill continues to provide significant Federal support for the State medication assistance program, lessening the possibility of having to create cruel waiting lists for life-saving medications. It eliminates the uncertainty of an untried severity of need index.

Both Massachusetts and Boston benefit from having the State's HIV cases counted for the first time, for next 3 to 4 years. This will allow my State of Massachusetts to continue to focus on providing quality care and support services to people living with HIV and AIDS.

At its best, America has the finest HIV/AIDS care system—one we as a Nation should be proud to hold up as the gold standard of care throughout the world. Our goal in this legislation is to make it also the fairest system of care—with equal access for all, high standards for quality, and guaranteed continuity of care. At last, access to all the benefits of medical science will no longer be the result of geography.

This bill is a product of effective advocacy, creative thinking, a sense of shared responsibility, and a common commitment to getting it done. The Nation is fulfilling the promise of the original Care Act, first created in an era of limited treatment options and uncertain prognosis, to bring hope to persons living with the infection that they may live healthy and productive lives.

It is also complex legislation, and all our committee staff, both Democrat and Republican, deserve great credit for working long nights and weekends over the past several months. In particular, I thank Keysha Brooks-Coley, Lauren Brumsted, Ann Gavaghan, Lisa German, Ann Grady, Elizabeth Hoffman, Bruce Lesley, Tamar Magarik, and Michael Woody. And I give special thanks to Shana Christrup of Senator Enzi's staff for her diligence and desire to make the world a better place for people living with HIV and AIDS.

This was a clear bipartisan effort, by the House and Senate, and I am grateful as well to staff from the House of Representatives, including Melissa Bartlett of Congressman Barton's staff and John Ford and William Garner of Congressman Dingell's staff.

On my own staff, I especially commend several who worked so long and hard and well on this legislation—Alice Lam, Megan Gerson, Caya Lewis, Cody Keenan, Ches Garrison, Daniel Dawes and Michael Myers, and above all to Connie Garner, whose passion, counsel, and commitment I value so highly on this and many other issues. She never once let us forget what this debate is truly about.

My hope is that as we continue to improve the Ryan White CARE Act to meet the needs of this disease, the remedies we adopt will continue to come from the bright lights of science, not the dark fears of bigotry. This is an important day for people living with HIV and AIDS and for all Americans. We must do more to provide care and support for those caught in the epidemic. This legislation will give us the time and support we need to accomplish that goal.

Mr. HATCH. Mr. President, I am pleased that the Senate has been able to come to an agreement and adopt H.R. 6143, the Ryan White HIV/AIDS Treatment Modernization Act of 2006.

With this agreement, we finally reauthorize the only Federal program that helps low-income individuals living with HIV/AIDS. We tried to pass this critical legislation earlier this year, and even though this effort has enjoyed large bipartisan support in both Chambers, just a few Members prevented its passage.

We worked to address their concerns in this compromise, and I am very glad to see the success of that endeavor. I would like to thank HELP Committee Chairman ENZI and Ranking Minority Member KENNEDY, and others, for their tireless efforts throughout the reauthorization process. It has taken quite a long time to get here, and I commend everyone for their hard work. No one knows this more than Senator KENNEDY, with whom I authored the original Ryan White CARE Act back in 1990, and I am very proud that our work has been able to help so many people.

This bill may not be perfect, but it will continue a vital program that needs to be continued. Importantly, it will help stabilize the distribution of CARE Act funding in areas of the country where the AIDS epidemic is largest and also increase access to areas that have seen large numbers of new HIV infections.

Many of us in the Senate recently received a letter from 99 AIDS organizations that endorse this reauthorization. These are national and local organizations that provide services to people living with HIV/AIDS—they are the ones out there actually working with them, not sitting here in Washington, just talking about it. They have been involved throughout this entire reauthorization process—they have seen all the proposals and compromises—and they support this legislation.

I thank these individuals for their participation in and contribution to the lengthy reauthorization process because the end product would not be effective without their input.

I am especially thankful for the insight of Jennifer Brown, the State AIDS director in my home State of Utah, who helped me throughout negotiations to understand the possible effects of changes in the program.

I would like to read a portion of the letter sent by the AIDS organizations, which I think reiterates a very important message:

> It is time to put aside regional differences and individual jurisdictional concerns, and act on behalf of all Americans who are living with this terrible disease. If Congress fails to act before adjournment, many of our citizens will lose life saving medical care, drug treatment and the support services necessary for them to lead healthy, productive lives.

This message has been quite clear for some time. We received this message from the HIV/AIDS community, from our constituents, and from the President.

Everyone has urged us here in the Senate to work in the best interests of the entire Nation and pass this reauthorization, and I am pleased that we have been able to do so.

Mr. ENZI. Mr. President, today the Senate affirmed its commitment to ensuring access to quality care for all Americans living with HIV and AIDS no matter their race, gender, or where they live. Today we finally have unanimous consent to pass H.R. 6143, the Ryan White HIV/AIDS Treatment Modernization Act.

Senator KENNEDY and I and our counterparts in the House have worked for nearly 2 years to address the concerns from every State and the hundreds of stakeholders who participated in our outreach efforts. We have reached broad consensus that this is the right policy at the right time.

In the past few weeks, we have received letters of support from more than 100 leading AIDS service organizations calling for us to pass this legislation now.

The Ryan White law must reflect the principle that every American living with HIV/AIDS deserves access to quality care, and this reauthorization is a step toward our goal of just and equitable treatment under this law. Our action today will ensure a more equitable program to provide not only AIDS patients but also HIV-positive Americans with the treatment they desperately need.

The HIV/AIDS epidemic of today affects more women, more minorities, and more people in rural areas and the South than ever before. While we have made significant progress in understanding and treating this disease, there is still much more we must do to ensure equitable treatment for all Americans living with this disease.

The epidemic is shifting, and our Federal programs must shift to meet this need and fight the epidemic where it is today and will be tomorrow, not where it was 10 or 20 years ago. The legislation passed unanimously by the Senate today does just that.

An alarming 1.1 million Americans are living with HIV/AIDS today and the face of the epidemic is rapidly changing. The Kaiser Family Foundation has reported that while the number of AIDS cases in the Nation rose by 1 percent between 2000 and 2001, it rose by 9 percent in the South and fell by 8 percent in the Northeast.

Newly infected people are increasingly likely to be poor, have inadequate access to health care, and be members of a minority community.

For example, African Americans make up 19 percent of the South's population but accounted for over 60 percent of new cases in 2003. In addition, the growing number of rural Americans infected with HIV face already overburdened rural health care systems that have too few doctors, underdeveloped support systems, and long travel distances to care.

Rural States and States in the South have a newer epidemic, with more HIV than AIDS cases, while urban areas with a longer history of the disease have a much higher percentage of AIDS cases. Because of old formulas that counted only AIDS cases, more than 100,000 Americans with HIV went uncounted, resulting in drastic funding disparities across the Nation. This has crippled the ability of health systems in rural and frontier States, like Wyoming, to confront this growing crisis.

Today, with the unanimous passage of the compromise bill, the Senate has begun to correct these inequities and ensure that those traditionally overlooked by this program will receive the care and treatment they desperately need. The Ryan White program can now begin to address the epidemic of today, not yesterday, and treat the full spectrum of this disease.

This legislation strengthens and modernizes the Ryan White program to ensure that all Americans with HIV and AIDS are counted, that appropriate funding is provided to those on the ground fighting this epidemic, and that State and city care systems are protected so they can continue providing quality care to their residents with HIV and AIDS.

Senator KENNEDY and I are committed to looking at the overall structure of this program beginning next year. We both want to ensure that when this reauthorization expires at the end of 2009, we have a comprehensive solution to the health disparities created by the current flawed formula for allocating Ryan White funding. This legislation is one step toward a more just and equitable program, and I look forward to continuing to strengthen and improve this program in the future.

In whatever policy we have on Ryan White, I will insist on key principles first, that the money follows the epidemic so that our funding formulas can be responsive to the needs of Americans affected by the epidemic today and in the future. In addition, we need to ensure that we capture the need of an area better by going beyond simply including HIV in the formulas and develop other mechanisms to better account for the need on the ground.

Ryan White is a safety net program, and we need to better understand how much of that safety net is being supported by local, State, and Federal dollars. Finally, I want to be clear to my colleagues that any new funding formula must ensure that we are providing care across the spectrum of the disease—from HIV to AIDS. In doing so, we provide the right incentives for providing lifesaving care as soon as possible.

With that being said, I would like to close by thanking my colleagues and their staff both here in the Senate and in the House for their hard work in passing this critical legislation. I want to thank all the members of the Senate Committee on Health, Education, Labor, and Pensions, especially my friend and ranking member Senator KENNEDY.

I also thank our good colleagues on the House Committee on Energy and Commerce, Chairman BARTON and Representative DINGELL.

This bill is yet another example of the good work that can be done when we put politics aside and work together to improve the lives of Americans. I am proud of the accomplishments I have achieved with Senator KENNEDY in the 109th Congress, and I hope the 110th Congress is just as productive.

I would like to offer special thanks to my colleagues who assisted me on the Senate floor in September when we previously tried to pass the bill. Senators HATCH, BURR, and SESSIONS were all instrumental in getting us to this great victory today. I want to mention their staff: Pattie DeLoatche and Karen LaMontagne with Senator HATCH, Liz Stillwell with Senator SESSIONS, and Jenny Ware with Senator BURR.

I would like to offer a special thank you to Senator COBURN and Roland Foster, Stephanie Carlton, and Katy French of his staff. Senator COBURN helped educate our colleagues of the importance of getting this bill passed.

Vince Vintimiglia, Marty McGeein, Laura Ott, Maury Huguley, Deborah Parham, and Adelle Simmons of the Department of Health and Human Services were crucial in guiding our efforts to help craft reforms to the Ryan White programs. Megan Hauck at the White House was also instrumental in helping us move this legislation forward.

I would also like to thank Marcia Crosse, Martha Kelly, and Suzanne Worth of the Government Accountability Office for their tireless efforts to analyze different proposals and their effect on distribution of funding across the Nation.

Through this entire process, Bill Baird of Senate Legislative Counsel and Pete Goodlowe of House Legislative Counsel have drafted countless legislative proposals and compromises and were invaluable in crafting the final language that reformed this program.

Kathie Hiers of the Southern AIDS Coalition and Bill McColl of AIDS Action have provided critical support from the beginning of this process, without which much of our progress would not have been possible. In addition, there were numerous other individuals and organizations who helped us throughout the process. So as not to leave anyone out, I just want to express my appreciation to all of you who have continually labored with us to craft and pass this bill.

As you can imagine, a process involving Republicans and Democrats in the House and the Senate over a year and a half involved many dedicated staffers and many late nights. I would like to specifically acknowledge Connie Garner and Alice Lam of Senator KENNEDY's staff; Melissa Bartlett, Randy Pate, Ryan Long, and Katherine Martin of Chairman BARTON's staff; and John Ford, William Garner, and Jessica McNiece of Congressman DINGELL's staff for their diligence and determination as we worked together to craft this important and essential bill.

Both the Republican and Democratic leadership in the Senate were incredibly helpful in helping us reach the final compromise. I would like to thank Majority Leader FRIST and Elizabeth Hall of his staff and Minority Leader REID and Kate Leone of his staff for their efforts.

Finally, there are a number of individuals I would like to thank on my own staff for their dedication and determination to pass these critical reforms to the Ryan White CARE Act. First and foremost, I would like to commend Shana Christrup for her leadership, tireless efforts, determination, and unlimited patience. Without her knowledge of the policy and the process, this lifesaving legislation would not have been possible. I would also like to thank Katherine McGuire, my staff director on the HELP Committee. She keeps the trains running on time and keeps my team motivated to search for solutions when solutions seem to be exhausted. I also want to thank Stephen Northrup, my health policy director. He does a great job managing the health issues before the committee. I should also make special mention and thank Aaron Bishop for his expertise and incredible outreach with the stakeholders. He sat through countless listening sessions with stakeholders and staff to ensure their thoughts and concerns were incorporated in the legislation. Thank you also to Michelle Dirst, Brittany Moore, Keith Flanagan, Kori Forster, Todd Spangler, Amy Shank, Ilyse Schuman, Greg Dean, Lesley Stewart, and Megan O'Neil. All these Team Enzi members were instrumental in shepherding this legislation through the process.

In addition, I want to thank chief of staff and anchorman, Flip McConnaughey, for his steady hand and helping us to stay the course.

I urge the House to pass this final compromise this week to ensure justice and equitable treatment under the law for all Americans who struggle with the medical and financial burdens of HIV and AIDS.

Mr. ENSIGN. I ask unanimous consent the Enzi-Kennedy substitute at the desk be agreed to, the bill as amended be read a third time and passed, and any statements relating to the measure be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 5212) was agreed to.

The amendment was ordered to be engrossed for a third reading and the bill to be read a third time.

The bill (H.R. 6143), as amended, was read the third time and passed.

ACCEPTING AND DISPLAYING A BUST OF SOJOURNER TRUTH

Mr. ENSIGN. I ask unanimous consent the Rules Committee be discharged from further consideration of H.R. 4510, and that the Senate then proceed to its consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4510) to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the rotunda of the Capitol.

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

Mr. ENSIGN. I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD without intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4510) was ordered to a third reading, was read the third time, and passed.

MEASURE PLACED ON CALENDAR—S. 4080

Mr. ENSIGN. I understand that there is a bill at the desk that is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4080) to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations.

Mr. ENSIGN. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. ENSIGN. I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

IMPROVING AMERICA'S EDUCATION SYSTEM

Mr. FRIST. Mr. President, for 12 years, I have served the people of Tennessee as a U.S. Senator. Before I joined this body, I spent 20 years practicing medicine—as a transplant surgeon.

But I spent even more time—nearly 30 years—getting the education necessary for me to pursue a career at the cutting edge of transplant surgery.

Without that education, I couldn't have pursued my dream of helping people.

The fact is, education is an essential cornerstone in our society. Not just in the United State,s but around the world—across the global society.

Not only does a sound education increase the global competitiveness of America's workforce, but it also enables each and every worker to pursue the American dream, in his or her own way.

Here in America, we have a rich history of working hard. We set goals. We visualize dreams. And then we doggedly pursue them, with stubborn perseverance.

But as hard as we work, unless we possess the tools and the knowledge and the ''know how,'' we are not optimizing our resources. That means it is our best interest to pursue the best education possible. It is in our best interest to strengthen our education system so we can better equip future generations.

That is why I have supported a number of measures that enhance America's education system.

Take the President's No Child Left Behind Act, which I proudly cosponsored. It set high standards for schools around the country. It is a comprehensive overhaul of the Federal Elementary and Secondary Education Act based on 4 pillars: accountability and testing, flexibility and local control, funding for what works, and expanded parental options.

We laid the groundwork for No Child Left Behind with ED-Flex, to give States more flexibility in how they use Federal education dollars.

More recently, we passed the first-ever comprehensive reform and improvement of the Individuals with Disabilities Education Act.

We crafted this strongly bipartisan legislation with input from parents, educators, and disability groups—with the primary goal of ensuring disabled students are achieving.

Streamlining regulations, simplifying and improving the integrity of the conflict resolution process, reducing the paperwork burden for special education teachers, improving existing discipline provisions while still ensuring disabled children's rights are protected—with every provision, we helped principals, teachers, and parents better address the needs of disabled students.

Enhancing and strengthening our Nation's education system must occur at every level—primary, secondary, and beyond, in colleges and universities.

My SMART grant legislation took education reform to the university level, and without a doubt, among the education improvements I have supported over the years, SMART grants hold pride of place in my heart.

SMART grants are a new student aid initiative that provide incentives for promoting math and science education and consequently represent a dramatic step toward ensuring America's future global economic competitiveness.

Let me put it in perspective: China and India generate scientists and engineers at a furious pace while America lags dangerously behind.

We haven't reached the crisis point yet. We still have the best research universities in the world. We take home the lion's share of Nobel prizes in the sciences. We lead the planet in most high-tech fields. And we produce more top scientists and engineers per capita than any country with an economy even close to our size.

But for every one engineer we graduate in America, China graduates eight and India graduates four.

SMART grants help America maintain our competitive edge by providing aid to Pell grant-eligible students who maintain a 3.0 GPA and major in math, science, engineering, technology, or foreign languages critical to national security during their third and fourth years of college.

These funds help incentivize more students to major in these time-intensive studies and they help America produce the quality workforce necessary to compete in today's global economy.

But there is still more Congress can do to strengthen our education system and further enhance our America's competitiveness.

Right now, we stand at a crossroads. Unless we continue moving to improve our education system at all levels, we could very well face economic stagnation and a loss of global scientific leadership.

We can't afford to let that happen.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 11:30 with Senators permitted to speak therein for up to 10 minutes each.

Mr. REED. Mr. President, I ask unanimous consent at the conclusion of my remarks the Senator from New Mexico, Senator BINGAMAN, be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING SENATORIAL SERVICE

Mr. REED. Mr. President, this is an opportunity to recognize the service of several of our colleagues who are departing from the Senate. To Senator JEFFORDS, Senator FRIST, Senator DEWINE, Senator TALENT, Senator

SANTORUM, Senator BURNS, and Senator ALLEN, let me express my appreciation for their service to their States and their service to the Nation and wish them well. I particularly want to comment, though, on three colleagues with whom I have had the privilege of working very closely.

PAUL SARBANES

The first is my friend and my chairman, ranking member, Senator PAUL SARBANES of Maryland.

PAUL has had an extraordinarily distinguished career in the Senate, and he has been the chairman of the Banking, Housing, and Urban Affairs Committee and the Joint Economic Committee, and in both of those capacities he has made profound and important impacts on the banking system and the economy of the United States. Housing and urban affairs have also been improved dramatically by the efforts of PAUL SARBANES.

When it comes to understanding complex financial matters there is no one more gifted and more knowledgeable than PAUL SARBANES. He has an extraordinary record of legislative achievements. The Sarbanes-Oxley Act of 2002 stands as a testimony both to his skill as a thoughtful observer of the financial scene and as a legislator. It represented major reforms in corporate governance at a time when confidence in our markets was waning dramatically after the implosions of Enron and WorldCom. Through PAUL's efforts, confidence was reestablished in a system of corporate governance which I think will stand the test of time.

In addition, in 1999 he was instrumental in the Financial Modernization Act, also known as Gramm-Leach-Bliley, and was particularly concerned that the Community Reinvestment Act aspects of the legislation be maintained because he was always committed to serving people and giving them opportunities. He understood that the franchise to operate a financial institution with Federal Deposit Insurance required a concomitant commitment to serve the community, and PAUL SARBANES has done a remarkable job of maintaining that commitment to all the communities of America, particularly those that need an opportunity, need a chance to move forward.

As chairman of the Joint Economic Committee in the late 1980s, he was a thoughtful and careful analyst, someone who I think led the way analytically to the changes in the 1990s that returned us to a balanced budget and a robust economy. PAUL SARBANES in many respects, through his work on the Joint Economic Committee, was the architect of those efforts in the 1990s.

He has long had a concern about our role internationally in economic affairs. He was one of the first Members to raise concerns about Chinese currency and its impact on our trade, our productivity, and our manufacturing base. In the Omnibus Trade and Competitiveness Act of 1988, he mandated that the Treasury Department report semiannually to Congress about international economic and exchange rate policies. I think this is the lever that today is used to rally support, debate and attention to the issue of currency exchange rate policies.

He has also, in his capacity as a leader on the Banking and Urban Affairs Committee, been active in promoting transit throughout the United States. He made sure that our transit systems are supported, and are able to provide greater accessibility, environmental benefits, while reducing the demand on foreign oil. His insights into transit, and his leadership, have benefitted everyone in the country, particularly the 14 million Americans who rely on mass transit every day.

He has also been a champion for affordable housing. He has been the author of the Home Investment Partnerships Program, known as HOME. During the past 16 years it provided funding to our States and localities to improve affordable housing. He was one of the key legislators who offered the Market-to-Market Program, which preserved so much of our affordable housing, making sure low-income people have a chance to live in decent and affordable environments.

He has had the able assistance of Steve Harris, Marty Gruenberg, Pat Mulloy, Johnathan Miller, Dean Shahinian, Sarah Kline, Aaron Klein, Lee Price, Patience Singleton, Jen Fogel-Bublick, Steve Kroll, and Lynsey Graham.

I want to express my best wishes to PAUL, to his wife Christine, and their family. His son, John, is now the new Representative for the United States House in the Third District of Maryland, so the Sarbanes tradition carries on.

Let me conclude by saying there is a word in Greek for integrity and intelligence, and that word is Sarbanes.

PAUL, good luck.

LINCOLN CHAFEE

Let me also recognize my colleague from Rhode Island, Senator LINCOLN CHAFEE. Senator CHAFEE is an individual both with character and sincere devotion to our State and Nation, an honest, decent man who is always respectful, thoughtful, and fair-minded. He is someone with whom we are all proud to have served. He is someone in this House respected for his integrity and for his determination.

He came to the Senate upon the passing of his father, Senator John H. Chafee, and picked up that tradition of service from his father. He was a great model to emulate, and Senator LINCOLN CHAFEE has done that. Like his father, he has concerned himself with issues of the environment through service on the Environment and Public Works Committee. He sought to improve our Nation's water and air quality standards. His pivotal work to provide for the cleanup and redevelopment of brownfields is a commitment and accomplishment that I think will be recognized for many years to come.

He has also tried to preserve our State of Rhode Island's industrial, natural, and cultural history, and he has done it persistently. Let me applaud him for his dedicated service and wish him and his family well in the days ahead.

MARK DAYTON

Finally, let me say a word about my colleague and friend, Senator MARK DAYTON. He is retiring after 6 years in the Senate. He began his public life much earlier, in 1990, as a public school teacher in New York City, and throughout his work he has dedicated himself to help the people of Minnesota and the people of this great Nation. He has placed himself on the front lines to provide better health care for seniors in Minnesota. He has worked closely on the Low-Income Home Energy Assistance Program, LIHEAP. He has a good head and a great heart and he served with distinction. I wish him well as he leaves the Senate.

To all my colleagues who served and conclude their service, let me once again express deep appreciation for their friendship and for their service to the Nation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that following my remarks, unless a Republican Senator appears wishing to speak, that Senator STABENOW of Michigan be allowed to follow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEDICARE

Mr. BINGAMAN. Mr. President, I want to speak briefly about two issues, legislative issues, that still require attention before this Congress adjourns. The first is related to Medicare cuts. Effective January 1, Medicare reimbursement to health care providers is scheduled to be cut by 5 percent. I believe it is imperative that Congress step in and prevent that cut from occurring. Failure to do so will lessen access to quality health care for many in this country.

The sustainable growth rate, the SGR, as it is referred to here in Washington more commonly, was implemented in 1998 as a means to annually adjust Medicare's physician fees in line with a set of spending targets. Until 2002, the total physician spending was below the set targets, so physicians received an annual increase in their fees. However, starting in 2002, the trend was reversed. Spending on physician services began to exceed the target. The result was a 4.8 percent reduction in physician fees in 2002 and the realization that the SGR, or this sustainable growth rate formula, was flawed.

This was the beginning of what has become a yearly game of brinksmanship, and we are in that game of brinksmanship again today

with Medicare threatening to enact the cuts deemed appropriate by the SGR formula and Congress averting the fee cuts one year after another.

As of January 1 of next year, physician fees will be cut by 5 percent. In my view, this is causing understandable concern in the medical community. I hear on a daily basis from physicians, both within and without my State of New Mexico, that these cuts will adversely affect patient care and access. I have no reason to doubt that statement. The Albuquerque Journal in my home State of New Mexico reports that the proposed cuts will cost New Mexico doctors $12 million in 2007 alone. Presbyterian Health Plan president David Scrase believes the cuts will result in closer to $32 million in cuts.

I believe this chart which was just put up here makes the point I am trying to make very well. It is labeled ''Crisis in Medicare Physician Payments.'' The black line, which is going up, as everyone can see, is the increase we have seen in the cost of medical practice in the last 5 years. We can see very clearly that continues. It is a relentless increase. The red line is physician payment updates under Medicare. We can see those have been declining and are scheduled for a substantial decline in 2007 again.

What I am trying to say is Congress needs to step in and at least keep this line flat, at least hold physicians harmless in this 5 percent cut. I hope we are able to do even more than that. In my view, these reductions will result in access problems for Medicare patients across the Nation. Cuts such as these, along with the yearly uncertainty of whether the reduction will be implemented, make long-term planning for small to medium physician practices almost impossible.

In addition to the financial stresses of potential decreases in Medicare payments, physicians are being asked to adopt expensive health information technologies to improve the quality of medical care. This is a lot to expect from even large health systems, much less smaller physician groups.

If the Medicare cuts go into effect—and all expert advice I have received leads me to believe they will—there will be access problems encountered by Medicare beneficiaries. But what may be even equally problematic are the other measures physicians will be forced to take to compensate for this cut. I am talking about the reduction of staff, forgoing health insurance for their employees, and delaying implementation of new technologies. All of these are substantial new burdens we are putting on physicians operating their medical practices throughout our country.

Where does this leave us? I believe we need to act both in the short term and in the long term. Congress needs to take immediate action to halt the scheduled 5 percent cut. I hope this can occur before this week is over. Over the long term, we need to find solutions to continue to provide quality care to Medicare beneficiaries as well as fair payment to physicians for their work. That is not going to be easy.

Frankly, we are going to have to rethink this whole SGR system we adopted nearly a decade ago, and we are going to have to find ways to have a fair formula that provides a fair level of compensation. In my opinion, this is a priority. It is something that has been the subject of intense negotiations between House and Senate Members in the last few days. I understand that. I hope reason will prevail and that we can come out with a solution that makes sense for seniors in this country and for those who depend upon the Medicare system for their health care.

Finding long-term solutions to continue to provide quality care to Medicare beneficiaries as well as fair payment to physicians for their work will require effort and collaboration between lawmakers and the medical community. Earlier this year I introduced legislation that I believe is part of the solution. Because part of the payment that Medicare makes to physicians is based upon geographic location, physicians in rural parts of the country are paid less than those in more urban areas. This known as the geographic practice cost indices, or GPCIs. Congress determined that such extensive geographic disparities were unfair and, as part of the Medicare Modernization Act of 2003, language from one of my bills was included that brought all geographic areas up to the national average for the calculation of this piece of the Medicare physician payment formula. This year I introduced legislation to extend this law. We should extend this law before Congress adjourns and, at the very least prevent the cuts that are set to occur at the end of the year.

To do less is to fail in our responsibility to the million of Americans who depend on Medicare.

EMERGENCY WILDFIRE SUPPRESSION FUNDING

Mr. BINGAMAN. Mr. President, I would like to speak about the problem of funding for wildfire suppression. This is an issue that particularly affects us in the West. We have a looming train wreck with regard to emergency wildfire suppression funding.

This year, wildfires burned a record of more than 9.5 million acres, most of that in the West. The wildfires are still burning out of control in southern California, where five more houses burned this weekend.

Federal wildfire-fighting expenditures also set a record at nearly $2 billion in fiscal year 2006. That was more than twice what was appropriated for that fiscal year. When the cost of suppressing wildfires exceeds what has been appropriated, the agencies spend what they have been appropriated for the fiscal year and the amount that has been provided to them in emergency supplemental appropriations. This year, they also spent $500 million from what is called the emergency wildfire reserve account and an additional $110 million which they had to borrow from other accounts. Congress has not repaid any of that money as of yet. There is $610 million that has not been repaid to this wildfire reserve account and to the other accounts from which the Forest Service has had to borrow.

Those agencies, particularly the Forest Service, have been left short. They are financially unprepared for even an average wildfire year in 2007. As we begin to look forward into next year, we are faced with a very severe problem. In addition to the proposed 2007 appropriations, the agencies will need about $835 million if they are to maintain recent levels of financial preparedness. If the continuing resolution goes into effect, as we are advised it is likely to, the numbers are likely to get even worse.

I filed an amendment to the Agriculture appropriations bill to begin to address the problem by providing $360 million in emergency wildfire suppression funding for the Departments of Agriculture and Interior. That amendment was sponsored by many of my colleagues on both sides of the aisle. Senator BURNS filed a similar amendment to the Military Construction bill. But it is apparent that neither of those bills will get to the President for signature this year.

We have an enormous need for wildfire suppression funding and no clear way to address it. I urge my colleagues to find a way to address it before we leave at the end of this week. Providing some additional funds to these agencies for this purpose is essential. I believe it will be unfortunate if this Congress adjourns leaving those agencies in the financial straits which they are in. I know there are many agencies across the Federal Government which are going to encounter great difficulty in carrying on these activities if we adopt a continuing resolution, as is being proposed, but this particular area of wildfire suppression funding is one that deserves particular attention.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

PHYSICIAN PAYMENTS

Ms. STABENOW. Mr. President, I rise to speak, as my colleague from New Mexico has spoken so eloquently, about a very serious issue we have to address before we leave for the year. Once again, I rise to speak about the urgency of providing our Nation's physicians with the resources they need to provide high-quality Medicare services to our seniors and people with disabilities. As my colleague indicated, this is something of the utmost importance that needs to be addressed now. There

is no reason we cannot address this before we leave.

On September 21, I asked unanimous consent for the Senate to approve S. 1574, legislation that would provide for a 2-percent update to physicians as recommended by the Medicare Payment Advisory Commission, MedPAC. This particular bill was introduced by my colleague Senator CANTWELL, and I thank her for her leadership on this important issue. My Republican colleagues objected to this request, and so nothing has happened in the last 75 days. We are running up to the end of the year, and yet nothing has happened. Nothing has happened to ensure that physicians will receive a modest update to their Medicare payments. Nothing has happened to ensure seniors and people with disabilities will have access to their doctors.

Senator CANTWELL and I each introduced legislation over a year ago to override the sustainable growth rate formula for Medicare physician payments—in other words, a formula that has been putting us on this road to a 5.1-percent cut come January. We knew then that the formula was wrong. It is not sustainable. It doesn't work. It needs to be fixed.

We have known this day was coming. We know physician payments will be cut by over 5 percent on January 1—just a few weeks from now—if Congress doesn't act. We know Congress has only a few short days to complete the business for the year. We know what we need to do to solve the problem. While the clock is ticking down, we have time to address this issue. It is critical that we not leave here without addressing this for our seniors, for our families, for people with disabilities, and for the physicians of this country who are caring for those individuals.

People say we are out of time. Some people buy Christmas presents on the afternoon of December 24, but there are people who run right up to the deadline. There are people who mail their tax returns right before midnight on April 15. We are in one of those situations. We have to decide to get this done because the deadline is here. We are running right up to the deadline. But we have to make this a priority before we leave. I know colleagues are working on both sides of the aisle as well as in the House to find a solution. It is critical that something be done, that it be fair, that it moves us in the right direction, not the wrong direction. It is not going to take long to get this done if people want to get it done.

In less than 1 month, payments to physicians will be cut by 5 percent. Under current law, while costs continue to increase, physicians will actually be paid less than they are paid today. As I mentioned in September, we know from the recent survey conducted by the AMA that if the scheduled cuts go into effect, 45 percent of doctors will decrease the number of Medicare patients they accept. Almost half of physicians will decrease the number of Medicare patients they can accept.

Fifty percent of doctors will defer purchase of health information technology, which is another critical issue that I am pleased to be working on with colleagues on the other side of the aisle. We have a bipartisan consensus that we need to move forward on health information technology to save both money and lives. Yet we can't say to physicians: We are cutting the income coming in, we are cutting your payments for serving people, and by the way, we want you to spend money on new hardware and software and training people for a system that is critically important for the Federal Government to save money. That doesn't make any sense, and that is not going to happen.

We also know that 37 percent of doctors practicing in rural communities—and Michigan has many rural communities—will be forced to discontinue rural outreach services. This is unfortunate for the people of Michigan as well as around the country. And 43 percent of physicians will decrease the number of TRICARE patients they serve.

We are talking about people in the military and their families. This doesn't have to happen, if we can act and act quickly.

Further, MedPAC considers the Medicare SGR formula to be flawed. It is an inequitable mechanism for controlling the volume of services. They recommended repeal of it in 2001 because it is not working. It is not working mostly for patients, and it is not working for physicians. Since that time in 2001, they have consistently recommended repealing the formula. MedPAC has stated that the cuts will be particularly devastating for primary care doctors—the very doctors many Medicare beneficiaries rely on for important health care management.

This doesn't have to happen. We have the power to make sure it doesn't. While the problem is clear, fortunately so is the solution.

MedPAC is an independent Federal body established by Congress in 1997 to advise us on issues affecting the Medicare Program. In addition to advising Congress on payments to providers, MedPAC is also tasked with analyzing access to care and quality of care. In carrying out their charge, MedPAC has recommended a 2-percent physician payment update to keep them moving forward for next year. The change is one that I have advocated, and in fact 79 of my colleagues have joined me in seeking and directly tracking MedPAC's recommendations. In fact, 80 Senators have said that physicians must be provided with a positive Medicare payment update for 2007 before we adjourn.

Eighty Members have signed a letter to the two leaders of the Senate. Senator REID has indicated his full support in moving forward with this. Eighty Members have said yes, we know the problem, we know the solution. The will should be there. Eighty out of 100 Senators have said this needs to get done. I joined these 79 other Senators in sending a letter in July to our leaders. Senator REID has positively responded. I thank him for that.

We have less than 3 days to get this done. My colleagues working on this need to know we want to get this done, get this done in the right way, and that we will not leave until it is completed. We know if we do not provide some kind of modest update to Medicare physicians payments, our seniors and people with disabilities will lose access to their doctors. That is what this is all about. Shame on us if this happens.

I am very proud of the work that over 20,000 MDs and DOs in Michigan each day provide 1.4 million seniors and people with disabilities in Michigan high quality medical services under the Medicare Program. I want them to be able to continue to do that. There is no way they can if, while their costs are going up, their time with patients goes up because of the complexities of dealing with many older citizens and people with disabilities, yet at the same time their reimbursements for those services are going down.

Beginning January 1, the average cut for a physician in Michigan would be $34,000 per year. How can we ask them to increase their level of care to support and expand what they are doing as more and more people enter the Medicare Program while we are making those cuts every year? It is not sustainable. It does not make any sense that at a time when medical costs are going up, the payments and reimbursements are going down.

I have had many opportunities to hear from physicians in Michigan. Let me mention a couple of them. I will read a letter I received from Dr. Gela Pala, geriatrician and resident of Oakland County, MI. She puts the problems in words that make the situation we face very clear.

> As a resident of Oakland County, Michigan and practicing geriatrician I believe cutting further Medicare physician reimbursement will be a mistake.
>
> Most of my patients are above 70 years old and they come to the office with a list of 10 to 20 medications and 10 or more diagnoses. I routinely spend 1 hour or more with a patient and family to discuss options of care, realistic goals/expectations and coordinate care.
>
> As medicine is becoming more and more complex I anticipate we, patients and doctors, will need to increase the time we spend together.
>
> I doubt an 80 year old cognitively impaired grandmother will need less medical attention in the future. I doubt that she will be able to navigate the complexities of the medical system alone or with help from brochures, computers, etc.
>
> I can see my patient getting lost in the shuffle of ''cost effective'' medicine.
>
> I can see the doctors ordering more tests because nobody had the time to discuss the prognosis. I can see my patient going from one office to another trying to understand what is wrong, how to fix things and how to differentiate between what is fixable and what is not.

Cutting physician reimbursement will not make our nation stronger, healthier or safer.

I believe that less physician time will mean less health and more healthcare cost.

Please take action to prevent further deterioration of the medical care for the elderly.

I couldn't agree more.

I have heard from so many people regarding this issue. I will read one more statement, from Dr. Thomas Watkins, a DO and family practice physician in Muskegon, MI:

It will be a travesty for many seniors if doctors stop accepting Medicare due to fund cutting. With our expenses going up 5–10 percent annually and Medicare cutting 5 percent next year it will be very difficult for many of my colleagues and myself to continue to practice medicine for Medicare recipients. Please at least vote to freeze the fee schedule to allow access for all seniors to the physician of their choice, just as you have that privilege.

I simply ask that we act now. We have no more time to wait. People are counting on us.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Tennessee is recognized.

Mr. ALEXANDER. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

HONORING SENATORIAL SERVICE

Mr. ALEXANDER. Mr. President, we are coming to the end of the session and 10 of our colleagues are retiring. I want to say a word about them, especially one of them, my colleague, Senator BILL FRIST, from Tennessee.

BILL FRIST

I can still remember when BILL FRIST came to my office in Nashville in 1994 and said he wanted to run for the Senate. I didn't know what to think. BILL FRIST lived in the neighborhood where I lived in Nashville, but I didn't know him very well. Our ages are a little bit different and he had been away while I was Governor of Tennessee, practicing medicine and honing his skills.

What I did know about him was that he was extraordinary. He was one of the pioneers in our country of heart and lung transplants. He performed the first one in Tennessee, the first one in the Southeast. When he decided to run for the Senate, only a handful of physicians in the world had made as many heart transplants as Dr. BILL FRIST.

He had almost no chance of being elected to the Senate in 1994. However, he was elected. He had almost no chance, after having been elected, to help the Republicans gain the majority in 2002, but he did that. No one expected him to be the majority leader of the Senate, but he has been and he has done it very well.

As we look at the record of the accomplishments over the last 4 years, Senator FRIST can take credit for his leadership in creating an environment where we have had tax cuts that have benefited Americans, where we have confirmed judges who will interpret the law rather than make it up as they go along. His hand was in the Medicare prescription drug benefit which benefits millions of seniors. We would not have had the $15 billion for HIV/AIDS in Africa had it not been for BILL FRIST.

In Tennessee, we have had a sales tax deduction against our Federal income tax and a new governing board for the Tennessee Valley Authority, neither of which would have been accomplished were it not for BILL FRIST. When Lyndon Johnson was majority leader, he often said, having Lyndon Johnson as majority leader is good for the country and hasn't hurt Texas one bit. I would say, having BILL FRIST as majority leader has been good for the country and it hasn't hurt Tennessee one bit.

He has been the perfect colleague. His ego has been completely under control in a body where that is rare and difficult. And one thing is certain: Anyone who knows BILL FRIST won't underestimate him again. History has proven that is a dangerous thing to do. I don't know very many people who have ever been in public life who have as many interesting and important and viable options open to him as he does as he looks forward to the next step in his contributions to public service.

One of the joys of being a Senator is simply the privilege of serving with other Senators. Each one of the Senators has something remarkable and special. For example, Senator FRIST was president of the skydiving club at Princeton when he was there. He spends vacations in Sudan, doing surgery on poor people. He once got up at 4 in the morning and went to the National Zoo to operate on the heart of a gorilla—which I guess is a pretty good way of preparing for coming to the Senate floor and dealing with what he has to deal with here. He is not the only one who is a very special Senator.

CONRAD BURNS

My friend, CONRAD BURNS, who is retiring, was a marine, an auctioneer, had his own radio program and TV program in Montana. He would sometimes pick up hitchhikers on his way in to work in the Senate—a pretty good surprise for a Government employee to be picked up by a U.S. Senator.

MIKE DEWINE

Or MIKE DEWINE, with his eight children and ninth grandchild, whose heart is nearly as big as he is. He lost a child, and he and Fran have gone to Haiti time after time after time to help people there who need help.

GEORGE ALLEN

Or GEORGE ALLEN. I remember vividly the first time I met him, I campaigned for him in Virginia. He was 40 points behind. I went back to Tennessee and I said, I believe he will win, he is such a good candidate. We haven't heard the last of him in public life.

RICK SANTORUM

Or RICK SANTORUM, Karen, and their six children whom they home school, and his Italian heritage—which explains a lot about his enthusiasm and vigor for the things he believes in most strongly.

PAUL SARBANES

Or PAUL SARBANES, who was in the same Rhodes Scholar class with Senator DICK LUGAR.

JIM TALENT

Or JIM TALENT, who was the outstanding political science student at Washington University in St. Louis when he was there. No one would be surprised to learn that.

LINCOLN CHAFEE

Or Senator LINC CHAFEE, also retiring, was a wrestler in college. He spent several years in the United States and Canada as a professional blacksmith before he got into politics.

MARK DAYTON

Or MARK DAYTON, whose interest in the environment in Minnesota has been so exceptional.

JIM JEFFORDS

Or JIM JEFFORDS, a former Navy captain, who has had so much to do with offering legislation for clean air and children with disabilities.

When the most recent class of Senators was sworn into office nearly 2 years ago, in the gallery were three women. One was the grandmother of BARACK OBAMA. She was from Kenya. One was the mother of Senator SALAZAR, a 10th generation American. One was the mother of MEL MARTINEZ, the new Republican National Committee chairman, who, with her husband, put her son on an airplane when he was 14 years old and sent him from Cuba to the United States, not knowing if she would ever see him again.

In a way, each one of us who is here is an accident. None of us knew we would be here. Each of us is privileged to serve, and one of the greatest privileges is to serve with our colleagues. We will miss them and we are grateful for their service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

REFLECTIONS ON SENATE SERVICE

Mr. ALLEN. Mr. President, as the time for my departure from the Senate draws near, on behalf of the greatest blessing in my life, my wife Susan, and on behalf of myself, I thank all of my colleagues for their many courtesies and friendships that have been forged during the past 6 years and offer a few concluding reflections about our time here together, as well as talk about the future of our Republic.

Our foremost statesman in Virginia, Harry Byrd, Jr., observed that with the exception of the Presidencies of Abraham Lincoln and Franklin Roosevelt, no time in the history of our country has witnessed more problems and challenges of great magnitude than these past 6 years.

When I arrived here in January of 2001, America was at peace, or so it

seemed, and so we thought. And then on that bright blue sky morning of September 11, the skies suddenly darkened with clouds of smoke from the Pentagon and the horrific collapse of the World Trade Center towers in New York City, and our world changed forever.

A cascade of other great challenges soon followed in rapid succession, issues foreign and domestic, challenges locally and nationally, threats manmade and disasters decreed by nature.

Through all of these unprecedented storms, it was our responsibility to make careful decisions for the safety, security, and prosperity of the people of our country. I am particularly grateful to the people of the Commonwealth of Virginia for the opportunity to serve here, to give voice to their values, and fight for the future of this country, our commonwealth, while serving in this, the world's most distinguished body.

We all understand and respect the will of the people, whom I call the owners of the Government. They are the leaders of our representative democracy who bring us here and who may, at some point, take us away.

I have been honored by the people of Virginia, first as Governor and now as a Senator, to be a part of important initiatives that have borne fruit for the people of our Commonwealth and our country.

As Governor, we worked across party lines to accomplish honest change that Virginians desired and deserved. We abolished the lenient, dishonest parole system in Virginia, cracked down on violent criminals, and there are fewer victims of crime in Virginia. We reformed the welfare laws by promoting the work ethic, and now there are tens of thousands of Virginians who are leading more independent, self-reliant lives. In education, we established high academic standards and accountability in our schools, and our students are learning better, and we invested in higher education throughout the Commonwealth of Virginia.

We sent a message to the world that Virginia was open for business, and cut taxes, and implemented prompter permitting in the Commonwealth, and were able to recruit in technology companies. In fact, the No. 1 manufactured export from Virginia now is computer memory chips, surpassing cigarettes. That is a great transformation from the Old Dominion to the ''Silicon Dominion.''

When I came to the Senate, my goal was to use this perspective and these experiences to continue and build on this work. I have been able to do that, and I am grateful to so many of my colleagues for working in partnership with me on so many issues that are vitally important for the lives, safety, and prosperity of our citizens.

Whether it is making sure that avaricious State and local tax commissars don't put an 18-percent tax on one's monthly Internet access bill, or whether it is the nanotechnology initiative, working with my colleague across the aisle, Senator WYDEN, or whether it was increasing the paltry death gratuity that went to the next of kin of one of our fallen Armed Forces members, increasing it from $12,000 to $100,000, from a grateful nation, these are good successes, reflecting the values and virtues of our country.

I am particularly grateful to our State's senior Senator, JOHN WARNER, who at each step of the way has been by my side as a partner and even more as a gracious mentor, wise counsel, once in a while an encourager of various ideas, and once in a while, occasionally, a corrector, but, most of all, an unwavering friend. He is the epitome of the Virginia gentleman, and the model of an honest, hard-working Senator. I will leave here enriched immeasurably by this latest and best chapter of our partnership of several decades.

Now, next month, I will no longer have the privilege of serving with Senator WARNER and many of my colleagues here in the Senate, but I pledge to keep working and advancing and advocating ideals and values and shared principles that I think are important missions for the future of Virginia and our country.

There are three key missions that I think are important for our country's future. First is to protect our freedom, and that starts with making sure our great men and women in our Armed Forces have the equipment, the training, and the armaments for their safety. We need to support their families as well. We need to work with other countries and allies in coordinated efforts to adapt and adjust our tactics, our operations, and our strategies to face the evolving threat of these vile, radical terrorist organizations and threats.

Our second mission is to preserve our values, and that starts with making sure that nominated and confirmed are judges who understand their role is to apply the law, not invent the law, not legislate from the bench.

My very first speech as a Senator on the floor was asking my colleagues to treat the nomination—first, asking the President to renominate Roger Gregory, and then asking my colleagues here on the floor, in my first speech, to treat Roger Gregory fairly, consider him fairly. I asked my colleagues to rise above partisanship and rise above the worshiping of process, to treat this gentleman fairly.

The President renominated him, and my colleagues did treat Roger Gregory fairly, and accorded him a vote, and now he is serving with great distinction on the Fourth Circuit Court of Appeals as the first African American serving on that distinguished court.

Now through the years, we have seen obstruction of judges, which I thought was very unfair, for example, in the treatment of Miguel Estrada. We even have the nomination of John Bolton. Although a majority of Members are for him, he will not be accorded the fairness of an up-or-down vote.

I urge my colleagues to treat nominees, judicial nominees and others, fairly, according them the fairness of an up-or-down vote. It is part of representative democracy. And let's have John Bolton be the last casualty of the unfortunate partisan obstructionism. If you want to vote against a nominee, vote against him, but have the Senate vote, and treat people with consideration; but vote. That is what the Constitution instructs us to do.

Now, our third mission for Virginia and, in fact, our whole country is to make sure America is a land of opportunity for all, a place where every American is only limited by their imagination, hard work, and ingenuity. Looking ahead, we need to recharge our competitiveness by making sure taxes are not increased on families and small business owners. We need to keep taxes off of access to the Internet. We need to create a climate where the entrepreneurial spirit can flourish. We need to also achieve energy independence from the Middle East and other hostile parts of the world, and foreign energy. This is not just an economic necessity, this is also a national security imperative.

We need more of our energy explored here in America, produced and grown in America, so hundreds of billions of energy dollars stay here in America for American jobs, American competitiveness, and American national security, rather than having to worry about the whims of some dictator in a hostile part of the world.

Finally, we need to strive to make sure that the United States is the world capital of innovation. To achieve this goal, we need more young people, no matter their gender, no matter their race, no matter their ethnicity, interested in science, technology, and engineering. If we are going to be the world capital of innovation, that needs to be done with investment, encouragement, motivation, incentives, and even scholarships to make sure young people are encouraged to get into these key fields of the future of our country, which must be the world capital of innovation.

So, my friends, as I prepare to take leave, I am humbled and I am grateful for the tremendous honor and privilege that has been accorded to me by the good people of the Commonwealth of Virginia. I leave here with many new and enduring friendships, with valuable lessons learned, with an unrestrained optimism about the potential of America, about our Nation's future, and with pride in our accomplishments together.

My friends, do not let these challenging times along our national journey divert your focus from what truly matters. The tree of American liberty is as strong as ever. Our roots run deep into a wellspring of values that are as old as our Republic and, indeed, much older still.

Four hundred years after our Nation's beginning at Jamestown, we are

still—we are still—in the springtime of life as a nation. We are still planting seeds and bearing fruit. We are still growing and creating, still inspiring and innovating, still providing life and hope for people around the world seeking to escape the chains of tyranny, and to embrace the blessings of liberty.

Indeed, the sun is still rising on a bright American morning. And if we will keep the faith, no matter the challenges or the choices we face, generations to come will remember and think well of us for this: We never gave up. We never backed down. And we always stood strong for freedom.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

HONORING SENATORIAL SERVICE

Mr. NELSON of Florida. Mr. President, I see others who wish to speak, and I will make a couple of brief comments.

In the comments of the Senator from Virginia, his final couple of comments recalled for me a statement made in the closing of the Constitutional Convention in Philadelphia, when on the back of the chair of the presiding officer was a sunburst. Someone opined in that Constitutional Convention: Dr. Franklin, is that a rising sun or is it a setting sun? And Franklin ventured to say that with the birth of the new Nation, with the creation of the new Constitution, that he thought it was a rising sun.

Indeed, it is that hope, that optimism of which the Senator from Virginia has just spoken—uplifting words—that are the feelings that generate this Senator from Florida to get up and go to work every day, and to look at this Nation's challenges, not as a Democratic problem or a Republican problem, but as an American problem, that need to be solved in an American way instead of a partisan way.

We have had far too much partisanship over the last several years across this land, and, indeed, in this Chamber itself. And of the Senators who are leaving this Chamber, I think they represent the very best of America, and on occasion have risen in a bipartisan way. It has been this Senator's great privilege to work with these Senators: ALLEN of Virginia, BURNS of Montana, CHAFEE of Rhode Island, DAYTON of Minnesota, DEWINE of Ohio, FRIST of Tennessee, JEFFORDS of Vermont, SANTORUM of Pennsylvania, SARBANES of Maryland, TALENT of Missouri.

As the Good Book in Ecclesiastes says: There is a time to be born and a time to die. There is a time to get up, and a time to go to bed. There is a time for a beginning, and there is a time of ending.

For these Senators who are leaving, it is clearly not an ending. It is an ending of this chapter in their lives, but this Senator from Florida wanted to come and express his appreciation for their public service, to admonish those where admonishment is needed when this Chamber, indeed, this Government, has gotten too partisan, but to express this Senator's appreciation for the quiet moments of friendship and reflection and respect in working together, which is the glue that makes this Government run.

Whether you call it bipartisanship, whether you call it friendship, whether you call it mutual respect, whatever you call it, the way you govern a nation as large and as complicated and as diverse as our Nation is—as the Good Book says: Come, let us reason together—that is what this Senator tries to be about. And that is what this Senator will try to continue to do in the new dawn of a new Congress. So I wanted to come and express my appreciation for those Senators, who will not be here, for the great public service they have rendered.

Mr. President, I am truly grateful for their personal friendship and for their public service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

FAREWELL TO THE SENATE

Mr. BURNS. Mr. President, I appreciate the words of my friend from Florida as I rise today and say my farewell to this body. I do it with some sadness, but I also do it with some great pride. I also do it with a great appreciation for the Senate and for the people who serve here.

It has always been one of my personal honors and privileges to serve the State of Montana and the country for the last 18 years, and with such distinguished and honorable men and women.

We have seen a lot of changes. I want to answer my good friend from Florida, before he leaves the floor: We have seen some changes come over the body, and I would suggest that we turn off that eye that surrounds this body, turn it off and turn the Senate back into the debating body it was once known for, with collegiality, because the best I have ever seen the Senate operate is in executive session. When you turn off the television and we get to the issues—and we have some marvelous people, dedicated, on both sides of an issue, who can argue the issue—some of us who may not be as disciplined in that particular issue as others could learn and vote more intelligently. I suggest that, but I doubt that will ever happen, being that that is out in the public today. I thank the Senator for his observation. We need to get back to the great debates that were held on the floor of the Senate many years ago.

It was back on January 3, 1989, when I was sworn in the Senate. It was a proud day in my life and, of course, for my wife and our family. I got to thinking during that day that only in America could something like this happen. I was fortunate and, of course, we had both my wife's family, who are Nebraska folks, and my family, who are Missouri folks, in attendance that day. They are just folks, but they are emblematic of those people who were born of the land and in the heart of America—ranchers and farmers.

It was on the prairies of Missouri where I was born and raised on a little old bitty farm of 160 acres—what I call ''2 rocks and 1 dirt''—not a very good farm. But I have fond memories of that place. I give thanks every day that I was born to that family and in that old house that still stands on that 160 acres. Of course, in my younger years I gained most of my philosophy in life. I was born of folks who weren't very wealthy, as you would define wealthy. They were a product of the Great Depression and the terrible droughts of the 1930s. They survived by hard work and great pride. The values they passed on to most of us in my generation were the love of this country first, community pride and loyalty to that community, and honesty to the core. Russell and Mary Francis were married 59 years on that day when I was sworn in. And I will tell you, when they witnessed proudly their son sworn into the most prestigious body in the world, only in America can that happen. It is truly the miracle of our country. It was also a proud day for all of our family.

I will say right now that we could not do well in this body without the true support of a wife and family because it is from that source that we draw our strength and, yes, our wisdom, as long as they are by our side. Phyllis, of course, and Keely and Garrett were all here. What blessings God has bestowed upon me personally. One was missing and that was Kate. God called her home back in 1985, but she remains in our memories and hearts forever. Again, one cannot do this job without the support and sacrifice of our family.

We have seen a lot of positive things happen in Montana. Montana has just begun to grow in new directions. Montana is a resource State, with timber, mining, oil, and agriculture. But we have new opportunities now, and they have opened. I am proud to say that it was me and my office that led the way on most of those changes. It is said that it is not bragging if you have done it. I was fortunate enough to attract a staff that shared the same vision of change, and change we did. Montana is not short of visionaries. It was my privilege to know them, work with them, and to move our State forward.

There is one thing about Montanans: They are not afraid to dream. As you know, dreams never die; dreamers do. Our colleges and universities now are national leaders in research and development, agriculture, engineering, and communications. We have telemedicine and distance learning where none existed before. We have seen a real leap forward in our infrastructure and transportation and rural utilities. We have watched an elevated vocational educational system grow. Tribal colleges on our seven reservations are

growing and now offer opportunities that have never been available to our Native Americans in the history of our State. More Montanans are working today and owning their own homes than at any other time in the history of our State.

I had the honor of serving with three Presidents, and one could say four, as it was in the closing days of President Reagan's term. They are all honorable men and dedicated to this Nation. I know what it is like to be in the minority, and I know what it is like to be in the majority. One great statement was made: ''The majority is more funner.''

I have enjoyed my work with some of the best men and women in the Senate who represented both sides of the aisle, from different regions of our country and diverse cultures of our country. I will miss them. But we have welded some friendships that will last forever. The same could be said of nations to which we have traveled and met national and international leaders on all continents.

During my tenure here, we have witnessed the crash of the Berlin Wall, freedom in the market base come to the Eastern block in Europe, and the electricity that was in the House of Representatives when a newly elected President of Poland made his historical speech in a joint session. I will tell you what: It brought joy, tears, and pride to all of us in that Chamber.

Like every Member of Congress, I wept when two of our Capitol policemen died on that summer day protecting this Capitol and us who live and work here. Still, our hearts go out to their families. They will never be forgotten.

I leave with many memories. I ask the Senate to return to the deliberative and collegial body it was designed to be. I know it has that ability because I have seen it firsthand. But the challenges ahead are tremendous for this Government. I can only list about six of them: taxation, regulation, energy, health care, education, and litigation. We must face those challenges if we are to live in this free entrepreneurial and economic country. I suggest that we don't just dwell on the national interests first and all others separate.

Members of this body are just average men and women, but they have the capabilities of rising to any occasion of crisis. They are just average, but they also have a higher degree of dedication to our country. I never underestimated any Member of the Senate, and I regard them as quiet heroes in a time of peace and in a time of turmoil and even in the most stressful time in the process of developing legislation that sets policy for our land.

I shall miss all of you. It has been my great privilege to serve with you. As I leave, I say God bless you all.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HONORING OUR ARMED FORCES

LANCE CORPORAL ROBERT F. ECKFIELD, JR.

Mr. DEWINE. Mr. President, I come to the Senate floor this morning to pay tribute to Marine LCpl Robert F. Eckfield, Jr., from Cleveland, OH. On October 27, 2005, Lance Corporal Eckfield died from injuries sustained in Iraq. He was 23 years of age at the time.

Lance Corporal Eckfield is survived by his father Robert, his mother and stepfather Virginia and Norman Taylor, and younger siblings Nathan, Rachel, and Norman, Jr.

Even from a very young age, Robert knew he wanted to serve in the Marines. He was adventurous, loved being outdoors, and had a strong sense of duty and patriotism. In addition, Robert's family had a long tradition of military service. His grandfather had been a marine and fought in World War II and Korea. His Uncle Bill served in the Marines at Guantanamo Bay, Cuba. And Marine Cpl Derek Wright is Robert's cousin and the two enlisted together after the terrorist attacks on September 11. According to Corporal Wright, Robert wanted to be in the Marines ever since he was 12 years of age.

Robert worked hard for the privilege of wearing the Marines uniform. While working odd, part-time jobs, he enrolled in Cleveland Christian Academy and attended night classes so that he could earn his high school diploma. Immediately after graduating in 2002, Robert joined the Marines. As his mother said:

> Right from the start, he wanted to [fulfill] his duty. He went right into boot camp after graduation.

Virginia was worried about Robert's decision, but she supported him because she knew how important the military was to her son. Their family drove down to Parris Island, SC, to celebrate his graduation from boot camp.

Robert was a truly brave marine. According to his family, he had his mother promise that he would be buried in Arlington if anything ever happened to him in Iraq during his third tour of duty. Robert served willingly and never questioned his duty.

In Iraq, Robert served with the 2nd Battalion, 6th Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force based in North Carolina. Robert was an outstanding marine, someone who always gave it everything he had. He served with passion, honor, and dedication.

Two fellow marines who served with Robert in Iraq wrote the following to their friend on an Internet tribute Web site:

> [Eckfield] was one of the most outstanding marines we had. . . . [We] want everyone to know that Eckfield had something no other junior marine had . . . and that was heart. Eckfield never complained about anything, and he was one of the best we had.

Robert fell in love before he left for Iraq. His girlfriend was Beth Dunkle. She wrote the following words of tribute to Robert:

> Bobby was a great man. We were only together for a short time, but it felt like we knew each other our entire lives. There was a connection the moment we met. Our journey started there, and my love for him will never die. He is a true hero. Words can't express how much I love him and miss him.

Robert and Beth were able to spend some time together before he left on his third deployment. Beth visited him at Camp Lejeune where Robert filled a room with rose petals, champagne, bouquets, and chocolate-covered strawberries. Beth said they talked about everything—from Robert's ambition to be in law enforcement after leaving the service to the future in general and them sharing it together for a lifetime.

In the words of Robert's mother:

> He just fell in love with a wonderful woman named Beth. . . .When he was home in September, they talked about how happy they would be when he could return home for good in April, and they could be together. He sent her roses on Sweetest Day.

When Robert died, although Virginia would have liked to have had her son closer to her in Ohio, she honored his last request to be buried at Arlington National Cemetery. On November 5, 2005, nearly 60 family members and friends traveled there for the service where Marine GySgt Barry L. Baker presented Robert's mother a flag in her son's honor.

Robert was a young man who had a bright future before him. He planned to attend college when he returned from Iraq and aspired to a career with either the Central Intelligence Agency or the State Department.

Robert will be dearly missed by everyone who knew him. Teachers who knew him when he attended John Marshall High School in Cleveland were so proud of his accomplishments as a marine and devastated when they heard of his death.

According to family friend Steve Dever, all activity at Cleveland Hopkins International Airport halted when Robert's body arrived. In Steve's words:

> I'm glad to see he's getting a hero's funeral.

Before he was buried at Arlington, a memorial service was held in Robert's honor at St. Luke Lutheran Church in Cleveland. Robert's cousin, Richard Samkas, said he and Robert grew up like brothers, and that he remembers him as a ''fun, outgoing kid [who] always had some things funny to say.'' After the memorial service, these were Richard's words:

> If there is any way I'd want someone to remember him, it's his honor—the way he honored the military every time he put on that uniform.

The world is a better place because Robert lived among us. He was a young

man of courage and compassion, someone who served our Nation with honor and distinction. My wife Fran and I will continue to keep his family in our thoughts and in our prayers.

LANCE CORPORAL JEREMY SHOCK

Mr. President, this morning I come to the Senate floor to honor Marine LCpl Jeremy Shock. This Green Springs, OH, native died on November 19, 2006, when the vehicle he was riding in hit an improvised explosive device near Fallujah, Iraq. He was 22 years of age at the time.

Jeremy had only been in Iraq since mid-September when the incident occurred. He served as a machine gunner while in Iraq and also repaired weapons in the armory.

Friends and family said Jeremy always put others before himself. One of his former roommates Seth Mahon said this of Jeremy's selflessness:

> Jeremy was the greatest guy I ever met. . . . He was the guy who, if he only had $5 and you needed it, he was going to give it to you. He never asked for help. If you were having a bad day, he would make it a good day.

A 2002 graduate of Clyde High School, Jeremy was a lineman on the football team and set an example for his fellow classmates and teammates. During Jeremy's funeral, his uncles carried his football jersey and a football. The flag hung at half staff at the high school where his brother Zack is a sophomore and his sister Sara is a freshman. Jeremy's High School principal, Joe Webb, said this of Jeremy shortly after his funeral:

> Jeremy was a great kid. He was the type of kid that was a leader through example. He would give you a great effort every time. Whatever you asked him to do, you know he would give his maximum effort and get it done. There's just no better young man who's come through Clyde High School than Jeremy Shock.

That is what his high school principal said.

After graduating from high school, Jeremy enrolled in Tiffin University. His friend Lacey Cherry remembers the first time she met him, a few days after they moved in at school. Jeremy, a large football player, would run around the dorms introducing himself to every person he met. Lacey said, ''Ever since then, we had been really, really close.''

Jeremy's roommates at Tiffin, Seth Mahon and Jake Tidaback, remember how Jeremy was smart, how he worked hard, and how he always would make them laugh. They recall how important joining the Marines was to him. According to Jake, there was no one who could serve our country better than Jeremy. In his words:

> Jeremy was simply the typical best friend, the kid who would be there whenever you needed him. He was always happy. If you would be having a bad day, he would make it a good day.

Jeremy enlisted in the Marine Corps Reserves prior to his senior year at Tiffin. He decided to join while he was interning for the International Criminal Police Organization in the summer of 2005. He then graduated with a degree in criminal justice in the spring of 2006.

Jeremy always had a positive outlook on life—an attitude he maintained while serving in Iraq. He kept in touch with his former Tiffin roommates Seth and Jake through e-mail. They remember that while Jeremy would say that serving in Iraq had its ''ups and downs,'' he always concluded that things ''didn't seem too bad.'' As Seth said, ''Jeremy just wasn't a very negative person.''

Last April, Jeremy married Clara, his college sweetheart. The two met while they were both attending Tiffin. They were married while Jeremy was home for a 3-day leave. Bonnie Tiell, former assistant athletic director and tennis coach at Tiffin University, remembers how caring Jeremy was and how he loved Clara completely. Jeremy's family and friends remember how much he was looking forward to returning home so he could spend more time with her.

During Jeremy's funeral, Clara read the last letter she wrote to him, and I would like to read an excerpt from that letter:

> You've made me the happiest woman on Earth. You always give me support when I need it. Even when you're far away, you're here for me. I really don't know yet what I'm going to do without you in my life.

Jeremy will be missed by all who knew him and all who loved him. As his former roommate Seth said:

> He will definitely be missed. He's taking a lot of hearts with him.

Jeremy was a humble man who never wanted to be in the spotlight. He took pride in serving his country, and he was someone full of purpose with a strong sense of duty. The military recognized Jeremy's leadership and his drive. He was honored with a National Defense Service medal and a certificate of commendation.

I would like to conclude my remarks with the words from a prayer that was posted on an Internet tribute Web site in Jeremy's honor, and this is what it said:

> O Lord, into your hands, we humbly entrust our brother. In this life, you embraced him with your tender love; deliver him now from evil and bid him enter into eternal rest.

My wife Fran and I continue to keep Jeremy and his wife Clara, his father and mother, Duane and Sherry, and his brother and sister, Zack and Sara, in our thoughts and in our prayers.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, first, I thank my colleague from Ohio. He has taken on a special responsibility for fallen soldiers from his State to come to the floor and pay tribute to each of them. It involves a great deal of work on his part to put together the record of their lives. It also involves a great deal of commitment on his part. He shows again to Members of the Senate that he is a man with great heart, and I know that he speaks not only for himself and his family but for all of us in extending our condolences to the 2,899 American soldiers who have fallen in the war in Iraq. I thank him for doing this on behalf of his State, and I join him in his salute.

IRAQ STUDY GROUP REPORT

Mr. DURBIN. Mr. President, a few moments ago, the Iraq Study Group presented their report. This is an historic document. It is 142 pages long and easily read. Within the confines of this publication is a very important message. I want to salute, first, the members of this Iraq Study Group. These men and one woman have risen to the call of public service in a way that is exemplary for all of us who are involved in public life. Former Secretary of State James Baker, former Congressman Lee Hamilton, Lawrence S. Eagleburger, Vernon E. Jordan, Jr., Edwin Meese, III, former Supreme Court Justice Sandra Day O'Connor, Leon E. Panetta, William J. Perry, former Senator Charles S. Robb, and former Senator Alan K. Simpson have produced a bipartisan report on a war that troubles every single American, and their conclusion in this report is clear. Their conclusion is it is time for the American troops to leave Iraq and begin coming home. Their conclusion is that we are no longer waiting, if we ever were, for the permission of Iraq for this to happen. Instead, we are putting Iraq on notice that it is time for them to stand and make the important decisions for their future that will lead to stability in that nation.

They have shown, with this report, an impatience and frustration which has been shared with the American people. On November 7, Election Day, the American people were very clear. They said overwhelmingly by their votes across America they want a change in our policy in Iraq. It is no longer acceptable to lose so many of our best and bravest soldiers, no longer acceptable to be bringing these brave soldiers home for communities to grieve and to pray over them, as we should, but we must bring this to an end. Twenty thousand or more American soldiers were disabled in this war, some of whom will struggle for a lifetime to rebuild their lives and their futures. It is also time for us to bring an end to the expenditure of money on the war in Iraq; $2 billion to $3 billion a week that we are spending.

At a time when we are cutting back on research at the National Institutes of Health for medical research; at a time when we are unable to fund No Child Left Behind, when we know that our children, our future leaders, need a helping hand and we are unable to provide the resources; at a time when we cannot help working families pay for their health insurance, we are sending billions of dollars over for this war in Iraq, a war that has now lasted longer than World War II.

The report of the Iraq Study Group is a call to action. It is a call for change, and, quite frankly, it is a call on the

President, our Commander in Chief, to move forward with new leadership and with a new candor in dealing with the people of Iraq.

They also make a bold suggestion, which I endorse, that we need to open the diplomatic front. We need to bring to the table in the Middle East many countries that we have shunned for a long period of time, countries that, frankly, we disagree with on many basic things. We need to bring to that table Iran, a country which we have very few things in common with but a country we need to bring in and discuss the future stability in the Middle East. We need to bring Syria to the table as well, in the hopes that they will become an agent for positive change in the Middle East and for stability. There are some who will disagree with that, but I am not one of them. I recall, in the darkest days of the Cold War, we would sit down with the Russians, we would sit down with Soviet leaders, we would try to work out differences, try to find ways to bring a peaceful resolution to many contentious problems. That was the American way then, and it should be now in the Middle East.

I salute the Iraq Study Group. They have given us a guidepost. They have given us a roadmap, in terms of our future policy in Iraq, and now, with the American people calling for change, with the Iraq Study Group on a bipartisan basis calling for change, now, the responsibility shifts to the President of the United States. I hope that he will demonstrate his commitment to change by beginning to redeploy American troops out of Iraq starting in January of next year. If we are to meet the goal of this Iraq Study Group of the American combat forces redeployed out of Iraq by March of 2008, then we need to begin that process and begin it as soon as possible. For our soldiers, for their families, for the American people, the President needs to begin this redeployment.

HONORING SENATORIAL SERVICE

JAMES JEFFORDS

Mr. DURBIN. Mr. President, most of us remember the tectonic shift that occurred in the Senate in 2001, in the month of May, when our colleague, JIM JEFFORDS, changed parties. He moved from being a Republican to becoming an Independent Senator and lined up with the Democratic Caucus. Never before had control of the Senate changed on the decision of one Senator.

It wasn't the first time JIM JEFFORDS had followed his conscience and made history. I can recall his alliance with my predecessor, Senator Paul Simon. At a time many years ago, in 1994, when Rwanda was facing a genocide, Paul Simon and JIM JEFFORDS were the two voices in the United States who stood up and called for the Clinton administration to do something to stop this genocide. Unfortunately, it did not occur and hundreds of thousands of people lost their lives. But that call to action by JIM JEFFORDS was just one of the achievements of his public career he can point to with pride.

During that genocide, he was the ranking Republican of the Senate Foreign Relations Subcommittee on Africa. The chairman of that committee, Paul Simon, joined with him in that effort. Five weeks after the slaughter in Rwanda began, Senators Simon and JEFFORDS phoned GEN Romeo Dallaire, head of the U.N. peacekeeping force in Kigali, and asked what he needed. The desperate general said he needed 5,000 American troops to stop the killing. Those two Senators, JEFFORDS and Simon, got on the phone, begging the White House to send the troops. They wrote in their common message:

> Obviously, there are risks involved, but we cannot sit by idly while this tragedy continues to unfold.

Senators JEFFORDS and Simon received no reply, and the killings continued. Hundreds of thousands of innocent men, women, and children were killed or maimed.

Later, Paul Simon would say:

> If every Member of the House and Senate had received 100 letters from people back home saying that we have to do something about Rwanda, when the crisis was first developing, then I think the response would have been different.

So many times I have stood on the floor of the Senate pleading for our Nation to intervene to stop the genocide in Darfur. Each time, I have thought about Paul Simon and JIM JEFFORDS. Had the President listened to them, hundreds of thousands of people in Rwanda could have survived that genocide. It doesn't take a great deal of moral courage to follow your conscience when the world is on your side, but it is when you stand alone, knowing you may lose, and you follow your conscience anyway, that you demonstrate real moral courage.

Time and again in his public career, JIM JEFFORDS, the retiring Senator from Vermont, has shown that courage. He has been an unwavering champion of children and families with special needs, the environment, affordable health care for all Americans, and budget policies that are both compassionate and responsible. He believes in moderation, tolerance, and that the Federal Government be committed to protecting basic individual freedoms.

Three years ago this week, Paul Simon died unexpectedly following heart surgery. At the end of this week, JIM JEFFORDS will be casting his last vote in the Senate. We wish him well in the next chapter of his life. Those of us who have had the privilege of working with JIM JEFFORDS, the new Senators who will join us soon, and those who will follow in years to come would do well to remember the moral courage of Senator JAMES JEFFORDS of Vermont.

PAUL SARBANES

Another retiring colleague is one of my favorites. I have been asked time and again: Who are your favorite Senators on the Democratic side? And I usually came up with two I always look to for wisdom and guidance: PAUL SARBANES and CARL LEVIN. I am glad that CARL LEVIN will continue his Senate career and has announced that he will run for reelection. But PAUL SARBANES is leaving the Senate after many years of fine service.

PAUL SARBANES is the quintessential American success story. His parents were immigrants from the same little town in Greece. They met in America, and what else would Greek immigrants do? They opened a restaurant—in Salisbury, MD. They picked a classic American name for their restaurant. They called it The Mayflower, and PAUL SARBANES started as a young boy working in his family's restaurant and living ''above the store,'' as they used to say.

He graduated from public high school, but a pretty good student and not a bad basketball player, he won a scholarship to Princeton University, studied as a Rhodes Scholar at Oxford, and earned a law degree from Harvard in 1960. He was set to make a fortune as an attorney in private practice but, instead, he listened to President Kennedy's call to public service and took a job as assistant to Walter Heller, who was President Kennedy's Chairman of the Council of Economic Advisers.

PAUL SARBANES won his first election 40 years ago to the Maryland House of Delegates and was elected to the United States Senate 30 years ago. He is the longest serving U.S. Senator in the history of the State of Maryland. It is said that the Senate is the most exclusive club in the world. PAUL SARBANES is a member of one of the most exclusive clubs within it. Of the 1,885 Americans who have had the rare privilege and honor to serve in the Senate, PAUL SARBANES is one of only 27 who have been here long enough to cast 10,000 votes in the Senate.

He is a modest, soft-spoken, hard-working man and one of the brightest people I have ever served with in the House or the Senate.

A Congressional Quarterly profile says of PAUL SARBANES:

> He possesses the intellectual skills to leave his opponents sputtering.

He was a voice of reason in the House Judiciary Committee during the Watergate hearings of 1974 and later in the Senate's Iran-Contra and Whitewater investigations.

It was Senator SARBANES's leadership in the wake of the scandals at Enron and WorldCom that led to the reforms in Sarbanes-Oxley, the most far-reaching reform of accountability standards since the Great Depression.

An interesting thing happened a week ago. On November 30, a group with an impressive and quasi-official-sounding name, the Committee on Capital Market Regulation, released a report arguing that excessive and overzealous regulation was hobbling U.S. capital markets. The report included 32

recommendations, among them to redesign the SEC, the Securities and Exchange Commission, to make it friendlier to business and increase protections against private lawsuits against businesses—in other words, pull some of the teeth out of the Sarbanes-Oxley reforms.

The very next day we learned that the report had been financed by a foundation with ties to what the Washington Post described as ''a pair of well-heeled business donors and an executive battling civil charges'' in a lawsuit filed in New York by the attorney general.

Some pension watchdogs and consumer advocates they turned out to be. They were sounding an alarm bell with a real personal interest in mind. So we should take care; before we make any wholesale change in the Sarbanes-Oxley rules, we need to understand that we need to protect the integrity and security of America's financial markets. PAUL SARBANES had the courage to lead that battle. Change can take place, but let's make sure it is reasonable; study the issue and ask the hard questions.

For over 30 years PAUL SARBANES has served Maryland and the Nation. He has earned a reputation for excellence and integrity, winning the Paul Douglas Award for ethics just 2 years ago. He has given America some of the most important legislation, but he has spoken out consistently on the floor of the Senate so many times with the kind of leadership which we ask for in the Senate. I will be sorry to see him retire.

But the Sarbanes name lives on in Congress. On November 7 his son John Peter Styros Sarbanes was elected to represent Maryland's Third Congressional District, replacing Senator-elect BEN CARDIN. In typical Sarbanes fashion, his son won with 65 percent of the vote and will continue the Sarbanes family tradition of serving Maryland and America.

MARK DAYTON

Mr. President, MARK DAYTON served representing the State of Minnesota. Business was his background, not politics. But Senator DAYTON developed a passion for politics at an early age. While his parents supported Richard Nixon in 1960 and 1968, Senator DAYTON found another hero in Bobby Kennedy. As a college student at Yale, he protested the Vietnam war. He began using a share of his family's fortune to support progressives.

In return, he made it on an enemies list. He was investigated by the FBI, targeted by the IRS, and had that dubious distinction of being on Richard Nixon's enemies list, a distinction that he now wears as a badge of honor.

He has devoted his entire adult life to public service, broadly defined. Born into privilege, he fought for those less fortunate from the start, especially for poor children. After college he taught science in New York City and counseled runaway children in Boston. Returning to his Minnesota roots, he served as an aide to Walter Mondale, then as Minnesota's State economic development commissioner, and later State auditor. MARK DAYTON was elected to the Senate 6 years ago on his second try. His first 2 years in the Senate he had that great colleague, Paul Wellstone. For the last 4 years, MARK DAYTON, like many of us, has tried to carry Paul Wellstone's standard, to fight for the people that Paul Wellstone used to call ''the little fellers,'' who don't have expensive lobbyists to watch out for them in the Senate.

MARK DAYTON has been a consistent voice for fairness. He has used his own Senate salary to pay for seniors to travel to Canada to purchase less expensive prescription drugs. He has been a strong advocate for ethanol, renewable energy, strengthening America's energy security, reducing global warming, and boosting the income of family farmers.

Senator DAYTON was one of only 23 Senators who voted against the Iraqi war resolution in 2002. He has used his seat on the Senate Armed Services Committee to ask hard questions of those who planned and are overseeing the war. He has demanded accountability from them while he has continued to show consistent support for the men and women in uniform.

I look forward to seeing how Senator MARK DAYTON will serve America next, and I wish him the very best.

MIKE DEWINE

I also express my best wishes to my colleagues on the other side of the aisle leaving the Senate at the end of this session. I already made mention of Senator MIKE DEWINE of Ohio. So many times over the 10 years that I served in the Senate I walked across the aisle searching for an ally and found MIKE DEWINE. Whether it was a fight to put more efforts into the global AIDS effort to reduce the deaths around the world or an effort to reach out and provide assistance to Haiti, a country which my friend MIKE DEWINE has adopted, time and time again he rose to that challenge. Debt reduction in Africa—so many other issues. His speech today on the floor was just another indication of the kind of compassion that he brought to service in the Senate.

Elections come and go but the record that has been written by my friend Senator MIKE DEWINE will endure.

RICK SANTORUM

Senator RICK SANTORUM and I spent most of our time on the floor of the Senate in hot debate, disagreeing on almost everything. But we found some areas of agreement, and one of them was the global AIDS effort. I am glad that he joined as my partner in that effort. The money that we secured that will be spent around the world will save lives and provide hope.

LINCOLN CHAFEE

Senator LINCOLN CHAFEE, a quiet voice of moderation from the State of Rhode Island, followed in the footsteps of his great father, John Chafee, with whom I was honored to serve. Senator LINCOLN CHAFEE time and again would stand independently and express his views and his conscience. He was the only Republican of the 23 Senators who voted against the Iraqi war resolution.

GEORGE ALLEN

Senator GEORGE ALLEN of Virginia and I have worked on a few measures together, including some help for veterans who returned from the war in Iraq with traumatic brain injury.

CONRAD BURNS

Senator CONRAD BURNS and I have served on the Appropriations Committee and are friends from the Senate gym where we get together every morning and find a few things to laugh about.

WILLIAM FRIST

Senator BILL FRIST is our leader in the U.S. Senate. We have had some battles, of course, as you would. But we have also shown respect to one another, and I respect the job that he has done and wish him the very best. I might say of Senator BILL FRIST that his commitment to public service doesn't end with the Senate. He has taken his amazing skills as a heart surgeon to some of the poorest places on Earth, spending spare time which he could have had with his family or relaxing somewhere, instead in some of the most outlying sections of the world helping the less fortunate. That speaks volumes about the heart of BILL FRIST.

I wish all of my colleagues who are retiring well as they begin the next chapters of their careers.

Mr. SALAZAR. Mr. President, I rise today to bid farewell to several of my friends here in Washington. Too often we get caught up here in the back-and-forth of politics and lose sight of the contributions of those with whom we work every day. It is only at moments such as, at the end of a cycle, that we have a moment to reflect on the contributions of our colleagues. And while we may not always see eye-to-eye, this Senate is losing several admirable contributors who have made many sacrifices to serve our democracy.

Mr. President, we are losing one of the great deans of the Senate in my friend Senator PAUL SARBANES of Maryland. As many have already noted, Senator SARBANES helped bring the greatest disinfectant—sunshine—into the corporate boardrooms of America after the fall of Enron, to help investors cull out the few bad apples from the American economy. In his three decades in the Senate, Senator SARBANES has worked with five Presidents, seen the end of the Cold War, the boom of the information age, and even a balanced budget a few years back. Any regular C–SPAN viewer would agree that he is one of the most incisive and skilled questioners in the Senate, and his work has elicited important testimony, bringing valuable information to the public sphere,

strengthening our democracy. Through it all, his focus has always been the people of Maryland, and his wisdom and experience will be missed.

I also want to say farewell to my friend from Vermont, Senator JIM JEFFORDS—a true Yankee independent and a real treasure. When I joined the Veterans' Affairs Committee with Senator JEFFORDS, I learned early on that he was an ally in standing up for America's veterans. I was always impressed with his willingness to listen to all sides of an issue, and when he spoke, I was always listening. I have admired his stewardship of the Environment and Public Works Committee, and I know that the Senate, the people of Vermont, and people across our country will miss his leadership and his experience—more than three decades of service.

Then there is my colleague on the Agriculture Committee, Senator MARK DAYTON of Minnesota. For much of his life, Senator DAYTON has dedicated himself to public service, both in Minnesota and in Washington—as a leader on economic development for his home State and later as State auditor before being elected to the U.S. Senate in 2000. The Twin Cities may be cold this time of year, but we all know that Minnesota DFLers will welcome him home warmly after his service in the Senate.

A number of my colleagues on the other side of the aisle will be departing in January, as well. There is our colleague from Virginia, Senator ALLEN, who wears, in my opinion, the second best pair of boots in the Senate. There is Senator SANTORUM of Pennsylvania, whose passion is admirable and whose energy is always enviable. Also leaving us is my colleague in the centrist Gang of 14 that helped bring this Senate back from the abyss; Senator DEWINE of Ohio, who will head back to the Buckeye State with my respect and admiration; and my friend Senator TALENT from Missouri, with whom I spent many hours in the Agriculture Committee working to level the playing field for America's farmers and ranchers. We will miss Senator CHAFEE of Rhode Island's independence and his clear voice for fiscal discipline in Washington. And we will miss Senator BURNS of Montana, who shares my passion for rural America and who is headed home to Big Sky Country, back to the Rockies that I know we both miss so much.

Finally, I wish to thank the majority leader, Senator FRIST, for his service to this body and this Nation. He is a man of remarkable skill and dedication, and he will now return to serving his constituents in the way he knew first—as a healer. I am sure each of his future patients is already grateful for his skill and wisdom returning to touch their lives directly.

America, when held to its finest ideals, is more than a place on the globe or a work in progress. It is the inspiration to those around the world and here at home to seek out excellence within themselves and their beliefs. It has been a pleasure to work alongside each of these gentlemen, who have helped me as I have found my way, sometimes literally, through the halls of the Senate, in the pursuit of these greater ideals that we all share: security, prosperity and an America that we leave better than when we arrived. These ideals will resonate here long after we all are gone and another generation stands in our place making the decisions of its day.

MARK DAYTON

Mr. OBAMA. Mr. President, I rise today to bid farewell to a decent and principled member of this body, MARK DAYTON. Over the past 6 years, Senator DAYTON has proven his dedication to the highest ideals of this body through his devotion to economic justice, education, and health care concerns.

In October 2002, MARK DAYTON voted against the Iraq war resolution, despite the fact that President Bush was presenting fairly convincing evidence that Saddam Hussein had weapons of mass destruction and most of the Nation was supportive of the decision to go to war. MARK DAYTON held to his convictions, and history will judge him favorably because of it.

As a Senator, MARK has donated his entire Senate salary to help his constituents pay for prescription drugs. His salary goes to the Minnesota Senior Federation for ''Rx Express'' bus trips to help senior citizens buy cheaper prescription drugs in Canada. In the Senate, he has fought to make such trips less necessary by proposing the Meeting Our Responsibility to Medicare Beneficiaries Act to permit the Government to negotiate prescription drug prices with pharmaceutical companies. He has also introduced the Taste of Our Own Medicine Act to require Members of Congress to share the same prescription drug benefits as Medicare recipients.

MARK DAYTON's 6 years in the Senate are a continuation of his lifelong commitment to public service. He previously worked as a teacher on the Lower East Side of New York, as a counselor for runaways, and as the chief financial officer for a social service agency in Boston. He worked for Senator Walter Mondale and campaigned with him during his Vice Presidential bid with President Jimmy Carter. MARK also served twice as commissioner of the Minnesota Department of Energy and Economic Development.

MARK DAYTON has used the economic experience he gained as commissioner, and as Minnesota State auditor to help American workers during his time in the Senate. He has supported extended unemployment assistance and an increase in the minimum wage while opposing outsourcing of American jobs.

Senator DAYTON has been a strong supporter of increased funding for education. He introduced the Nontraditional Student Success Act and the Restore the Dream Act to help students pay for higher education. He has repeatedly insisted that Congress live up to its promise to America's public schools and children by offering amendments to fully fund the federal government's commitment to special education. MARK has also fought for additional career and technical training.

During his time in this body, MARK DAYTON has nobly stood up for the American people. In a speech on the Senate floor, he noted: ''A government of the people, by the people, and for the people is a government that tells the truth to its citizens. If it doesn't, it is not a government of them, not by them, and certainly not for them. It is imperative.''

Although MARK DAYTON's voice will no longer be heard on the Senate floor, I know that he will continue to do great work for Minnesotans and for all Americans. I am proud to have served with him and wish him all the best.

LINCOLN CHAFEE

Mr. BYRD. Mr. President, in his Pulitzer Prize winning book, ''Profiles in Courage,'' Senator John F. Kennedy extolled the virtues of political courage. ''Surely, in the United States of America, where brother once fought brother,'' Senator Kennedy wrote, ''we do not judge a man's bravery under fire by examining the banner under which he fought.''

For 7 years I have watched and admired the courage of Senator LINCOLN CHAFEE, who sits on the other side of the aisle, and who will be leaving us at the end of the 109th Congress.

I have watched and admired his firm stands against his own political party, the Senate leadership, and the Presidential administration as he followed the dictates of his conscience. ''A man does what he must,'' wrote Senator Kennedy, ''in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human morality.'' This was the basis of Senator CHAFEE's tenure in the Senate.

Senator CHAFEE was appointed to the Senate in 1999 upon the death of his father, the beloved and respected Senator JOHN CHAFEE. He immediately proved himself to be, to use an old cliche, a ''chip off the old block.'' Senator LINCOLN CHAFEE proved himself to be a Senator of immense integrity, great dignity, and high principle. And, like his father, he proved himself a Senator of incredible courage.

He was the first Senate Republican to oppose the Bush tax cuts in 2001.

He was a Senator who helped preserve the Senate as the institution that was planned and handed down to us by the Framers of our Constitution, and all the great lawmakers who served in this Chamber before us. Senator CHAFEE was one of the seven Republicans who composed the so-called gang of 14 that was ready to block the majority leader's use of the ''nuclear option'' that would have destroyed the

U.S. Senate as a unique and sacred institution by curtailing the ability of the minority to filibuster.

I, of course, will always remember, admire, and appreciate Senator CHAFEE as the only Senate Republican to vote against the Iraqi war resolution. He was one of the immortal 23 Members of this Chamber who stood against popular opinion, stood up to the President of the United States, and threw himself against the forces of war in voting against the resolution to launch an unprecedented military assault on Iraq. If only there had been more Senators like him, we would not find ourselves in a bloody quagmire in Iraq.

In voting against the war resolution, Senator CHAFEE was determined not to hand over to President Bush, or any President, the power to declare war. That power, according to our Constitution, belongs to the Congress. With his firm belief in our constitutional doctrines of the separation of powers and checks and balances, Senator CHAFEE opposed many of the worst provisions of President Bush's efforts to create an all powerful Department of Homeland Security. He opposed, for example, the administration's plan to reduce the civil service protections and dissolve the collective bargaining rights of federal employees in the newly created agency.

Although he will soon be leaving Congress, there is a bright side. Senator CHAFEE will now have more time to spend with his wife Stephanie and their three children and to ride his horse Trapper. I wish all of them happiness and success in their future endeavors, and many happy hours in the saddle.

MIKE DEWINE

Mr. President, with the conclusion of the 109th Congress, Senator DEWINE will be leaving us.

I do not want to say farewell to him, but to thank him for being a congenial colleague and an outstanding Senator, a Senator who truly appreciated this chamber, its traditions, and the way it is supposed to work.

For 12 years, he was an effective Senator, a Senator who built a long, impressive list of legislative accomplishments on a wide range of issues, largely, I believe, because of his willingness to reach out, and to work with Members on this side of the aisle. In a true bipartisan spirit, he worked with my dear friend, Senator KENNEDY, to increase Federal regulation of tobacco.

He worked with Senator DODD for a bill to provide health screening for newborns.

He worked with Senator Paul Wellstone on legislation that revamped job training programs, and with Senator LAUTENBERG on bills to crack down on drunk drivers.

With Senator CLINTON, he promoted legislation to ensure that drug companies do a better job in studying the effects of their products on children.

For nearly a decade, whether in the majority or the minority, Senator DEWINE cooperated with Senator KOHL in running the Antitrust Subcommittee on a bipartisan basis, and in the process, helped provide Americans with cheaper phone service, more choices on television, and direct flights home for the holidays.

He teamed up with my colleague from West Virginia, Senator ROCKEFELLER, in promoting legislation that changed the government's emphasis in child custody cases from preserving family strucure to protecting the best interests of the child.

Indeed, caring for and protecting America's children was a major focus of his tenure in the Senate, and I applaud him for it. His concern for children, among other concerns, led him to successfully push for legislation to improve school bus safety and tougher child pornography laws.

I, of course, know Senator DEWINE best from his service on the Senate Appropriations Committee. He chaired the District of Columbia Appropriations Subcommittee, which I know from personal experience, is no easy chore. It is one of the most difficult and thankless tasks in the Senate, and he did it very effectively. One of his objectives in this position was to reform the District's child welfare system—and, again, I know from personal experience, just how difficult and thankless reforming the District's welfare system can be. Senator DEWINE worked at it, and had some outstanding successes.

Senator DEWINE and I worked together to enact and defend the Continued Dumping and Subsidy Offset Act, a trade law that returns to injured companies and workers the duties that are collected by Customs on unfairly traded imports. He also supported the enactment of the Emergency Steel Loan Guarantee Program—a program that has kept Wheeling-Pittsburgh Steel in business and over 3,000 people employed for decades. It is well recognized that, if the program had not provided Wheeling-Pitt with its loan guarantee, the company would no longer exist.

I will always remember Senator DEWINE as a Senator who took the risk to help preserve the Senate as it was handed down to us by the Framers of our Constitution, and all the great lawmakers who served in this Chamber before us. Senator DEWINE was of the seven Republicans who helped form the so-called gang of 14 to help block the majority leader's determination to use the ''nuclear option'' that would have destroyed the U.S. Senate as a unique institution.

I know this effort cost him support from Members of his own party, and from folks back home. It reminds me of the words of Senator John F. Kennedy, who wrote:

> If the American people comprehended the terrible pressures which discourage acts of political courage, which drive a Senator to abandon or subdue his conscience, then they might be less critical of those who take the easier road—and more appreciative of those still able to follow the path of courage.

For 12 years Senator DEWINE took the path of political courage.

Mr. President, shortly after coming to this Chamber, Senator DEWINE remarked, ''when you go to the Senate, you don't know how long you'll be there. So you want to use your time wisely.'' In his two terms in the Senate, Senator DEWINE used his time wisely and effectively. As he leaves the Senate, he should take pride in the knowledge that his presence here may well have saved this sacred institution, and from the bottom of my heart, I thank him for it.

I wish him and his wife Fran health, happiness and never-ending success as they begin the next phase of their lives and careers.

CONRAD BURNS

Mr. President, the great State of Montana is Big Sky Country. It is the land of open space, grizzly bears, gray wolves, and ponderosa pines. It is a land of vast grasslands and the magnificent Glacier and Yellowstone National Parks. It is the land of Senator CONRAD BURNS who will be leaving us at the end of this session of Congress.

His service in this Chamber was the capstone of a fascinating, multifaceted career. A Marine veteran, Senator BURNS had worked for two different major airlines, and had worked as a firefighter, a livestock fieldman, commissioner of Yellowstone County, and an auctioneer.

He had also served as a radio announcer, a farm broadcaster on the Northern Agricultural Farm Network. A member of my staff grew up in Great Falls, MT. She remembers, as a child, waking up very early on cold, Montana mornings, going out to feed the horses, and coming in to hear Senator BURNS giving his ''ag'' report on television, telling the people of Montana the price of pork bellies, hard red winter wheat, and other commodities.

With his boots, wide belt buckles, and folksy mannerisms, few people would have expected that this Montana cowboy would become one of the Senate's leading experts in high-tech telecommunications.

During his service on the Committee on Commerce, Science, Senator BURNS embraced and fostered new communications technologies. He chaired the first interactive hearing on Capitol Hill and cofounded the Congressional Internet Caucus. As chairman of the Communications Subcommittee, he helped bring the Nation's communications laws into the digital age as he helped broaden the use of the Internet. Indeed, he has been praised as ''one of the fathers of the modern Internet.''

To the relief of, perhaps, millions of American Internet users, Senator BURNS tangled with mass marketers to help secure enactment of antispam legislation.

With his interests in telecommunications, he enhanced 9–1–1 services throughout the country, and worked with Senator CLINTON in sponsoring legislation to upgrade technology on cell phones.

On the Senate Appropriations Committee, he chaired the Interior Subcommittee, and this is where I came to know and appreciate him. As a Westerner, Senator BURNS brought an important perspective, as well as a wealth of experience and knowledge to the diverse and difficult issues that came up in the Interior Appropriations bill that were important to his state, and to his region of the country.

In 2001 and 2002, when I chaired the committee, it was a pleasure to have Senator BURNS serving as ranking member of the Interior Subcommittee and to work with him and his able staff. His dedication to duty, his willingness to work in bipartisan fashion, and his always gracious manner made my work infinitely easier. It was simply a pleasure to work with and to serve with Senator BURNS on this subcommittee.

I must now say good-bye to my good friend and colleague. I wish Senator BURNS and his dear wife Phyllis happiness and success as they now prepare for the next phase of their lives.

In honor of and appreciation for the Senate's Montana cowboy, who was at one time in his career an auctioneer, I offer the following verse:

THE TOUCH OF THE MASTER'S HAND

'Twas battered and scarred, and the auctioneer
Thought it was scarcely worth his while
To waste much time on the old violin,
But held it up with a smile.
''What am I bidden, good folks,'' he cried,
''Who will start bidding for me?
A dollar, a dollar''—then, ''Two!'' ''Only two?
Two dollars, and who'll make it three?
Three dollars once; three dollars, twice;
Going for three—'' But no,
From the room, far back, a gray-haired man
Came forward and picked up the bow;
Then, wiping the dust from the old violin,
And tightening the loose strings,
He played a melody pure and sweet
As a caroling angel sings.

The music ceased, and the auctioneer
With a voice that was quiet and low,
Said, ''What am I bidden for the old violin?''
And he held it up with the bow.
''A thousand dollars, and who'll make it two?
Two thousand! And who'll make it three?

Three thousand, once; three thousand, twice;
And going, and gone!'' said he.
The people cheered, but some of them cried
''We do not quite understand
What changed its worth?'' Swift came the reply:
''The touch of the master's hand.''

And many a man with life out of tune,
And battered and scarred with sin,
Is auctioned cheap to the thoughtless crowd,
Much like the old violin.
A ''mess of pottage,'' a glass of wine;
A game—and he travels on.
He's ''going'' once, and ''going'' twice,
He's ''going'' and almost ''gone.''
But the Master comes, and the foolish crowd
Never can quite understand
The worth of a soul, and the change that's wrought
By the touch of the Master's hand.
—Myra Brooks Welch

BILL FRIST

Mr. FEINGOLD. Mr. President, today I want to pay tribute to Senator BILL FRIST, who has served Tennessee in the U.S. Senate for the last 12 years, the last few in the esteemed and challenging position of Senate majority leader.

Senator FRIST was my partner on the Senate Foreign Relations Committee's Subcommittee on African Affairs for several years in which we both served as chairman or ranking member. I have appreciated his knowledge and passion for issues affecting Africa and the deep commitment he brings to the global fight against HIV/AIDS. I also have great respect for his commitment to bringing his medical expertise to remote areas in Africa. There is no doubt that he has personally made a significant contribution to helping improve the lives of people around the world living with HIV/AIDS.

I have also had the honor of sharing with Senator FRIST the important work of the Center for Strategic and International Studies, CSIS, Task Force on HIV/AIDS. Together, with many distinguished experts, we have been able to contribute to the fight against the HIV/AIDS pandemic. We set course on a bold agenda to help nearly 40 million people living with HIV/AIDS in the world today. Senator FRIST understands the impact of this disease that continues to ravage individuals, families, communities, and entire economies. While we have much work left ahead, Senator FRIST has been pivotal in the efforts we have made thus far in the fight against this devastating disease.

Here in the Senate, we will miss Senator FRIST's dedication to Africa and his hard work to find a cure for HIV/AIDS. I thank him for his service and wish him all the best in his future endeavors.

JIM JEFFORDS

Mr. President, today I want to pay tribute to Senator JIM JEFFORDS, a man who has honorably served Vermont and this country in the U.S. Senate since 1989. The people of Vermont have been fortunate to be represented by a man who is as principled and dedicated to serving our Nation's best interests as JIM JEFFORDS.

Senator JEFFORDS will long be remembered for his courage and conviction and for his bold decision to leave the Republican Party and become an Independent. Never straying from his principles and his commitment to representing the interests of his constituents, Senator JEFFORDS made this decision despite the consequences for him personally. He knew his decision would enable him to better serve the people of Vermont and this Nation. His conviction was also clear when he voted against authorizing the President to use force in Iraq. He has also been an unyielding voice for upholding civil liberties and seeking to eliminate discrimination in the workplace, and I greatly respect him for his outspoken leadership on these critically important issues.

I am proud to have worked with him on other widely ranging issues over the years. I want to particularly thank him for helping to pass the Bipartisan Campaign Reform Act and eliminate soft money. Senator JEFFORDS also played a crucial role in the effort to pass much-needed Army Corps of Engineers reforms. Debate over these reforms was contentious at times, and his work behind the scenes and on the floor was needed to win support for changing the way the Corps does business. In the next Congress we will work to build on Senator JEFFORDS' hard work and commitment to these important issues.

As chairman and ranking member of the Senate Environment and Public Works Committee, he has been committed to reforming our Nation's energy and environmental policies. He is a champion for our environment, and his leadership and expertise will be greatly missed. It is the responsibility of the next Congress to honor Senator JEFFORDS' legacy in this area by redoubling our efforts to protect the environment.

I was proud to work with Senator JEFFORDS on other critical issues as well. As a knowledgeable leader on education issues, having served as chairman of the Health, Education, Labor, and Pensions Committee, he pushed for reforms to the No Child Left Behind law. I was proud to work with him on efforts to support our military families and to cast votes alongside him to force Congress to be more fiscally responsible.

Here in the Senate, we will miss JIM JEFFORDS' thoughtful leadership, his independence, and his friendship. He was a valued ally on so many issues, and I wish him all the best in his retirement.

LINCOLN CHAFEE

Mr. President, today I wish to thank LINCOLN CHAFEE for his 7 years of service in the Senate and to recognize the many contributions he has made during his time in this body. Senator CHAFEE is a soft-spoken man, but he has not been afraid to take courageous stands, even when that meant standing alone in his own party. From the moment he arrived in the Senate, it was clear that Senator CHAFEE would not only honor his father's outstanding legacy but that he would become a respected leader in his own right.

Working with him on so many issues over the last several years, I have come to know Senator CHAFEE well and to appreciate just how dedicated he is to serving the people of Rhode Island and the people of this great Nation.

I don't know anyone in this body more committed to fiscal responsibility than LINCOLN CHAFEE. He is absolutely as tough as they come on that issue, and he was tireless about holding Congress's feet to the fire. On pay-as-you-go legislation, on the congressional pay raise, and on so many issues, Senator CHAFEE demanded that Congress take fiscal responsibility seriously when it counted and not simply pay lip service to the issue when it is convenient. It has been a pleasure to

work with him on this issue, and I am grateful for his efforts.

Senator CHAFEE has been a strong supporter of campaign finance reform and of environmental protection and conservation, and I appreciate his work on those critical issues. Before I close, I also want to recognize Senator CHAFEE's vote against the war in Iraq, which is one of the most courageous votes I have seen cast during my time here in the Senate. That was a hard vote for many Members of this body, but to be the only Member of his party to oppose the war must have been especially difficult. But, as always, Senator CHAFEE did what he thought was right, and we have seen just how right he was to vote against this war, which has been so harmful to our national security.

With every vote he has cast and every position he has taken, Senator CHAFEE has conducted himself with the utmost integrity and earned his colleagues' utmost respect. While he and I certainly haven't agreed on every issue, I always appreciate his thoughtful approach to our work here and his strong commitment to the highest ideals in public service. I know that the work he has done here has made a lasting mark on our Nation for many years to come. I will miss serving with him in the Senate, and I wish him all the best.

MIKE DEWINE

Mr. President, I am pleased to pay tribute to Senator MIKE DEWINE, who has served Ohio, and the Senate, with honor and integrity during his 12-year tenure in this body.

I am pleased to have worked with him on a wide range of issues over the years, including reforming children's health care and Medicaid. We also worked together quite frequently on other issues of importance to this Nation, and he has been a valuable colleague on both the Senate Judiciary Committee and the Senate Select Intelligence Committee. Although we did not see eye-to-eye on every issue, we found common ground on several initiatives including passing stricter antitrust legislation.

Together with Senator DICK DURBIN, we introduced the Clean Diamonds Act, a bill to ensure that the United States is not participating in the conflict diamond trade. This bill would prohibit the importation of diamonds from countries that fail to implement a clearly articulated system of controls on rough diamonds. Senator DEWINE believed in the international community's responsibility to stop the trade in conflict diamonds, and I have been proud to work with him in that effort.

I also want to take a moment to recognize Senator DEWINE's dedication to honoring fallen service members from Ohio. By coming to the floor to pay tribute to those who gave their lives in Iraq and Afghanistan, he has reminded all of us of the tremendous debt we owe these brave men and women in uniform.

I thank him for his leadership and his service to Ohio and our country, and I wish him all the best as he moves on to begin a new chapter in his distinguished career.

PAUL SARBANES

Mr. KENNEDY. Mr. President, for many of us on this side of the aisle, there is a feeling of excitement and possibility for the next Congress. But sadly, that Congress will no longer have the wise counsel, extraordinary talent, and perceptive insights of our friend and colleague of many years, the outstanding senior Senator from Maryland, PAUL SARBANES.

Over the course of his 30 years in the Senate, PAUL has been a consistently eloquent voice of reason, compassion, and great intellectual depth. He has brought nothing but dignity to this historic Chamber, and he eminently deserves his place of honor as the longest-serving Senator in the history of the State of Maryland.

As a member of the Banking Committee, he has been a respected leader in expanding and enhancing the economic vitality of America, especially urban America, through his strong support for housing, transportation, and financial policies that make sense for the Nation and its people. In recent years, he guided into law one of the most significant reforms of corporate governance in more than half a century.

As a member of the Foreign Relations Committee, he has been a highly respected voice on many of the most serious challenges we face on foreign policy. He was an opponent of the war in Iraq from the beginning, and he was a leader in the Iran-contra investigation in the 1980s.

He believes deeply in the importance of public service. Drawing on his wide learning, he often speaks about the great importance that the ancient Greeks placed on public service. I understand he tells young students that in ancient Athens, people who involved themselves only in private life were called ''idiotes,'' which is the original source of the word ''idiot'' in English.

PAUL has always been a strong defender of the highest ideals of the United States at home and for a peaceful world that respects human rights.

Because of his leadership and the policies he has long championed, America's cities are reclaiming their historical role as the heart of American commerce and culture, and today's shareholders have new confidence in the integrity of the stocks and bonds they invest in and depend so heavily on.

It is a record of accomplishment that has improved the lives of millions of our people and has helped to restore faith in American business, at a time when public confidence in corporate America was badly shaken and storm clouds were gathering over the American economy.

It is also the record of a patient, deliberative, and active Senate workhorse, who has dedicated his career to the mastery of complicated, nuanced, and often seemingly insoluble problems at home and in the wider world. It's the record as well of a public servant who responded to the Nation's call to deal with some of the most difficult challenges of corruption and incompetence in our lifetime.

From the impeachment proceedings against President Nixon, to the Iran-contra investigation and the Whitewater hearings, to the way he shone a bright light on the outrageous and predatory lending practices that exploit lower-income Americans and keep so many hard-working citizens mired in poverty, PAUL SARBANES was a Senator who could always be relied on to take the assignment seriously, prepare brilliantly, and make decisions on the facts, on the rule of law, and his firm belief in the need for justice and fairness in public life.

Needless to say, he was a match for even the best of witnesses. I doubt that any other Senator could go head-to-head with a witness in a hearing as skillfully as PAUL SARBANES could do with Alan Greenspan.

PAUL has also been a profile in courage. He voted for what he thought was right, without regard to the political consequences. And as his long and strong support by the people of Maryland made clear, they respected him all the more because of it.

Few Senators we have been blessed to serve with can match PAUL SARBANES when it comes to decency, intelligence, or mastery of policy. It is a privilege to listen to him and learn from him in Senate debate. He can champion a proposal he favors with great skill and eloquence, and he can also utterly dissect a flawed proposal point by point. It can be a very distressing experience to oppose him on an issue and have him do the same thing to your side of the argument.

I am fortunate to have supported PAUL many more times than I opposed him. But regardless of which side you were on, his motivation in debate was always clear—to achieve the best outcome for the public good, and to do so by opening his opponents' eyes and minds, not by harshly attacking their positions.

Author Elizabeth Drew well captured this quality of PAUL in her assessment of life in Washington during Watergate. She wrote of the young Baltimore Congressman who, with just 3 years in Congress, found himself in the thick of the House impeachment proceedings against President Nixon. He won the attention and respect of the Nation when his colleagues on the House Judiciary Committee chose him to be the manager of the first article of impeachment, for obstruction of justice. As Liz Drew wrote:

> History and process lift people, and they have lifted this group—and given the public a chance to see it. PAUL SARBANES would not have looked at all bad at the Constitutional Convention; he might have been one of the great ones.

I certainly agree. As we say farewell to this outstanding Senator of our time, we will forever be grateful to this Greek immigrant son of Maryland for all he has done to make our country and our world a better place, and for consistently elevating the quality of life in the Senate we all love so deeply.

Fifty years ago, PAUL was a young student at Oxford University in England on a Rhodes Scholarship, founded over a century ago by the wealthy British statesman whose goal was to encourage students in the English-speaking world and other countries to be involved in public service and ''join the world's fight.''

PAUL SARBANES has helped to lead that fight for half a century, and I am sure that Cecil Rhodes would be very proud of him.

We will miss you, PAUL. We wish you and Christine great happiness in the years to come. You are irreplaceable, but we take some comfort in the knowledge that a new young Sarbanes, blessed with the same intellect and commitment to public service, will be joining us in January as a Member of the House of Representatives.

PAUL SARBANES

Mr. AKAKA. Mr. President, I want to express my appreciation for all of the public service efforts of the senior Senator from Maryland, PAUL SARBANES. My friend has served in the Senate since 1977, which makes him the longest serving United States Senator from Maryland.

It has been a pleasure working with Senator SARBANES over the years on a number of issues. In 2001, I was fortunate to be added to the Banking, Housing, and Urban Affairs Committee. At that time, the Senator from Maryland was serving as the chairman of the committee and it was a memorable session to be a part of the committee. In the wake of the accounting failures of Enron and other public companies, Chairman SARBANES conducted a very thorough series of hearings which led to the legislation which is now known as Sarbanes-Oxley. This is landmark legislation that has increased corporate responsibility and resulted in more effective oversight of public companies. Without the vision, courage, and ability of my friend from Maryland, that legislation would not have been possible. Despite numerous obstacles, he brought about comprehensive accounting reform.

In addition, I have enjoyed working closely with the Senator from Maryland in trying to improve the financial literacy of our country. Rising health care costs and insurance premiums and the lack of affordable housing have contributed to making the lives of working families more difficult as they strain to meet their day-to-day needs. The ability of families to meet their increasing financial obligations is hampered by their significant debt burdens, particularly credit card debt, and by predatory lending practices such as refund anticipation loans. A lack of financial literacy makes it harder for families to deal with the difficult decisions they are confronted with daily. Senator SARBANES organized the first set of hearings on the issue of financial literacy and led the creation of the Financial Literacy and Education Commission, the purpose of which is to promote financial literacy and education among all American consumers.

Senator SARBANES has been a champion for Federal employees. Throughout his Senate career, he has fought to ensure that Federal employees and members of the military receive equal pay increases. He understands that the Federal civilian workforce plays a significant role in the support of our Armed Services, and I am honored to join him annually in offering a resolution calling for pay parity between the military and Federal workers.

He has been a leading advocate for consumer protection, increasing access to affordable housing, and improving public transportation in our country. I will miss having my good friend from Maryland in the Senate. He has served Maryland and the country very well. Millie and I wish him and his family the very best.

PAUL SARBANES

Mr. OBAMA. Mr. President, I rise today to bid a fond farewell to my dear colleague and role model, Senator PAUL SARBANES, Maryland's longest serving Senator.

Senator SARBANES represents the greatest traditions of this body and of our country. He is the type of Senator we all imagined in high school civics class—intelligent, diligent, effective, and thoroughly decent. During the course of 30 years in the U.S. Senate and another 10 years in the U.S. House of Representatives and the Maryland House of Delegates, Senator SARBANES defined what it means to be a trusted public servant in America.

PAUL SARBANES grew up on the Eastern Shore of Maryland, the son of Greek immigrants who instilled the values of opportunity and fairness in their child. Motivated and hard working, PAUL attended Princeton University, studied in Oxford as a Rhodes Scholar, and earned a law degree from Harvard.

PAUL first came to the Nation's attention during the Watergate hearings, where as a freshman member of the House Judiciary Committee he introduced the first article of impeachment, which related to obstruction of justice by President Nixon. PAUL's own ethics and integrity are beyond reproach, and he has brought dignity and credibility to every task.

In the Senate, PAUL's legacy reflects his ideals of opportunity and fairness. He has continually fought for legislation to aid veterans, seniors, workers, and indeed, all Americans. He is a tireless champion for his constituents, his country, and the highest ethical standards. As a Princeton alumnus, he has lived Woodrow Wilson's ideal of ''Princeton in the Nation's Service.'' Each and every day, PAUL demonstrates that politics can be an honorable profession. It should be an honorable profession, and I can think of no better model for that ideal than PAUL SARBANES.

In Senator SARBANES' tenure as both chairman and ranking member of the Committee on Banking, he led the fight on behalf of working-class Americans to ensure affordable housing. He was instrumental in developing and enacting the National Affordable Housing Act of 1990, legislation that helps States, local governments, and nonprofit organizations work together to build, buy, and rehabilitate housing that hard-working people can afford. PAUL has also worked to protect Americans from unscrupulous lending practices and discrimination. His hearings and legislation on predatory lending brought this problem to the attention of the Nation, and his work to reduce the cost of private mortgage insurance helped make home ownership a reality for millions of Americans.

After Enron collapsed under the weight of widespread abuse and accounting fraud, thousands of workers woke up to see their jobs and life savings gone, investors lost billions, and the public cried out against corporate malfeasance. The credibility of American business and our financial system was on the line. It was Senator SARBANES who brought his intelligence and concern to bear to restore investor confidence and implement safeguards against Wall Street abuses. He held comprehensive hearings, nurtured a bipartisan coalition, crafted thoughtful legislation and shepherded it through Congress with Representative MIKE OXLEY in the House.

The Sarbanes-Oxley law was the most comprehensive overhaul of corporate oversight laws since the Great Depression. It created a standard of transparency and accountability to assure investors and protect workers. It is a towering achievement that will strengthen the American economy for many years to come.

It has been an honor and a privilege to serve with Senator SARBANES on the Foreign Relations Committee. I have marveled at his keen intellect and commitment to his responsibilities. During committee hearings and committee markups, Senator SARBANES is always well-prepared, asks direct, insightful, and important questions, and makes sure that no stone goes unturned.

He has played a key role in virtually all of the significant foreign policy debates that have occurred during his 30 years of service on the committee. As a freshman, he was involved in the successful ratification of the Panama Canal Treaties. He worked to enact tough antiapartheid laws in the 1980s. And he has developed a long and impressive record on international economics, foreign assistance, and human rights issues.

The American people have been well served by PAUL's leadership, and this

institution would be well served if each of us was a little more like him. On behalf of all of us, and for my constituents, I want to thank him for his service and his example.

Let's wish Senator SARBANES and his wife Christine well in this next phase of their lives. But let's also hope that we will continue to hear PAUL's voice on important policy issues. He may be retiring from this body, but I suspect his commitment to strengthening this country and improving the lives of all Americans will continue. For that, as much as for all that PAUL has accomplished through his distinguished career in the Senate, we should be grateful. I know that I am.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

NOMINATION OF ROBERT M. GATES, TO BE SECRETARY OF DEFENSE

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 having arrived, the Senate will proceed to the executive session to consider the nomination of Robert M. Gates, of Texas, to be Secretary of Defense.

The legislative clerk read the nomination of Robert M. Gates, of Texas, to be Secretary of Defense.

Mr. WARNER. Mr. President, I am going to initiate our discussion this morning on this important nomination. My distinguished ranking member, Senator LEVIN, will soon join me.

I urge all Senators to seek an opportunity, if they so desire, to address this very important nomination not just to the executive branch but, indeed, the Nation and, indeed, the world. All eyes are on this nominating process and this extraordinary candidate who stepped forward to offer his services and the wisdom of our President in finding, selecting, and convincing this outstanding American to, once again, serve the Nation—and, indeed, I think the whole world—in this important post.

I want to acknowledge the fact that yesterday, with the strong support of the distinguished ranking member, Senator LEVIN, the Armed Services Committee, in I believe a very commendable way and a very thorough way, held extensive hearings on Dr. Gates, with probably close to 60 hours in public and another close to 2 hours or less maybe in executive session. We thoroughly examined and cross-examined this nominee. He exhibited those extraordinary qualities that he has had throughout his public life—candor, patience, clear and concise answers, no equivocation, no effort to dodge any response which he felt would contribute to the RECORD. I commend this distinguished nominee.

Then I have to say, with a great sense of pride, on behalf of the committee—not myself or Senator LEVIN but on behalf of the committee—the vote was unanimous, even though, in the course of that deliberation there were varying opinions of the members of our committee which I respect—those varying opinions on what has happened and what is happening today in Iraq and in Afghanistan and other troubled parts of the world and what our course of action should be for the future.

The committee came together and, I am proud to say, unanimously adopted the recommendations of the chair to have this nomination go forward to the Senate.

It is interesting. One of the strongest proponents in the course of that deliberation was our distinguished and revered colleague, Senator BYRD. He has been a member of the committee for many years. I asked Senator BYRD if he would like to place before the committee the nomination of Robert Gates. He did so. I seconded it and then followed all members of the committee voting ''aye.''

Senator LEVIN and his staff and all members of the committee—and, indeed, my staff—were very helpful in the preparation of the very important steps that must be taken for this nomination. We didn't cut any corners. We didn't rush. We did what I say was a very competent job, consistent with the finest traditions of the advice-and-consent role which is especially entrusted to the Senate.

In the brief period since the President announced his intent to nominate Dr. Gates on November 8, and recognizing the importance of this nomination to our national security, we have worked together to compile a thorough record on which the committee and the full Senate can rely with confidence.

Doctor Gates has a long and distinguished record of accomplishments and service to his community and to the Nation. He completed his undergraduate studies at the College of William & Mary in the Commonwealth of Virginia, receiving the prestigious Algernon Sydney Sullivan Award, which is awarded to graduating seniors who have distinguished themselves in service to others and to the community.

He then went on to receive a master's degree in history from Indiana University in 1966, and later, a Ph.D. in Russian and Soviet history from Georgetown University in 1974. I would like to note that in recent years Dr. Gates, among various distinguished academic posts, served as a trustee of the endowment fund for the College of William and Mary, which in 1998 conferred upon him the honorary degree of Doctor of Humane Letters.

Doctor Gates joined the CIA in 1966, but he served on active duty in the Air Force from 1967 through 1969 assigned to the Strategic Air Command. He rejoined the CIA upon his release from active duty and spent over 26 years as an intelligence professional, including a period of nearly 9 years assigned to the National Security Council.

Doctor Gates served as Deputy Director of Central Intelligence from 1986 until 1989, and, subsequently, as Assistant to the President and Deputy National Security Adviser from January 20, 1989 until November 6, 1991, for President George H. W. Bush. Dr. Gates was nominated by President George H. W. Bush, to be the 15th Director of the CIA in June 1991. Dr. Gates is the only person who has ever risen from the ranks to become the Director of Central Intelligence.

Doctor Gates has been awarded the National Security Medal, the Presidential Citizens Medal, the National Intelligence Distinguished Service Medal on two occasions, and three times received the CIA's highest award, the Distinguished Intelligence Medal.

In September and October 1991, the Senate Select Committee on Intelligence under the leadership of Senator David Boren conducted hearings on Dr. Gates's nomination to be the Director of Central Intelligence. The Committee on Intelligence took the testimony of some 21 witnesses, compiled a record of over 2,500 pages of testimony, and favorably reported Dr. Gate's nomination to the full Senate.

During the Senate floor debate on Dr. Gates' nomination, on November 4, 1991, I complimented Senator Boren on the thoroughness of his committee's work.

I stated, at that time, I had the privilege—and Dr. Gates was very thoughtful yesterday to indicate that—to introduce him to the Intelligence Committee for that hearing. In the context of that introduction and then on the floor of the Senate, this paragraph summarizes my own personal views of this extraordinary nominee.

I said:

> Bob Gates is a very thoughtful man, an honest man, an experienced official, a good analyst, a non-nonsense manager, and a man with a vision of the future direction of the role of U.S. intelligence.

I reiterate those comments in the context of this nomination again today.

> On November 5, 1991, Dr. Gates was confirmed by the Senate and served with distinction throughout the remainder of former President Bush's term.
>
> Yesterday, at our hearing on this nomination, Senator Boren and our former leader, Senator Robert Dole, testified in support of Dr. Gates's nomination and urged a new spirit of bipartisanship as we wrestle with the problems of national security we, as a Nation, face today.

I ask unanimous consent that Senator Boren's statement and such statement as we hopefully will get from Senator DOLE be printed in the RECORD following my remarks.

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

(See exhibit 1).

Mr. WARNER. Mr. President, I will quote Senator Boren's remarks of yesterday. Senator Boren stated:

During the 6 years that I chaired the Senate Intelligence Committee, I watched Dr. Gates effectively work to build a consensus on sensitive issues.

Democrats and Republicans had equal seats at the table. During these 6 years, in no small part because of his bipartisanship spirit and his respect for the oversight and policymaking role of Congress, our committee had only a tiny handful of rollcall votes and none of them was close. We simply worked with each other and with the executive branch, often represented by Dr. Gates, until a consensus was reached.

I believe I am the only current Member of the Senate who was a member of that committee at that time. All have retired from this institution. I remember those days quite well. It was a warming experience to see yesterday. I know full well he won the hearts and minds of all. He is noted for his ability to cross the aisle and work out consensus opinions, reach decisions which are always, in his judgment and the judgment of others, in the best interests of our country. This demonstrates Dr. Gates' qualification for the position of Secretary of Defense. It gives us a clear indication of how he will lead.

I ask unanimous consent to have printed a letter in support of the nomination received from a former chairman of the Committee on Armed Services, with whom I was ranking member for many years, the Honorable Sam Nunn of Georgia.

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

NUCLEAR THREAT INITIATIVE,
Washington, DC, December 4, 2006.

Hon. JOHN WARNER,
Chairman,
Hon. CARL LEVIN,
Ranking Member, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR JOHN AND CARL: I wish that I could attend Tuesday's hearing to help my friend David Boren introduce Robert Gates, whom I believe is immensely qualified to serve as Secretary of Defense.

Unfortunately, my travel schedule prevents me from being with you in person, but I have asked David to submit the attached statement into the Record on my behalf.

Best wishes,

SAM NUNN.

Enclosure.

STATEMENT OF FORMER SENATOR SAM NUNN ON THE NOMINATION OF ROBERT M. GATES, UNITED STATES SENATE ARMED SERVICES COMMITTEE, DECEMBER 5, 2006

Chairman Warner, Senator Levin, and Members of the Committee, although I am able to join you today, I appreciate the opportunity to share with you my thoughts on the nomination of Robert Gates to be our next Secretary of Defense.

As you know, during my 24 years in the United States Senate, I spent a great deal of time focusing on issues pertaining to the national defense. I had the great pleasure and honor of serving with many of you, including my good friends John Warner and Carl Levin. as we focused on remaining steadfast and prevailing during the Cold War and on helping the Department of Defense meet the challenges involved in transitioning from the Cold War to a new, and vastly different, world. I had the opportunity to work closely with a number of Defense Secretaries and Directors of the CIA.

Even in the best of times, defending our nation while managing a bureaucracy as big as the Pentagon, and at the same time bearing primary responsibility for the lives and welfare of our men and women in uniform, is a monumental task. These are clearly not the best of times. There is no question that our nation faces serious challenges on a number of fronts. Among those challenges is the task of rebuilding our forces, who have met and continue to meet extraordinary demands in Iraq and Afghanistan. The situations in those countries, as well as other global demands on our military, including the new generation of global threats, compound, by several orders of magnitude, the difficulties that will face our next Secretary of Defense. In particular, the Secretary of Defense has a critical role to play in addressing the global threats from nuclear, biological and chemical weapons.

The next Secretary of Defense has been dealt a tough hand of cards. We must have a Secretary who is open to change, who values and gains a realistic and objective assessment of the facts, and who has the experience, judgment, and wisdom to lead the Pentagon during the perilous and challenging times ahead.

I have known Bob Gates for at least 20 years, and I believe that we are fortunate that he is willing to serve as our next Secretary of Defense. Bob Gates is, in my view, an excellent choice to lead the Department of Defense in these challenging times. He has a well-deserved reputation on both sides of the aisle for competency, integrity and objectivity. He is well qualified, having been directly engaged on national security issues for most of his long career.

His years in government have given him an appreciation of the complexity of the issues that he will face as Secretary. He also understands how government works best, and knows that, to succeed as Secretary of Defense, he will need to work cooperatively with others who impact the national security agenda, including our military leaders, both Democrats and Republicans in Congress, and particularly this Armed Services Committee, the National Security Council, the State Department, the Director of National Intelligence and the intelligence community, and also the non-governmental community.

I believe that Bob Gates understands that our national security and military policy cannot remain frozen in time as the world changes around us. He understands that, as the facts change, our policies must be flexible enough to acknowledge those facts and to adapt to those changes. I believe that, if confirmed as Secretary of Defense, Bob Gates will be willing to make the kinds of changes and new approaches that many of us are convinced are needed in the days ahead.

Finally, and perhaps most important at this time in our history, Bob Gates understands that the secret to successful leadership lies in the willingness to accept counsel and advice from many people, both inside and outside of government. When facts and circumstances change or when mistakes are made, we must have a Secretary of Defense who listens, who understands, who corrects errors rapidly, and who adapts to reality. I am confident that Bob Gates will listen, will understand, will adapt, and will make sound recommendations and decisions for our nation's security.

For all these reasons, I am convinced that Bob Gates is an excellent choice to serve as our next Secretary of Defense. Thank you.

Mr. WARNER. Since leaving the CIA in 1993, Dr. Gates served in a variety of academic capacities and as the interim dean of the George Bush School of Government and Public Service at Texas A&M University from 1999 to 2001. On August 1, 2002, he became the 22nd president of Texas A&M, the Nation's seventh largest university.

He referred to his work with that university with a great deal of compassion and sentiment yesterday. He said in a very respectful way that it is going to be difficult to leave that university, but he felt the call of the Nation, the call of the President, had to take priority.

At the hearing yesterday, Dr. Gates was questioned about his past service, about his reasons for returning to Government, and about his views on Iraq, Iran, North Korea, and the tremendous challenges that face the United States today. He acquitted himself remarkably well.

Senator LEVIN and I have been here together for 28 years. My good friend, who will soon follow me, would agree it was one of the more extraordinary nomination hearings we have had in the many years we have served on the Committee on Armed Services, and he was given to unanimous support of each and every member attending that hearing yesterday. I think we had 100-percent attendance except a member attending a funeral.

I commend the President on his decision to nominate Dr. Gates. I am confident he will, indeed, be absolutely fearless in providing expert advice, professional advice, his own innermost personal feelings about the complex issues that face our Nation and, indeed, the world.

For his fellow Cabinet members and to the Congress, he will be an extraordinary new addition, subject to the confirmation of this Senate, to our illustrious role of public servants.

I have served under three Secretaries of Defense when I was privileged to be Secretary of the Navy. Together with CARL LEVIN, we have worked with nine other Secretaries of Defense since that period of time we have been in the Senate.

I conclude on another note which I think is very meaningful. Senator LEVIN and I met with the Iraq Survey Group this morning. I mention that because this volume represents their report. Five very able Republicans, five very able Democrats, drawn from the private sector, now all in the private sector, most all of whom have distinguished public service careers of varying types—it is all a matter of public record—worked on this report as a contribution to the security of this country.

I had a small role with FRANK WOLF and others in helping get the Iraq Survey Group constituted and launched.

They did a very fine job for America, indeed, the free world, in reaching a consensus, in reaching a unanimous opinion on a series of issues.

The debate on Iraq, the debate on Afghanistan, the debate on our security matters should always reign in this Chamber with voices which have different views. How well we know the difficulty, particularly in this most controversial war, the difficulty of reaching a consensus.

I am proud to say our committee—which has among its members a strong diversity of viewpoints about the conflicts for which our men and women of the Armed Forces are courageously carrying the torch for freedom—reached a consensus, unanimously supporting Bob Gates.

I mention those two important chapters—temporary chapters—in the history of this institution because I fervently believe we must try and work in the Congress with the President to reach a consensus on the way ahead in Iraq. All have to give up a little bit of some of our fixed views which we have tenaciously held for these years of this conflict, a conflict now that has gone on longer than World War II. In the spirit of trying to reach that consensus, we owe that obligation to the men and women in the Armed Forces who have given so much, who have lost life and limb, who today are on the front lines—whether in Iraq or Afghanistan.

That is why, throughout this nomination process, I have stressed the need to try to reach a consensus. The nominee himself likewise mentioned he hopes to work with a mandate from the Congress and the President which is derived in a bipartisan way, a consensus opinion.

As I look upon the current situation, we have now the Iraq Study Group Report. The President, very wisely, some 2 months ago, directed every person in his administration who has some responsibility in their portfolios with regard to national security, and most specifically the implementation of our Armed Forces overseas and our foreign policy, to sit down and search their minds to come up with ideas and concepts as to how this Nation must move forward in the weeks and the months to come in Iraq—move forward in such a way that we can achieve a stable government, a government in Iraq that can provide the security for its Nation, a quality of life for its people, and a nation that, hopefully, will join other nations in the free world as a strong working ally in the war against terrorism.

This is the first chapter. The next chapter will be the report, presumably within the executive branch.

The chairman of the Joint Chiefs—I spoke with him by phone this morning—is working among his peer group and particularly those combatant officers and men who have served in Iraq, served in Afghanistan, to draw together their views. His work will not necessarily be completed in a finite report. To the contrary, his work must go on every day, every week, to make assessments from the battlefields, make assessments internally from the men and women in uniform, and perhaps some of the counterparts and the civilians who worked so closely with our men and women in the Department of Defense throughout the world.

He will be making a contribution to the President as our President works through deliberations that, no doubt, were comparable to decisions Lincoln had to make in that critical period he served as President.

I remember being with our President in his office quietly one day. I believe it was Memorial Day a year ago. When he pointed to Lincoln, he said he often reflects on the pressures that were upon that great President and how he guided this Nation such that we are the United States, all 50 States of America today are one solid, surviving, strong Republic. Also, as Ben Franklin said when he emerged from the Constitutional Convention and was asked, what did they do at the Constitutional Convention of 1789? He wiped his brow and said, we have given you a republic, if you can keep it.

Part of keeping that Republic is keeping faith in the men and women of our Armed Forces as we ask them to take on these burdens. Therefore, it is my hope that after our distinguished President studies carefully the contributions of the Iraq group, of his own internal assessment, indeed, the chairman of the Joint Chiefs of Staff, that he will come to his own conclusions. But before he makes them public, I hope he consults in a bipartisan way with the leadership of this institution in a private forum and then thereafter at the time of his own selection in an announcement to the public.

In that way I hope we can have a consensus, we can show our bipartisanship in strength. We keep our commitment to the men and women of the Armed Forces that this Government, this executive branch, can work as a team on their behalf as we ask them to take the enormous risks of carrying the torch of freedom wherever they are in the world.

EXHIBIT 1

STATEMENT OF DAVID L. BOREN, PRESIDENT, THE UNIVERSITY OF OKLAHOMA, FORMER U.S. SENATOR (OKLAHOMA), BEFORE THE U.S. SENATE ARMED SERVICES COMMITTEE, DECEMBER 5, 2006

Mr. Chairman and Members of the Committee, thank you for allowing me the privilege of joining with my colleague Senator Bob Dole to formally present Dr. Robert M. Gates, the President's nominee for Secretary of Defense. I sincerely believe that at this critical moment, Dr. Gates is the best possible choice for this position.

In my entire adult lifetime, our country has never been faced with more dangerous challenges. With only 6% of the world's population, we face economic growth in other nations and regions which are likely to bring them into economic parity with the United States in a relatively short time and military parity as well if they decide to use their resources for that purpose. We are militarily spread thin in areas of the world where serious threats exist, and there are no easy options for extracting ourselves from our military involvement in Iraq.

At the end of WorId War II and the beginning of the Cold War, we also faced threats that could have overwhelmed us. How we responded then provides us with an excellent guide for the present.

First, we brought together people of exceptional talent, like Bob Gates, to serve us without regard to political party affiliation.

Second, leaders like President Truman, a Democrat, and Senator Vandenburg, a Republican, adopted a truly bipartisan blueprint that provided us with a consistent policy for over 40 years without regard to which party controlled the White House or the Congress.

Third, we did not bear all the burdens of leadership by ourselves. We formed strong alliances and partnerships based upon mutual respect. We struck the right balance between diplomacy, dialogue, and military strength. We made sure that we were always strong enough to act alone if we had to do so, but we were wise enough to avoid that situation.

We must do exactly the same thing now. Partisan polarization, if allowed to continue, will destroy our economic, military, social and moral influence in the world and ultimately the fabric of our country.

During his 26 years of service at the Central Intelligence Agency and at the National Security Council, Bob Gates demonstrated his sincere commitment to bipartisanship. He served as Deputy Director and Director of the C.I.A. under Republican presidents with Democratic majorities in both houses of Congress.

During the six years that I chaired the Senate Intelligence Committee, I watched him effectively work to build a consensus on sensitive issues. Democrats and Republicans had equal seats at the table. During these six years, in no small part because of his bipartisan spirit and his respect for the oversight and policy making role of Congress, our committee had only a tiny handful of roll call votes and none of them was close. We simply worked with each other and with the Executive Branch often represented by Dr. Gates until a consensus was reached.

I came to respect Bob Gates as a realist who faced up to the facts and adjusted to changing situations. He rejected inflexible ideological positions and worked hard to fashion practical solutions. We badly need those qualities right now.

More recently, as a fellow university president, I have watched with admiration his leadership n bringing faculty members, students and alumni together to increase the strength and diversity of Texas A&M where he serves as president.

Bob Gates knows how to lead large and complex organizations. He will hit the ground running as Secretary of Defense at a moment when we have no time to waste.

I am here today not only because I believe that Bob Gates has exceptional ability, but also because I have confidence in his personal integrity and his sincere desire to serve our country.

It was my responsibility to chair the hearings which resulted in his confirmation to serve as Director of the Central Intelligence Agency. His nomination came to our committee on June 24, 1991. Our scrutiny of this nominee was not completed until October 18th of that year. All questions which were raised, even those of doubtful credibility were vigorously pursued.

Part of the final committee report read as follows: ''By any standard, the consideration of this nomination was the most thorough and comprehensive of any nomination ever

received by the committee. Thousands of documents were reviewed. Hundreds of witnesses were interviewed. The nominee testified for four long days in open and closed sessions responding to almost 900 questions and written responses were submitted to almost 100 additional questions.''

In short, these thorough proceedings confirmed the commitment of Bob Gates to faithful and honorable public service.

Today we have an opportunity to embark upon a new bipartisan path to protect our national security. The Senate can do its part by quickly and overwhelmingly confirming this talented nominee as Secretary of Defense. But confirmation alone is not sufficient. The President must also do his part by making sure that he gives great weight to the bipartisan spirit and realistic advice which I believe that he will receive from Dr. Robert Gates.

There are those who say it is an impractical and romantic idea that we can replace polarization with civility, cooperation and partnership. To the doubters, I answer that we achieved it in the Senate Intelligence Committee with the help of Bob Gates only 15 years ago. It is not only an option we can achieve with hard work and determination—it is imperative if the United States is to remain a world leader.

STATEMENT OF HON. ROBERT DOLE, FORMER U.S. SENATOR FROM KANSAS

Senator ROBERT DOLE. It is on?

Chairman WARNER. Yes.

Senator ROBERT DOLE: Well, Mr. Chairman, I'm almost—I'm probably here by accident, because the phone rang at home, and I picked it up, and the person on the other end said, ''Senator Dole, would you mind introducing me at the hearing? and I said, ''Yes.'', Then I learned, later, they were calling for Elizabeth. So——

So —

[Laughter.]

Senator ROBERT DOLE:—I appreciate the fact that she's on the committee, but I appreciate this opportunity, and it'll be very brief.

President John Adams once said, ''If we do not layout ourselves in the service of mankind, whom should we serve?'' Bob Gates truly understands this. Granted, I may be a little biased, owing to his Kansas roots. It was Kansas where he first learned the meaning of service, while growing up in Wichita. His appreciation for the interests of others grew as a student at William and Mary and throughout his years as a career intelligence official and through his subsequent leadership of our intelligence services, and, most recently, in his stewardship at Texas A&M, one of our Nation's outstanding universities. Through it all, Bob Gates has given of himself in this great tradition to our Nation and our people.

Mr. Chairman, as we convene, our Nation's defense policy is dominated by a single issue: the war in Iraq. Even those critics of the war who want us to withdraw soon or cut our forces substantially acknowledge that the stakes are high. I believe we can agree with our President, who has said, ''This is a massive and difficult undertaking. It is worth our effort, it is worth our sacrifice, because we know the stakes. The failure of Iraq democracy would embolden terrorists around the world, increase dangers to the American people, and extinguish the hopes of millions in the region.''

At this critical hour, Mr. Chairman, you and your committee have gathered for an exceedingly rare act, the confirmation of a new Secretary of Defense in wartime. The last time this happened was in 1968, when President Johnson nominated Clark Clifford to replace Bob McNamara. Make no mistake about it, history is being made here today.

Today, Bob Gates is poised to take the helm at the Defense Department at a time of intense debate over the war. Some contend that, with sufficient time and dedication, victory is assured. Yet, there is no denying that, having overthrown Saddam Hussein, we have not secured the peace, that Iraq's borders remain porous, that the interests and destabilizing involvement and Iran and Syria have not been adequately addressed, and that the current power vacuum creates risk of an even larger scale sectarian conflict. At the same time, those who have been calling for withdrawal or massive date-certain drawdowns should acknowledge that these are tactical shifts, not a radical overhaul of our policies, that the removal of Saddam from power opened the door to democracy, and that to realize these are goals worthy of sacrifice and that defeat is not an option, but the quality of life in many parts of the country is better than it was 4 years ago.

In the American experience, wars that enjoy equivocal support from our people usually end with equivocal outcomes. This is why our country must unite behind a strategy for a successful military mission, a viable exit plan, and a recognizable vision for Iraq's future. I agree with the President that Bob Gates is the man to make this happen. He is a person of uncommon resolve, intellect, and strength of character. He has the force of will to exercise civilian control over the military, but be sensitive to respect the wisdom and counsel of our generals and admirals, and the men under them...

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I support the nomination of Robert Gates to be Secretary of Defense, as did every member of the Committee on Armed Services, under the leadership of Senator WARNER.

Over the last few weeks, I have met personally with Dr. Gates, reviewed his record, his response to written policy questions from the Committee on Armed Services. I listened carefully to his testimony before the committee yesterday. At every stage of the process I have been favorably impressed by Dr. Gates' candor, his forthrightness, and by the direct answers he has provided to our questions.

The American people in November demonstrated their strong desire for two important changes in our Government. One is a change in policy on Iraq. The second is a change in the atmosphere in Washington. On each of these issues, Dr. Gates' performance has been exemplary.

He has also provided a dose of reality and straightforward honesty relative to Iraq. Dr. Gates' willingness to identify past mistakes was notable. He included in a list of those mistakes, when he was asked, inadequate troop levels at the outset of the operation, disbanding of the Iraqi Army, de-Baathification measures that went too far. He acknowledged we are not winning overall in Iraq, with the important caveat that our troops continue to perform superbly and have yet to lose a single battle.

He agreed we need to communicate a sense of urgency to the Iraqis and to pressure them to reach a political settlement that only they can reach, and that without it there will be no end to the violence, regardless of improvements in the Iraqi military.

Dr. Gates stated that a major change in policy is needed and that all obligations need to be on the table.

He made it clear that he intends to consult with the commanders in the field, the Joint Chiefs of Staff, and others before recommending a strategy. He stated he would consult with Members of Congress on a bipartisan basis. He agreed that we need to more clearly identify our objectives and match our forces to those objectives. He spoke favorably about the need for specific benchmarks for those efforts and the efforts of the Iraqis.

On the second issue, Dr. Gates placed a strong emphasis on the need for bipartisan solutions to our problems in Iraq and other national security issues. He spoke in favor of congressional oversight. He expressed his desire to work with Members of Congress in both political parties.

Moreover, Dr. Gates stated that our senior military leaders must be free to speak truth to power, to express their views directly to the President, the Secretary of Defense, and the Congress.

He also stated that intelligence should not be politicized and that intelligence analysts must be free to provide their unvarnished views to leaders of both the Congress and the executive branch. He stated to the extent the Office of the Under Secretary of Defense for Policy prior to the Iraq war provided a separate avenue for the analysis of intelligence information outside of the intelligence community that he has ''a problem with that.''

We will make significant progress in Iraq only if a new approach is forthcoming. We are not going to make significant progress if we insist on circling the wagons, denying any mistakes have been made, and staying the course. We are not going to make significant progress until the administration comes to grips with what is happening on the ground in Iraq and listens to the views of the Congress, the American people, and others who have had differences with the administration.

Dr. Gates' confirmation as Secretary of Defense will not by itself solve our problems in Iraq. Indeed, as he acknowledged, the key decisions on Iraq will continue to be made by the President of the United States, not by the Secretary of Defense.

On the key issues of Iraq, and the atmosphere in Washington, however, his testimony was very encouraging indeed. Dr. Gates' testimony on other issues was positive as well. For example, he stated his belief that we should engage with North Korea, Iran, and Syria, and that he is open to the possibility of doing so on a bilateral basis, even though, understandably, he does not have any great expectations that

such discussions would lead to significant improvements. This kind of willingness to engage in at least discussions with those who disagree with us has too often been hard to find in the administration.

I support Dr. Gates' nomination. I wish him luck as he undertakes these immense challenges facing the Department of Defense.

I want to comment on two other issues, one that Senator WARNER made reference to, and that is the Baker-Hamilton report. That report proposes a welcome change in direction for our policy. It urges the administration and all of us to come together politically on a bipartisan basis. It also suggests that the only way we can maximize the chances of success in Iraq is if the Iraqis come together politically and take over the responsibility for their own country.

The ideas they propose in this report are totally consistent with what a number of us have been urging for a long time: that we have to pressure the Iraqis to take over, that they have to resolve their political differences, and that unless those political differences are resolved by the Iraqis that there is not going to be an end to the violence in Iraq.

The discussion in this report about reduction in forces is a tool of putting pressure on the Iraqis to take responsibility for their own future. We cannot be a security blanket in an unlimited way for the Iraqis. They, and they alone, are going to decide whether they have a nation or whether they have a civil war, and we cannot get in the way of the Iraqis if they are determined to have a civil war.

Finally, I want to say a word about Senator WARNER.

The fact that this nomination is coming to this floor with a unanimous vote is, in part at least, the result of the efforts of Senator WARNER. Obviously, we all have decided that Dr. Gates deserves our confirmation. But, as is always the case with Senator WARNER, the process which was used here was thorough, fair, and consistent with senatorial traditions: that we look at nominees, ask hard questions, be thorough.

His respect for this institution is not exceeded by anybody, as far as I am concerned, in this institution. It is essential to the Senate that we have this kind of respect, not just for each other, as important as that is—and clearly his civility in that regard is also exemplary—but that we also have great respect for the procedures, processes of this institution.

We gave Senator WARNER a little tribute yesterday as we were voting in executive session, a little plaque that had three gavels on it. Those three gavels represented the three times actually that Senator WARNER has been the chairman of the Armed Services Committee; one of which was kind of unique just because for 17 days in 2001, when the Vice President of the United States was Al Gore because the President had not been sworn in until January 20, and the Congress was 50–50 on January 3, I actually was chairman for 17 days and Senator WARNER was ranking member for that short period of time before he took over again as chairman of the Armed Services Committee. Because of the rules of his caucus, which are totally the business of the Republican caucus, Senator WARNER will now take on other responsibilities in this institution. But his civility, his sense of this institution, his bipartisanship—which is again reflected in the remarks which he made today, and reflected in what he has urged the President to do and what he urged Dr. Gates to do in terms of discussions with Members of the Congress—that effort on his part is so totally typical of him as a human being and him as a leader, who senses that when it comes to national security policy and defense policy this country requires bipartisanship.

Maybe in other areas the danger is less of excessive partisanship. Maybe in other areas besides national security and defense we can get away with being partisan, even though we should not. But in this area we cannot, in good conscience, be partisans. We have to be patriots. We are going to have different views. Those different views are not necessarily going to be divided by this aisle, but those different views are respected, they are welcome.

Senator WARNER again expressed the importance of different voices being added to a chorus. But at the end that chorus, hopefully, will be singing the same song about the security of this country, with different voices from different places but talking about the same goal, which is the national security of the Nation.

Another goal which he has championed is the support for the men and women of the Armed Forces. They never had a greater champion. They have had great champions in this body, on the Armed Services Committee, off the Armed Services Committee. They have had great champions. They deserve great champions. They have had a great champion in JOHN WARNER.

The men and women of the military who put their lives on the line for this Nation deserve the kind of support they get from JOHN WARNER. He is an example that all of us follow, I hope, or at least try to follow when we look at what the needs are of the men and women of the Armed Forces in uniform, and out of uniform, who take the risks for us and whose families take the tragic losses and have to face those losses every moment of every day in that their loved ones are in harm's way.

So I just want to—as we bring, I guess, this last nomination to the floor, which is brought to the floor by Senator WARNER as chairman of the committee—pay him tribute on behalf of the whole committee. We all, in our own way, speak to him about it, sometimes privately and personally, other times very publicly, like this is. But I just want to let him know that he has not only been one great friend, his wife Jeannie and Barbara and I have been great friends, and we will continue to be.

As he frequently points out, we came here together, which is a special bond between us—which it is for all Members of the Senate. Members of their class are usually the ones they are closest to, just like in high school. That has nothing to do with party labels or affiliations. That has everything to do with relationships, going through the same process together and going through the same hoops and jumping the same hurdles together.

We have done it together. I relied on him more than he will ever know, and I will continue to rely on him as a member of the committee. But as I undertake my new responsibilities, I, again, not only will continue to cherish his advice and friendship, but I will be relying on it almost as much as ever.

I thank him, I know, on behalf of all the members of the committee.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Virginia.

Mr. WARNER. Madam President, I am deeply touched by my colleague's comments. We have stood toe to toe on this floor. How many times have we walked right out here and looked each other in the eye, and sometimes with a great deal of ferocity disagreed on matters? But I suppose if you ever asked Members of the Senate what their greatest reward for service in the Senate would be, certainly high among those rewards is the personal association with Members.

I have calculated, I say to the Senator, in the time we have been here these 28 years there have been 241 different Senators we have come to know and shared the work of this great institution. We have shared it with them. But you have been very special, a good friend. We do not always agree, but that is all right. That is one of the foundations of this country. But I do hope perhaps together we can work on forging this consensus which I feel so strongly about, and you feel so strongly about, because this is one of the most unusual chapters of the history of America.

I say to the Senator, you mentioned my association with the men and women of the Armed Forces. I was privileged to serve as a 17- or 18-year-old sailor in the last year of World War II and later in the Marines during the Korean conflict. I mention that only because my military active duty is of no great consequence. I just did what millions of others have done—no great valorous contribution, but I did my duty. But I got to know those people and what it is that inspires a young person to volunteer.

Then my work as Secretary of the Navy in the final years of that turbulent period in Vietnam, we emerged with the All-Volunteer Force, which is

the most extraordinary military force in the world today. Nothing comparable.

If you look back in military history, there used to be not only conscripts, but they used to go out and lock them up. It is noted in the Navy, they would go back and hijack innocent civilians and put them onboard ships, and the Navy would keep them there for 2 years. They never got off the ships. But today we have this All-Volunteer Force. And decisions in the military are made around the dinner table—we say, the families—and therefore they are a vital part of it.

So I am so proud to work with you and the members of the committee. And I say to the Senator, you are going to do a fine job as chairman. You had that briefly for a while, and now you have it again. We are there to support you in your capacity as chairman and do everything we can.

I hope one of the earliest challenges out of the box, as we say, in January 2007—just weeks away, surprisingly—will be that we can work on a consensus in the supporting of our President and supporting the men and women of the Armed Forces as we chart the future direction for Iraq and other conflicts.

I mentioned the report of the Baker commission, I say to Senator LEVIN. I am just looking through it. We were both in there this morning. But they said the following on the first page:

> Our country deserves a debate that prizes substance over rhetoric, and a policy that is adequately funded and sustainable. The President and Congress must work together. Our leaders must be candid and forthright with the American people in order to win their support.

The reason I urged the President to come and visit privately with the leadership of the Congress before his final decisions was a reflection of the mandate of the people in this most recent election. I believe they spoke very loudly. This war was heavily influencing the judgment they made when they went to those polling places.

This report stresses the need for that public support. The young men and women who go out and take these burdens on want to feel that every American citizen is behind them as they perform their duties.

Further, this report says, on the next page:

> What we recommend in this report demands a tremendous amount of political will and cooperation by the executive and legislative branches of the U.S. Government.
>
> It demands skillful implementation. It demands unity of effort by government agencies, and its success depends on the unity of the American people in a time of political polarization. Americans can and must enjoy the right of robust debate within a democracy. Yet, U.S. foreign policy is doomed to fail—as is any course of action in Iraq—if it is not supported by a broad, sustained consensus. The aim of our report is to move our country toward such a consensus.

We have had two chapters. We have had this and the vote of the committee yesterday. I do not wish to predict the vote that will take place, but in my heart of hearts, I think there will be a strong consensus when, hopefully, the vote on Mr. Gates is taken in the Senate.

I thank my colleague for his strong effort to make all of this possible.

I believe our colleague from Texas wishes to address the Senate.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I have a motion which is in order, but I need to hold off because another person involved is not here. I have given him my word that I would wait. So if Senator LEVIN has something to proceed with, I suggest that Senator LEVIN proceed.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, Senator KENNEDY is here. I ask unanimous consent that after Senator KENNEDY has completed, Senator HUTCHISON be recognized again in the event she is prepared to go at that time.

Mrs. HUTCHISON. Madam President, I just ask how long does Senator KENNEDY expect to speak?

Mr. KENNEDY. Probably 6, 7 minutes.

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, before making these comments on the Baker-Hamilton report and on the nominee for Secretary of Defense, I join with my colleagues on the Armed Services Committee in paying tribute to an extraordinary friend and incredible Senator and a magnificent leader, the chairman of the Armed Services Committee. I think all of us who have been on that committee know of its importance in terms of its responsibilities for the security of our country. It has been a place of extraordinary leadership historically for this Nation at very challenging times.

Having had the greatest public honor of representing the people of Massachusetts and being on that committee now for some 25 years, I join my friends in the unanimous acclamation to a very extraordinary individual, our chairman, JOHN WARNER. I thank him so much for his service to our country over a long and very distinguished career. I grew up in a family that believed that individuals can make a difference, and JOHN WARNER has made an extraordinary difference to this Committee, to the Senate, and to the country. I consider myself fortunate to have served on the committee and to call him my friend.

Mr. WARNER. Madam President, from the depth of my heart, I express my appreciation to the Senator and others who have reflected those sentiments.

Mr. KENNEDY. Madam President, this morning the Iraq Study Group issued a stunning indictment of the administration's policy toward Iraq.

The study group has concluded that the ''situation in Iraq is grave and deteriorating'' and that ''sectarian conflict is the principal challenge to stability.''

The group's report explicitly rejects the strategy of staying the course. As it states, ''Current U.S. policy is not working, as the level of violence in Iraq is rising and the government is not advancing national reconciliation. Making no changes in policy would simply delay the day of reckoning at a high cost. Nearly 100 Americans are dying every month.'' Truer words were never spoken.

The study group calls for ''new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly.''

Significantly, this group of distinguished leaders has called unanimously for change in our military mission of engaging in combat directly to a new mission of supporting the Iraqi army and beginning to withdraw our combat troops. The report sets a clear goal for achieving this shift in mission and beginning the redeployment of our forces by the first quarter of 2008. The report states clearly that ''the United States must not make an open-ended commitment to keep large numbers of American troops deployed in Iraq.''

Instead, the report calls for clear commitments from the Iraqi government on reconciliation, along with clear consequences for our military, political, and economic assistance if the commitments are not met.

The report also calls for talks that include all of Iraq's neighbors in the region, especially Iran and Syria, and for a new diplomatic initiative to resolve the Israeli-Palestinian conflict.

The American people are demanding change in Iraq, Robert Gates, the nominee for Secretary of Defense, has agreed we need change, and now the bipartisan Iraq Study Group recommended a clear change in the way forward in Iraq.

The verdict is in. There can no longer be any doubt that the violence and chaos in Iraq are getting worse, that our current strategy is failing, and that we need to work together on a new strategy that will make it possible for us to bring our troops home. The only question is whether the White House will heed this clarion call and agree to change the perilous course we have been on in Iraq since Saddam Hussein fell and the chaos began.

More of the same failed policy that depends on an open-ended commitment of our military will not bring America closer to success. It will not stop the violence. It will only continue to undermine our own national security interests.

Iraq is the defining issue of our time, and the person who will have a major

voice in meeting the enormous responsibility of recommending the new course will be the new leader we are confirming today as the Secretary of Defense.

The American people are demanding far more than a change of faces at the Pentagon. They are demanding—and they deserve—a comprehensive change in our policy so that we finally have a policy on Iraq that is worthy of the enormous sacrifice, commitment, and valor of our men and women in uniform.

Although I voted against the nomination of Robert Gates to head the CIA in 1991, I support his nomination to be Secretary of Defense, because he assured the committee that he would be an independent thinker and give candid and frank advice to the President about a way forward in Iraq.

During the confirmation hearing yesterday, Dr. Gates spoke with candor—a candor that has been sorely missing from the Department of Defense under this administration. He recognized the high price that our troops are paying for the current policy.

He clearly stated that we are not winning in Iraq and that all options for a way forward are on the table.

He assured me personally that he would speak candidly, frankly, and boldly to people at both ends of Pennsylvania Avenue about what he believes and what he thinks needs to be done. He told me that he is not coming ''back to Washington to be a bump on a log.'' He assured me that he will be ''independent'' and that he ''will consider all of the options.''

He said that he is open to dialogue with Iran and Syria.

We all hope the administration will quickly set a new course that will enable our troops to begin to come home. We need more than a new face—we need a new policy.

Our men and women in uniform who are making the ultimate sacrifice in Iraq deserve no less, and I look forward to working with Dr. Gates on these important issues in the months and years ahead as he assumes the responsibility of Secretary of Defense.

I yield the floor.

Mr. WARNER. Madam President, I thank our colleague for his distinguished participation on our committee for these many years. He was with us all day yesterday in regard to the hearing. The Senator's questions were very pointed. I am delighted to hear of his support.

At this time, I think the Senator from Texas is ready.

Mrs. HUTCHISON. Madam President, we are still in negotiation on the point. If no one else is here, may I make my statement on behalf of Bob Gates?

Mr. WARNER. Absolutely. Now would be the time to do it.

I wish to inquire of the Presiding Officer, is there not an order to stand in recess at 12:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I hope at that time we can make a unanimous consent to take such time as the Senator needs.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that we be able to move that adjournment time until after the motion I wish to make is done and Senator DEMINT has a chance to respond.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I would like to take this opportunity to speak on behalf of Dr. Robert Gates to become the next Secretary of Defense. I am very pleased to stand in support of this great man. I have gotten to know him, working with him as president of Texas A&M University and, before that, as the head of the Bush Library there. I have found him to be a thoughtful, visionary leader who is a perfect fit for what we need in the Department of Defense at this crucial time.

I was very pleased to see the Senate Armed Services Committee overwhelmingly and unanimously approve his nomination and bring it to the floor. I thank Chairman WARNER and Ranking Member LEVIN for acting expeditiously on the nomination because, of course, when there is a transition in place, you need to have the leader confirmed.

American military personnel are bound by the core values of duty, honor, and country. GEN Douglas MacArthur articulated this during his famous address to cadets at West Point in 1962.

Dr. Bob Gates certainly understands the meaning of these values. Dr. Gates had not anticipated returning to Government service. He said he has never enjoyed any position more than being president of Texas A&M University. That makes me proud in itself. But in wartime, he said he could not refuse the President's request.

Over the last 40 years, Dr. Gates has gained experience that makes him uniquely qualified to serve as our 22nd Secretary of Defense. He stands ready to provide leadership that America needs to achieve victory in the war on terror. He has been a commissioned officer in the Air Force, serving in the Strategic Air Command. He holds a Ph.D. in Soviet history from Georgetown University. He has held numerous positions within the intelligence community, including Director of the CIA and Deputy National Security Adviser. In 2002, he became president of Texas A&M, our Nation's sixth largest university.

Most recently, he was also a member of the Iraq Study Group that has just made its report today. He was a member until his nomination as Secretary of Defense. I believe that also has provided him with a good background on what is needed on the issue he faces so starkly right now; that is, what we do in Iraq, what do we do that allows the Iraqi people to have a government that is stable, a government that cannot be overrun by outside forces, and a government that will be stabilized itself for the good of its own people?

Dr. Gates' background is going to be perfect also at this particular time because he has worked across the aisle. He has worked in intelligence, which is not a partisan issue. So I believe his experience and his ability—acknowledged by all—to work with others is the right formula for leading our Department of Defense and working as one of the President's closest advisers.

I am very pleased that he has accepted this huge challenge. Texas A&M is a great university. It is a university that has a unique spirit, and it is a military spirit. So many of our heroes from past wars have graduated from Texas A&M University. He has kept this military connection, his intelligence connection, and his ability to work with others, all making him the very best choice for the President.

I, for one, know this man and am very confident that he is the right choice. I look forward to working with him to make sure we are doing the right thing in the war on terror, which is bigger than just Iraq. It is Afghanistan. It is all over the world where terrorists are harming people and are taking away part of the freedom for which we stand. And we don't want that to happen. We have to beat the terrorists, and I want to beat them where they are, not have them come to America ever again and hurt American citizens and people who live and work in America.

I think Bob Gates is the right person to advise the President, to work with the President, to implement the President's policies and bring this war to a conclusion with only one thing to be said, and that is, a conclusion that is a victory.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT REQUEST—H.R. 5385

Mrs. HUTCHISON. Madam President, I rise today to speak on behalf of the brave men and women who are defending our country around the world and for those valiant veterans who have served and are now home.

On November 14, this Senate passed the Military Construction and Veterans Affairs appropriations bill. I was on the Senate floor for 5 hours, and every Senator had ample time to debate any part of this bill. Several Senators spoke. In the end, this bill was agreed to by the entire Senate by a unanimous vote. It is a good bill. It is a bipartisan bill. It is one that we have worked on together for months.

We are at war. We have to care for the men and women fighting this war, and we have to take care of them when they return. This bill funds the vital infrastructure our brave soldiers, sailors, and airmen and women need to defend our country. They must have the funding to operate bases with sufficient facilities and protection so they can fulfill the mission we ask of them.

The bill also provides critical dollars to care for those veterans who were injured in battle. This bill provides funds for medical services and mental health treatment for veterans suffering from the wounds they received in battle. They are not only suffering from obvious wounds, thousands are suffering from traumatic shock and mental anguish. Thousands are suffering from diseases for which we don't even have a treatment. This bill funds the research for that treatment.

As a nation, we ask our men and women to defend and protect us. We owe it to them. We have an obligation to care for them. It is a moral obligation and one that I feel is my responsibility to fulfill.

If we adjourn without completing our work on this bill, we will let those men and women down. We will let down every American they swore an oath to protect and serve.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5385, the Military Construction appropriations bill; that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection? The Senator from South Carolina.

Mr. DEMINT. Madam President, reserving the right to object, let me say that I strongly support this legislation that will maintain and improve the quality of life for our military personnel. I believe that the Senator from Texas, the chairwoman of the subcommittee, has done an excellent job with the bill.

I am also pleased that the Senator from Texas obviously feels there is still time to conference this bill, since the House committee has been saying in the newspapers that there is not enough time. I agree with Senator HUTCHISON that if we appointed conferees today, with some hard work, this bill could get finished.

I, also, add that the Senator from Texas is committed to keeping this bill clean in conference, which we greatly appreciate. I agree with her that we are at war, but those of us who sent our troops to war should not be back home selling out the country for which they are fighting. It is my understanding that the chairman of the Appropriations Committee has refused to make the assurances that we need to keep this bill clean in conference and, therefore, if I consent to letting this bill go to conference, there is a risk that it will return to the Senate as a foot-tall Omnibus appropriations bill, with thousands of earmarks in an unamendable form. Therefore, Madam President, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from South Carolina.

Mr. DEMINT. Madam President, over the last several weeks, I have made it clear that I believe this bill, which is a good bill, needs to stay clean of additional appropriations and earmarks if it is to go to conference. I was asked by the members of the Senate steering committee to protect their interests in keeping these appropriations bills clean.

I informed the leader that the steering committee did not believe it was wise to send a bill to conference without an understanding of what the conference agreement would look like. I have made it clear that all we want is a commitment from the leadership and the Appropriations Committee that this is what will happen. I am not looking for anything extraordinary, a unanimous consent agreement or anything like that. We would be satisfied with a commitment from the chairman of the committee or the leadership that this is what will happen.

At one point, it appeared that we had such an agreement. Leader FRIST asked me to put on paper what our specific concerns were to avoid any confusion. I did so.

I ask unanimous consent that a copy of this letter from myself, Senator COBURN, and Senator INHOFE be printed in the RECORD.

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

UNITED STATES SENATE,
Washington, DC, December 4, 2006.

Hon. BILL FRIST,
Majority Leader U. S. Senate, Washington, DC.

DEAR MR. LEADER, We share your commitment to addressing the needs of our veterans, service members, and their families, while protecting the interests of hard working American taxpayers. As we have said from the beginning, we will support a clean Military Construction, Military Quality of Life, and Veterans Affairs conference report, as long as it is not used as a vehicle for a pork-laden omnibus.

Therefore, we hereby reiterate our support for a conference if, and only if, it is limited to producing a military construction and veterans spending conference report and potentially a clean continuing resolution for the remaining unfunded appropriation bills to ensure the uninterrupted operations of the Federal government.

Additionally, with respect to the military construction and veterans spending legislation—

1. Each spending provision or directive language in either the text of the final legislation or the statement of the managers must meet one of the following criteria—

a. it is authorized in current law, and the amount in the conference report does not exceed the authorized level;

b. it was requested in the President's Budget, and the amount in the conference report does not exceed the amount in the President's Budget;

c. it is listed on the Future Years Defense Plan and the amount in the conference report does not exceed the amount in the Future Years Defense Plan.

2. Each spending item contained in the conference report must be contained in either the House or Senate bills and must not exceed the higher of the two amounts for that specific provision.

3. The total spending level in the Military Construction and Veterans Affairs and Related Agencies Appropriation Bill shall not exceed the current 302(b) allocations.

Thank you for your leadership and willingness to do the right thing for American taxpayers.

Sincerely,

JIM DEMINT,
TOM COBURN,
JIM INHOFE.

Mr. DEMINT. Madam President, the leader then told me he wanted to talk with Senator HUTCHISON and the chairman of the Appropriations Committee before he responded to the letter. Senator HUTCHISON agreed to the parameters of the letter. The chairman of the committee, however, felt that he could not agree to the request we made in the letter. Unfortunately, that means the Military Construction bill will have to wait until next year.

I take my colleague from Texas at her word when she says she will keep the bill clean. I know she will keep the bill clean. However, when the chairman of the committee says he will not make such a commitment, I must take him at his word as well. I believe the veterans and military projects need to be funded and should not be used as a vehicle for unrelated, wasteful earmarks.

Let me explain how we got to this point. In the November 7 elections, one of the top issues for the voters was wasteful spending. While we have done some things to control taxes and spending, we have not done nearly enough, and the voters are right. Earmarks have gone up in numbers every year and are now at an all-time high. If this does not end, we will never regain the trust of the American people.

When the military construction and veterans spending bill passed the Senate, I strongly supported it. However, it was clear that the intent was to use the bill as a shell to carry the Omnibus appropriations bill and other add-ons. Because the scope of the conference rules has become so relaxed, the conferees, under our rules, would have the ability to put into the bill any projects they please, with no opportunity for us to amend them or even vote, except on final passage of the bill, which would be overwhelmingly approved.

The conference process has rendered the Senate floor consideration of bills almost irrelevant. Nothing we do in this Chamber matters until a bill goes to conference. When a bill goes to conference, conferees may remove provisions that are in both the House and the Senate bills, even if they were approved by both Houses overwhelmingly. Conferees may add provisions that are unrelated to either bill.

Through this process, a clean Military Construction bill could grow into a foot-tall Omnibus appropriations bill, with thousands of earmarks and wasteful spending. The process is flawed, and

it cannot continue this way. When a bill comes back that funds the entire Government and we are forced to vote for the bill or shut down the Government, that bill is going to pass. This means that if I consent to letting this bill go to conference, I am essentially consenting to enact whatever the conferees want to insert in the bill unamended.

We put a lot of trust in our conferees, and all I was asking was for an understanding from the committee that we know, at least in general, where the conference will be headed. I have not been able to get this commitment. I was given no information and no assurances.

Therefore, I am compelled to do what I think is right to protect the taxpayers and to provide integrity and accountability in the spending process.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, let me say right upfront, I hope this objection will go away sometime today. I think we are talking about whether something is done in writing or whether it is semantics. I didn't have to agree to what was in the letter that was written to the leader because our Military Construction bill meets all of the criteria they set forth. I didn't have to agree to their letter because everything in our bill is authorized or it is in the President's bill or it is in the future years' designations of priority by the Department of Defense. That is called a FYDP. It meets those criteria. We don't put provisions in our military construction conference committee reports that are not in the House or Senate bill.

All I can do is give my word that this is not going to turn into an omnibus. I am giving my word it is not going to be an omnibus. It is going to be the Military Construction and Veterans Affairs bill that was passed unanimously by the Senate.

I hope that all of the relevant parties will be able to sit down because I can't call this up for a vote. It would be spread out for so long as to lose the ability to go to conference. The House is planning to go out of session at the end of this week. I would stay here for 2 weeks to finish this bill because there is so much in it that is important. It is all new starts. This bill is filled with the priorities that the Department of Defense has in facilities on military bases all over this country, including quality-of-life housing for our military men and women. It has veterans affairs priorities and increases in funding for mental health and for research into post-traumatic stress syndrome. There are many items in this bill that will not be covered in a continuing resolution.

I hope we will all be able to sit down together. I hope the House will cooperate if we send this conference committee request to them. I am prepared to work all night and all day tomorrow to try to fit all of the timeframes.

Let me end by saying that we are very close between the House and the Senate. I think we can work out the differences between the House and the Senate. I am saying right now this will not turn into an omnibus appropriations bill. It will be a bill that funds military housing and quality of life for our men and women in the military and their families, and it will have the new starts that cannot be covered by a continuing resolution. We certainly meet the criteria or the Senate wouldn't have passed the bill unanimously.

So I am not saying the Senator from South Carolina is wrong in his statements about what happens in conference committee reports in many other areas and in the history of the Senate. He is right. Sometimes a conference report will turn into an omnibus, and sometimes you find things that are not in either the House or Senate bill. But I am saying today that would not be the case in our bill, nor has it been the case that I can remember in past bills. Maybe I am forgetting something. But by and large, our bill is straightforward. And by and large, our bill is supported by the entire Senate. It is not very far from the bill that the House passed, and I think if we all put our minds to this and put away—I don't think our leadership would be required to sign a letter and I don't think the chairman of the Appropriations Committee should be required to sign a letter. I think we should be good for our word around here. If we are not, then we have lost the spirit of this institution.

So I am saying today that I am going to go back to the drawing board. I am going to work with the Senator from South Carolina and the Senators from Oklahoma. I am going to work with my counterparts on the House side, and I am going to try to get a bill through here, and I am not going to stop trying for the rest of the time that one of our Houses is in session. I think we owe it to our men and women in the military, we owe it to the veterans who have already served. We owe it to those people who are coming back here without limbs that we are funding at additional levels, not only the prosthetics but also the training on how to be proficient in using those artificial limbs. Madam President, I think we can do it. I am committed to trying, and I hope everybody who is involved in this process will also try.

Let me also add that my counterpart, Senator FEINSTEIN, who is the ranking member of this subcommittee, is in full support of this bill. I have talked to her about the issue I am trying to address, and she is ready to go to conference. I do believe that if we will sit down and talk with everyone who is interested, everybody would be satisfied that we will keep our word and we will do what we intended to do, anyway, which is conference a bill that is going to take the differences in the House and Senate bills and resolve those differences. That is what we are supposed to do, and that is what I am committed to do.

Madam President, I yield the floor.

Mr. KENNEDY. Madam President, I know we have the call for party luncheons. I have some comments which are heartfelt about a colleague of ours, PAUL SARBANES, and I wonder if the Chair would indulge us for a few minutes to be able to make these comments now. We are debating the Secretary of Defense, but we have set that aside until after the conferences of our parties. Would it be permissible with the Chair if I made some brief comments?

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

Mr. KENNEDY. I thank the Chair for her courteousness and understanding.

(The remarks of Mr. KENNEDY are printed in today's RECORD under ''Morning Business.'')

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m. today.

Whereupon, the Senate, at 12:56 p.m; recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

NOMINATION OF ROBERT M. GATES—Continued

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that at 2:30 p.m. tomorrow the majority leader be recognized to speak.

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

The Senator from New Mexico is recognized.

THE APPROPRIATIONS PROCESS

Mr. DOMENICI. Mr. President, I come to the floor here today to share with my colleagues and my constituents my frustration with the inaction of Congress on its most basic responsibility, to enact bills to make appropriations for the Government for the coming year.

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

That is the Constitution of the United States. There is no responsibility more fundamental than the one I

have just read. The American people pay taxes and they expect the Congress to do something with those taxes every year. Part of it they expect to be spent on the operations of Government—for the payments of the Defense Department, for the payments of the Treasury Department, for all things that go on in the Energy Department. All of those functions of Government are put together and handled in appropriations bills that have a committee chairman and a ranking member, and each year, under our system, where it is annual, they are supposed to produce an appropriations bill that goes from House to House and becomes a final product when it has been passed in both Houses and gone to conference between the two Houses and comes out as a final bill, which goes to the President of the United States. That is the format.

There are 13 of those that cause the Government of the United States to function. Can you believe that many publications have scorned Congress? Some have blamed the House of Representatives, some have blamed the Senate, some have blamed the administration for sending an unrealistic budget last February. The blame game doesn't interest this Senator. We all share in this quiet conspiracy to duck fulfilling the most fundamental responsibility that we have and that is to vote on appropriations bills, to confer between the House so they are the same bill, the same package of requirements, requests, expenditures that we ultimately call a bill.

Some media analysts contend that the Senate was afraid to cast votes on appropriations bills, thinking these votes might be used against incumbent Senators in recently held elections. All sorts of reasons emerged that justified laying aside this appropriations bill or that one. Some feared that amendments to the bills might take too long, too much time. Amendments might be painful choices for Senators. Some of the votes might slow down the process and some might show up later in campaign commercials or propaganda.

This Senator has cast more than 12,000 votes, more than almost any other Senator in the Senate history. There are maybe five or six who have cast more. My votes may be characterized by my opponents in a campaign, using commercials and whatever else they would like. They can find almost any vote I have taken over the years I have been here.

I took this job knowing full well I would have to vote to decide, to choose, and that these decisions would absolutely be second-guessed by a whole host of people. So I reject the notion that the Senate saved itself by avoiding so-called hard votes. We had not and we did not take the votes, did we? And look at the results in November. If it were our Republican approach to save ourselves, we lost ourselves.

Now we have the end of a Congress and here sit the appropriations bills unattended, sitting over there on the various clerks' desks. All the work has been done except the final work where they have to come to each House and get approved.

What we will do, for and to the people of the United States, from this day forward is terrible. Since we do not have the bills passed on both sides, we will have a continuing resolution, named for another document where we will pass the Government spending for a period of time and say we will spend, and then we relate it to something. We normally do it for 20 days out of the year. This time we will have a continuing resolution with the bills that have not been passed. That should be used very seldom, this continuing resolution, and it is getting to be like apple pie around here. We use it all the time. Rather than do our work, we do a continuing resolution. We continue it by resolution, equating it most frequently to the work that has been completed by the House, for they have done their work first. Therefore, the Senate has little or no input into what the continuing resolution ultimately says we are going to spend money on.

It used to be that a continuing resolution was not watched very well and it was a way of putting all kinds of things on. That doesn't happen much anymore. So what we are getting out of this as Senators is nothing. We are getting little or no input into the appropriations process. The bills we handle, if we are chairmen or ranking members, are not going to get adopted at any time or even referred to at any time unless we decide, in the next 6 or 7 weeks, to do something together that will change that by reference or by adopting some new bill.

There is much to be done and clearly we are not on the right course at this point. We are not going to pass many of these bills except perhaps a military construction bill, which is no longer a construction bill, but it is a bill for the health and welfare of our soldiers, and for many other things, and it is for building many new things that have to be built here at home for them and, therefore, that Military Construction bill will probably be a must and it will be around, and people will be talking about it and the fact that it has to be done.

From my standpoint, this week, if this 109th Congress slinks into history, as seems to be scheduled, it will have completed work on only two appropriations bills, Defense and Homeland Security, and maybe the one I have just referred to as Military Construction. In place of the completed bills, we will have a continuing resolution through February 15, next year, about the time the President will send us a 2008 final fiscal year budget. We will be getting a new one before we have done anything about the old one. We will be getting a brandnew budget—imagine—and we will not have done anything about all of those that are sitting on the desks of clerks, waiting to do their part in appropriately spending our money.

Next year, we will look at the remaining 2007 bills, the much anticipated $100 billion Defense supplemental request that we all expect the President to suggest, and all 13 of the 2008 bills.

Does someone think this kind of procedure serves the public interest or some political interest? I believe it serves neither of the two.

For those Senators who are glad to see a continuing resolution because they think it saves money, think again. Not only will this continuing resolution not save money, but it will give reordering of priorities to the 110th Congress. I predict that we will spend more, not less, as a result of the strategy adopted by the Congress this year. The upshot will be that we have both failed to fulfill our constitutional responsibility and have spent more money.

What an outcome.

Who is to blame, then? Not the Senate Appropriations Committee, which reported every single appropriations bill by the end of July, the earliest such bills had been reported in 18 years. Not the subcommittee chairman, of which I am one, who worked to meet the deadlines set by the chairman and ranking member.

Those highly motivated members who wanted a full and open debate on the appropriations bills certainly cannot be blamed, although the outcome of their efforts will probably disappoint them by the middle of next year. Each Senator has the obligation to pursue what he or she believes is the correct policy, using any parliamentary means appropriate. I cannot condemn my colleagues who, for one reason or the other, find the appropriations process objectionable.

Here is what I suggest for the future. Let's vote. Let's report the individual bills, as Chairman COCHRAN did this year, on time. Then, let's bring the bills up on the floor. If members want to filibuster, that is their privilege. We vote on that. If cloture prevails, we have post cloture debate, and then vote again. Yes, it is time consuming, but it's our job. Let's vote.

Let me close by discussing briefly my own Energy and Water appropriations bill, which has awaited Senate action for almost 5 months now.

It is almost ludicrous that at this time in history, the 109th Congress failed to act on this bill. We read daily about the growing nuclear threat in North Korea; millions of words are written and spoken on the threat of an Iran with a nuclear capability. Six Arab, Sunni nations have now petitioned for a nuclear program through the International Atomic Energy Agency, including Saudi Arabia, contending that they need such programs for domestic energy purposes. Many analysts believe that the Arab nations observe the growing threat of a Shia Iran, with the potential for a nuclear weapon, and want nuclear programs for weapons purposes. We listen to witnesses tell us

of their fears of nuclear terrorism and the failures of the present nonproliferation programs.

For more than two decades now, these subjects have been the focus of much of my work as a Senator. And much of the good work that this Nation has done to address nonproliferation and nuclear terrorism is funded by the Energy and Water appropriations bill.

Yet at this dangerous time, the 109th Congress couldn't find time to take up the Energy and Water appropriations bill. In addition to hundreds of millions, almost billions of dollars for disposing of weapons grade nuclear material, and funding to try to stop nuclear material from shipment to this Nation, the bill funded alternative energy sources. It funds weatherization grants for Americans. It funds a brand new approach to handling nuclear waste here and abroad.

Let me close by discussing several important items in the bill, which languishes.

First, in the area of nuclear nonproliferation, the administration has given careful thought to how to handle the growing Iran and North Korea nuclear threat. Yet under the strategy adopted by this Congress on my bill, the Nonproliferation and International Security Account will be $53 million less than the House passed bill and the Senate committee-reported bill recommend. Think about that, short-changing that nonproliferation account because we were afraid to vote.

Second, and even more serious, one of the largest non-proliferation projects ever will be delayed. The Fissile Materials Disposition program, located in South Carolina, I add for the benefit of those two Senators, is known by the short hand of MOX. That program now has stopped construction, because the House passed bill eliminated all funding. And, since we have no Senate-passed bill, we cannot even negotiate levels on the continuing resolution. Think about this: the United States and Russia have spent the last 10 years negotiating a deal to eliminate 34 tons of plutonium from the nations' stockpiles and now the future of this effort is in limbo because Congress couldn't find the time to do its job.

As chairman of the Energy and Water subcommittee I was excited about the new initiatives proposed by the President including energy independence and to increase funding for science research in the Fiscal Year '07 request.

The Fiscal Year '07 budget took bold steps and made significant investment in nuclear power and alternative energy. Unfortunately, enactment of a CR will delay our investment in to alternative energy and maintain our increasing level of dependence on foreign energy sources.

Building on Energy Policy Act passed in 2005, the President supported increased funding for the research on cellulosic biomass, solar, hydrogen and advanced battery research. The Senate also restored funding geothermal development a renewable resources in the west with great potential.

The Senate Energy and Water bill supported the implementation of a loan guarantee program that was included in the Energy Policy Act of 2005. This is an innovative financial solution, which would not cost the Federal Government a dime in appropriated funding.

The backing by the Federal Government supports the commercial deployment of first-of-a-kind energy production technology. Without the language in the Senate bill, this program will not go forward and our Nation will not get closer to energy independence.

The Senate Energy and Water bill also fully funds the President's request for the Department of Energy's Office of Science. Our future economic growth and security will require our schools to train the next generation of scientists and engineers. We haven't done enough and are losing ground in scientific research. This budget will reverse that trend with investments in basic scientific.

The Senate fully funds the President's request for the Office of Science.

The Senate bill also provides important funding to support the licensing of a new nuclear power reactor that will met our growing energy demand without increasing greenhouse gases.

The bill closes the funding shortfall for the Nuclear Regulatory Commission in order to hire and train additional technical staff that will be needed to review the new license applications being developed by utilities. These priorities will not be recognized with continued delays with a CR.

This year the President outlined his plans for the Global Nuclear Energy Partnership. This program invests makes a large investment in addressing spent fuel stored at reactors all across the country by recycling. As Yucca Mountain continues to face delays, the Senate bill supports the administration's efforts to reduce, reuse and recycle commercial spent fuel.

I understand the challenges the leadership of Congress faces. Any of us who have served a chairman of the Budget Committee certainly understand the cross-currents in this Chamber. But, putting aside hard choices almost never leads to good results. We should remain in session this month until we fund the 2007 bills. After all, that's our job.

Since it appears there are no Senators wishing to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

APPOINTMENT OF CONFEREES—H.R. 5385

Mrs. HUTCHISON. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5385, the Military Construction appropriations bill, that the Senate insist upon its amendments, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, reserving the right to object. If the Senator from Texas would allow me to discuss with her our conversation with Leader FRIST. As we talked about earlier today, both the Senator from Texas, myself, and I believe the entire Senate and Congress want this bill to pass.

Senator HUTCHISON and myself have had the opportunity to meet with Leader FRIST to talk about the importance of passing this bill, as well as the importance of not adding additional appropriations and additional earmarks which were not part of the Senate or the House version of this bill or were not part of the President's budget.

If I could ask the Senator, is it her understanding that it is our general agreement and also leadership's that this bill will be kept to the basic bills which have been passed by the House and Senate and that it will return to the Senate floor as a bill that we have discussed with Leader FRIST?

Mrs. HUTCHISON. Mr. President, there was never any other intention. I have discussed this with Senator COCHRAN, chairman of the committee. I discussed it with Senator FRIST, our leader. I have discussed it with the ranking member, Senator FEINSTEIN. And most certainly we will bring back a conference report that has either material in the President's budget request, something that has passed the House or the Senate in this bill, and all of the projects will be duly authorized on the military construction side.

On the Veterans' Administration side, we worked very closely with the authorization committee, Senator CRAIG, Senator AKAKA, and others to assure that we have the approval of the committee leaders for all of the veterans' expenditures.

I have to say to the Senator from South Carolina that there are some very important initiatives in the Veterans bill that would not be covered in a continuing resolution. And there are very important commitments for new starts in the Military Construction bill that are necessary for us to keep pace with the BRAC project and with other military housing and quality-of-life projects that are included in the bill. It is going to be a Military Construction and Veterans Affairs bill with the priorities of the Senate. This bill passed unanimously in the Senate. We would go forward with the clear understanding that this is going to be a military construction and veterans affairs and military quality-of-life conference report.

Mr. DEMINT. Mr. President, I wish to thank the Senator for her openness and

tenacity in helping to get the agreements we need to keep this bill clean and focused on the needs of our military. I do not object.

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

The Presiding Officer (Mr. DEMINT) appointed Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. MCCONNELL, Mr. COCHRAN, Mr. STEVENS, Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, Mr. BYRD, Mrs. MURRAY, Mr. LEAHY, and Mr. HARKIN conferees on the part of the Senate.

Mrs. HUTCHISON. Mr. President, this is a major step forward. I have been working with Senator FEINSTEIN to try to get conferees appointed for our bill. There is time in this session for the House and the Senate to come together and put a bill forward in the conference report that will do what is right by our military who are serving our country and protecting our freedom, who are in harm's way as we speak. There is time for us to take care of those good people. There is most certainly time for us to take care of our veterans and to make sure that the priorities which we have set this year, for heaven's sake, are passed in this session of Congress.

If anyone says to me we don't have time to have a conference, they are wrong. It is 12:40 in the afternoon. It is Wednesday. I will work all night, if necessary, and so will our great staff working with the House, if the House will sit down with us. Our military personnel and our veterans deserve what is in this bill. It is a bill which passed unanimously. The House passed a bill overwhelmingly as well. It will move our military quality of life up. That is certainly our intent.

This could not have been done without everyone's cooperation. I think that is what the people of America expect from the Congress. They deserve it. That is what we are going to give them.

I want to particularly say that Senator FRIST and Senator COCHRAN have been instrumental in allowing us to go forward. There has been a lot of emotional talk and rhetoric around what we do in these last few days of this session of Congress. I think everyone, including the Senator from South Carolina and the Senators from Oklahoma, have all risen above certain emotional feelings and have said: Yes, we are going to work together. I am very pleased that we are.

I am going to yield the floor in one minute and roll up my sleeves and try to get the Military Affairs, Quality of Life, Military Construction and Veterans Affairs bill in shape for us to pass this session of Congress and send a good conference report to the President of the United States, who I know will sign the bill.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. COLLINS. Mr. President, I ask consent that the vote on the pending nomination occur at 5 p.m. today, with the time until the vote equally divided between the chairman and the ranking member or their designees; further, that 20 minutes of the chairman's time be allocated to Senator SPECTER; provided further that immediately following the vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. I ask unanimous consent to be recognized in morning business.

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

(The remarks of Mr. DURBIN are printed in today's RECORD under ''Morning Business.'')

Mr. DURBIN. Mr. President, it has been my honor twice to sit down in my office with the nominee to be our next Secretary of Defense, Robert Gates. Both meetings have been very positive. The last was this morning.

When Dr. Gates came in early this morning, I congratulated him on his appearance before the Committee on Armed Services yesterday. He said: It is amazing what a little candor will do. That is what endeared him to the committee and resulted in this unanimous, bipartisan vote bringing his nomination to the floor. Dr. Gates was honest with members of the Committee on Armed Services. He will be honest with the American people. He understands that our efforts in Iraq are not going well and we need to change. He is a person who is dedicated to the kind of change which will be consistent with our values in foreign policy.

He told me honestly he didn't know what we should do in Iraq, but we need to examine the two primary missions we now face: establishing conditions of security on the one hand, training and supporting the Iraqis on the other. He said we may need to shift the balance between the two missions. That is not unlike the recommendations of the Iraq Study Group which were released today.

That commission delivered to the President a series of recommendations.

In just a short time, in about 2 hours, the Senate is expected to confirm Dr. Gates as the new Secretary of Defense with an overwhelming bipartisan vote.

Those two developments today provide an opportunity to change the course in Iraq. Of course, the ultimate responsibility is on our Commander in Chief, the President of the United States. On November 7, the American people spoke out clearly of the need for change.

Dr. Gates was an original member of the Baker-Hamilton group and agrees that change is necessary. Today, that group confirmed the need to change our policy and lay out a framework to redeploy American forces. Redeployment means basically removing them from the dangers of Iraq, placing them nearby to be called on if necessary but, more importantly, starting to bring them home. Only the Commander in Chief can make that happen.

The President has said he is not looking for a graceful exit from Iraq. I would have to say that America should be looking for the right exit from Iraq. The President was asked a few months ago: When will American troops come home? He said he would have to leave that decision to future Presidents. I don't believe America wants to see troops in Iraq facing the dangers of war for the next 2 years and for many years beyond. We believe we have done a great deed for the Iraqi people in removing their dictator and giving them a chance to have their own constitution and their own government. Now it is time for the Iraqis to stand and defend their own nation.

According to the Iraq Study Group, the most professional and proficient military in history has been stretched to the breaking point because of repeated deployments to Iraq. As of today, I have been given an updated figure: 2,907 American service men and women have been killed and 21,000 have been wounded. We have about 140,000 troops in Iraq today. We certainly owe it to these soldiers, these brave men and women and their families to initiate this redeployment process as quickly as possible.

The war in Iraq impacts our defense posture worldwide. Because of Iraq, we have fewer options to respond to emerging threats in this dangerous world.

In thinking about the war in Iraq recently, like many others I was struck by how many comparisons there are to the situation of Vietnam four decades ago. There are many differences, but there are many parallels.

In October of 1964, running for President, Lyndon Johnson said:

> We are not about to send American boys nine or ten thousand miles away from home to do what Asian boys ought to be doing for themselves.

In 1969, 5 years after that statement, there were over half a million American troops in Vietnam.

That same year, Johnson's successor, President Nixon, who had run on a campaign that he had a secret plan to end the war, said:

I'm not going to be the first American president to lose a war.

Well, both Presidents made a series of decisions that prolonged and expanded that war at enormous cost to our Nation. We have only to walk just a few blocks from this Capitol to the Vietnam Memorial to see the real cost of that war.

Perhaps like Presidents Johnson and Nixon, the Bush administration has gone through several phases on this war. First was the time of deception, when we were told there were weapons of mass destruction that did not exist, a link with al-Qaida that did not exist, and other claims about nuclear capabilities that did not exist.

Next came the phase of denial, where the President and some of his key advisers refused to recognize or adapt to the realities on the ground, dismissing the first signs of insurgency. You recall, I am sure, as I do, Vice President CHENEY saying the insurgency is in its last throes, and denying its growing strength as we have seen the casualties in Iraq mount by the day. Then they downplayed and denied the outbreak of sectarian violence that now seems, for all intents and purposes, a real civil war.

The third phase has been delusion. The President apparently continues to delude himself about Iraq. I hope this Iraq Study Group will be a turning point in his thinking.

For example, in a phrase that cannot help but remind us of Katrina and FEMA Administrator Brown, President Bush recently said of Prime Minister al-Maliki: He is the ''right guy for Iraq.'' What a contrast from the memo by the President's National Security Adviser, Stephen Hadley, which said:

The reality on the streets of Baghdad suggests al-Maliki is either ignorant of what is going on, misrepresenting his intentions or that his capabilities are not yet sufficient to turn his good intentions into actions.

When asked in October if we were winning in Iraq, President Bush said:

Absolutely, we're winning.

When Robert Gates was asked that question yesterday in his confirmation hearing, he said very clearly: No.

That gives me hope that with this Gates nomination and with this Iraq Study Group report we may have turned the corner. The Nation cannot afford deception, denial, or delusion when it comes to the situation in Iraq. Certainly, our soldiers and their families deserve better. They deserve change.

We will now have a much needed change in the Pentagon. I know Members on both sides of the aisle are eager to work with the new Secretary to make more changes. But, ultimately, it is the President's responsibility. The buck truly stops in the Oval Office. If the President recognizes the urgent need for a new direction in Iraq, we will see it happen, and soon.

The Baker-Hamilton commission has given the President a call to action, a roadmap to engage in broader diplomacy, to transfer responsibility to the Iraqis, and to redeploy American combat forces.

I hope President Bush, with the assistance of his new Secretary of Defense, Mr. Gates, will begin that redeployment process this January.

Consider our challenge. The Baker study group said we should have, basically, the combat forces of America gone by April 1 of 2008. With about 140,000 or 150,000 15 months before that date, we need to start seeing redeployment happen, and happen soon. Nothing could send a clearer signal to the Iraqis, the American people, and the world that we are truly moving down a new road in Iraq.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CORNYN. Mr. President, I wish to take a few minutes to speak on the nomination of Robert Gates to be Secretary of Defense. It is my honor to serve under Chairman JOHN WARNER on the Senate Armed Services Committee. We are particularly proud of the fact that 1 out of every 10 persons in uniform in this country, or serving around the world, calls Texas home. So we are very proud of the military. We are pro-military. We believe in doing everything we can to support our men and women in uniform and particularly their families.

So it is with great joy that I say the President has chosen someone who currently serves as President of Texas A&M University to be the next Secretary of Defense. Even though Bob Gates is from Kansas originally, he has most recently become a Texan—at least we claim him because he has been living in College Station as President of Texas A&M these last few years.

I particularly commend the President for his selection and Mr. Gates for answering the call, once again, to public service. He is not a new face in this town. Having served as Director of the CIA, having served on the National Security Council, he has a distinguished record of public service. He has written extensively on military intelligence and matters of diplomacy.

My meetings with Dr. Gates, preliminary to the hearings we had this week on the Armed Services Committee, gave me great confidence that he is of the temperament and ability to lead the Department of Defense in what has to be the second most difficult job in Washington, DC; that is, to deal with an agency with the budget of about a half-trillion dollars a year and to perform what is the most important priority of the Federal Government: provide safety and security to the American people. That is a responsibility not only here at home, obviously, but literally all around the world.

On the matter of Iraq, which was the subject matter of most of the questions and comments of the committee during Dr. Gates' confirmation hearing, I think he understands the challenges that face us in Iraq and why it is that we must succeed. As he told me, and as he testified at the hearing, a failure in Iraq would lead to increased activity by al-Qaida, as well as regional instability in the Middle East. It could even lead to a regional—I think he used the term ''conflagration,'' where additional States that are not currently involved in the conflict in Iraq could find their interests at stake and could resort to military force. First, dealing with al-Qaida, and the result of a failed state in Afghanistan after the Soviet Union left there in 1989, ultimately led to the rise of the Taliban and gave Osama bin Laden a place to plot, plan, train, and then export terrorist attacks around the world, including in Washington, DC, and New York City on September 11. Beyond the terrorist threat, it is also clear that Iran has aspirations that will very much put the future of Iraq in jeopardy and our own safety in America as well.

As is widely known, Iran is primarily a Shia majority population. Iraq is composed of roughly three ethnic divisions—Kurds, Shia, and Sunni—and, clearly, Iran is taking advantage of the instability in Iraq to consolidate its position with the Shia in the south, which happens to be an oil-rich region of that nation. But, in effect, if our precipitous withdrawal from Iraq would leave a failed state and leave opportunities for Iranian hegemony, it would create further de facto partitions of Iraq which could perhaps cause the Saudis, as some leaders have suggested, to have to go into Iraq to defend the Sunni minority against ethnic cleansing by the Shia majority, perhaps in combination with Iran, and it would create an opportunity, perhaps, for the Kurds to create, in effect, a separate state in northern Iraq which would cause Turkey a lot of concerns, as has been frequently expressed.

I am pleased that Dr. Gates understands the seriousness of this challenge that confronts our Nation. This is one that is certainly bigger than any election or any political party because, as I said at the outset, it represents the single most solemn responsibility those of us who serve in the Federal Government have, and that is to provide for the safety and security of our own people at home.

Today, as everyone knows, the Iraq Study Group issued its report, and I am hopeful we can work together in this body with a new course in Iraq, working with the White House. Clearly, this is a job for the Commander in Chief. He has expressed a willingness to work with this bipartisan Iraq Study Group and work with Democrats and Republicans in the Congress to achieve victory in Iraq.

I hope Robert Gates' confirmation, his manner and temperament, one that earned him the support of a unanimous vote on the Armed Services Committee, will serve him well as he works on behalf of the President and the executive branch to deal with what is certainly the most significant challenge of our time.

I do want to, however, point out a couple of items in the bipartisan Iraq Study Group report because, obviously, there is a lot of public interest in it. This volume is 142 pages, and not many people have read every single page in it. So we have a number of people highlighting different portions of this 142-page document, perhaps a point they want to emphasize. I have a couple of points I want to emphasize because I think they are entirely consistent with what Dr. Gates has said during his confirmation hearing, and these points should be made clear.

On page 66 of the Iraq Study Group report—sometimes called the Baker-Hamilton commission report—the study group says this:

> The presence of U.S. forces in Iraq is a key topic of interest in a national reconciliation dialog.

And this is the point I want to emphasize. They go on to say:

> The point is not for the United States to set timetables or deadlines for withdrawal, an approach that we oppose . . .

I think it is important to make the point that the Baker-Hamilton study group, the Iraq Study Group, opposes timetables or deadlines for withdrawal.

They go on to say:

> The point is for the United States and Iraq to make clear their shared interest in the orderly departure of U.S. forces. As Iraqi forces take on the security mission, a successful national reconciliation dialog will advance that departure date.

I think what the Baker-Hamilton commission is saying is that withdrawals ought not to be based upon an arbitrary timetable, in effect, based on domestic political considerations but, rather, ought to be based upon security considerations—how can we best provide for the Iraqi people to be able to stand on their own to defend themselves and to allow the political process in Iraq to go forward where people can trade ballots and votes for bombs and bullets.

One other point I wish to raise. I am glad to see the Senator from South Carolina on the floor because there is a point that I know he agrees with and certainly one I think Senator MCCAIN and others have advocated which I happen to believe is an option the President ought to consider at the top of his list in terms of the course forward in Iraq.

We have heard the study by the Chairman of the Joint Chiefs of Staff, General Pace, at the Pentagon summarized into three options. I believe this was done by a newspaper or perhaps within the Pentagon itself. They summarized for the course forward to go big, go long, or go home.

Clearly, one can tell from my comments that I believe we all want our troops to come home. We are unified and of a single mind on that point. The question is, based on what criteria? Is it based on politics in the Congress or is it based on security, our long-term security, not just the Iraqis' but our security at home, lest Iraq become a failed state and a launching pad for future terrorist attacks.

The alternative ''go long,'' I believe, was explained as reducing the size of our forces in Iraq but basically making a multiyear commitment, a long-term commitment to have our troops there; frankly, an alternative that I don't think holds out much hope for success.

The American people are clearly anxious to see the situation in Iraq be stabilized, to see some improvement, and I think that brings us to the last choice that has been mentioned as a result of these Pentagon discussions: Go big. Let me explain what I mean.

I mean we need to surge American troops into the capital city of Baghdad for a temporary period of time—not a long-term or open-ended engagement—to provide the ability to back up the Iraqis to do what we need to do to clear, to hold, and then to build on that effort in Baghdad, to demonstrate not only that we can provide the security backing up the Iraqi forces, but also to create the basic security conditions that are necessary for the Iraqis to have that national reconciliation process to work out their differences the best they can, and then to provide for their own defense so we can bring our troops home.

But I want to make sure—because this is an important point—some, I believe, have represented this Iraq Study Group Report as an endorsement of a withdrawal of troops not based on security conditions, and I say this report does not endorse that approach, as I indicated.

With regard to the surging of troops in Baghdad on a temporary basis, as advocated by the Senator from South Carolina and the Senator from Arizona, and one that I find is the only really viable alternative we have in Iraq, the Iraq Study Group says this on page 73:

> We could, however, support a short-term redeployment or surge of American combat forces to stabilize Baghdad or to speed up the training and equipping mission if the U.S. commander in Iraq determines that such steps would be effective.

My hope is the President of the United States, the Commander in Chief, having this worthwhile report which makes clear that every option has been looked at without regard to ideology or partisan politics, that the report of the Chairman of the Joint Chiefs of Staff, consulting with the leadership at the Pentagon, together with even Secretary Rumsfeld's memo that was recently printed, a classified memo of all the alternatives that was recently printed in the newspaper, that the President has all of these various options available to him to go forward in Iraq.

I think Secretary-to-be Gates was correct yesterday when he said there are not any secret options. Basically, we know what the choices are with this report and the other reports that have come out. Simply stated, there is going to be a time for choosing. That choice and the consequences of that choice are very important because, clearly, what we are doing now is not working in Iraq and, clearly, there are dangers in terms of terrorist activity, in terms of Iranian ambitions, a country that is attempting to build, in defiance of the civilized world, a nuclear weapon.

There are tremendous risks and consequences of not getting this done right, and the American people deserve to know not only what the risk is, what the threat is, and the consequences of failing to live up to this challenge, but that we are doing everything we can in a bipartisan fashion as a nation, looking to the best minds and the best experience this Nation has to offer, to come up with a plan or an assortment of choices and then to give the President the opportunity to make the very best decision he can as Commander in Chief, a position conferred upon him by the Constitution, to lead this course change in Iraq so we do not have a failed state which would further endanger not only that region, but would endanger us at home.

In conclusion, those who think America can simply pull the covers over its head and the problem will go away or they simply think we can withdraw our troops—even in a precipitous fashion—and there will be no consequence to it, I cite the comments of GEN John Abizaid, the head of Central Command, who acknowledged that, yes, we could bring our troops home before security is established in Iraq, but the enemy would follow us here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak on an unrelated subject for 10 minutes.

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

Mr. DOMENICI. And that the distinguished Senator from South Carolina be the Senator who follows.

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

ENERGY SECURITY

Mr. DOMENICI. Mr. President, just last week the price of natural gas was at $7.79 per million Btu's. That is nearly double the price it was 2 months ago. In October, natural gas was selling for $4.01 on the spot market. This kind of price instability it brings harms consumers, harms businesses, is devastating to manufacturers, and is a threat to our economy.

On August 1, 71 Senators in this Chamber cast what I consider one of the most important bipartisan votes of the year. We voted for the Gulf of Mexico Energy Security Act, a bill that will open 8.3 million acres in the Gulf

of Mexico for oil and gas exploration. The exploration could bring an estimated 1.26 billion barrels of oil and 5.8 trillion cubic feet of natural gas to market over the next several years.

That oil and that gas will be American. It will be extracted from American territorial waters, will be extracted by American companies and American workers, and will be on the coast of the Gulf of Mexico and will also share the royalties with the adjoining States, which has not been done before, sharing in a different way where they get much more of the proceeds.

That is a precedent which we have never accomplished before and which will do us good as we look around our other States to see if we can't do more like this effort.

The support for this bill came from my colleagues from the Northwest, the Southeast, and the Southwest, from the Northeast and the Midwest, from both coasts, from areas in between, and from both parties. We all acted to stem the rising tide of energy prices—something good for our country.

Those who voted for it and helped us with it know that the prices continue to rise for natural gas in our homes and our businesses, and we are awaiting the passage of this bill to stabilize prices for the next few years as this fountain full of natural gas descends upon the United States as a result of this new proposal and proposition in the Gulf of Mexico between our sovereign States and the U.S. Government to proceed with drilling. We cast that vote for families worried about high costs of energy. We cast that vote for American businesses, large and small, which have been hit hard by rising energy costs. We cast that vote for manufacturers who have been forced to shut down hundreds of U.S. plants in the last several years and for millions of American workers who lost their jobs when their plants closed. We heard the stories of all of these in our Energy Committee as we proceeded on this bill.

Occupying the chair is the distinguished new Senator from Florida. He remembers this testimony and these facts, and he anxiously waits, as I do as chairman and he as an active Member, for the House to take up this bill and pass it. They have a few alternatives. They can lose the bill and drop it and let it become dead; yes, indeed. But that seems to me to be the worst option of all. They also can pass it just like we sent it to them, and they will have a completed bill, and nothing further. They can affix it to any bill they choose to pass over there—the tax extenders—and send it to us, and, of course, if that is the case, we will have to do further work on it as it gets here. But that will be the rule as it applies to a bill which is not exactly the same as the one we sent them.

So we cast our votes, as I said, in the manner I have described.

Natural gas prices climbed 400 percent from 2002 to 2005. In that time, the chemical manufacturing industry alone closed 70 plants in these United States and plans to close 40 more, largely because of skyrocketing prices of natural gas. We joined together, Republicans and Democrats, to tackle that problem, and we passed, by strong bipartisan vote, a bill that is as important a step toward tackling our energy challenges as we have around us anywhere in either body, a small but meaningful step toward reducing our reliance upon foreign oil.

This week I hope, and I am confident, that the House will take up our bill. I anticipate equally strong bipartisan support from the House. This legislation is critically important for our consumers and our economy, for housewives and homes, and as we go down the line, we know natural gas is the life of America, and we will add a very significant inventory to America's large inventory, and it will be American, it will not be imported.

The legislation is critically important. The oil resources in this region are impressive, but vast reserves of natural gas are the real bonanza. We believe there is natural gas in lease sale 181 and lease sale 181 south to heat 6 million homes for 15 years—6 million homes for 15 years. Largely because of these gas services, the Wall Street Journal has called this bill an ''easy victory'' for the U.S. economy. On the other side of the political spectrum, the New York Times wrote: ''This bill meets an immediate need and is a reason to drill in the gulf.'' How can you get more than those two ends of the spectrum agreeing and 71 Senators from both sides of the aisle voting for it?

Now I cry out today to the House: Don't go out of session without passing the bill I have just described to you which awaits action from you. It is simple action: just an ''aye'' vote for a simple majority, and that is it. It will be done. This rather gigantic resource will then become available. It is in America, sitting there waiting for somebody to use it. It will be usable with that vote.

As I just told my colleagues, for purposes of an explanation and elaboration, 6 million homes—6 million homes—will have their gas for their full season for 15 years just from what we are going to do there. What an astounding achievement if we will just complete the work by having a vote in the House.

I was saddened to read that we continue to lose businesses because natural gas prices are too high. The National Association of Manufacturers estimates that 3.1 million high-wage manufacturing jobs have been lost since 2000, largely due to inadequate supplies of natural gas. This week, the House can join us in doing something about that, and I urge they do whichever they see as the best way to pass it. If they think it is best to do it freestanding and send it to us as we sent it to them, I wish them the best. If they choose to put it on the tax bill, I hope it will not just make it more difficult and cause the bill to be lost in the transit to the Senate, which appears simple but becomes cumbersome, at least once it hits the House and hits the Senate. It is nice and easy just coming over as it is walked over, but it is very cumbersome once it gets here. That is what would happen. It would then be discussed and perhaps debated, and it would have to have a vote. That is the second approach and far less desirable.

But the House can see the writing on the wall—do it now or perhaps never do it. What a shame. Do it now and you get the benefits I have indicated or, believe it or not, it could be that you won't get it ever. That is just not a good way to leave for this Christmas, as I see it, and I hope it isn't.

I thank the Senate for permitting me to speak today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I want to echo what the Senator from New Mexico said. He has a very good idea, and I hope the House will act on his recommendations.

Very briefly, I rise in support of the nomination of Dr. Bob Gates for Secretary of Defense. I believe he is the right guy at the right time. He has the background to be successful. I know this body will overwhelmingly confirm him. I wish him well in his very difficult but important task that lies ahead for the country and particularly for Dr. Gates.

Very briefly, here is what I expect from Dr. Gates and really everyone involved in the war on terror: a winning strategy. He said at the hearing in one of the answers to one of the questions I posed to him that he believed the war in Iraq was one of the central battlefronts of the war on terror. If you believe that, as he does and I do and the President stated, then you have to throw everything you have at winning because the outcome in Iraq really will affect the outcome of the war on terror. If you believe that, you fight it to win. He also said something I thought was equally true and very candid: We are not winning. Our military has won every battle, but the extremists are trumping the moderates, and extremism is winning out over moderation in Iraq because we don't have enough security in place to allow moderation to flourish.

My question to the country is, If we all agree we are not winning, can we all agree that we must not lose? I hope the country will rally around the concept that losing in Iraq will be devastating to our efforts in the war on terror. It will be devastating to forces of moderation in the region. It will empower extremists, religious extremists, al-Qaida, and others who have as their goal to topple all forms of moderation in the Middle East, to drive us out of the region—not just Iraq—and one day

destroy the State of Israel. If you believe it is the central backbone of the war on terror, I hope we can come together as a people in this country to make sure we have the resources on the ground to win.

Dr. Gates said that we did not have enough troops after the fall of Baghdad to bring about security. I think everybody believes that now. If General Shinseki was right and we needed 200,000 to pacify the country and secure the country after the fall of Baghdad, what has happened in the intervening months and years to require less troops? Nothing. It is far worse today in Baghdad than it was a year ago when I last visited. I was there on election day in December. People were walking around voting, very happy, very upbeat. Now people are afraid to go outside, and their children are under attack when they go out for the most simple things.

So I do hope that not only will he take over this job and start over with the Congress and the American people, that he will commit himself to winning this war, and the way to win, in my opinion, is to provide security so the political process can be successful. No Prime Minister, no historical figure or great politicians of the past could bring about a democracy in Iraq with this level of violence. It is chicken-and-egg stuff to me. You cannot have a political solution until you control the violence. When you have a high-crime neighborhood, you don't send in less police, you send in more. Our mistakes in the past have come back to haunt us. We have never had enough troops. The situation on the ground has gotten out of control. I do believe we can control it with a surge of American troops.

The goal is to come home, but the goal is victory. History will judge us not by when we left but what we left behind. The consequences of winning or losing in Iraq are central in the war on terror, and we have no other option, in my opinion, other than to win. The way to win over extremists is you stand boldly with moderates, and the way you win against people who could care less about humanity is to embrace the better parts of humanity and show the people who are trying to drive us out of Iraq that their agenda will lose to a better agenda, that their idea is second to ours.

People in the Mideast are dying for their freedom. People in Iraq are dying for their freedom. If you become a judge in Iraq, they try to kill your family. If you are a politician in Iraq, they don't say bad things about you, they try to kill your family. Let's stand with the moderate forces in Iraq. Let's make sure we win this war which is central to the war on terror, and the only way I know to win a war is to fight it with overwhelming force.

Mr. President, I yield the floor.

CHANGE OF VOTE

Mr. STEVENS. Mr. President, I wish to correct my vote on rollcall 271, the motion to waive the Congressional Budget Act point of order on Senate amendment No. 5205.

I am recorded as ''yea'' to waive the Budget Act point of order. It was my intent to uphold the point of order. Therefore, I ask unanimous consent that the record be changed so I will be recorded as voting against the motion to waive the budget point of order. The record should reflect my vote as ''nay'' on amendment No. 5205. It would not change the outcome of the vote.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

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

Mr. MARTINEZ. Mr. President, I rise this afternoon first of all for the purpose of agreeing with my colleague from South Carolina and previously my colleague from Texas, both distinguish Senators who spoke in favor of the nomination of Dr. Gates to be our next Secretary of Defense.

I intend to support his nomination. I believe he has served our country well in the past, and we are fortunate that he is willing to step into a difficult position at a very difficult time in our history. I intend to support him. I commend the Armed Services Committee for their show of unity and bipartisanship in unanimously supporting his nomination. I hope there will be a strong vote in support of Dr. Gates as he heads into this very difficult assignment.

I think it is important we note today two other things—one, the need for us to look at this problem in Iraq with a sense of bipartisanship, with a sense of unity as Americans, putting aside the stripes we usually wear as Democrats and Republicans and looking at this problem as Americans concerned about a difficult problem, one that has taxed us but one in which we must succeed.

Today the President received the report of the Iraq study commission, a group of distinguished Americans who came together to give us recommendations. I commend the President for not only accepting their report but also highlighting how clear he was and the seriousness that will be given to the recommendations it makes.

Lastly, I wish to also take a moment to commend and thank Secretary Rumsfeld for his service to our Nation. I had the pleasure of meeting Secretary Rumsfeld when I was very inexperienced in the ways of Washington, a person from Florida, and I came here to serve in the President's Cabinet. During the time of the transition into this administration, I met Secretary Rumsfeld as we jointly prepared for our confirmation hearings before the Senate and proceeded to our jobs in the Cabinet. I came to know and appreciate this great American patriot, a man of incredible intellect and talent but also incredibly dedicated to our Nation. I came to truly appreciate his leadership and his skill as he led the Department of Defense initially through the treacherous attacks of September 11 where he, with his bare hands, was helping to dig the injured from the rubble of the Pentagon as that building was attacked on that unforgettable morning of September 11, 2001. I saw him next in our immediately following Cabinet meeting when the President asked all of us to try to pull ourselves together to help lead our Nation at this very difficult moment. He, in a certain and clear way, showed us a way forward and how our military would respond to the threats to our Nation—first of all, to secure the Capitol and New York City but then in a very clear and direct way on how to respond to those who had plotted these attacks in Afghanistan.

He led our country into a very successful and very clear and decisive victory in Afghanistan and then prepared our country and led us into the war in Iraq with a very difficult and still uncertain outcome.

In all of the debate and discussions that have ensued over the last several months about this difficult struggle in which we find ourselves today, I think too often we have been guided by the usual bickering and partisan politics, but not often enough do we stop to recognize a dedicated American who has served our Nation well. I am proud to call Secretary Rumsfeld my friend. But I am equally proud to say today that he has served our Nation with great distinction, that our Nation owes him a great debt of thanks and to his family as well, to his wife Joyce and to his children for the sacrifice that all of them have made so Secretary Rumsfeld could serve our Nation once again. At a certain age when many of us might be looking forward to retirement, he came to Washington once again to serve in a very difficult job and has done it with great distinction.

I thank Secretary Rumsfeld on behalf of Floridians, and I think a grateful nation as well, and the men and women in uniform he has led who I know thought so much of his leadership. I know he has given so much of himself to the transformation of our military to prepare us for the future. I, for one, rise today with a voice of thanks to a great American for his service.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I rise to speak on behalf of the confirmation of Robert Gates as Secretary of Defense. When I looked at the testimony that was offered by Robert Gates yesterday in front of the Armed Services Committee, I was impressed by the qualities that he was proposing to bring to the job. I want to speak to some of those qualities this afternoon before we get to a confirmation vote on his nomination to be the next Secretary of Defense.

First, I was impressed with his candor. I think his sense of what is happening in Iraq and his grasp of the facts, being straightforward with the committee and straightforward with the Senate in terms of how he views the picture of Iraq, is refreshing. I think what it tells all of us is that Dr. Gates will bring in the fresh eyes we need to have on the problem in Iraq so we can hopefully develop a new direction that is one that will work for our country. So I appreciate the candor with which he spoke yesterday in the Senate Armed Services Committee.

Second, I was also impressed with Dr. Gates and his openness with regard to considering all options in respect to questions that were asked of him by members of the committee. What he said, in effect, was that all options are on the table. He did not simply say that he had a specific course of action or that we were going to stay the course, but he said that everything needed to be examined. I think that is a refreshing attitude about this major problem in the Middle East that we have and we share as Americans today.

Third, I was impressed also by the quality of collaboration he talked about. I think in his statement to the committee, as he talked about working with all agencies and working with the Members of Congress, he was saying that this is an issue in Iraq that really is a problem that belongs to all of America. How we move forward with the issue of Iraq is something that is going to require all of us working together to be successful in Iraq. In so doing, I think he was making a statement that this is not just a Republican issue; it is not a Democratic issue; it is an American issue and we need to find a strategy and a direction for us to be successful.

I believe when you look at what has happened in the last 4, 5, or 6 weeks in America, what we see is a growing momentum for a new direction in Iraq. I think that new direction is set forth with a lot of things that are happening, developing a method that will hopefully bring this country together as we look for solutions. But let me say the Iraq Study Group in its own study, which I know is being heralded around the country today, starts out with a very candid assessment of what is happening in Iraq today and is set forth in the first paragraph of the Iraq Study Group Report. It says:

> The situation in Iraq is grave and deteriorating. There is no path that can guarantee success but the prospects can be improved.

When this study group says that the situation in Iraq is grave and deteriorating, there is a sense of candor with respect to what is happening on the ground in Iraq.

I had the honor and privilege of visiting Iraq with my friend from Virginia, Senator WARNER, for whom I have tremendous respect, and Senator LEVIN from Michigan for whom I also have tremendous respect, and that was in March of this last year.

I remember my conversations with my good friend from Virginia when he talked about how things changed in Iraq from the first time he had visited Baghdad to the time we were there in March. The fact is things have gotten worse with respect to the violence we saw on the ground. How we move forward is a very important challenge that we face in America.

I strongly believe we need to move forward in a bipartisan manner in developing new directions for our country with respect to Iraq. I believe we need to succeed in Iraq. I believe that getting the regional interests involved in helping us formulate a solution is very important and we need to continue to send a message to the Iraqi people and the Iraqi Government that they first and foremost have the responsibility to bring about the security that will allow their Government to function and the people of Iraq to have peace and stability, which is something that is very essential.

I believe we have the people and the leadership here in this body of the Senate to be able to chart that future bipartisan direction for the United States of America, not only in Iraq but in the Middle East. As was appropriately pointed out by the Iraq study commission, this is an issue that goes beyond Iraq. It is an issue that involves the entire Middle East and how we deal with this issue.

I will quote again another wonderful friend of mine, former President Bill Clinton, when he says, ''The eggs have been broken and now we have to make an omelet out of it.'' Or Secretary Colin Powell, who made the comment at one point in time that, ''We broke it, we bought it.''

We have a problem in Iraq and in the Middle East. In order for us to meet the challenges that face us, it is going to take tremendous bipartisanship leadership from all of us here in this body. I look forward to working with my colleagues as we move forward on this agenda.

I yield the floor.

Mr. WARNER. Mr. President, I say to our distinguished colleague from Colorado that I had the privilege of being with the distinguished ranking member, Senator LEVIN, Senator BIDEN, Senator LUGAR, Senator LIEBERMAN—a group of us at the White House—Senator ROCKEFELLER, Senator ROBERTS, counseling with the President on these various issues. It was an extraordinary meeting. I have had the privilege throughout my 28 years in the Senate to be in that Cabinet Room many times, but this was a very historic moment. The President listened very carefully to the perspectives and views of Members of the Senate, and we had an equal number from the House of Representatives. I am encouraged for the future. I am looking forward to our President assessing all of the options related to Iraq. I commended the Baker-Hamilton report during the course of our meeting. We talked about his interim study. We talked about the Pentagon input and the input of the Chairman of the Joint Chiefs. I am optimistic that our President is going to carefully consider all options. But we must wait and see as he, under the Constitution, has to make that final decision with regard to such changes that we may have in our policy.

I thank the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is allotted 20 minutes. We will have to either revise that previous agreement or take time.

Mr. WARNER. Mr. President, I have to say that I think, colleagues, we must maintain the 5 o'clock voting time. A lot of Senators rearranged their schedule. I was unaware because I happened to be away from the floor.

I yield the floor. I thank the courtesy of the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition to express my support for the nomination of Robert Gates to be Secretary of Defense and to use this occasion to comment about the proposed changes in policy of the United States in the conduct of the war in Iraq.

When Robert Gates was nominated to be Director of the Central Intelligence Agency in 1987 and I was serving on the Intelligence Committee at that time, concerns were expressed, including mine, that Mr. Gates had not been forthright in the preparation of the testimony of then-CIA Director Casey in disclosures about what happened in the Iran-Contra affair. Mr. Gates withdrew as a nominee for CIA Director at that time. However, he was again nominated in 1991 by President George H.W. Bush, and at that time I supported his nomination, thinking that whatever mistakes Mr. Gates had made in the past, he had learned from those mistakes.

President George W. Bush has now nominated Robert Gates to be Secretary of Defense. I believe he is well qualified to undertake this position. He has testified before the Armed Services Committee that he does not intend to be a bump on a log, has asserted his

independence, told me in a meeting which we had last week on November 30th that he would bring a fresh pair of eyes to the situation and would be open to change. There is no doubt that change is in the wind, considering the memorandum which has surfaced, written by Secretary of Defense Donald Rumsfeld the day before the election, and from comments made by National Security Adviser Stephen Hadley, and comments made by the President himself. It is my view that had we known Saddam Hussein did not have weapons of mass destruction, we would not have gone into Iraq. Once we had made the decision to go into Iraq, I think it not advisable to withdraw and leave Iraq in a condition of instability. But the situation there cannot go on forever, interminably, without some limitation and without change of policy because, as Robert Gates put it, we are not winning there and the situation is not improving there. So there has to be some change. Precisely what that change should be is a matter yet to be resolved, and yet to be considered. But a long list of alternatives has been proposed in a number of quarters.

Today, the commission, led jointly by James Baker and Lee Hamilton, has issued a report calling for some very fundamental changes. The Rumsfeld memorandum outlines a number of alternatives.

One of the important recommendations which was made by the Baker-Hamilton commission is that there has to be involvement by other nations in the region, especially Saudi Arabia, with all of its wealth, maintaining a hands-off position, and they ought to be helping to resolve the problems there. The Baker-Hamilton commission has further recommended that the United States engage in negotiations with both Iran and Syria perhaps on a multilateral basis.

My own view, which I expressed in an extended floor statement last June, is that the United States ought to negotiate directly with Iran. I also believe we ought to negotiate directly with Syria. In my June statement I also broadened to consideration of direct negotiations with North Korea. As I said at that time and reiterate, as has been pointed out, we need to keep our friends close and our enemies closer; that if we would undertake a dialog showing respect, showing courtesy to our opponents—we do not have to agree with them—I think that diplomacy and dialog have an excellent opportunity to lead to a solution; and, certainly as a matter of first impression, it ought to be what is undertaken.

It is my hope the President will move in the direction cited by the Baker-Hamilton commission and will go even further and engage in direct negotiations with Iran, Syria, and North Korea.

In October, I publicly urged that changes should be made promptly and not wait until after the election because we were sustaining so many casualties on an ongoing basis.

On October 22, during an interview with CNN, I was asked how much time does the Iraqi Prime Minister have to get tough to deal with the death squads and the militias before the United States has to reassess its strategy. I replied that I would say the time is already past.

I was encouraged by a lead story in the New York Times that day that the administration was considering some timetables. President Bush said in his Saturday address the day before that he was prepared to be flexible to make adjustments, if necessary, to be victorious. I said then that I don't believe a shift in tactics ought to wait until after the election; that there are too many casualties; and that if we had a better course, we should adopt it sooner rather than later.

When Senator WARNER came back from a trip to Iraq several weeks before the election and was quoted to the effect that things were going sideways, I called him and suggested to Senator WARNER and to other of my colleagues that it might be useful and appropriate to have a joint statement to the President as to the views that we got from our travels to our States and from our travels generally. It was apparent to me weeks before the election—really months before the election—that there was an ongoing descending pattern in which the American people were not in support of United States policy in conducting the war in Iraq. And the public opinion polls cited in my formal statement, which I will introduce into the RECORD, have shown that. The attitude of the troops in the field—again the specifics of my formal statement had shown that. It was my view that the will of the American people would be expressed at the election, and in no uncertain terms repudiating what the United States was doing in Iraq. And, of course, that did prove to be the case.

I had been concerned back in 2002 before the vote was taken on the resolution for the use of force as to what the United States was prepared to do once Saddam Hussein was toppled. What were the specifics on the evidence of weapons of mass destruction; what will be the costs in terms of casualties; and what will happen? I was speaking in 2002 about the conflicts among the Sunnis, the Shiites, and the Kurds.

Now we have a situation where it is up to the President to make the decision as to what will be done specifically; and that is his role as Commander in Chief. But the Congress also has a very definite, a very precise, and a very important role as we undertake the appropriations process.

From time to time there are comments by Members on a wide variety of subjects that funding should be cut off from executive operations in order to carry out Congress' will. That is done in the appropriations bill. When a Secretary of a given department is about to undertake something which the Members of Congress do not like, we provide that no funds appropriated in the bill shall be used to carry out a specific function. There has been a suggestion that funding ought to be cut off for the activities in Iraq. Certainly we would not cut off funding to leave our troops in harm's way, without adequate resources to carry out their mission. However, there may develop a congressional consensus which would reflect the will of the American people that there needs to be something done in Iraq, perhaps even staged withdrawals. Cutting down funding in stages to effectuate such staged withdrawals could accomplish congressional objectives and not leave our troops exposed, with sufficient planning in advance.

In light of the public opposition to the way we are conducting the war in Iraq, and very significant agreement among Members with that demonstrated public response, there remains the possibility that Congress could act with respect to the appropriations function to effectuate changes. That is certainly a course which I would not like to see happen.

It would be vastly preferable if, as a result of what has happened, including the Baker-Hamilton commission report and what Secretary Rumsfeld has said and the new approach of Secretary-to-be Gates—I think he will be confirmed later this afternoon—that the President will make a sufficient change in policy which will lead us in a better path.

Certainly the continued presence of U.S. troops in Iraq has two major problems—at least two major problems. First, it incites the insurgents to attack U.S. troops; second, it allows the Iraqis to continue to rely upon the United States to provide a defense and to provide military protection. They do not have the motivation to increase their police force and their military to handle the jobs themselves. The public opinion polls cited in my prepared statement are shocking in that the people in Iraq approve of the attacks against U.S. soldiers. We are in a very uncomfortable position.

In essence we may be on a watershed mark today with the confirmation of Robert Gates to be Secretary of Defense on a day when the Baker-Hamilton report has been filed which makes recommendations for changes. Ultimately, the President will have to make the decision.

We debated earlier this year proposals to have a withdrawal by stages in 2007 without a specification as to what there would be. We had a vote on withdrawal by July of 2007 which was decisively defeated, getting only 13 votes. The temper of the country is such that there is widespread public opposition to what is being done by the United States by way of military action in Iraq today. We learned the bitter experience of the Vietnam war, that we cannot conduct a war which is unpopular with the American people, which the American people reject.

In voting to confirm Mr. Gates, we will see the possibilities of a new chapter. But it is up to the President, it is up to the Commander in Chief to structure a change in policy which will ultimately take our troops out of harm's way, which will be done in a way consistent with maintaining stability in Iraq to the maximum extent possible to set the stage for Iraq to continue to develop its incipient democracy and, as per the Baker commission report, perhaps embed troops with the Iraqi military and the Iraqi police so they can undertake their own defense. But that will require the change in policy with all of the options having been presented by the variety of sources which I have cited.

I ask unanimous consent that the full text of my prepared statement be printed in the RECORD.

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

PREPARED STATEMENT OF SENATOR ARLEN SPECTER ON THE NOMINATION OF ROBERT GATES TO BE SECRETARY OF DEFENSE AND U.S. POLICY IN IRAQ

Mr. President. I seek recognition to speak about the nomination of Robert Gates to be the 22nd Secretary of Defense and our policy as it pertains to Iraq.

Robert Gates was first nominated to lead the Central Intelligence Agency in 1987 by President Ronald Reagan. At that time, I, along with many of my colleagues, held reservations about his nomination. Specifically, I was concerned about his role as Deputy Director of the CIA in helping to prepare former CIA Director William J. Casey for testimony before the Congress in which he failed to disclose the full details of the Iran-Contra Affair. I was also concerned about Gates' failure to recognize the possible impropriety of diverting funds from Iranian arms sales to the Contras. Reservations expressed by other members of the Senate and myself reportedly led to the withdrawal of his nomination.

In 1991, when Gates was nominated by President George H.W. Bush to lead the CIA, I supported his confirmation. In explaining my support for Gates on the Senate floor, I stated, ''To the extent that Mr. Gates has made mistakes, it is my conclusion that he has learned from them. I believe that as a matter of his personal qualifications he is an astute, experienced intelligence officer'' and that ''Mr. Gates is ready, willing and able to work with the Congress, allowing the Congress its appropriate oversight capacity.'' The majority of Senators at that time came to similar conclusions, resulting in his confirmation by the Senate. He served admirably as Director of the CIA for fourteen months and is the only career officer in the agency's history to rise from entry-level employee to Director. As was reported in a December 4, 2006 article in the Washington Post, ''even his critics describe it as a reasonably successful, modernizing tenure.''

At a time when our country is engaged in a world wide war against terror and is searching for answers on how to deal with the simmering civil war in Iraq, President George W. Bush has nominated Gates to replace Donald Rumsfeld as Secretary of Defense. During his confirmation hearing, Gates offered refreshing testimony, stressing he would ''listen closely'' to various sources of advice, form his ''own conclusions'', ''speak candidly'' about what needs to be done in Iraq and that he is not returning to service to ''be a bump on the log.''

After meeting recently with Robert Gates, I believe he will, as he told me in our meeting on November 30, 2006, bring a fresh set of eyes to the Department of Defense and to U.S. policy towards Iraq. My meeting, in conjunction with my review of his testimony before the Armed Services Committee, has led me to conclude Robert Gates can provide competent leadership at the Pentagon at this critical juncture in our nation's history.

The nomination of Robert Gates to head the Department of Defense is an opportunity to chart a new course. His personal relationships with Secretary Rice, a former subordinate, and his three decade relationship with National Security Advisor Stephen Hadley, will hopefully aid the transition and provide a new dynamic in the Administration's national security team. It is my hope that Gates will not only bring a fresh pair of eyes to our policy in Iraq, but also to our dealings with regional actors such as Syria and Iran.

In 2004, Gates co-chaired a task force of the Council on Foreign Relations that concluded that ''it is in the interests of the United States to engage selectively with Iran to promote regional stability, dissuade Iran from pursuing nuclear weapons, preserve reliable energy supplies, reduce the threat of terror, and address the 'democracy deficit' that pervades the Middle East as a whole.'' In response to a question submitted by the Senate Armed Services Committee on Iran, Gates expressed his belief that ''no option that could potentially benefit U.S. policy should be off the table'' and noted that ''in the worst days of the cold war the U.S. maintained a dialogue with the Soviet Union and China.'' Most recently, during his testimony before the Senate, he confirmed the position that ''our first option should be diplomacy'' to deal with the problems Iran poses.

I have consistently urged the Administration to work with Iraq's neighbors, including Iran and Syria, to develop cooperative stabilization efforts. To that end, I have personally met with Iran's Ambassador to the United Nations and Syria's Ambassador to the United States in an attempt to help facilitate such an effort. I have amplified my strong belief that dialogue with nations such as Iran and Syria, most recently in an essay ''Dialogue With Adversaries'' published in the winter edition of The Washington Quarterly. I ask unanimous consent that it be printed in the record at the conclusion of my remarks.

I have supported the Iraq Study Group, an independent, bipartisan commission led by former Secretary of State James Baker and former Congressman Lee Hamilton which was created by Congress in order to deliver an assessment of the situation in Iraq and recommend strategic options for the future. I expressed my support and interest in the work of group to CNN on October 22, 2006: ''Let's consider the alternatives and what Jim Baker and Lee Hamilton and his group are thinking about, sooner rather than later.''

The Iraq Study Group report, unveiled today, recommends that, ''Given the ability of Iran and Syria to influence events within Iraq and their interest in avoiding chaos in Iraq, the United States should try to engage them constructively.'' The report also notes that, ''The United States cannot achieve its goals in the Middle East unless it deals directly with the Arab-Israeli conflict and regional instability. There must be a renewed and sustained commitment by the United States to a comprehensive Arab-Israeli peace on all fronts: Lebanon, Syria, and President Bush's June 2002 commitment to a two-state solution for Israel and Palestine. This commitment must include direct talks with, by, and between Israel, Lebanon, Palestinians (those who accept Israel's right to exist), and Syria.'' I am pleased that the Iraq Study Group considered engaging in dialogue with regional actors and I appreciate its recommendations on how to move forward in Iraq.

Today, the Baker Commission concluded that ''stability in Iraq remains elusive and the situation is deteriorating.'' Yesterday, in testimony before the Armed Services Committee, Gates candidly responded ''No, sir'' when asked if we were winning in Iraq. One month ago to date, Secretary Rumsfeld drafted a memorandum declaring ''it is time for a major adjustment.'' All of these call for a change in U.S. policy.

A shift in policy in Iraq is overdue and I have long-expressed openness to considering any and all suggestions for a change in course. When Senator WARNER returned from Iraq on October 5, 2006, he made a public statement to the effect that things were ''drifting sideways'' in Iraq. I called him to express my view that I had found in my travels in Pennsylvania and elsewhere that the people were totally opposed to the way the United States was conducting the war in Iraq.

I expressed my concern to Senator WARNER that we were heading for an election debacle in the face of public opposition to the way we were handling the war in Iraq if modifications were not promptly made. I consulted with a number of my colleagues in the Senate about jointly advising the President of such concerns. There was a consensus that we not do so on a joint basis. I then had an extended telephone conversation with Presidential adviser Karl Rove to express my misgivings.

Later that month, I publicly urged that changes should be made promptly and not wait until after the election because we were sustaining so many casualties on an ongoing basis. On October 22, 2006, during an interview with CNN, I was asked: ''How much time does the Iraqi prime minister, Nouri al-Maliki, have to get tough to deal with the death squads, the militias, before the United States has to reassess its strategy?'' I replied: ''I would say . . . that the time has already passed. I was encouraged by a lead story in the New York Times today that the Administration is considering some timetables. President Bush said yesterday in his Saturday address that he's going to be flexible and would make adjustments if necessary to be victorious . . . We have James Baker saying that there are alternatives besides staying the course and cutting and running. I don't believe that a shift in tactics ought to wait until after the election. There are too many casualties there. If we have a better course, we ought to adopt it sooner rather than later.''

I believe that had we known Saddam Hussein did not possess weapons of mass destruction, the Congress would not have authorized the invasion of Iraq. I told CNN on September 24, 2006, that, ''By hindsight, we operated on faulty intelligence. And I think, had we known that Saddam Hussein did not have weapons of mass destruction before the war was started, I think the odds are very strong that it wouldn't have been started.'' However, we entered that country and we must to do everything in our power to not leave it in a condition that will continue to precipitate violence.

Prior to the U.S. invasion of Iraq, I publicly stated my concerns about the potential fallout from such action. On February 13, 2002, I took to the Senate Floor to express my belief that there should be a comprehensive analysis of the threat posed by Saddam Hussein and what an invasion would amount to in terms of U.S. casualties: ''We need to know, with some greater precision, the threat posed by Saddam Hussein with respect to weapons of mass destruction . . .

There also has to be an analysis of what the costs would be, some appraisal in terms of casualties . . . Then there is the issue as to what happens after Saddam Hussein is toppled.''

Eight months later, on October 7, 2002, I returned to the floor to again express my concerns: ''What happens after Saddam Hussein is toppled has yet to be answered in real detail.''

''What was the extent of Saddam Hussein's control over weapons of mass destruction? What would it cost by way of casualties to topple Saddam Hussein? What would be the consequence in Iraq? Who would govern after Saddam was toppled? What would happen in the region, the impact on the Arab world, and the impact on Israel?''

''In previous briefings, I have sought the administration plan as to what will be done after Saddam Hussein is toppled, and I think that is an area where a great deal more thought needs to be given. The situation in Iraq would obviously be contentious, with disputes between the Sunnis and the Shi 'ites, with the interests of the Kurds in an independent state, and it means a very long-term commitment by the United States.''

Nonetheless, now that we are there, I feel we should give the Iraqis an opportunity to solidify a democratic government and do our best to establish the capabilities of Iraq's army and police forces to provide adequate security. However, continuing violence and instability have made it apparent that Iraq is in a state of civil war and that the current policies of the U.S. and Iraqi governments need to be reassessed. I believe the recent resignation of Secretary of Defense Donald Rumsfeld and decision by Iraqi Prime Minister Nuri al- Maliki to speed transition of security responsibilities to Iraqi forces signal that the Administration and Iraqi government are ready to make changes.

The United States cannot prosecute a war which does not enjoy the support of the American public. The election results and other evidence demonstrate that the American people do not support the war in Iraq. Support has dwindled with those serving on the front lines. According to a February 28, 2006 Zogby poll, 62 percent of Americans believe that things are going badly in Iraq. Furthermore, 72 percent of troops serving in Iraq favor a pull out within the year. How much longer can we continue to prosecute this war that has become increasingly unpopular both with the American public and our troops? As I warned my colleagues on the Senate Floor on February 13, 2002: ''We have seen the bitter lesson from Vietnam that we cannot prosecute a war without the public support.''

There is a broad consensus that our policy in Iraq is not producing the desired results. A change in course is mandated not only because of the events on the ground but by the collective voice of the American people who spoke out during the November elections. The situation has reached a critical mass as we have recently seen the National Security Advisor, the Secretary of Defense and the President all recognizing a change is needed and, furthermore, indicating change will be forthcoming.

I commend President Bush's decision to ''look at new ideas'' and ''broaden the aperture of the debate'' as National Security Advisor Stephen Hadley stated on Meet the Press on December 3, 2006. The following day, the President stated that he is ''not satisfied with the pace of progress in Iraq.''

Further evidence that change is needed came from the Administration's point person and architect of U.S. action in Iraq, Secretary of Defense Donald Rumsfeld, in a November 6, 2006 memorandum: ''In my view it is time for a major adjustment. Clearly, what U.S. forces are currently doing in Iraq is not working well enough or fast enough.''

National Security Advisor Stephen Hadley confirmed that U.S. policy needs retooling when he restated the President's position, ''that what is going on in Iraq is not going well enough or fast enough'' and that ''some of those changes are going to be significant.''

Most importantly, the incoming Secretary of Defense, in response to a question posed by Senator LEVIN, the incoming Chairman of the Senate Armed Services Committee, ''Are we winning in Iraq?'' Robert Gates responded, ''No, sir.''

The Iraq Study Group Report states that the ''primary mission of U.S. forces in Iraq should evolve to one of supporting the Iraqi army, which would take over primary responsibility for combat operations. By the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq.'' I support this recommendation and I am pleased that President Bush, according to his National Security Advisor, is ''looking forward to the report'' and that he ''wants to listen to Republicans and Democrats in Congress.'' I would respectfully suggest that the President heed the work of the Iraq Study Group and the opinions of Congress.

From time to time, there are comments by Members that we should cut off funding for executive operations to carry out Congress's will. Certainly, we would not cut off funding to leave our troops in harm's way without adequate resources to carry out their mission. However, there may develop a Congressional consensus on staged withdrawals if the President does not initiate such a plan himself. Cutting down funding in stages to effectuate such staged withdrawals could accomplish Congressional objectives and not leave our troops exposed with sufficient planning in advance. In light of public opposition to the way we are conducting the war in Iraq and widespread agreement among Members with the public response, there is a significant possibility that Congress would act to curtail expenditures to effectuate staged withdrawals.

During a April 27, 2005 Defense Appropriations Subcommittee hearing, I expressed my concern over federal spending priorities directly to Secretary Rumsfeld: ''There is a lot of disquiet out there among the people as to what is happening in Iraq and disquiet as to what is happening to our discretionary budget. I chair a subcommittee which is responsible for education and health care and worker safety, and it's been cut by almost a full percent and with the inflation factor, I'm about $7 billion short. And that makes it very, very tough to sell when you have NIH and health-care program and Pell grants and education.'' I reiterated my concern in a May 19, 2005 letter to Sec. Rumsfeld: ''There is considerable angst in my state, and I suspect generally in the country, concerning the cost of our military operations in Iraq, especially when compared to the cuts in domestic discretionary spending.''

Giving the Iraq government a virtual blank check on our staying there is counterproductive in at least two important respects: First, it encourages the insurgents to violence against our troops there and against other Iraqis. Second, it encourages the Iraqis to continue reliance on our presence there to defend their stability.

Our presence in Iraq incites violence which results in increased U.S. and Iraqi deaths. On September 24, 2006, I told CNN, ''that the war in Iraq has intensified Islamic fundamentalism and radicalism . . . That's the focal point for inspiring more radical Islamic fundamentalism.'' According to the Department of Defense's Manpower Data Center, 99 U.S. soldiers were killed in support of operations in Iraq in October 2006. This represents the most U.S. casualties in a month since November 2004.

Not only are U.S. troops being attacked on a regular basis, but such action appears to be acceptable to the very populace we are attempting to aid. According to a September 27, 2006 USA Today article, ''About six in 10 Iraqis say they approve of attacks on U.S.-led forces, and slightly more than that want their government to ask U.S. troops to leave within a year, a poll finds.'' Further, The Washington Post reported that a survey conducted by the State Department revealed two-thirds of Iraqis in Baghdad favor an immediate withdrawal of U.S. forces.

According to the USA Today article, ''About 61 percent approved of the attacks—up from 47 percent in January. A solid majority of Shiite and Sunni Arabs approved of the attacks, according to the poll.'' Furthermore, ''Three-fourths say they think the U.S. plans to keep military bases in Iraq permanently.'' A consolidation of bases, as suggested by Secretary of Defense Donald Rumsfeld, in conjunction with an indication to begin removing U.S. forces from Iraq, would aid in alleviating this concern and potentially reduce attacks.

Our presence, with no indication of departure, has allowed the Iraqis to rely too heavily on the U.S. for security and has not spurned them to stand up an organic security capability. The Administration has deemed the rapid creation of an effective Iraqi fighting force as key to stabilizing Iraq and expediting the eventual withdrawal of U.S. forces. The rationale for this effort is that a well-trained, well-equipped Iraqi army can be effective in quelling the insurgency and can help smooth the process of restoring full and real sovereignty to the Iraqi government.

According to the Congressional Research Service, forty percent of total U.S. appropriations for reconstruction—nearly $14 billion—are aimed at building Iraqi security forces. Most of these funds—$10.5 billion—have been added since September 2004, as the security situation remained unstable and efforts to train forces appeared inadequate. According to the State Department, in mid-October 2006, there were 128,000 trained and equipped conventional Iraqi police and 129,700 army forces. Officials have stated that 325,000 security forces are needed to defeat the insurgency. In all, about 312,400 security forces are currently defined as ready for action.

However, various reports indicate that many fewer could be said to be capable of the most demanding jobs. During the past three years, poorly trained and equipped security forces, no-shows and desertions, dismissals of police for criminal behavior, bribe-taking for obtaining higher rank or for release of insurgent suspects, and infiltration of police and other units by sectarian militia groups have threatened U.S. plans to increase security using Iraqi personnel.

I am optimistic that the Iraq Study Group's report will usher in a new tone in the Iraq debate—one that will move away from the extremes of ''cut and run'' versus ''stay the course.'' I am hopeful that the convergence of this report and a set of fresh eyes leading the Department of Defense will produce an atmosphere allowing candid discussions on our policy resulting in a pragmatic shift in our course.

Secretary of Defense Donald Rumsfeld provided the impetus for change. In his November 6, 2006 memorandum ''Iraq—Illustrative New Courses of Action'' he suggests one option for the President to consider is to ''Begin modest withdrawals of U.S. and Coalition forces (start ''taking our hand off the

bicycle seat''), so Iraqis know they have to pull up their socks, step up and take responsibility for their country.''

On October 22, 2006, I told CNN: ''The Unites Sates is going to insist on a timetable from Iraq that we're not going to be the guarantors forever . . . I like the report in the [New York] Times . . . that the administration is considering timetables to tell the Iraqis that they're going to have to take a larger role in their own security, that they're going to have to show some progress no sectarian violence, and maybe even further consideration of the option of dividing Iraq into three segments, Shiite, Sunni and Kurd, so these warring factions will be less likely to kill each other''

The report issued by the Iraq Study Group states ''the United States should significantly increase the number of U.S. military personnel, including combat troops, imbedded in and supporting Iraqi Army units. As these actions proceed, we could begin to move combat forces out of Iraq. '' I concur that a phased withdrawal of combat forces is the best course of action at this juncture.

I am cognizant of what a premature departure may lead to in Iraq. The Iraq Study Group concluded that, ''Because of the importance of Iraq, the potential for catastrophe, and the role and commitments of the United States in initiating events that have led to the current situation, we believe it would be wrong for the United States to abandon the country through a precipitate withdrawal of troops and support.

In an interview with CNN on November 12, 2006, I concurred by stating, ''We don't want to withdraw if we're going to leave chaos. Troop withdrawals are definitely in the offing, but it's a military decision to determine when there's sufficient military force in the Iraqi army and in their police to maintain stability.''

U.S. forces should not remain in Iraq any longer than necessary. Iraqi government forces will ultimately be responsible for securing their country. As ever increasing numbers of Iraqi security forces are trained and able to conduct operations on their own, U.S. forces should gradually redeploy. According to NSA Stephen Hadley, Prime Minister Maliki has said ''that his goal is to be able to take responsibility of the security of his country middle of next year.'' I would suggest that we hold Prime Minister Maliki to his pledge and work to ensure that Iraqis are able to stand up and provide security.

It is my hope that the President will respond to the strong public reaction evidenced in the election results and widespread opposition by Members of Congress to our current military activities, the Baker Commission Report, the Gates testimony and the Rumsfeld memorandum to change the direction of our military efforts in Iraq. As Commander-in-chief under the Constitution, the President has the options and additional information to modify our military action in Iraq to meet these concerns.

It is imperative that the United States change the course in Iraq and I am optimistic that the confirmation of Robert Gates will be the starting point for that action.

I yield the floor.

Mr. SPECTER. I further ask unanimous consent that an essay which Christopher Bradish and I published in the current issue of the Washington Quarterly which goes into some greater detail about my own views as to the advisability of bilateral talks with Syria and Iran, as well as North Korea, be printed in the RECORD.

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

[From the Washington Quarterly, Winter 2006–07]

DIALOGUE WITH ADVERSARIES

(By Arlen Specter with Christopher Bradish)

Facing serious dangers from nuclear weapons from Iran and North Korea, the United States should be willing to negotiate bilaterally with those two nations. Success in diffusing these threats will require multilateral assistance from other world powers, but our willingness to treat Iran and North Korea with dignity and respect could go a long way in disarming those nations militarily and diplomatically.

My Senate assignments on the Intelligence Committee and Appropriations Subcommittee on Foreign Operations have provided me the opportunity to meet with Syrian President Hafiz al-Asad, Palestinian Chairman Yasser Arafat, Iraqi President Saddam Hussein, Cuban President Fidel Castro, Venezuelan President Hugo Chavez, and others.

Those meetings have shown me that people are people, even at the highest levels of government. They are interested in a candid dialogue. They accept differences and disagreements as long as the tone is courteous. Regrettably, the worldwide ''ugly Americans'' reputation is encouraged, in my opinion, by our unwillingness to at least meet and talk one on one without preconditions.

Sun-tzu's advice to ''keep your friends close and your enemies closer'' is a good admonition to keep in mind as we approach our relationships in the world. Admittedly, it is difficult to accord respect and dignity to countries such as Iran and North Korea, whom we have branded as part of the axis of evil. President Ronald Reagan invited Soviet leader Leonid Brezhnev to a dialogue weeks after labeling the Soviet Union the ''Evil Empire.'' It may not work, but it is certainly worth a try when the stakes are so high and our other strenuous efforts are not bearing fruit.

Perhaps irrelevant, my first assignment as assistant district attorney in Philadelphia was interviewing inmates for commutation of sentences to life imprisonment from death in the electric chair for first-degree murder. That experience taught me that you can have a meaningful dialogue with anyone.

IRAN

There is no doubt that Iran has been trying to flex its muscles since 1979 when the Shah was deposed. Iran is a proud nation with a rich history. In asserting its right not to be restrained in developing nuclear technology, Iran seeks to be a world power, and its leaders think that status and respect can be achieved by becoming a nuclear power. A good starting point for U.S.-Iranian relations would be to treat them as equals for the purpose of negotiations. It does not give them the same status as being a nuclear power, but it could be a good step forward if mighty America would treat them with respect while negotiating.

I have tried to visit Iran since the Iran-Iraq War ended in 1988. I have not yet succeeded. For many years, however, I have reached out to Iranians such as the former ambassador to the United Nations in New York, Seyed Muhammad Hadi Nejad Hosseinian, and his successor, Muhammad Javad Zarif, in an effort to foster an exchange of visits by Members of Congress to Iran and Iranian parliamentarians to the United States to try to open dialogue between our two countries. I thought my efforts finally came to fruition in January 2004 when plans were made for U.S. members of Congress to meet with Iranian parliamentarians in Geneva. Unfortunately, Tehran later rescinded the invitation, declaring it was ''not on their agenda.''

Terrorism, military nuclear capabilities, energy, Iraq, and the Israeli-Palestinian dilemma are all major issues confronting the United States and the world. All of these challenges are intrinsically linked with Iran, and none can be addressed or resolved without an appreciation for Iran's role in each. Undertaking this venture will not be easy, but in the words of Ambassador L. Bruce Laingen, the senior U.S. official held hostage in Tehran for 444 days, ''Diplomats should talk, even with our foes. That's what we do. It doesn't make sense for us not to talk to the Iranians. I'm not saying that I would confidently predict a breakthrough, but there must be some sort of dialogue.''

THE PROBLEM WITH OUTSOURCING FOREIGN POLICY

The United States has responded to Iran's challenge by correctly recounting Iran's dubious nuclear behavior and disregard for the international community but has avoided direct dialogue with Tehran. I commend the administration's change in course, deciding to deal with Iran through multilateral talks, and view it as confirmation that a change in our tactics is overdue. Prior U.S. policy committed to dealing with Iran via the UN Security Council and the Europeans. Prospects are dim, however, for garnering support from China and Russia for a UN resolution with teeth. Russia's and China's significant energy, military, and political interests restrict their ability to support tough action against Iran and represent a significant barrier to a successful resolution vis-à-vis the UN.

Although the Europeans are supportive of tough action against Iran, some are hesitant to continue down a path on which they feel the United States is not fully committed and not an active partner. Germany, France, the United Kingdom, the International Atomic Energy Agency (IAEA), and UN Secretary General Kofi Annan have all indicated that the United States needs to be directly engaged in the Iranian effort. My colleague, Senator Chuck Hagel (R–Neb.), in his May 8, 2006, Financial Times op-ed, highlighted the importance of U.S. involvement: ''U.S. allies will support tough action against Iran only if they are confident the U.S. is serious about achieving a negotiated, diplomatic solution. Continued unwillingness of the United States to engage Iran will make other states hesitate to support, and possibly oppose, these tougher measures.''

Periodically, I read that military options are some of these tougher actions that may be considered to confront Iran. Although the option should not be removed from the table, military engagement will do nothing to solve the litany of problems between our nations. We should only consider going to war when we have exhausted all options. Today, we are not there. In that light, I commend President George W Bush for his May 24, 2006, statement that ''our primary objective is to solve this problem diplomatically.'' I believe diplomatic options remain, and it is precisely these options that can prevent conflict.

Why has it taken so long to consider talking to the Iranian regime? Richard Armitage, former deputy secretary of state, told Time in a May 22, 2006, article that ''it appears that the Administration thinks that dialogue equates with weakness, that we've called these regimes ''evil'' and therefore we won't talk to them. Some people say talking would legitimize the regimes. But we're not trying to change the regimes, and they're already legitimized in the eyes of the international community. So we ought to have enough confidence in our ability as diplomats to go eye to eye with people—even though we disagree in the strongest possible

way—and come away without losing anything.''

To be certain, we find ourselves in this position in no small part due to Tehran's deceit and arrogance toward the international community. Nevertheless, U.S. policy toward Iran has played into the hands of President Mahmoud Ahmadinejad and the hard-line radicals in Tehran. Although the extent of Ahmadinejad's power remains unclear, the U.S. administration's discussions of regime change and refusal to rule out using nuclear weapons against the Iranian regime have bolstered its position. Such U.S. rhetoric, coupled with other policies, enhances Tehran's ability to tap nationalistic sentiments to solidify support for a nuclear weapons program, effectively taking the focus away from its constituents' discontent with failed domestic policies, most notably Ahmadinejad's poor stewardship of the economy. To some degree, we are the distraction buttressing his position. In this perfect storm, Ahmadinejad's rise on the wave of oil revenues and growing global discontent with U.S. policies has afforded him the forum, confidence, and leverage to challenge the United States and the international community.

DECIPHERING AND REACHING BEYOND TEHRAN

It is still unknown what level of power and influence Ahmadinejad holds within Iran. Some accounts indicate that Iran's elite, and even some hardline officials, are critical of Ahmadinejad's aggressive handling of the nuclear issue, whereas others report that he has amassed significant power. Nevertheless, it is important to remember that much of the power in Tehran does not rest with the president, but with Supreme Leader Ayatollah Ali Khamenei and the mullahs.

Khamenei installed Ali Akbar Hashemi Rafsanjani, an advocate of rapprochement with the United States, as chairman of the Expediency Council, a senior position as arbiter between the legislature and constitutional court. Rafsanjani, Ahmadinejad's adversary in the 2005 election, is thought to have been given the position to act as a counterweight to Ahmadinejad. Some accounts suggest that Rafsanjani has taken an increased profile in Iranian diplomacy, a move not likely done without the coordination and approval of Khamenei.

Despite the many factions within Iran's leadership, Ahmadinejad, former president Muhummad Khatami, Khamenei, and Rafsanjani all advocate a nuclear Iran. In addition, although Rafsanjani is considered to be a relative moderate, he has still labeled Israel as ''the most hideous occurrence in history,'' which the Muslim world ''will vomit out from its midst.'' Regrettably, these are the views held by those with whom we must engage.

Notwithstanding Iran's leadership, we must constantly remind ourselves of those over whom they rule. The United States should effectively communicate our desire for a prosperous Middle East, free of tyranny and oppression, that respects human rights and rule of law and where governments represent and reflect the desires of those they govern. Further, we should be frank when conveying our concerns and those of the world to the Iranian people over specific problems threatening peace and security. Nearly three-quarters of Iran's 70 million people are under the age of 30. Placing our disagreements with Iran's leadership aside, not letting these people know what we stand for and what we value would be irresponsible. The United States should focus on this emerging population and those who yearn for increased freedom and reform.

According to the Washington Institute for Near East Policy, a 2002 poll conducted by the Majlis, Iran's legislature, revealed that three-quarters of Iranians favored rapprochement with the United States and that nearly one-half believed U.S. policy was ''to some extent correct.'' In typical Iranian fashion, the two pollsters were later sentenced to nine years for ''publishing nonscientific research.'' It is precisely examples such as this that fuel disdain amongst Iranians for their leadership. Bush poignantly illustrated the plight and underscored the hopes of the Iranian people in a July 12, 2002, statement: ''The people of Iran want the same freedoms, human rights, and opportunities as people around the world. Their government should listen to their hopes. * * * As Iran's people move towards a future defined by greater freedom, greater tolerance, they will have no better friend than the United Stares of America.''

When Ahmadinejad or any Iranian leader calls into question the virtue and value of liberal democracy, we should respond by touting its successes. We should talk about our commitment to rule of law, individual liberties, and freedom of press and speech. Are not freedom of speech, press, and association liberties that the Iranian people would enjoy? Would those incarcerated in Iran for criticizing the government not wish to be freed? Most importantly, liberal democracy has better arguments than theocracy, and we should not shy away from this debate. Perhaps a crash course in the history of authoritarian failures would be the best place to start.

AN OPPORTUNITY FOR DIALOGUE

The concept of dialogue with Iran is not unfamiliar to this debate. Both sides have previously taken one step toward the table and one step back. Reports indicate that, in 2003, Iran, with the blessing of Khamenei, secretly proposed talks with the United States on Iraq and Iranian nuclear ambitions. That same year, the United States offered to send a high-level delegation to Tehran following the earthquake in Bam, only to be rebuffed by Iran. Unfortunately, this tentative shuffle never amounted to anyone sitting down at the table at the same time.

There are some indications, vague as they may be, that Tehran may again be interested in establishing dialogue with Washington. For example, on May 8, 2006, Ahmadinejad sent an 18-page letter to Bush. Following that letter, USA Today reported that Ali Larijani, Iran's top nuclear negotiator, said in a television interview that I ''[p]erhaps, it could lead to a new diplomatic opening. It needs to be given some time.'' Further, according to Time, a senior Iranian official described the letter as being designed to offer ''new ways for getting out of the current, fragile international situation.''

Muhammad Nahavandian, a close adviser to Iran's top nuclear negotiator, was reportedly in the United States for a few weeks during that same month. According to Newsweek, he told Robert Malley, a former Clinton administration official, that Khamenei was eager to broaden Tehran's tentative cooperation with Washington on Iraq and other subjects and that he was ''putting out feelers.'' In addition to these developments, I agreed with Bush's decision to authorize the U.S. ambassador to Iraq, Zalmay Khalilzad, to engage in discussions with Tehran, even if they were initially restricted to Iraq. In time, it is my hope that such discussions will lead to a broader dialogue.

What is most significant in our recent dealings with Iran is the offer for dialogue and how the offer in itself outweighs any terms set by either side. Although Tehran responded to our interest in joining talks by dismissing our conditions that enrichment be suspended, the offer clearly had an impact. On June 2, 2006, Saeed Laylaz, an Iran analyst living in Tehran, confirmed these sentiments to the Washington Post: ''The fact that [Secretary of State Condoleezza] Rice has announced the United States' willingness to hold talks with Iran is more important than the conditions she set.'' The administration's decision to consider dialogue has had a great impact in moving our countries closer to resolving our issues. As reported in that Washington Post article, ''Javad Vaeidi, the Iranian Supreme Council's deputy head for international affairs, agreed that the United States' overture was, in itself, a positive step.''

The consequences of an Iran with nuclear weapons would be grave. Tehran does not seem willing to cease uranium enrichment voluntarily or submit to the IAEA. The Europeans are running into walls in the form of China and Russia in the UN Security Council, and it is apparent that the UN has not been able to alter Iran's behavior. It is precisely Iran's ambitions that may drive regional powers such as Egypt, Turkey, and Saudi Arabia to pursue nuclear ambitions. The Middle East is already a volatile neighborhood. The phrase ''adding fuel to the fire'' does not approach describing what the introduction of nuclear weapons would mean, not only for the fate of the region but for the world.

The United States is not to blame for Iran's devious and deceptive behavior, nor their arrogance and defiance of the international community. I have called on the international community to act aggressively in dealing with Iran's involvement in the crisis in southern Lebanon. As I stated on the floor of the U.S. Senate on July 20, 2006, ''The United Nations ought to call Iran and Syria on the carpet to explain their conduct in backing Hezbollah, in providing personnel to do more than train Hezbollah, more than advisers being integral parts of the military offensive of Hezbollah.''

Twenty-seven years of silence broken only by a few whispers, however, has not worked and has left us in the dangerous predicament in which we find ourselves today. All the while, the United States has been watching from the sidelines. Something has to give. Current U.S. policy does not include direct talks with Iran with no preconditions. Perhaps it is time to stop passing notes to Tehran via the Swiss and to sit down and start talking.

NORTH KOREA

Just as the United States has been criticized by its European allies for not dealing directly with Iran, we have encountered similar criticism from Russia, China, and South Korea for not directly engaging North Korea. It is clear, as pointed out by John McLaughlin, former deputy director of the Central Intelligence Agency, that ''the North seems sure to engage us. It could be across a table. It could be with the consequences of its negative behavior or its own ability.'' The United States should focus on the table in hopes of preventing the consequences.

Today, North Korea exists in the dark, both literally and figuratively. The regime of Kim Jong-il actively pursues an unsupervised and unregulated nuclear program. This program and its long-range missiles pose a grave threat to regional security and represent a hostile posture toward the United States. Meanwhile, the 23 million residents of North Korea remain among the poorest and most repressed in the world.

A satellite photo taken of the earth at night reveals lights across much of the populated world. Yet North Korea, with the exception of a tiny dot denoting Pyongyang, is totally black. Ironically, this blank spot is symbolic for just about everything about

this country. It is a massive blind spot with very little known in the United States or elsewhere about exactly what is going on inside its borders. Even Kim's nuclear progress was unverified until recently.

What we do know, as Esther Pan of the Council on Foreign Relations observes, is that North Korea has ''developed a nuclear arsenal of an estimated six to eight nuclear weapons and continued to enrich nuclear fuel; removed its nuclear program from all international treaties, obligations, and safeguards; decided when to negotiate and when to drop out, and then set the terms for returning to negotiations; [and] steadily increased the amount of unconditional aid it receives from international sources,'' including more than $1 billion from the United States over the last 10 years. On October 9, 2006, North Korea claimed to have conducted an underground nuclear test. Given this disconcerting state of affairs, it may be appropriate for the United States to deal directly with North Korea.

I commend the administration for enlisting North Korea's neighbors to engage Pyongyang. Regrettably, that regime has refused to return to the six-party talks with China, Japan, Russia, South Korea, and the United States. On May 17, 2006, I was pleased to read in the New York Times that ''Bush's top advisers have recommended a broad new approach to dealing with North Korea that would include beginning negotiations on a peace treaty, even while efforts to dismantle the country's nuclear program are still under way.'' As reported, such a deal would be contingent on North Korea returning to the six-party talks, something I hope the North will do. Regardless, it is possible to address North Korea both in multilateral and bilateral fora.

On June 1, 2006, Pyongyang extended an invitation to the United States for talks, which Washington declined. This may have been an opportunity worth taking. As Kevin O'Neill and David Albright conclude in their book, Solving the North Korea Nuclear Puzzle, ''Serious misunderstandings, missed opportunities, and false expectations have often plagued the U.S.-North Korean relationship.'' In my opinion, dialogue is one way to avoid these pitfalls in the future.

The problems in our bilateral relationship do not end with North Korea's nuclear ambitions. North Korea's human rights record is deplorable. The Department of State reported on March 8, 2006, that ''the government's human rights record remained extremely poor, and the regime continued to commit numerous serious abuses. The regime [has] subjected citizens to rigid controls over many aspects of their lives.'' The report cited extrajudicial killings, arbitrary detention, life-threatening prison conditions, torture, and forced abortions and infanticide, as well as denial of freedom of speech, press, religion, assembly, and association. The North is one of the world's preeminent counterfeiters and has long been suspected of trafficking drugs. While we work to quell the North's desire to be a nuclear state, we must not simply trade resolving the nuclear issue for another nefarious vice. A repressed, corrupt, and hungry North Korea is not a healthy, stable, and secure North Korea.

The complexities in our bilateral relationship with Iran and North Korea are different. On both accounts, however, we have failed to grasp the correlation between U.S. policy and nationalism and how it leads to support those in power. U.S. saber rattling and threats of regime change have permitted unsavory leaders in each nation to incite nationalist sentiments, leading them to strengthen their grip on power. As Henry Kissinger wrote in his May 16, 2006, Washington Post op-ed, ''Focusing on regime change as the road to denuclearization confuses the issue.'' I would go one step further and submit that it hinders our ability to denuclearize either North Korea or Iran. Hostile rhetoric and disengagement will not move us closer to the negotiating table nor a solution.

DIALOGUE, EVEN WITH FOES, CAN BE CONSTRUCTIVE

Involvement in foreign policy matters is a time-honored role for members of the Senate and one in which I have enjoyed participating during my quarter century in this body. Active involvement in these issues by members of the Senate is not meant to supplant the roles of the president, secretary of state, or their designees. Our foreign policy priorities are set by the executive branch.

Yet, my own experiences in this area, even with leaders such as Arafat or Saddam and on issues such as human rights with China, have convinced me that maintaining a dialogue and allowing cooperation in areas of common interest, even with our most pronounced foes, should be one of our nation's priorities because of its potential to yield positive results. I offer my own experiences, having traveled to 95 different countries, including Syria, Cuba, and Venezuela, as examples of why I believe maintaining an active dialogue and open lines of communication preserve the potential to find peaceful solutions to resolve differences with our adversaries.

My first opportunity to promote dialogue in the face of an international crisis came in the spring of 1982 when serving my first term. Following a Saturday radio address by Reagan, which noted that the Soviet Union and the United States had enough nuclear weapons to destroy the other, I proposed a Senate resolution calling for a summit between the leaders of each nation. Relying on the doctrine of mutually assured destruction was not a sufficient way to provide security for either nation. The obvious solution to this standoff was to have a negotiated arms control agreement.

Upon calling for a vote on my resolution during consideration of the annual Department of Defense authorization bill, I was sharply challenged by Senator John Tower (Tex.), a fellow Republican and chairman of the Armed Services Committee. Citing my short tenure, Tower questioned my authority and knowledge on the issue. Senator Paul Laxalt (R–Nev.), one of the first members to vote, supported my resolution. Tower told Laxalt, ''Specter's trying to tell the president what to do.'' He replied, ''Well, what's wrong with that? . . . Everyone else is too, but Specter's right.'' Following a lively debate, after which Tower was confident his position would prevail, my resolution was adopted by a vote of 90–8. It did not produce immediate talks between the United States and the Soviet Union, but it showed the support of the Senate for dialogue and may have given a little impetus for the summits during the 1980s.

SYRIA

I first traveled to the Middle East in 1964. In the intervening 42 years, I have made 24 trips to the region before and after election to the Senate. Since 1984, I have visited Syria 15 times, had nine lengthy meetings with Asad, attended his funeral on the only congressional delegation to Syria in 2000, and met with his son and successor, Bashar al-Asad, on three occasions. I have spent much of my time in the region shuffling between Damascus and Jerusalem, which led me to coin the term ''shuffle diplomacy,'' similar perhaps to Henry Kissinger's ''shuttle diplomacy,'' to describe my efforts to bring resolution to issues confronting these neighbors.

In 1988 I urged Asad to permit Syrian Jewish women to emigrate because the limited number of Jewish men in Syria presented them with limited opportunities for marriage. Asad resisted, citing that Syria was ''at war'' with Israel and that emigration had the potential to strengthen Syria's enemy. I continued to press this issue in subsequent meetings with him. As I reported in an article I wrote for the New York Post in 1994, after I continued to press the issue, ''Asad responded with a romantic offer that he would allow any Jewish woman to leave when a suitor came to Syria and took her to the United States to marry. That offer was relayed to the active Syrian Jewish community in Brooklyn and elsewhere.'' Ultimately, Syrian policy was altered to permit Jews to emigrate.

As a result of my many lengthy conversations with Asad, we developed a congenial relationship. In August 1995, I told Asad that when Yitzak Rabin, Shimon Perez, and Arafat received the Nobel peace prize for the Oslo accords, if Asad made peace with Israel, he too would be honored. Asad replied by laughing, saying that he might be well received in Stockholm but probably would not be permitted to return to Damascus. Nevertheless, I continued to urge Syria to participate in discussions with Israel in hopes of alleviating tensions between the two neighbors.

Asad had initially rebuffed offers to open talks with Israel, stating that Syria would only participate in talks sponsored by all five permanent members of the UN Security Council. Israel was opposed to this format, believing that only the United States would support Israel in such negotiations. When I pressed Asad on this issue again in 1990, he indicated that he had changed his position on the proposal and that Syria would be willing to participate in meetings organized by the United States and the Soviet Union. As I reported in a floor statement, this change was significant because it appeared to be part of a broader Syrian initiative. ''In our January 1989 meeting, I asked on three separate occasions, separated by respectable periods of time, what it would take for Syria and Israel to become friends. President Asad answered, after a third query, that it was not a question of friendship, but that 'normalizing' a relationship between Syria and Israel might be possible under certain circumstances.''

I relayed this offer to Israeli Prime Minister Yirzhak Shamir, who was ''surprised'' and ''pleased'' with Asad's overture. One year later, in October 1991, Syria participated in the Madrid peace conference cosponsored by Washington and Moscow. Although the three days of talks did not yield a peace agreement, the summit marked the first bilateral talks between Israel and Syria. It is preferable to have the Syrians, Lebanese, Jordanians, Israelis, and Palestinians airing their grievances over coffee at a negotiating table in Spain than through violence in the streets of the Middle East.

Five years later, during my 1996 visit to the region, I served as a line of communication between Jerusalem and Damascus. Prior to my visit, Israeli Prime Minister Benjamin Netanyahu indicated that his government would hold Syria accountable for the actions of Hizballah along the Lebanese border. This caused Syria to realign its troops in a posture hostile to Israel, resulting in a dramatic rise in tensions between the two countries. On one side, Syria's four-million-man army amassed, and on the other side lay Israel's sophisticated and combat-tested military of 1.5 million.

On August 27, 1996, I met with Netanyahu in Israel. During my report to the Senate, I informed my colleagues that ''Mr.

Netanyahu said he wanted to begin peace negotiations with his Arab neighbors,'' that he ''was eager to get to the negotiation table with Syrian President Asad,'' and that he ''asked me to carry a message to President Asad, whom I was scheduled to meet with the next day.'' The following day, I traveled to Damascus and met with Asad for three and a half hours. As I reported in a floor statement, ''I conveyed Israeli Prime Minister Netanyahu's message that Israel had only peaceful intentions toward Syria, that both sides should move immediately to reduce military tensions, and that Mr. Netanyahu wanted to reopen direct negotiations between Israel and Syria.''

Asad did not seem interested in the offer and told me that ''Syria would not go back to the table until Prime Minister Netanyahu reaffirms the land-for-peace basis of negotiations, and agrees to pick up where Israel's Labor Government left off.'' Asad further asked me to convey that Syria's troop movements along the border were routine and not intended to threaten Israel. I returned later that evening to meet with Netanyahu and relayed Asad's comments that the military action on the border was not to be interpreted by Jerusalem as aggressive.

Upon my return to the United States, I met Walid al-Moualem, Syrian ambassador to the United States, to get an update on the situation between Syria and Israel from his perspective. As reported in a floor statement at the time, ''Ambassador Al-Moualem told me that his government viewed my August round of talks between Prime Minister Netanyahu and President Asad as having been helpful in deescalating the dangerous tensions . . . and the Ambassador encouraged me to return to the region for another round of meetings aimed at helping the parties find a basis to reopen their peace negotiations.'' Moualem later told me that I had ''gained the trust and confidence and personal relationship with President Asad'' because I was ''objective'' even though ''nobody could question [my] support of Israel.'' I later received a similar suggestion from Netanyahu during a phone conversation.

As a result of this encouragement, I returned to the region three months later, in November 1996. During my November 20 meeting with Netanyahu, he informed me ''that tensions with Syria [have] been reduced since the August/September time period and that he wants to continue to de-escalate the saber rattling. He asked me to convey this and specifically that Israel has no aggressive intent against Syria.'' Netanyahu also told me to tell Asad ''that he wishes to [reopen peace talks] as soon as possible and that he is ready, willing, and able to be personally involved in such talks.''

I flew to Damascus after my meeting with Netanyahu to transmit the message to Asad. As reported in a floor statement, ''President Asad did generally seem to share Prime Minister Netanyahu's desire to continue to ease and avoid military tensions which could lead to unintended hostilities. . . . Asad received this portion of Prime Minister Netanyahu's message positively and reiterated his own return message to the same effect.''

Seven years later, on my 2003 trip to the Middle East, Prime Minister Ariel Sharon denounced Syria's harboring of terrorist organizations and its support for Hizballah in Lebanon. I asked him if he would be willing to enter into peace negotiations with Damascus, brokered by the United States, similar to those in which Prime Minister Rabin had participated in the 1990s. He acquiesced with the assurances that there would be no preconditions. I conveyed his response directly to President Bashar al-Asad three days later. Asad responded favorably, saying he was willing to participate in peace talks with Israel. He said he did not think it appropriate to conclude a treaty before Israel and the Palestinian Authority had reached a final settlement but that Syrian-Israeli talks could proceed on a separate track. Although other events in the region have eclipsed this opportunity, I believe we should continue aggressively to advocate peace between these nations so its failure does not become the lead story tomorrow.

CUBA

My experience with Syria provided an opportunity to reduce hostility between a U.S. adversary and one of our allies. My travels have also included three trips to Cuba and meetings with Castro since June 1999, most recently in August 2005. These sessions have given me the opportunity to understand how our nations' confrontational history has been viewed from the perspective of Cuba's leader. They have also proven to me that it is possible to find some areas of common ground, even with our most ardent foes. In time, it is my belief that small cooperative efforts can help to break down the barriers that divide us, leading to expanded cooperation and better relations.

Since the early 1960s, Cuba has been viewed as a Communist stronghold 90 miles off the coast of Florida. The Cuban missile crisis, suspicions of Cuban complicity in the assassination of President John F Kennedy, and rumored assassination attempts on Castro by the CIA have complicated our relationship. As a result, U.S. policy has consisted largely of isolating the island nation through comprehensive economic sanctions. During my first meeting with Castro in 1999, we talked about a number of the issues that have divided our countries for so long. I was particularly interested to hear him speak on the assassination of Kennedy because of my work as an assistant counsel on the Warren Commission. As I reported in a floor statement, Castro ''maintained that the Cuban government played no role in the assassination, and that it would have been insane for it to have become involved, given that the United States, by his reckoning, was looking for provocation or pretence to invade Cuba. . . . President Castro was relieved that the Warren Commission concluded Cuba was not involved with Oswald.''

On the Cuban missile crisis, Castro related how Premier Nikita Khrushchev had mistakenly revealed to him a promise by Kennedy to withdraw U.S. missiles from Turkey and Italy. As a result, Castro was told, Moscow would breach its agreement with Havana by removing its own missiles from Cuba, leaving the island vulnerable to a U.S. invasion in Castro's view. Castro saw a bright side to the Soviet withdrawal. As I reported in a floor statement, Castro stated, ''We preferred the risk of invasion to the presence of Soviet troops, because it would have established [the] image [of Cuba] as a Soviet base.''

Prior to that first meeting with Castro, I had examined the records of the Church Committee and found that there was evidence of eight or nine attempts by the United States to assassinate him. When presented with this number, Castro scoffed and said the actual number was more than 300. When asked how it felt to be the subject of so many attempts on his life, he responded by asking if I had a sport. When I told him I was a squash player, Castro retorted that ''avoiding assassination is a sport for me.''

In all of my three meetings with Castro, I pressed him on Cuba's deprivation of human rights and the failure to have contested elections. I also met with a delegation of human rights activists, many of whom had been jailed for expressing anti-Castro sentiments. As I reported in a floor statement, ''Having just come from a meeting with dissidents, I pressed Castro to release the political prisoners in his jails. Castro tried to shift the topic of conversation from his prisoners by bringing up the case of five Cubans convicted of spying in the U.S. whose convictions were recently overturned.'' In reply, I suggested to Castro that ''far from being an example of American wrongdoing, this kind of fair process is exactly the type of justice he should be offering to his own people. I also pressed Castro to open his country to democracy and dissent. He listened, but my exhortations obviously had no effect.'' I conveyed to Castro that if the Cuban government initiated some reforms on democratization or freedom of speech, U.S. policymakers would be more favorable to modifying trade policy toward Cuba.

These meetings have left me with the conviction that, before giving consideration to any modification of the U.S. embargo, relations between our two countries can be immediately strengthened in areas such as drug interdiction in the Caribbean and medical research. I proposed to Castro the possibility of U.S.-Cuban cooperation in drug interdiction efforts. Cuba occupies a strategic location for combating the flow of drugs from Latin America to the United States and could be very helpful to U.S. law enforcement efforts. In 1999, Castro said, ''[W]e are willing to cooperate''; and as I reported in a floor statement, he ''suggested a formal relationship with the United States in order to make progress on drug interdiction in efforts in the area.'' In my view, this remains an offer the United States should not only accept but robustly support.

To that end, I have introduced amendments to provide funding for such collaboration in the foreign operations appropriations bills each year since fiscal year 2001. I have been successful in convincing my Senate colleagues to support the provision. Regrettably, the House of Representatives was insistent on dropping the language because of anti-Cuban sentiment among a number of House members, which was supported by the Speaker of the House. Yet, when there were more material issues involved, such as farm trade, Congress was supportive.

Nonetheless, at my insistence, the FY 2002 Foreign Operations Appropriations Conference Report, H.R. 2506, included a provision directing the secretary of state to report on how U.S. counternarcotics assistance to Cuba would decrease the flow of drugs in the region. In July 2002, the State Department reported that, ''should Cuba make increased seizures and arrests, it could help impede the drug traffic through the Jamaica-Cuba-Bahamas corridor.''

Another area in which closer relations may be mutually beneficial is medical research. Scientists in Cuba have shown promise in developing a meningitis B vaccine. During my visit to Cuba in January 2002, I met with a team of researchers at the Finlay Institute in Havana, which entered into a cooperative agreement with GlaxoSmithKline in 1999 to develop this vaccine. Based in part on what I learned from these conversations, I remain convinced that a better relationship with Cuba and the erosion of existing barriers would benefit both countries.

VENEZUELA

After traveling to Havana last year, I had the opportunity to meet with Chavez on August 17, 2005. It is clear that the United States and Venezuela are at odds over many different issues, but there are areas of interest, such as drug interdiction, where our two countries can work together. These common interests can perhaps serve as a catalyst to construct a dialogue on our differences.

On August 7, 2005, 10 days before I arrived, Chavez suspended cooperation with U.S.

counternarcotics officials after accusing U.S. Drug Enforcement Administration agents of conducting intelligence operations. Prior to my meeting with Chavez, all efforts by the U.S. ambassador to Venezuela to secure meetings with high-level Venezuelan officials to resolve the dispute had been unsuccessful. After being briefed on the situation by our diplomats in Caracas, I met with Chavez and requested that he direct his ministers to meet with the U.S. ambassador. As I reported in a t100r statement, ''At the conclusion of our meeting, President Chavez agreed that it would be useful for his Foreign Minister and Minister of Interior to meet with our Ambassador the following week to try to resolve [U.S.-Venezuelan] differences on drug enforcement.''

After our discussion on narcotics policy, Chavez further suggested that consideration ought to be given to forging a new drug interdiction agreement. Although the State Department's ''2006 International Narcotics Control Strategy Report'' determined that Venezuela can no longer be certified as an ally in the war on drugs, the report noted that continued U.S. work with Venezuelan law enforcement: led to record cocaine seizures in 2005. The report also states that the United States is committed to renewing cooperation with its Venezuelan counterparts at all levels in the war on drugs in 2006.

During our meeting, Chavez expressed his concern about statements from the United States portraying Venezuela as a destabilizing force in Latin America. Specifically, Chavez mentioned comments made in Peru by Secretary of Defense Donald Rumsfeld in which the secretary referred to Chavez as ''a guy who seemed like a comic figure a year ago [that] is turning into a real strategic menace.'' I responded by calling on both sides to cease the harsh rhetoric that I believe is counterproductive to enhancing our bilateral relationship. On August 19, 2005, I wrote to Rumsfeld, stating that ''I believe there is a window of opportunity at this time to resolve the disagreement on drug interdiction policies'' and that ''it may well be helpful to, at least, have a moratorium on adverse comments on Venezuela.''

TALKING PAYS

These examples highlight but one senator's efforts to forge a dialogue with foreign leaders. The full weight of the White House and our diplomatic corps can accomplish much more. I encourage the administration to authorize more dialogue with those we consider combative or enemies. The United States will be in a better position when it is engaged in long, hard diplomatic slogs than military conflicts.

It is clear that isolation has not been successful on many fronts. It did not prevent Saddam from repressing his people, it has not crushed the government of Castro, and it certainly does not appear to be working in dealing with Chavez, Ahmadinejad, or Kim. It has been my experience that dialogue, even with pronounced foes, can lead to constructive results. This is particularly true if the conversation starts on areas of common interest and works up to the main areas of disagreement. Such an investment takes time and hard work to see results on our most critical national security interests.

The United States should treat each country and its leaders, no matter how horrific their views, with some form of dignity and respect for their sovereignty. The United States, perhaps more than any other nation in history, has a great capacity to serve as a conduit of peace. It is my hope that we take every opportunity to ensure this capacity is not wasted.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to express my support for Dr. Robert Gates to be the next Secretary of Defense. Dr. Gates is poised to take an extraordinarily difficult job at one of the most dangerous times in U.S. history. He will face a number of pressing problems. Clearly, the most pressing problem facing Dr. Gates is determining the next step of U.S. operations in Iraq.

Today the Iraq Study Group released its report. It begins:

> The situation in Iraq is grave and deteriorating [and] there is no path that can guarantee success.

The study group makes a series of recommendations that are strikingly similar to the Levin-Reed amendment that was offered last June. These recommendations include engaging Iraq's neighbors, including Iran and Syria, encouraging the Iraqi Government to increase their efforts to bring security to their people, reconciliation and governance reforms to their nation, and the transition of the mission of our troops from combat operations to training; also, the recommendation that there be a complete redeployment of most of these combat forces by the beginning of 2008.

These recommendations are realistic but they are also very difficult and, I presume, not well liked—at least initially—by this administration. Evaluating and implementing these recommendations will be the daunting but necessary task of Dr. Gates.

Dr. Gates also needs to focus his attention on Afghanistan, the initial and proper focus on the war on terror. Reports make it increasingly clear that we are losing ground. The Taliban has regrouped and rearmed. This spring, they mounted the toughest resistance since 2001. Suicide attacks, which were once unknown in Afghanistan, have more than doubled this year. Lieutenant General Eikenberry, formerly the commanding general of Combined Forces Command Afghanistan, believes the fiercest fighting yet will be next spring.

NATO'S International Security Assistance Force has assumed control of forces in Afghanistan, but this force is only at 85 percent strength. Almost 5 years after the U.S. invasion of Afghanistan, only half of the money pledged by the international community to rebuild Afghanistan has been delivered and spent. Sixty percent of the country is still without electricity, 80 percent without potable water, and the unemployment rate is 40 percent. Without viable alternatives, residents of Afghanistan return to what ensures they will survive and, unfortunately, in many cases, that is growing poppies.

Last week, the U.N. and World Bank released a report stating that poppy cultivation increased 59 percent and opium production by 49 percent over the last year. It concludes that international efforts to combat opium production, which includes $400 million in U.S. counternarcotics funding, have failed. Dr. Gates will have to pay immediate attention to these issues in Afghanistan, a linchpin in our war against terror.

One of the unintended consequences of U.S. operations in Iraq is the enhanced strategic position of Iran. With the election of Iranian President Ahmadinezhad, the nation has become increasingly belligerent to the United States and Israel, a key ally of the United States. The Iranians continue to press for what they describe as a nonmilitary nuclear program. Despite the threat of international sanctions, they are developing their ability to enrich uranium, a necessary step for both a civilian nuclear program and a military weapon. The fear, which I believe is justified, is that with access to enriched uranium in the context of a nuclear power program, the Iranians would be unable or unwilling to avoid the temptation to use this material to construct a nuclear device.

Then there is North Korea, the actions of which have also become increasingly belligerent over the last 2 years. They have walked away from the agreed upon framework, ejected international inspectors, and now likely have enough plutonium to build 10 nuclear weapons. On the 4th of July they provocatively tested a long-range missile. The test was a failure, but it underscored their determination to challenge the international community. Finally, on October 9, they tested a nuclear device.

I argue that Iranian and North Korean nuclear aspirations raise the most serious strategic issues we face today. If these countries are not checked, then there is a significant probability of a regional arms race.

All of these international engagements, all of these international challenges, are creating enormous strains on our military, particularly our ground forces. Recent studies have shown that two-thirds of our Active-Duty Army and more than two-thirds of the National Guard are rated as ''nondeployable'' ''noncombat ready'' principally because of equipment shortages. This is a shocking and scandalous record.

This administration has allowed two-thirds of our Army forces to essentially be denied the equipment—in some cases, the personnel—to be fully represented for combat. Virtually every active brigade not currently deployed is not prepared to meet its mission if called upon.

One of the reasons these brigades are not ready is because of equipment shortages. Over a year ago, the Army estimated that in order to reset equipment being used in theaters of operation, it will require approximately $12 billion in funding every year of ongoing operations until 2 years after operations cease in Iraq and Afghanistan. The Marines have been slowly coming back from a $16 billion reset, but they still need $3 billion to draw even and will still incur annual operating costs.

Besides equipment, the Army and Marines must worry about their personnel. The present Active-Duty Army end strength is approximately 504,000. About 400,000 soldiers have done one tour of combat duty, and a third have deployed twice. In order to meet recruiting goals, the Army has increased the maximum age for enlistment and lowered the physical, academic, and ethical standards. To meet retention goals, the Army has implemented stop loss measures and offered increasingly large reenlistment bonuses. There are presently 184,952 Active and Reserve Marines on duty. Over the past 4 years, 169,558 have been deployed, a significant number of Active and Reserve Marines. This operational tempo simply cannot be sustained. Again, Dr. Gates will have to address this issue or risk the future health of the Army and Marine Corps.

Dr. Gates also faces extraordinary budget challenges. The fiscal year 2007 Defense Appropriations Act was $366 billion, the largest Defense bill in history. Still, it is not enough. The Army's share of the fiscal year 2007 budget was $98.2 billion. Secretary Rumsfeld set the Army's fiscal year 2008 budget at $114 billion, an increase but insufficient. In response, Army Chief of Staff GEN Peter Schoomaker took the unprecedented step of refusing to submit the 2008 budget plan by the August 15 deadline. General Schoomaker has determined in fiscal year 2008 the Army needs $138.8 billion just to continue to operate. Again, it is an unprecedented step in which a Chief of Staff, a uniformed officer, would not submit his budget to the Secretary of Defense.

The Navy, which is not significantly involved in the Iraqi and Afghanistan theaters, is still key to our foreign presence around the world. Today's Navy fleet numbers 278 ships. The Chief of Naval Operations' 5-year shipbuilding plan calls for new ship construction with necessary funding of $14.1 billion beginning in fiscal year 2008 and rising to $19.1 billion in fiscal year 2012. This is a huge number, but without this critical funding our fleet will be in jeopardy. And, again, the Secretary of Defense has to respond to this request by the Chief of Naval Operations.

All of this is in the context of the regular budget. But as we all know, we have been funding operations in Afghanistan and in Iraq through supplementals. To date, $495 billion has been appropriated through these supplementals for our efforts in Afghanistan and Iraq. Press reports indicate that the Pentagon is preparing a new supplemental. The request is in the range of $127 to $150 billion just for an additional year of operations in these theaters of war.

There are several problems with these supplementals. They contribute directly to our Nation's deficit, which is $248 trillion. They do not allow the military to effectively and efficiently plan for the maintenance of troops, equipment, and operations because none of this spending can be counted upon in terms of the exact number and the timing of the passage of the supplemental. The supplementals, as large as they are, still are insufficient. The Army, even with supplementals, is citing billions of dollars in shortfalls, particularly with respect to equipment resets. They will not last forever, since I can anticipate, we all can anticipate, the reaction of the American public to another request for $100 billion or more.

Finally, when the supplementals do cease, either totally or in significant numbers of dollars, the Army and Marine Corps will still have troops and equipment in the field, with no funding. They will face a precipice, if you will: They still have a responsibility, they still have the personnel, they still have the equipment, but where is the funding? These are extraordinary problems that Dr. Gates is facing, most of them a direct result of poor decisions made by the administration and the Department of Defense.

Most of these issues were raised with Dr. Gates in yesterday's confirmation hearing. Although there were some issues that Dr. Gates did not yet have in-depth knowledge of, he was frank in his responses and open to the ideas and open to the advice of all who asked him questions.

For months, I and many of my colleagues have called for a change in our course in Iraq and in the rest of our foreign policy. I believe that Dr. Gates is a signal of that change. I do not believe that he is invested in the decisions, many of them bad, that have been made in the Department of Defense over the last 5 years. I also believe he will have a completely different management style from Secretary Rumsfeld, allowing civilians and military personnel to speak more freely. I believe these differences will allow honest, albeit difficult, discussions to take place and changes to be made.

I have had the opportunity to get to know Dr. Gates over the past 5 years. I have found that he is a thoughtful, experienced, and realistic voice on foreign policy. He is a good listener, and I think he will draw on a cross-section of views when making decisions. I commend him for leaving private life and a job he clearly loved to take on a very public job that will be thanklessly demanding.

Perhaps the most difficult task that Dr. Gates faces is bringing unvarnished reports of bad news to a President and inner circle who do not like to hear such things. However, I believe that Dr. Gates has the stature and the wherewithal and the will to do what needs to be done.

The months ahead are going to be difficult, not only for Bob Gates but also for our military. However, I have confidence that Dr. Gates will be an able leader and, therefore, I will support his nomination and wish him well in a very daunting task.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, while my colleague from Rhode Island is here, I want to ask him a couple questions. He is my friend, and he is one of the truly knowledgeable Members of the Senate on matters having to do with the defense of our country.

With all the things that the Senator has outlined, which are certainly true—the lack of equipment; the wearing out of equipment; the fact that some of our troops went into Iraq and did not have the proper equipment, even body armor; the fact that, as the Senator has stated, the recruitment goals are not being met; the fact that more and more of the load is being put on the Reserves and the National Guard, which is taking particularly the National Guard away from its initial responsibility with regard to the States—my question to the Senator would be, since these two Senators were quite impressed with the candor of Dr. Gates, is he going to be able to make a difference in his advice to the President? Will the President listen?

Mr. REED. Mr. President, I think the Senator from Florida has put his finger on a critical issue, perhaps the most critical. I believe Dr. Gates will give good, sound advice. He will listen. But the real question is, Will that advice be accepted by the President? And will the President be able to redefine policy in such a way that is realistic and achievable? And also, will he be able to articulate this policy and rally the support of the American public as we go forward—and not only the American public but the international community? But my sense, my hope is that Dr. Gates will take that first important step of speaking truth to power, even though it is unpopular truth.

Mr. NELSON of Florida. That is well said. Let me ask my colleague one further question of his opinion, Mr. President.

My question would be that one of the things this Senator was struck with yesterday in hearings, basically all day, was that he came to the table refreshingly open in a nonpartisan way, much more in a bipartisan way. We certainly have not seen a lot of the conduct of this war in the past several years being done in a bipartisan way.

I ask the Senator: How do you think Dr. Gates, as the new Secretary of Defense, is going to be able to involve that process, where those of us on both sides of the aisle will be able to participate and assist him in his role as Secretary of Defense?

Mr. REED. I have always been impressed by the fact that Bob Gates evaluates the quality of the idea, not just the source of the idea. I got to know Bob Gates in that same context of bipartisan foreign policy deliberation at the Aspen Strategy Group with a group of individuals. Some of our colleagues were there, including Senator FEINSTEIN and others. But it is chaired

by Brent Scowcroft, who was the National Security Adviser for President George Herbert Walker Bush, and co-chaired by Joe Nye, who was in the Clinton administration.

Bob Gates is someone who brings to the foreign policy arena this sense of reaching out to both sides. In fact, as he pointed out yesterday—and I think the Senator heard—one of the tasks he sees that he must perform is to create a bipartisan consensus to sustain the long war against terror beyond Iraq, beyond the current dilemmas we are facing. He will do that by reaching out, by listening, again, ultimately, by evaluating the ideas, not simply the source of those ideas.

Mr. NELSON of Florida. I say to the Senator, thank you. I thank the Senator for his responses. And his responses mirror the feelings of this Senator from Florida.

Mr. President, I wanted to come to the floor and announce that I had voted for Dr. Gates in the committee because I was impressed by a number of these attributes that the Senator from Rhode Island and I have discussed. And among them, clearly, are that this Senator grew up in an era in which it was understood that partisanship stopped at the water's edge. In other words, when it became matters of the defense of this country, that partisanship was over, that we came together in a bipartisan way.

Sadly, I can say that I do not think that is the way this war has been conducted with regard to reaching out across the aisle and involving both sides, who all have the constitutional responsibility of reflecting and representing the will of the American people. It is very hard to sustain a war unless you have the support of the American people. If that is not done in a bipartisan way, then sooner or later that good will is going to run out.

That is one of the things I was impressed with and pressed Dr. Gates about yesterday in the hearings: not only what appeared to be refreshing candor from him but also his approach, in a nonpartisan way, to these issues of war and peace. When we talked to him—as in the discussion recently in this Chamber, in the colloquy with the Senator from Rhode Island about the Guard and Reserves—he recognizes that is a problem. And he recognizes that what he is going to have to do is have a more responsible and direct way of utilizing existing forces because, in the short run, he is not going to be able to increase the forces considerably.

And he ruled out, in my question to him, any return to the draft. So that means he has to make the military, particularly the Army and the Marines, attractive in order to get the reenlistments and the enlistments. Certainly, he has his hands full there, while being able to keep the Guard's ability to respond to their respective States in those times of emergency.

Clearly, he had a refreshing candor about the question of what was the size force that was going to be needed, not only in Iraq but around the world. He recognizes that we have a problem right now in Al Anbar Province, that General Abizaid recently had told us he was going to increase the presence there by 2,200 marines in a Marine expeditionary unit, that that is a part of the country that is clearly not under control.

So I found our deliberations with him to be refreshing, direct, with the candor that ought to be forthcoming from a member of the President's Cabinet in his interaction with the Members of Congress. After all, this is a constitutional government, one in which there are shared powers—some powers with the executive branch but some powers with the legislative branch. The way to have this machine humming is to have those branches cooperating with each other. My first impression of Dr. Gates is he is going to be that kind of Secretary of Defense to help us continue to work together.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, today I rise in support of the nomination of Dr. Robert Gates to become the next Secretary of Defense.

I have had the opportunity to work with Dr. Gates on numerous occasions and must note that he was an excellent member of President George H.W. Bush's national security team during the first gulf war. This was highlighted by the fact he was nominated and confirmed to become Director of the Central Intelligence Agency shortly thereafter. Dr. Gates adds intelligence and diplomatic experience to a war that increasingly requires its leaders to go beyond tactical military expertise. Further, he is a pragmatist, who will work with allies and make necessary changes to our tactics and initiatives.

I was impressed by Dr. Gates' candid assessment of the war in yesterday's confirmation hearing. He asserted, correctly in my view, that the United States is not winning the war, but we are not losing, either. The status quo is not acceptable, and that is why the President has tapped him to do whatever it takes to bring a successful end to our efforts in Iraq. He spoke openly about our failures and our successes so far, and he underscored what is at stake: If we are not successful, it could ignite ''a regional conflagration'' in the region.

Dr. Gates understands that we need to refine not the objectives of our strategy but how we achieve our goals. The President and Dr. Gates remain committed to a course of action that achieves the goals best articulated by Dr. Zalmay Khalilzad, United States Ambassador to Iraq. He stated: ''Our goal is to enable Iraqis to develop a multi-ethnic, multi-sectarian representative democracy . . .'' that can fully meet is security obligations.

I appreciate his comments that he is ''open to a wide range of ideas and proposals.'' I know that he is a leader who will review the options and advise the President on what he believes is the best way to proceed.

Some of those innovative ideas will be found in the New Army Field Manual for Counterinsurgency Warfare. This is a vital document that will directly address what I have heard from many returning soldiers, that the Army's culture is one that emphasizes the use of firepower and conventional warfare rather stability and counterinsurgency operations. This new doctrine will immediately begin to transform our tactics and training, thereby being enormously helpful to our troops in Iraq and Afghanistan.

Dr. Gates has my full support. These are trying times for our Nation. Our resolve is being tested. I know that Dr. Gates is the right man to advise the President on the means to achieve our goals and help the Iraqi people usher in a new era in that country.

I yield the floor.PERSONAL COMPUTER^{J}059060-A06DE6-043-*****-*****-Payroll No.: 83315 -Name: ys update -Folios: 464s-465s -Date: 12/06/2006 -Subformat:

Mrs. FEINSTEIN. Mr. President, I rise today in support of the nomination of Robert Gates to succeed Donald Rumsfeld as the next Secretary of Defense.

I applaud the Senate Armed Services Committee and Senators WARNER and LEVIN for moving this nomination to the floor in a prompt but thoughtful manner.

I was heartened to see the forthrightness and candidness employed by Dr. Gates at his confirmation hearing yesterday.

He fully admitted the need for a ''change of approach'' in Iraq, stating his view that we are not currently winning the war and that the ''status quo'' is unacceptable.

Additionally, he expressed a willingness to use ''fresh eyes'' in looking for solutions and promised to keep all options on the table.

He committed to cooperating with the Congress in pursuing its oversight responsibilities and said he would always speak boldly and candidly about what he believed.

Finally, Dr. Gates talked about the complexities of the situation in Iraq, acknowledging that a number of major mistakes had been made, including: the lack of appreciation for how ''broken'' Iraq was economically, socially, and politically, and the costs associated when we invaded and the problems created by the mobilization of the Iraqi Army and the role that our deBaathification policy played in stoking the current insurgency.

It is my sincere hope that Dr. Gates' nomination signals that the administration intends to pursue a new direction in Iraq, and the Middle East region as a whole. The President should see the strong support for Dr. Gates as a call from Congress for moving away from the ''stay the course'' strategy he has pursued.

I hope that Dr. Gates will work with Congress to establish a clear-eyed and

pragmatic approach toward our Nation's defense policy and seek to restore the morale of our military.

I hope Dr. Gates will be open to dissenting views and allow the military personnel around him to share unvarnished, independent advice.

Dr. Gates is a well-qualified candidate for this critical position. His service at the top levels of the CIA and the National Security Council has provided close insights into the Pentagon's operations and policies.

As a former member of the Iraq Study Group, ISG, Dr. Gates understands the complex challenges our Nation faces. He will be in a unique position to implement the recommendations in the ISG report, and other options for pursuing a new strategy.

It is clear to me that during the recent midterm elections the American people voiced their disapproval with this administration's Iraq policies and voted for a change of course.

And the time for changing the course is now.

The Iraq War has now lasted longer than the United States involvement in World War II. More than 2,900 troops have been killed since March 19, 2003. More than 3,000 Iraqis are being killed in sectarian violence every month.

Today our military is stretched thin and its readiness diminished. Some of our troops are now on their third and fourth rotations. And, over in Iraq and Afghanistan, our military's equipment is wearing out or being destroyed at a cost of nearly $20 billion a year.

Ultimately, this war can only be won politically.

Our Nation must make it clear to the Iraqi government that this is not an open-ended commitment. Iraqis must step forward and take responsibility for their own security. Only they can make their country a stable state.

The administration's war planning was shortsighted and ill-conceived. By failing to provide adequate troops to secure Iraq, its infrastructure, its weapons depots, and its streets, this administration placed the entire mission in Iraq in jeopardy.

Dr. Gates has stated that he intends to improve the Department of Defense's planning efforts in regards to postcombat operations—a capability sorely missing from the current leadership.

I am also encouraged by Dr. Gates apparent willingness to involve Iran and Syria in diplomatic dialogue—a stark contrast from the Bush administration's current policy.

I hope that President Bush will accept the advice of the Iraq Study Group and Dr. Gates to engage in diplomacy to solve this crisis.

Additionally, Dr. Gates has expressed concerns regarding the Pentagon's continued expansion of intelligence activities since the September 11, 2001, attacks.

I share these concerns and look forward to working with Dr. Gates and Ambassador Negroponte to ensure that there is an appropriate and transparent division of responsibilities between military and civilian intelligence agencies.

Fifteen years ago, Dr. Gates came before the Senate as President George H.W. Bush's nominee to become the Director of Central Intelligence, DCI.

During 4 days of hearings, a number of questions were raised regarding his involvement and knowledge of the Iran-Contra scandal. In addition, allegations were aired regarding the manipulation of intelligence for political purposes.

These are serious concerns.

But what is critical to me today is that he shows an independent mind and willingness to eschew ideology and partisanship to do what is best for our men and women in uniform.

It is clearly time for instituting new leadership at the Pentagon—something I first called for almost a year ago. But such a change will only matter if the President himself is willing to pursue a different course.

I am looking forward to working with Dr. Gates on defense matters, to address the needs of our troops and their families, and to finally bring about a change in our Iraq policy—certainly the time is far past due.

Mr. DOMENICI. Mr. President, I rise today in support of Dr. Robert M. Gates to be Secretary of Defense.

The position of Secretary of Defense has always been one of the most important Cabinet positions in our country. Never has that importance been more clear than now, as we must decide on a path forward in the global war on terror, including Iraq.

I share my colleagues' concerns about the deteriorating conditions in Iraq. We must carefully assess the current situation in that country as well as our future involvement in Iraq. I am hopeful that Dr. Gates will help us accomplish these goals. He has experience with the current situation in Iraq as a former member of the bipartisan Baker-Hamilton Iraq Study Group. As part of that group, he has traveled to Iraq and met with Iraqi leaders and U.S. military commanders. I am optimistic that he will use this experience and knowledge to help chart a course in Iraq that results in the stabilization of that country.

I also hope that as a former member of the Baker-Hamilton Iraq Study Group, Dr. Gates will carefully review and analyze the Iraq Study Group's report, which was released this morning. I believe that report makes some very good recommendations and can serve as a vehicle for some changes relating to our policy in Iraq. I look forward to discussing those recommendations further in this Chamber.

The report recommends ''new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly.'' Renewed diplomatic and political efforts in the region make sense so that we can work with Iraqis to stabilize their country in the spirit of reconciliation. As the Baker-Hamilton report points out, ''if the Iraqi government moves forward with national reconciliation, Iraqis will have an opportunity for a better future, terrorism will be dealt a blow, stability will be enhanced in an important part of the world, and America's credibility, interests and values will be protected.'' In my mind, these have always been our goals in Iraq, and I look forward to working with Dr. Gates and my colleagues to accomplish those goals in a responsible way.

There are other recommendations in the report that are equally important. One such recommendation is that ''[t]he primary mission of U.S. forces in Iraq should evolve to one of supporting the Iraqi army . . .'' While I have never supported setting an artificial timetable for withdrawing U.S. troops from Iraq, I believe the Iraqi Government must take responsibility for their country. As such this recommendation regarding our troops' future role in Iraq makes sense, and I will work with Dr. Gates on this recommendation.

One other recommendation that I want to briefly reference is that ''the United States should provide additional political, economic and military support for Afghanistan . . .'' The global war on terror is a multifront war, and we must continue to focus on each of those fronts. I hope Dr. Gates will use his knowledge and experience to help Congress and the President make decisions about the full global war on terror, including operations in Afghanistan. Our work in Afghanistan is important, and I hope Dr. Gates will help us ensure that we do not lose sight of our near- and long-term goals in the overall global war on terror.

Dr. Gates has a long record of service in the area of national security, which I believe will serve him well as Secretary of Defense. He has 26 years of national security experience, including serving as an intelligence adviser to six different Presidents. He has worked at both the Central Intelligence Agency, CIA, and the National Security Council, including serving as the Director of the CIA.

Dr. Gates also has a distinguished career in public service. That service began almost 40 years ago when he was commissioned as an officer in the Air Force in 1967. He has received the Presidential Citizens Medal and the National Security Medal, as well as two National Intelligence Distinguished Service Medals and three Distinguished Intelligence Medals.

Mr. President, for all of these reasons, I support the nomination of Dr. Robert M. Gates to be Secretary of Defense. I look forward to working with him in the coming years on issues relating to Iraq, the entire global war on terror, and other issues important to our country's defense.

Mr. JOHNSON. Mr. President, yesterday the Senate Armed Services Committee voted unanimously in favor of Robert Gates' nomination to be Secretary of Defense. Following robust debate in the Senate, I plan to vote in favor of Dr. Gates' nomination.

During Dr. Gates' testimony before the Senate Armed Services Committee, I was encouraged by his candid assessment of the situation in Iraq. Dr. Gates acknowledged that we are not winning in Iraq and the status quo is unacceptable. He signaled his willingness to actively solicit the advice of military leaders on the ground and to work with members of both parties to develop a coherent strategy for Iraq. Dr. Gates' testimony was straightforward and refreshing. It is a step in the right direction toward resolving the crisis in Iraq.

At the same time the full Senate began debate on Dr. Gates' nomination, the Iraq Study Group released their recommendations for overhauling our policy in Iraq. The commission's report was stark and sobering and described the current situation in Iraq as grave and deteriorating.

I wholeheartedly agree with the Iraq Study Group's assessment that our commitment to Iraq should not be open-ended. U.S. support for the Iraqi government is strong, but Iraqi leaders must immediately make the necessary political decisions to create a sustainable political settlement.

As a member of the Iraq Study Group prior to his nomination, it is my hope Dr. Gates will heed the recommendations of the Iraq Study Group and encourage the Bush administration to change course in Iraq.

Mrs. BOXER. Mr. President, I rise in support of the nomination of Robert Gates to be Secretary of Defense. I believe that a change of leadership at the Pentagon will signal a new course of action in Iraq.

During his nomination hearing yesterday before the Senate Armed Services Committee, Dr. Gates spoke the truth about the war in Iraq. In a very plain spoken way, he leveled with the American people when he admitted that we are not winning in Iraq. His ability to admit that Iraq is in chaos leads me to believe that he will provide independent advice to the President and speak truth to power.

Our brave military men and women in uniform have done everything asked of them in Iraq. The failure of this administration to develop a realistic strategy for Iraq is the reason why we are not winning. Our military defeated the armed forces of Iraq, captured Saddam Hussein, and helped provide for three elections in Iraq. They cannot force a national reconciliation in Iraq and they cannot impose a political compromise.

The stress on our military is causing readiness to suffer and placing our military families under tremendous strain. Today's Iraq Study Group report says that ''U.S. military forces, especially our ground forces, have been stretched nearly to the breaking point by the repeated deployments in Iraq, with attendant casualties (almost 3,000 dead and more than 21,000 wounded), greater difficulty in recruiting, and accelerated wear on equipment.'' This is an unsustainable situation.

I look forward to working with Dr. Gates on improving the mental health policies and programs of the Department of Defense. We must not deploy military personnel with serious mental health conditions, such as posttraumatic stress disorder, and we should ensure that proper treatment is provided for those in need.

It is time for a change in course in Iraq and a change at the Pentagon is a step in the right direction.

Ms. SNOWE. Mr. President, I rise today to support the nomination of Robert Gates to be the 22nd Secretary of Defense.

Dr. Gates comes to this position with a lifetime of service to his Nation and fellow Americans. He has served his country in uniform, as a civil servant, a policymaker and as an adviser to six Presidents, both Democrat and Republican. He has also served America by running one of our top institutions of higher learning, Texas A&M University and by serving on the boards of institutions such as the National Association of State Universities and Land-Grant Colleges and the National Executive Board of the Boy Scouts of America. It is no coincidence that at his graduation from William and Mary, he was awarded the Algernon Sydney Sullivan Award for making the greatest contributions to his fellow man.

However, it is his character and ability to lead that will be most critical during this time of sweeping and historic challenges facing the Nation and the Department of Defense. We must satisfy ourselves that Dr. Gates not only has a plan to overcome these challenges but the personality, the drive and the skills to do so. That he once again accepted the call to national service at a time of grave crisis, requiring his departure from his beloved Texas A&M, to me speaks volumes about his character and dedication to service.

As the Nation faces the imperative of charting a new course and strategy in Iraq, rising violence in Afghanistan, global terrorism, the threats posed by nuclear states such as North Korea and possibly Iran and the increasing strains on our military, America requires a leader of Bob Gates's caliber, who has the national security experience, the political acumen and the managerial style necessary to mend rifts that have resulted in the loss of America's certainty and optimism. He will be responsible for ensuring a strong working relationship between the Department of Defense and Congress, trust between the civilian and military leadership in the Pentagon, and the credibility of the Department with the American public.

To accomplish this in the relatively brief but critical tenure he will have at the Pentagon, he will have to rely on his pragmatism and his ability to work with others to develop consensus in order to create the unified approach that is currently lacking in meeting our Nation's challenges. In his previous service, he has shown he has the ability to work with both sides with a high degree of competency and integrity—and I believe this capacity to work in a bipartisan fashion is critical to our ability to work through the challenges we face today.

One of his primary goals at the Department will be to foster mutual respect between our senior military leaders and the civilian leadership in the Pentagon. I look for him to provide our military leaders a clear voice on military operations. I believe he will listen to them and take their advice on such matters as planning for postcombat operations and force structure considerations in a manner that has been too long dormant.

As Dr. Gates assumes the helm at the Department of Defense he will be responsible for a variety of challenges ranging from the ongoing transformation of our forces, balancing operations, procurement and modernization accounts so our military forces have the tools they need to prevail now and in the future, to preparing those forces to meet global challenges from the Taiwan Straits to the jungles of South America.

Another issue of concern facing Dr. Gates is the Department of Defense's relationship with other executive branch agencies such as the Department of Homeland Security and the intelligence agencies. In Dr. Gates' written answers to the questions posed by the Armed Service Committee, he states that DHS and DOD have the common goal of protecting the United States and that he will support any steps that can be taken to improve and strengthen interagency cooperation so that all agencies are prepared for and able to respond to threats facing the U.S. homeland.

As a member of the Senate Select Committee on Intelligence, I have witnessed egregious intelligence failures and a sweeping reorganization of the entire community. I have also emphasized the need to improve information sharing and strengthen interagency cooperation.

Dr. Gates has recently written that he was ''unhappy about the dominance of the Defense Department in the intelligence arena and the decline in the CIA's central role'' and that ''close cooperation between the military and the CIA in both clandestine operations and intelligence collection is essential.'' He also wrote that ''for the last decade, intelligence authority has been quietly leaching from the CIA to and to the Pentagon, not the other way around.'' During General Hayden's nomination hearing, I noted that one of General Hayden's primary challenges would be synchronizing the gears of our Nation's

intelligence collection capability. I believe Dr. Gates will now meet the challenge of synchronizing those gears at the Defense Department.

As someone who has had worked in the intelligence community for more than 27 years, I am confident that he is up to the task. I implore Dr. Gates to maintain that close cooperation so that, in his words, ''all agencies are prepared for and able to respond to the threats facing the homeland.''

In fact, it was while he was the Director of Central Intelligence in 1992 that he testified before the House Foreign Affairs Committee, of which I was a member, about the need for the Defense Department and the Intelligence Community to cooperate saying, ''Our national security institutions, especially defense and intelligence, must change—and they are changing dramatically—to meet the new and different challenges of this new and different world.'' At that hearing Dr. Gates also warned us that aside from traditional issues of national security, we should be alert to other dangers such as terrorism that cannot ''be resolved simply through the application of military force or diplomacy.''

Dr. Gates clearly understood then and understands now America's preeminent role in leading the spread of democracy and performing global policing, yet he also recognizes the regional and sectarian nature of 21st century conflict. This sense of historical realism will stand him in good stead as he grapples with what is and will be his greatest and most pressing challenge—the U.S. involvement in Iraq.

Dr. Gates is well versed in Middle East affairs, especially in Iraq and Afghanistan—having been the deputy national security adviser during the 1991 gulf war and providing oversight of U.S.-sponsored operations in Afghanistan under President Reagan. More recently, he cochaired a study at the Council on Foreign Studies in 2004 on U.S. relations towards Iran. Among the study's primary recommendations was that the U.S. directly engage with Iran on a diplomatic level and regarding Iranian nuclear programs.

He also recently served as part of the Iraq Study Group that is releasing its recommendations regarding U.S. strategic options this week. By all accounts, Dr. Gates spent considerable time in Iraq talking to Iraqis, soldiers, military leaders and diplomats to understand the myriad and intertwined complexities that will shape the future of Iraq. This understanding will be critical as he will have to proceed at full speed when he becomes Secretary—for we are long past the point where time is of the essence.

I believe that Robert Gates understands that we are at a critical juncture. As he said in his testimony yesterday, we are not winning the war in Iraq. He is straightforward in his approach and his language, and I believe he will offer a different and pragmatic approach. He rightly said during his testimony that there is not a military solution to Iraq—that this requires a political solution, and I believe he will signal to the Iraqi government that they and the Iraqi people need to decide if an Iraqi nation is more important to them than their sectarian interests. Because we can't decide that for them, and we can't make that happen for them.

There is no question that staying the course in Iraq is neither an option nor a plan and that the patience of the Congress and the American people is finite and our presence there is neither unlimited nor unconditional. I urge him to seek the advice of his military commanders regarding the roles and missions of our troops and to work in a bipartisan fashion with Congress to implementing the findings and recommendations of the Iraq Study Group.

In closing, it is critical is that this nomination represents a commitment by the administration to unite our Nation to bring a lasting resolution to the war in Iraq. A new perspective at the Pentagon from a Defense Secretary confirmed on an overwhelmingly bipartisan basis, coupled with the release of the bipartisan Iraq Study Group's consensus recommendations, must serve as a catalyst for cooperation in establishing a unified plan for progress and transition in Iraq. In fact, with the confluence of these two events, this day must become a pivot point for our presence in Iraq.

Bob Gates' temperament, reputation, and experience has prepared him well for this challenging assignment and I have every faith that he will serve our Nation well as the Secretary of Defense. I urge my colleagues to vote to confirm Dr. Robert Gates to be our 22nd Secretary of Defense.

Mr. SARBANES. Mr. President, this legislation, S. 2568 and its House companion H.R. 5466, the Captain John Smith Chesapeake National Historic Trail Designation Act, would create the Nation's first national ''watertrail'' and honor one of America's earliest explorers, Captain John Smith and the vital role he played in the founding of the first permanent English settlement in North America at Jamestown, VA, and in exploring the Chesapeake Bay region during the years 1607 to 1609.

Many Americans are aware of the upcoming 400th anniversary of Jamestown next year. The celebration is expected to draw record numbers of visitors to this area, including Queen Elizabeth II, as part of her recently announced state visit. What may not be as well known is that Jamestown and John Smith's voyages of exploration in present-day Virginia and Maryland were our Nation's starting points. America has its roots right here in the Chesapeake Bay region nearly 400 years ago—13 years before the founding of the Plymouth colony—when the Jamestown colonists disembarked from their three small ships on May 13, 1607. Under the leadership of Captain John Smith, the fledgling colony not only survived but helped ignite a new era of discovery in the New World.

With a dozen men in a 30-foot open boat, Smith's expeditions in search of food for the new colony and the fabled Northwest Passage took him nearly 3,000 miles around the Chesapeake Bay and its tributaries from the Virginia capes to the mouth of the Susquehanna. On his voyages and as president of the Jamestown Colony, Captain Smith became the first point of contact for scores of Native-American leaders from around the bay region. His friendship with Pocahontas is now an important part of American folklore. Smith's notes describing the indigenous people he met and the Chesapeake Bay ecosystem are still widely studied by historians, environmental scientists, and anthropologists. Chief Justice John Marshall wrote of the significance of Smith's explorations: ''When we contemplate the dangers, and the hardships he encountered, and the fortitude, courage and patience with which he met them; when we reflect on the useful and important additions which he made to the stock of knowledge respecting America, then possessed by his countrymen; we shall not hesitate to say that few voyages of discovery, undertaken at any time, reflect more honour on those engaged in them, than this does on Captain Smith.''

What better way to commemorate this important part of our Nation's history and honor John Smith's courageous voyages than by designating the Captain John Smith Chesapeake National Historic Trail? The Congress established the National Trails System ''to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation.'' National Historic Trails such as the Lewis and Clark Trail, the Pony Express Trail, the Trail of Tears, and the Selma to Montgomery Trail were authorized as part of this system to identify and protect historic routes for public use and enjoyment and to commemorate major events which shaped American history. In my judgment, the Captain John Smith Chesapeake National Historic Trail is a fitting addition to the 13 national historic trails administered by the National Park Service.

Pursuant to legislation we enacted as part of the Fiscal 2006 Interior Appropriations Act, in September 2006 the National Park Service completed a detailed study which found that the trail meets all three criteria for designation as a national historic trail: it is nationally significant, has a documented route through maps or journals, and provides for recreational opportunities. Similar in historic importance to the Lewis and Clark National Trail, this new historic trail will inspire generations of Americans and visitors to follow Smith's journeys, to learn about

the roots of our Nation, and to better understand the contributions of the Native Americans who lived within the bay region. Equally important, the Captain John Smith Chesapeake National Historic Trail will serve as a national outdoor resource by providing rich opportunities for education, recreation, and heritage tourism not only for more than 16 million Americans living in the bay's watershed but for visitors to this area. The water trail would allow voyagers in small boats, cruising boats, kayaks, and canoes to travel from the distant headwaters to the open bay—an accomplishment that will generate national and international attention and participation. The trail would complement the Chesapeake Bay Gateways and Watertrails Program and help highlight the bay's remarkable maritime history, its unique watermen and their culture, the diversity of its peoples, its historical settlements, and our current efforts to restore and sustain the world's most productive estuary.

This legislation enjoys strong bipartisan support in the Congress and in the States through which the trail passes. The trail proposal has been endorsed by the Governors of Virginia, Pennsylvania, Delaware, Maryland, and numerous local governments throughout the Chesapeake Bay region. The measure is also strongly supported by the National Geographic Society, the Conservation Fund, the Garden Club of America, the Izaak Walton League of America, the Chesapeake Bay Foundation and the Chesapeake Bay Commission as well as scores of businesses, tourism leaders, private groups, and intergovernmental bodies. I want to especially recognize and commend Patrick Noonan, chairman emeritus of the Conservation Fund, for his vision in conceiving this trail. I also want to thank the cosponsors of this measure, Senators WARNER, MIKULSKI, ALLEN, CARPER, BIDEN, SANTORUM, SPECTER, Representative JO ANN DAVIS, and the cosponsors of the House companion measure, as well as the chairmen and ranking members of the Senate Committee on Energy and Natural Resources and the Subcommittee on National Parks. Finally, I want to recognize and thank Judy Pensabene and David Brooks of the Senate Energy Committee staff and Ann Loomis in Senator WARNER's office for the tremendous assistance they provided in moving the measure forward.

The Captain John Smith Chesapeake National Historic Trail Act comes at a very timely juncture to educate Americans about historical events that occurred 400 years ago right here in Chesapeake Bay, which were so crucial to the formation of this great country and our democracy. I urge my colleagues to support this measure.

Mr. ROCKEFELLER. Mr. President, I rise today in support of the nomination of Robert M. Gates to be the next Secretary of the Department of Defense.

I believe that the defense and security challenges that our Nation faces at this moment are greater than we have faced in decades, and the strains on our Active Duty and National Guard and Reserve forces are commensurate with those challenges.

After much careful thought, going back to this body's consideration of Dr. Gates' nomination to lead the Central Intelligence Agency in 1991, I am convinced that he will provide the Department of Defense and our uniformed service members the competent leadership that they deserve that he will approach the necessity to change course in Iraq with great urgency and that he will provide the President with the pragmatic advice that this country so desperately needs; that his stewardship of the Department of Defense will include developing a cooperative and productive relationship with Congress; and that his career in the intelligence community will benefit the Government as the reorganization of our intelligence community continues.

I have been impressed with Dr. Gates' sincerity in his comments regarding the obligation we as policymakers owe the uniformed service members who carry out the policies we make. His testimony yesterday before the Senate Armed Services Committee included a moving statement about his relationships with members and former members of the Corps of Cadets at Texas A&M University, 12 of whom have lost their lives in the wars in Iraq and Afghanistan.

Like Dr. Gates, I am moved by the extraordinary sense of duty and service that our soldiers, sailors, airmen, and marines possess and by the extraordinary sacrifices they make willingly on our behalf. We must meet the fundamental obligation to serve them as well as they serve us. They deserve thoughtful and effective policies; they deserve to be set up for success in their missions; they deserve to be properly trained and equipped; and they deserve to be ever confident that their welfare is never subject to partisan political considerations within their civilian chain of command. Anything less is unworthy of these heroes.

I am strongly hopeful that Dr. Gates' long and distinguished career in public service, particularly in critical national security roles, gives him the proper perspective on the duties we owe our men and women in uniform. I am confident he will exercise these duties with great care and concern, particularly with regard to those service members who are in harm's way in Iraq and Afghanistan.

I also note Dr. Gates' candor and independence of thought, both in his public comments of recent years and in answering the questions of the members of the Senate Armed Services Committee during the confirmation process. Prior to his nomination as the next Secretary of Defense, Dr. Gates served on two noteworthy bodies whose work is highly relevant to the challenges he will undertake at the Department of Defense. First, in 2004 he co-chaired a Council on Foreign Relations task force with former National Security Adviser Zbigniew Brzezinski that resulted in a report entitled, ''Iran: Time for a New Approach.'' It is my hope that ''time for a new approach'' is a phrase that characterizes Dr. Gates' overall approach to many of the issues he will encounter at the Pentagon, but I would make special note of the fact that in this report, he recommended that the United States engage in direct talks with Iran. If this recommendation of engagement and proactive diplomacy is characteristic of the advice he will provide to the President in his new position, it will be a welcome change.

Second, prior to his nomination, Dr. Gates served on the Iraq Study Group, whose recommendations for a major change in course in Iraq we heard today. Dr. Gates' service on this body shows that he recognized early on that the administration's policy in Iraq was not working and needed a change in course. Since his nomination, I have been very pleased with his comments, particularly in his written answers to the Senate Armed Services Committee questions and in his testimony yesterday, regarding the urgent need for change in our Iraq policy. Unlike the previous Secretary of Defense and unlike the President himself, Dr. Gates has acknowledged forthrightly that the number of troops we sent to Iraq for the postwar period was insufficient. He recognizes that the planning for the postwar period was both inadequate and flawed and that the result now is a status quo that is absolutely unacceptable and must be changed with great urgency.

As many of my colleagues have noted, this is a fresh and candid perspective that has been sorely lacking in this administration for 6 years. It is my hope and expectation that Dr. Gates' independence of thought and bold push for necessary change will mark his tenure as our next Secretary of Defense.

In my capacity as chairman of the Senate Select Committee on Intelligence in the 110th Congress, I will be particularly interested in how Dr. Gates will handle the relationship between the Department of Defense and the intelligence community, which is still developing following the recent intelligence reforms and which I will be focusing on closely in the coming months.

This relationship is crucial to the production of accurate, unbiased intelligence, which in turn is essential for the development of sound national security policy for our country. As vice chairman of the Senate Intelligence Committee, I have spent 3½ years reviewing prewar intelligence on Iraq. We have found inadequate intelligence, inaccurate intelligence, ignored intelligence, and distorted intelligence, the sum of which led to a disastrous decision to take this country to war. This is a situation which cannot be repeated.

One of the principal concerns throughout the Intelligence Committee's Iraq inquiry has been the question of politicization of intelligence. This is an issue well known to Dr. Gates because it was a charge leveled at him in 1991 during his confirmation to be Director of Central Intelligence. Unresolved questions about possible politicization greatly influenced my opposition to confirming him for that position, and I am even more keenly concerned about maintaining the integrity of the analytic process based on my experience with the Iraq inquiry.

Fortunately, his service as the Director of Central Intelligence and his continuing contribution to the Nation since then have allayed the concerns I had in 1991. While his tenure as DCI was short, he accomplished a great deal. In a 1992 message to the CIA workforce he wrote ''seeking truth is what we are all about as an institution, as professionals and as individuals, the possibility—even the perception—that the quest may be tainted deeply troubles us, as it long has and as it should.'' While he disputed the specific accusations of politicization, he learned from the process. He established a task force to address politicization, and he implemented changes based on the task forces recommendation. I am encouraged that he will bring that experience to this new job as one of the primary consumers of intelligence.

I also am encouraged by Dr. Gates' views on the proper role of the Defense Department in relation to the CIA. Earlier this year he wrote of his unhappiness with what he viewed as an inappropriate dominance by the Defense Department. There is plenty of work for all of our intelligence agencies, but that work needs to be properly distributed and coordinated, and I think he understands the importance of that balance. I look forward to working closely with Dr. Gates on this issue if he is confirmed.

At his confirmation hearing, Dr. Gates demonstrated several qualities that I think make him a good choice for this job. He is smart but not arrogant. He is tough-minded without being closed-minded. And he is clearly taking on this enormous responsibility out of a sense of public service. I will support his nomination, and I hope he is confirmed.

Mr. FEINGOLD. Mr. President, our next Secretary of Defense will face unprecedented and wide-ranging challenges. Terrorist networks are developing new capabilities and sources of support around the world, the Taliban and al- Qaida are resurgent in Afghanistan, our military is over-stretched—all while the administration continues to devote so much of its resources to a self-defeating, Iraq-centric strategy.

I am not convinced that the President's nominee for this position, Robert Gates, has the will or ability to fix our failed Iraq strategy. Once confirmed, Mr. Gates will answer to the President, and the President still fails to recognize the need for a new course—one that includes a flexible timetable to redeploy troops from Iraq and re-focus on the fight against terrorism. Until the President recognizes that his Iraq policy is undermining our national security, simply changing one advisor for another may not make that big a difference.

Nonetheless, I will vote to confirm Mr. Gates. I believe that a president should be given great deference in selecting his cabinet. And Mr. Gates showed a refreshing candor and humility in his testimony this week—qualities that have been sorely lacking in this administration. He acknowledged that the United States is not ''winning'' in Iraq and that the status quo is not acceptable, and said that ''all options are on the table.''

There remain serious questions stemming from his role in Iran/Contra and charges that he politicized intelligence. I do not take these lightly. However, Mr. Gates is intelligent, experienced and well qualified for the position. And I am pleased that he indicated a willingness to work with the Director of National Intelligence ''to ensure that he has the authority that he needs to fulfill his responsibilities.'' I am also encouraged by his statement that he expects intelligence professionals to ''call the shots as they see them and not try and shape their answers to meet a policy need.''

I hope that Mr. Gates will follow through on these and other commitments. And I will continue working to change our Iraq policy so that we can devote greater resources to our top national security priority—going after the terrorists who attacked us on 9/11 and their allies.

Mr. BUNNING. Mr. President, I rise today to voice my opposition to the nomination of Robert Gates to be Secretary of Defense.

The safety and security of the American people must be our Government's top priority. We need to continue to do everything we can to protect our homeland. We cannot place our heads in the sand and ignore the fact that we remain a nation at war. Daily we face brutal enemies that despise the very principles that we stand for and our way of life.

At this time of war, our President and our Nation rely on the Secretary of Defense to provide sound advice and to lead our Armed Forces as they continue to combat our enemies. The Secretary of Defense has the responsibility of leading the strongest and most capable military in the world. He must be a man of vision who can adequately assess threats against our national security and formulate the best response to these threats.

The President nominated Mr. Gates for a managerial post of great difficulty and complexity, and I do not believe that he is the best person to help us meet our Nation's critical challenges. Mr. Gates has repeatedly criticized our efforts in Iraq and Afghanistan without providing any viable solutions to the problems our troops currently face. I am concerned with the message he is sending to our troops and our allies around the world. We need a Secretary of Defense to think forward with solutions and not backward on history we cannot change.

Mr. Gates also believes in directly engaging rogue nations such as Iran and Syria that are known sponsors of terrorist groups in Iraq, Lebanon and the West Bank and Gaza. I do not support inviting terrorists to the negotiating table. Such a shift in our Nation's foreign policy could have grave consequences for our national security.

Let me be clear that I am not here today to discredit Robert Gates' record of public service to our Nation. I am here to raise concerns with his nomination to be Secretary of Defense. It is a position of immense importance and carries a great deal of responsibility.

It is for these reservations that I find myself unable to support the nomination of Robert Gates for Secretary of Defense.

It is clear from following his Armed Services Committee nomination hearing and my colleagues' speeches that Mr. Gates will be confirmed to be the next Secretary of Defense. However, we cannot afford to fail in Iraq, Afghanistan, and other areas in the war against radical terrorists. I hope during Mr. Gates' tenure at the Department of Defense that we are able to make peace and progress on all these fronts. The future of our country depends on it.

Mr. BYRD. Mr. President, yesterday the Armed Services Committee conducted a thorough hearing on the nomination of Dr. Robert Gates to be the next Secretary of Defense. I commend Senator WARNER and Senator LEVIN for their leadership in holding a hearing which may be regarded as one of the most informative, important hearings to take place before that committee in recent years.

Dr. Gates also deserves credit for the forthright tone of the hearing. His testimony to the committee was marked by candor and a serious discussion of the complex challenges before our country. In a refreshing change, rather than toeing the administration's line, Dr. Gates's testimony appeared to reflect his own views on the situation in Iraq, our Nation's approach to the Middle East, the difficulties facing our military, and a number of other issues.

He sensibly acknowledged that real changes are needed in the administration's policy toward Iraq, that long-rumored plans of an attack on Iran or Syria would have dramatic consequences that would further endanger the region and the world, and that our military is being strained by the war in Iraq.

Dr. Gates appears to be set to be confirmed by the Senate as the next Secretary of Defense, but he will be walking into a buzz saw. The current leadership of the Pentagon, in its arrogance

and disdain for the Constitution, has alienated Congress and has seriously undermined the credibility of the Defense Department in a time of war. One of the first orders of business for the next Secretary of Defense will be to demonstrate to Congress and to the American people that the Defense Department is not a power unto itself, but it is a servant of the people. I have urged Dr. Gates to take that mission to heart and to make meaningful consultation with Congress, as the people's branch of Government, an absolute priority.

I have worked with Dr. Gates before, during his years of service in the Central Intelligence Agency. But this experience alone would not be sufficient to secure my support of his nomination. My primary concern with his nomination was not whether Dr. Gates had performed well in the past, but how he would approach the challenges that are before him.

Mr. President, I will support the nomination of Dr. Gates based upon the candor and independence that he displayed at his nomination hearing. I caution, however, that Dr. Gates must be on guard against becoming the moderate face of an administration which may yet be reluctant to make any real change in its deeply flawed policies toward Iraq. The American people need more than a pragmatic spokesman for administration policies, the people deserve a leader who will work to change the administration's dangerous course.

I urge Dr. Gates to carry out the candor and fresh thinking that he demonstrated at his confirmation hearing, and I hope the administration will follow Dr. Gates in this new approach.

Mr. DODD. Mr. President, I rise today to express my support for the confirmation of Robert Gates to become our Nation's next Secretary of Defense.

I recently had the opportunity to meet with Dr. Gates in my office. I appreciated his frankness, both in my discussions with him as well as during his confirmation hearing before the Senate Armed Services Committee.

He demonstrated candor and pledged independence that the current administration has been sorely lacking up until now. He also acknowledged that at this point, our operations in Iraq must place far more emphasis on finding a political solution rather than continuing to place an undue burden on America's Armed Forces.

It is for these reasons that I hope that Dr. Gates will serve as a critical voice for reason, leading our forces toward a proper exit from major operations in Iraq and toward rebuilding our war-battered Armed Forces.

Dr. Gates seemed to discern the cost of the war in Iraq, which has been mainly measured in the number of lives lost and U.S. treasury spent. Over 2,900 brave American servicemembers have now been killed in Iraq and over $400 billion in appropriations have been approved by Congress.

But there is another cost of war—our military's readiness. And, apparently, unlike his presumed predecessor, who believes that ''you have to go to war with the Army you have, not the Army you want,'' Dr. Gates has promised to address this issue, if confirmed.

Some two-thirds of our Nation's combat brigades are currently unable to report for duty according to current reports, largely due to battle-worn and damaged equipment. Dr. Gates seems committed to restoring our military's readiness and, I hope, will be willing to fully meet the Army's request of $25 billion in fiscal year 2008 to fund the repair, replacement, and recapitalization of this gear.

I concede that on a previous occasion I withheld my support for Dr. Gates when he was nominated for the position of the Director of Central Intelligence in 1991. At the time, I raised concerns over his past tenure at the CIA, including prior allegations of politicized intelligence. By all accounts Mr. Gates did a credible job as the Director of the CIA. It is my hope that his past experience has sensitized him to the danger that politicized intelligence can pose to our Nation's national security and to the ability of our military commanders to understand and carry out the mission on the ground in Iraq, Afghanistan and elsewhere as they seek to advance United States interests.

In addition, I am also hopeful that Mr. Gates will work with me to revisit the administration's military commissions policy. During our discussions, we talked about the bill that I introduced last month called the Effective Terrorists Prosecution Act of 2006 which addresses some of the most serious problems with the bill that the President recently signed into law. I hope that Dr. Gates will consult with outside military and legal experts, as well as J.A.G. staff regarding the Military Commissions Act. I would further urge Dr. Gates to halt the Defense Department's plan to award a $125 million contract to build a new courthouse at Guantanamo Bay, to try detainees. This project was neither authorized nor appropriated by the Congress, and in my view, constitutes an egregious waste and abuse of taxpayers dollars on a facility designed to circumvent public and legal scrutiny into the treatment and trying of detainees.

Our Nation and our Armed Forces are facing significant challenges, and, above all else, Dr. Gates needs to meet today's security concerns head on, swiftly and effectively, without any ideological agenda. Recognizing the hard truth, that we are not winning the war in Iraq, was a good first step.

Understanding why we aren't winning was a good second step. As Dr. Gates explained in his testimony, and as many of us have been saying for quite some time, we failed to deploy enough troops in Iraq to win the peace, we mistakenly disbanded the Iraqi Army, and we banned thousands of Baath Party members from working in the Iraqi Government. Only by recognizing and understanding that these specific policies have caused so much damage can we begin the work of ameliorating the situation in Iraq.

I look forward to working with Dr. Gates in a bipartisan and level-headed manner to address these myriad problems, to adjust United States policy in Iraq and to rebuild our Nation's Armed Forces. This fall, the American people voted for change in our Government's policies, particularly in Iraq, and I am hopeful that the confirmation of Dr. Gates will represent one of these many vital changes.

Mr. OBAMA. Mr. President, my vote today for Robert Gates is a vote for significant change in our Iraq policy.

Last month, the American people uniformly rejected the policy-by-slogan approach to Iraq, rejected the false choice between ''cut-and-run'' and ''stay the course'' rejected ideological, insular, and wrongheaded leadership at the Pentagon. Dr. Gates' challenge will be to help President Bush chart a new course that takes a realistic view of the deteriorating situation in Iraq and makes the hard decisions to salvage an acceptable outcome to this long and misguided war.

There are several signs that give me hope that Robert Gates is up to this challenge. First and most important is the environment in which Gates is taking the Pentagon's helm. Following the election, it is clear the American people expect significant change in Iraq. President Bush nominated Gates with a mandate to find ''fresh perspective and new ideas'' for Iraq. And today's Iraq Study Group's report helped create a framework to move forward, in a bipartisan fashion, with a shift in U.S. policy. As I laid out in a speech 3 weeks ago, I believe this shift must include a phased redeployment of U.S. forces in Iraq, a new diplomatic effort that includes engagement with Iran and Syria and other key nations, and a stance that conditions further assistance to progress in Iraq. All of these were also proposed by the Iraq Study Group.

Second, in his own congressional testimony and comments, Dr. Gates has expressed openness to new ideas, saying that all options should be on the table for Iraq. He expressed refreshing candor in admitting past mistakes in Iraq. And Gates promised to work in a constructive, respectful way with military commanders, the Iraq Study Group, and Congress to find a new way forward.

Third is Gates' extensive experience. He served for 26 years in the Central Intelligence Agency and the National Security Council, and he was the only career officer in the CIA's history to rise from entry-level employee to Director.

Everyone knows that Gates' job will not be easy. There are no good options left in Iraq. There is no set of policy changes that can guarantee a good outcome. There is a great resistance to

change in this administration, from the President down. Among Presidential appointees, there still is significant danger in speaking truth to power.

The President, Senate, and the American people are putting a great deal on Dr. Gates' shoulders. I am voting for him with the hope that he can make us proud.

Mr. MCCONNELL. Mr. President, I rise to voice my strong support for the nomination of Dr. Robert M. Gates to be the Nation's 22nd Secretary of Defense. His intelligence, candor, and many years of national security experience make him an excellent choice to lead the Pentagon and our Nation's troops during this critical time in war on terror.

Dr. Gates wore his country's uniform as a U.S. Air Force officer; his service includes time spent with the Strategic Air Command, the prestigious unit once charged with protecting America from a nuclear attack by the Soviet Union. Dr. Gates's career includes two decades with the CIA, where he started as an entry-level employee and rose to the top position. And he spent 9 years at the National Security Council. Throughout his Government service, he has advised six Presidents.

Having previously served as Deputy Director of Central Intelligence from 1986 to 1989, Assistant to the President and Deputy National Security Adviser from 1989 to 1991, and Director of Central Intelligence from 1991 to 1993, Dr. Gates is one of the most qualified national-security specialists in the country.

As DCI he led over 100,000 employees and managed the Agency at a critical juncture at the end of the Cold War. And he has spent the last 13 years outside of government, giving him both a keen understanding of best business practices and a fresh perspective to tackle America's security challenges.

Dr. Gates has a proven record of bipartisan cooperation, demonstrated most recently by his tenure with the Iraq Study Group. As a member of that group, he has traveled to Iraq, met Iraqi leaders, and talked to our military commanders on the ground. He is ready to hit the ground running and lead the Pentagon from the day he is confirmed.

Five years into the war on terror, America has made great progress. But much hard work still lies ahead, as we continue to defend Americans here at home while fighting abroad the terrorists who would do us harm. The position of Secretary of Defense is more important than ever, and I believe the President has made an outstanding choice.

Dr. Gates has the wisdom and the ability to succeed. He will be a strong leader for the Pentagon and our brave men and women in uniform. I urge my colleagues to support his nomination, and I will wholeheartedly vote for his confirmation.

Mr. REID. Mr. President, I intend to support the nomination of Dr. Robert Gates as the new Secretary of Defense. I believe he will provide the Department of Defense, and the President's senior team, the new perspective and fresh ideas so desperately needed. He is a distinguished and seasoned public servant, and his long experience will serve him well in what will be a challenging post.

I want to thank Senators WARNER and LEVIN for making sure Dr. Gates received an expeditious and thorough hearing. With our Nation at war, we could not afford to let his confirmation drag.

I am hopeful that, when confirmed, Dr. Gates will serve as an agent of change in the administration—most importantly, on Iraq.

Yesterday, when asked if we are winning in Iraq, Dr. Gates said ''no.'' Today, the Iraq Study Group said the situation in Iraq is ''grave and deteriorating.''

The Iraq Study Group has done a tremendous and historic service to the American people and to the troops serving in harm's way in Iraq. Their report underscores the message the American people sent one month ago: there must be change in Iraq, and there is no time to lose. It is time for the Iraqis to build and secure their nation, and it is time for American combat troops to be redeployed. Each day the situation in Iraq continues to deteriorate. Time is not on our side.

This assessment rings particularly true today, as we learned that 10 U.S. troops were killed in fighting across Iraq, bringing the level of U.S. deaths to 27 in only the first 6 days of December. On average, almost three U.S. troops are killed each day. We do not have time for finger-pointing and pontificating from politicians—it is time for action and leadership.

Most experts agree that Iraq is now embroiled in a civil war, and our troops are caught in the middle. Policing a civil war between Shia and Sunni is not something for which our country or our military consented. We must begin to transition our mission in Iraq, reduce our combat footprint, and begin to extricate our troops from the middle of this sectarian strife. In short, we need more than a change in personality at the Defense Department, we need a change in policy. I urge the President to reach out to Congress and work with us to change course.

If the administration reaches out in a meaningful way, it will find Congress ready and willing to work as a partner. The Senate will do its part next year and conduct strong oversight to ensure the President carries out an effective change in policy. Our troops in Iraq, including hundreds of Nevadans, have sacrificed so much. It is time for President Bush to reward their effort by bringing the country together around a new way forward.

Once Dr. Gates is confirmed, I look forward to the Senate working with him and the President on this change of course in Iraq.

In addition, I look forward to working with Dr. Gates to change course on the other key challenges we face. Dr. Gates must come to Congress with a solid plan for addressing the readiness of our military which is under strain and at risk because of the administration's Iraq strategy.

Dr. Gates must help the administration develop an effective approach for curbing Iran and North Korea's nuclear ambitions. And Dr. Gates must spearhead a new effort to ensure a successful outcome for Afghanistan, as part of a broader fresh look at our strategy for the war on terror, the hunt for Usama bin Laden, and the struggle to empower moderates and combat violent extremists. These are serious issues that deserve to be addressed properly.

Hopefully, Dr. Gates can operate with the same level of candor and realism as Secretary of Defense as he has during his nomination process. The stakes for our Nation are high, and his task is a great one, but today, he has our support and a commitment to work together to solve this Nation's national security challenges.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I see no other Senators seeking recognition, so I think we may as well—the standing order is the vote begins at 5 o'clock?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is all time yielded back?

Without objection, all time is yielded back.

Mr. WARNER. I thank the Presiding Officer.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Robert M. Gates, of Texas, to be Secretary of Defense?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from North Carolina (Mrs. DOLE).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Delaware (Mr. BIDEN) are necessarily absent.

I further announce that if present and voting, the Senator from Delaware (Mr. BIDEN) would vote ''yea.''

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 272 Ex.]

YEAS—95

Akaka	Bingaman	Byrd
Alexander	Bond	Cantwell
Allard	Boxer	Carper
Allen	Brownback	Chafee
Baucus	Burns	Chambliss
Bennett	Burr	Clinton

Coburn	Hutchison	Nelson (NE)
Cochran	Inhofe	Obama
Coleman	Inouye	Pryor
Collins	Isakson	Reed
Conrad	Jeffords	Reid
Cornyn	Johnson	Roberts
Craig	Kennedy	Rockefeller
Crapo	Kerry	Salazar
Dayton	Kohl	Sarbanes
DeMint	Kyl	Schumer
DeWine	Landrieu	Sessions
Dodd	Lautenberg	Shelby
Domenici	Leahy	Smith
Dorgan	Levin	Snowe
Durbin	Lieberman	Specter
Ensign	Lincoln	Stabenow
Enzi	Lott	Stevens
Feingold	Lugar	Sununu
Feinstein	Martinez	Talent
Frist	McCain	Thomas
Graham	McConnell	Thune
Grassley	Menendez	Vitter
Gregg	Mikulski	Voinovich
Hagel	Murkowski	Warner
Harkin	Murray	Wyden
Hatch	Nelson (FL)	

NAYS—2

Bunning	Santorum

NOT VOTING—3

Bayh	Biden	Dole

The nomination was confirmed.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action on this nomination.

Mr. WARNER. Mr. President, at this time, I congratulate and express my gratitude to the extraordinary staff of the Armed Services Committee. My distinguished colleague, the senior Senator from Michigan, and I have been together 28 years on this committee and have worked with this staff, almost all of them, throughout my 6-year tenure and many prior thereto when Senator LEVIN was chairman of the committee.

I want today's RECORD to reflect our appreciation and that of many Members of this Chamber who worked with the distinguished staff. I ask unanimous consent to print in the RECORD the chronological history of that staff, who were of great assistance to Senator LEVIN and me as we prepared for this important nomination and held the hearing yesterday.

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

MAJORITY STAFF AND NON-DESIGNATED STAFF—SENATE ARMED SERVICES COMMITTEE, OCTOBER 2006

Staff Director: Charles S. Abell.

Chief Clerk: Marie Fabrizio Dickinson.

Assistant Chief Clerk and Security Manager: Cindy Pearson.

General Counsel: Scott W. Stucky.

Counsel: Richard F. Walsh and David M. Morriss.

Professional Staff Members: Ambrose R. Hock, Lynn F. Rusten, Lucian L. Niemeyer, Gregory T. Kiley, Regina A. Dubey, Elaine A. McCusker, Diana G. Tabler, Robert M. Soofer, Stanley R. O'Connor, Jr., Kristine L. Svinicki, William M. Caniano, Derek J. Maurer, and Sean G. Stackley.

Nominations and Hearings Clerk: Leah C. Brewer.

Systems Administrator. —Gary J. Howard

Printing and Documents Clerk. —June M. Borawski

Security Clerk.—John H. Quirk V.

Special Assistant. —Catherine E. Sendak

Staff Assistants.—Benjamin L. Rubin, Jessica L. Kingston, Micah H. Harris, Jill L. Simodejka, and David G. Collins

Receptionist.—Fletcher L. Cork

Subcommitee on Airland:

Majority Professional Staff Members: Ambrose R. Hock (Lead), Stanley R. O'Connor, Jr.

Staff Assistant: Micah H. Harris.

Subcommittee on Emerging Threats and Capabilities:

Majority Professional Staff Members: Lynn F. Rusten (Lead), William M. Caniano, Regina A. Dubey, Derek J. Maurer, Elaine A. McCusker, Robert M. Soofer.

Staff Assistant: Jessica L. Kingston.

Subcommittee on Personnel:

Majority Professional Staff Members: Richard F. Walsh (Lead), David M. Morriss, Diana G. Tabler.

Staff Assistant: David G. Collins.

Subcommittee on Readiness and Management Support:

Majority Professional Staff Members: Gregory T. Kiley (Lead), Ambrose R. Hock, Derek J. Maurer, Elaine A. McCusker, David M. Morriss, Lucian L. Niemeyer.

Staff Assistant: Benjamin L. Rubin.

Subcommittee on Seapower:

Majority Professional Staff Members: Sean G. Stackley (Lead), Ambrose R. Hock, Stanley R. O'Connor, Jr.

Staff Assistant: Micah H. Harris.

Subcommittee on Strategic Forces:

Majority Professional Staff Members: Robert M. Soofer (Lead), William M. Caniano, Stanley R. O'Connor, Jr., Kristine L. Svinicki.

Staff Assistant: Jill L. Simodejka.

Majority Professional Staff Members for:

Acquisition Policy.—Ambrose R. Hock.

Acquisition Workforce.—Diana G. Tabler.

Arms Control/Non-proliferation.—Lynn F. Rusten.

Army Programs.—Ambrose R. Hock.

Aviation Systems.—Stanley R. O'Connor, Jr.

Budget Tracking.—Gregory T. Kiley.

Buy America.—Ambrose R. Hock.

Chemical-Biological Defense.—Derek J. Maurer.

Chemical Demilitarization.—Lynn F. Rusten.

Civilian Nominations.—Scott W. Stucky/Richard F. Walsh.

Civilian Personnel Policy.—Diana G. Tabler.

Combatant Commands.—

CENTCOM—William M. Caniano.

EUCOM—Lynn F. Rusten .

(Africa)—Regina A. Dubey.

JFCOM—William M. Caniano .

NORTHCOM—Robert M. Soofer.

PACOM—Lynn F. Rusten.

SOCOM—Elaine A. McCusker.

SOUTHCOM—William M. Caniano.

STRATCOM—Robert M. Soofer.

TRANSCOM—Sean G. Stackley/Stanley R. O'Connor, Jr.

Combating Terrorism.—William M. Caniano.

Competition Policy/Mergers and Acquisitions.—Elaine A. McCusker.

Competitive Sourcing/A–76.—Derek J. Maurer.

Contracting (including service contracts).—Elaine A. McCusker.

Cooperative Threat Reduction Programs.—Lynn f. Rusten.

Counterdrug Programs.—William M. Caniano.

Defense Laboratory Management.—Elaine A. McCusker.

Defense Security Assistance.—Lynn F. Rusten.

Department of Defense Schools.—Diana G. Tabler.

Depot Maintenance Policy.—Derek J. Maurer.

Detainee Policy.—William M. Caniano/Scott Stucky/David M. Morriss.

Department of Energy Issues.—Kristine L. Svinicki.

Environmental Issues.—David M. Morriss.

Export Controls.—Lynn F. Rusten.

Financial Management.—Gregory T. Kiley.

Foreign Language Policy.—Regina A. Dubey.

Foreign Policy/Geographical Region.—

Africa—Regina A. Dubey.

Asia/Pacific Region—Lynn F. Rusten.

Europe/Russia—Lynn F. Rusten.

Middle East—William M. Caniano.

South America—William M. Caniano.

Helicopters.—Ambrose R. Hock.

Homeland Security/Defense/Domestic Preparedness.—Robrt M. Soofer.

Humanitarian and Civic Assistance.—Regina A. Dubey.

Information Assurance/Cyber Security.—Elaine A. McCusker.

Information Management.—Gregory T. Kiley.

Information Technology Systems.—

(Business Systems)—Gregory T. Kiley.

(Tactical Systems)—Ambrose R. Hock.

Intelligence Issues.—William M. Caniano.

International Defense Cooperation.—Lynn F. Rusten.

Inventory Management.—Derek J. Maurer.

Military Construction/Base Closures.—Lucian L. Niemeyer.

Military Family Policy.—Diana G. Tabler.

Military Health Care.—Diana G. Tabler.

Military Nominations.—Richard F. Walsh.

Military Space.—Robert M. Soofer.

Military Strategy.—William M. Caniano.

Missile Defense.—Robert M. Soofer.

Morale, Welfare and Recreation/Commissaries/Exchanges.—Diana G. Tabler.

Nuclear Weapons Stockpile.—Kristine L. Svinicki.

Personnel Issues.—Richard F. Walsh/Diana G. Tabler/David M. Morriss.

POW/MIA Issues.—David M. Morriss.

Readiness/O&M.—Derek J. Maurer/Gregory T. Kiley.

Reprogramming.—Gregory T. Kiley.

Science and Technology.—Elaine A. McCusker.

Sexual Harassment/Sexual Assault Policy.—David M. Morriss.

Shipbuilding Programs.—Sean G. Stackley.

Small Business.—Elaine A. McCusker.

Special Operations Forces.—Elaine A. McCusker.

Stability Operations.—Lynn F. Rusten/Regina A. Dubey.

Strategic Programs.—Robert M. Soofer.

Test and Evaluation.—Elaine A. McCusker.

Transportation and Logistics Policy.—Derek J. Maurer.

Unmanned Aircraft Systems.—Stanley R. O'Connor, Jr.

Women in Combat.—David M. Morriss.

MINORITY STAFF—SENATE ARMED SERVICES COMMITTEE, OCTOBER 2006

Democratic Staff Director.—Richard D. DeBobes.

Administrative Assistant to the Minority.—Christine E. Cowart.

Minority Counsel.—Peter K. Levine, Madelyn R. Creedon, Gerald J. Leeling, William G.P. Monahan, and Jonathan D. Clark.

Professional Staff Member.—Creighton Greene, Michael J. McCord, Richard W.

Fieldhouse, Daniel J. Cox, Jr., Evelyn N. Farkas, Gabriella Eisen, Arun A. Seraphin, and Michael J. Kuiken.

Research Assistant.—Michael J. Noblet.

Subcommittee on Airland:

Minority Professional Staff Members: Daniel J. Cox, Jr. (Lead), Creighton Greene.

Subcommittee on Emerging Threats and Capabilities:

Minority Professional Staff Members: Richard W. Fieldhouse (Lead), Arun A. Seraphin, Evelyn N. Farkas, Madelyn R. Creedon.

Subcommittee on Personnel:

Minority Professional Staff Members: Gerald J. Leeling (Lead), Jonathan D. Clark.

Subcommittee on Readiness and Management Support:

Minority Professional Staff Members: Michael J. McCord (Lead), Peter K. Levine.

Subcommittee on Seapower:

Minority Professional Staff Members: Creighton Greene (Lead), Daniel J. Cox, Jr.

Subcommittee on Strategic Forces:

Minority Professional Staff Members: Madelyn R. Creedon (Lead), Richard W. Fieldhouse, Creighton Greene.

Minority Professional Staff Members for:

Acquisition Policy.—Peter K. Levine.

Acquisition Workforce.—Peter K. Levine.

Arms Control/Non-proliferation.—Richard W. Fieldhouse/Madelyn R. Creedon.

Army Programs.—Daniel J. Cox, Jr.

Aviation Systems.—Creighton Greene/Daniel J. Cox, Jr./Madelyn R. Creedon.

Budget Tracking.—Michael J. McCord.

Buy America.—Peter K. Levine.

Chemical-Biological Defense.—Richard W. Fieldhouse.

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JFCOM—Michael J. McCord/Arun A. Seraphin.

NORTHCOM—Evelyn N. Farkas.

PACOM—Evelyn N. Farkas.

SOCOM—Evelyn N. Farkas.

SOUTHCOM—Evelyn N. Farkas.

STRATCOM—Madelyn R. Creedon.

TRANSCOM—Creighton Greene.

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Defense Security Assistance.—Evelyn N. Farkas/William G.P. Monahan

Department of Defense Schools.—Gerald J. Leeling/Jonathan D. Clark

Department of Energy Issues.—Madelyn R. Creedon

Depot Maintenance Policy.—Michael J. McCord

Detainee Policy.—William G.P. Monahan/Peter K. Levine/Jonathan D. Clark/Gabriella Eisen

Environmental Issues.—Peter K. Levine

Export Controls.—Evelyn N. Farkas/Peter K. Levine

Financial Management.—Peter K. Levine/Michael J. McCord

Foreign Language Policy.—Creighton Greene/Evelyn N. Farkas

Foreign Policy/Geographical Region.—

Afghanistan—Daniel J. Cox, Jr./Evelyn N. Farkas

Africa—Michael J. Kuiken/Gabriella Eisen William G.P. Monahan

Asia/Pacific Region—Evelyn N. Farkas

Europe/Russia—William G.P. Monahan/Madelyn R. Creedon

Iraq—Daniel J. Cox, Jr./William G. P. Monahan

Middle East—Michael J. Kuiken/Gabriella Eisen

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Helicopters.—Daniel J. Cox, Jr./Creighton Greene

Homeland Security/Defense.—Richard W. Fieldhouse

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(Business Systems)—Peter K. Levine

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Intelligence Issues.—Creighton Greene

International Defense Cooperation.—Evelyn N. Farkas/Peter K. Levine/William G.P. Monahan

Inventory Management.—Peter K. Levine/Michael J. McCord

Military Personnel Issues.—Gerald J. Leeling/Jonathan D. Clark

End Strength—Jonathan D. Clark/Gerald J. Leeling

Military Family Policy—Gerald J. Leeling/Jonathan D. Clark

Health Care—Gerald J. Leeling/Jonathan D. Clark

Pay and Benefits—Jonathan D. Clark/Gerald J. Leeling

Military Personnel Policy—Gerald J. Leeling/Jonathan D. Clark

Military Construction/Base Closures.—Michael J. McCord

Military Nominations.—Gerald J. Leeling

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Women in Combat.—Jonathan D. Clark/Gerald J. Leeling

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia is recognized.

MORNING BUSINESS

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that I be recognized for up to 10 minutes.

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

COMMENDING SECRETARY OF DEFENSE RUMSFELD

Mr. CHAMBLISS. Mr. President, I rise today to commend a gentleman who has served our country with honor, integrity, and distinction for the past 6 years and who has sacrificed his energy, a comfortable private life, as well as his personal privacy in service to our men and women in uniform during the course of two wars that our country did not invite and did not welcome. That gentleman is Donald Rumsfeld.

As I have worked with Secretary Rumsfeld over the last 6 years as a U.S. Senator and as a U.S. Representative, he and I have occasionally disagreed, and those disagreements have been very public, very open, and very heartfelt on both sides. But there is no question in my mind that Don Rumsfeld has given the President and the United States as much commitment, energy, and service as any previous Secretary of Defense in the history of our great country. For that, this entire country owes Don Rumsfeld a debt of gratitude.

It sometimes surprises me that we can convince high-quality, intelligent, committed people like Donald Rumsfeld to leave private life, often near or at the end of their careers, to take jobs in government that require an enormous amount of commitment, sacrifice, and sometimes offer few rewards. These individuals could, without question, be better off financially and sleeping much better and might even be happier if they were doing something else. Donald Rumsfeld has served as Secretary of Defense during one of the more difficult times in our Nation's history. As a nation, we should be grateful that someone of his caliber has served as long and with as much distinction in the job as he has. I think we as a nation should be grateful, regardless of whether we agree or disagree with everything Secretary Rumsfeld has done or tried to do during his tenure. We should be grateful

that one of our own has stepped up to the challenge and taken his job as seriously as anyone could have and done his absolute best on behalf of the American people.

Individuals who step into these jobs in government, particularly at the Cabinet level, need to keep in mind a few basic principles regarding why they are there and what they are called to do. First and most importantly, they need to remember they are there to serve the President and the American people. It is not and never can be about them. Their reward is serving, not recognition or legacy or even success. Their reward is answering the call and executing the job they have been given to do to the best of their ability. Donald Rumsfeld has done that, and for that he deserves the gratitude of this Nation.

Secretary Rumsfeld has unquestionably been a transformational Secretary of Defense. He took the helm at the Pentagon nearing a time when the Department of Defense was ripe for change, and within 9 months of being sworn in, we were a nation at war. However, even that did not stop the transformational vision Secretary Rumsfeld brought to the Pentagon.

Some of the transformational actions the Department of Defense undertook under Secretary Rumsfeld's leadership include the following: appointing the first marine as Chairman of the Joint Chiefs of Staff; appointing the first Navy Admiral to command USSOUTHCOM; returning a retired Army general to active duty to become Chief of Staff of the Army; establishing the organization and position of Under Secretary of Defense for Intelligence; establishing the first Assistant Secretary of Defense for Homeland Defense; establishing the first Deputy Assistant Secretary of Defense for Detainee Affairs; creating the U.S. Northern Command; establishing the Proliferation Security Initiative; creating a four-star level task force to counter improvised explosive devices; initiating a global basing posture review; converting Trident ballistic missile submarines to guided-missile submarines; fielding the first operational V–22 squadron; and fielding the first operational F–22 squadron.

Secretary Rumsfeld's accomplishments span the spectrum of DOD operations to include every service, procurement programs, research and development programs, personnel issues, DOD organization and management, and virtually every facet of the Department's operations. However, let me focus on the Department's accomplishments in the global war on terrorism during his tenure.

Overall: A multinational coalition has liberated 50 million people in Afghanistan and Iraq, with formation of representative governments and security forces. We have liberated 31 million Afghans from Taliban control and destroyed an al-Qaida sanctuary, conquering elements that successfully fought off the Soviet Union for over 9 years, and stood up a Loya Jirga governing council 8 months after operations began. Under his leadership, 26.7 million Iraqis were liberated from a brutal dictatorship and turned over sovereignty of the country to a new Iraqi Government in 16 months. As of November 22, 2006, organized, trained, and equipped Iraqi and Afghan security forces into the following numbers: 134,000 for Iraqi Ministry of Defense, 188,000 for Iraqi Ministry of Interior, 30,500 for Afghan National Army, and 50,000 for Afghan National Police.

Conducted safe and secure elections in Afghanistan and Iraq as follows:

In Iraq: On January 30, 2005, there was an election to form a transitional national assembly with a 55-percent turnout. On October 15, 2005, there was an election for constitutional ratification with a 63-percent turnout. On December 15, 2005, there was an election to form a permanent national assembly with a 78-percent turnout. And on March 16, 2006, there was an election to elect the permanent Iraqi Government, which was then subsequently seated.

In Afghanistan, there were the following elections: On January 5, 2004, adoption of an Afghan Constitution. On October 9, 2004, the first direct Presidential election, with roughly an 80-percent turnout. On December 7, 2004, an Afghan President was inaugurated. And on September 18, 2005, the country of Afghanistan held an election to form the Afghan National Assembly and Provincial Council.

Senior leadership of America's enemies have been captured, killed, or put on the run under the leadership of Don Rumsfeld as follows:

Khalid Shaikh Mohammed, al-Qaida's director of operations, was captured March 1, 2003. Saddam Hussein's sons were killed on July 22, 2003. Saddam Hussein was captured on December 13, 2003. Ali Hassan Mahmud al-Tikriti, AKA Chemical Ali, was captured on August 21, 2003. Al Zarqawi, leader of al-Qaida in Iraq, was killed on June 7, 2006. And 45 of 55 of Saddam's top regime—the deck of cards—have been killed or captured under Donald Rumsfeld's leadership.

Again, we have conducted hundreds of intelligence and tactical operations, many with partner nations, throughout the world against terrorist organizations directly or loosely affiliated with al-Qaida.

President Bush appointed Secretary Rumsfeld to lead the men and women of our Armed Forces, and he has led by example. As a member of the Senate Armed Services Committee, I questioned Secretary Rumsfeld many times during hearings about our national security challenges and the needs of our troops and their families, and I have always been convinced that he had the very best interests of our Nation, as well as the best interests of our men and women in uniform, in mind. I commend him for his service and on behalf of our Nation thank him for his commitment and sacrifice over the last 6 years and, indeed, over the course of his life, as he has served his country and the American people well.

As we say goodbye and commend the service of one Secretary of Defense, I would like to also commend the President's choice for his successor: Dr. Robert Gates. Dr. Gates and I had a very positive meeting on Monday of this week, and I believe he has the experience, qualifications, and candor to serve in this capacity as we move forward in helping the Iraqi people take control of their own destiny and continue transforming the Department of Defense to confront the challenges and opportunities of the 21st century. A fresh approach, new ideas, and Dr. Gates' understanding of defense and intelligence issues will be a tremendous asset in achieving victory and continuing on the legacy and accomplishments of Secretary Rumsfeld.

I look forward to working with Dr. Gates as the new Secretary of Defense on the national security issues affecting our Nation, as well as the issues that affect Georgia's proud military community. Our men and women serving in Iraq and Afghanistan continue to have my highest admiration and praise for their good works. We will continue to do everything necessary to help them succeed in their mission and win this war on terrorism. I know Dr. Robert Gates shares that commitment, and I look forward to working with him and supporting him as he serves on behalf of our Nation's military.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise today to talk about why I voted against Dr. Gates and lay out in detail the concerns I have about the security posture of the United States today and how I do not believe that Dr. Gates is the appropriate choice to confront them. While I think he certainly has a lot of positive qualities, and in normal times I would certainly defer to the President's judgment on this, we are not in normal times. I believe we need a Secretary—and I think we need leaders in this country, particularly the Secretary—who has insight into the nature of our enemy and is willing to provide the vision necessary, not just for our people in the military but the country, on how to defeat them. On one particular vital aspect of that vision I think he is in error, and that error causes me to object and to vote no to his nomination.

What I would like to do is lay out what I see as the problem confronting America and the complexity of that problem, which I think has grown more complex since the last time that we have been in this Chamber, over 6 weeks ago. I would like to go back to two speeches I gave last summer, one at the National Press Club, and the other at the Pennsylvania Press Club—one obviously in Washington, the other in Harrisburg. I gave those speeches because I thought it was important that

at a time when our country is at war and our country is struggling with this war that we have a better definition as to who the enemy is and what we need to do about it.

I made that issue, the issue I discussed in these two speeches and subsequent speeches during my campaign, the centerpiece of the campaign. Many political advisers suggested to me that this was a wrong tactic in a State where the favorabilities for the war and the President were in the low thirties to make this the centerpiece and, in fact, draw divisions between myself and the President where I put myself in a position which some suggested was to the right of the President. But I thought it was important for the country and for me personally as a U.S. Senator to address the issues that I thought were critical to the time.

So I went out and gave two speeches about the importance of defining our enemy. If there has been a failing—obviously, for the last several weeks and months we have been talking about the failings of the administration with respect to the policies within Iraq—I would make the argument that the larger failing, not just of the administration but of the Members of Congress and leaders in this country, is that we have not had the courage to stand up and define the enemy as to who they are and study and understand them and explain to the American people who they are.

I defined the enemy back at the National Press Club speeches as Islamic fascism. I said that is the biggest issue of our time, this relentless and determined radical enemy that is not just a group of rag-tag people living in caves but, in fact, people with an ideology, a plan, and increasingly the resources to carry out that plan, as well as, increasingly, a bigger and larger presence throughout the Islamic world, these radical Islamic fascists.

As I said, I understand this is an unpopular war. When I stepped forward to define the enemy as radical Islamic fascists, I was ridiculed by the media and others, saying that my words were too harsh, saying that at worst my defining the enemy was incorrect, at best it was inflammatory. But I did so because I believe words matter. If you are going to confront an enemy you have to understand who that enemy is and you have to communicate that to the people of America. And we must do that.

Many people talk about this war as if it is an attempt simply to create fledgling democracies in Iraq and Afghanistan. While this may be an appealing possible outcome, we all must recognize that Iraq and Afghanistan are battlefields in a much more complex and broader war. That includes every continent with the exception of Antarctica. The war is at our doorstep, and it is fueled, as I mentioned, literally and figuratively by the evil of Islamic fascism.

Whether we know it or not, they have been at war with us, and the State of Iran specifically has been at war with us, since 1979 when they declared war against the United States. They have not rescinded that declaration. So when we talk about engaging Iran as the Secretary, the new, future Secretary of Defense has talked about, we are talking about engaging someone who is at war with us, who has declared war with us, and who has been at war and, and as I will talk about here, and I think it has been widely reported in the press, has been doing a lot to substantiate the claim that they have been at war with us.

But this threat is not exclusively based in Iran. It is gaining strength and spreading throughout every region of the world. I have addressed the issue of Islamic fascism but have not yet spoken to the subject of Iraq. Iraq is the central front in the war on Islamic fascism. However, contrary to the Iraqi Study Group, the Baker-Hamilton commission, the answer to this problem can be found—the answer to Iraq can be found not in Iraq but in Iran. It is Iran and its client State of Syria that serve as the principal instigators and fomenters of the conflict in Iraq today.

The President gets advice from the CIA that the opposition in Iran is weak and divided and therefore we should do nothing in Iran because we have no alternative. We have no one we can use in Iraq to confront the Iranian Government to cause any kind of changes. So the President gets advice from his intelligence team that we are without options in Iran.

The Pentagon advises the President and says we don't know if we have the resources to open up a new battlefield or confront, militarily, Iran, and therefore we have limited options in Iran.

The State Department—yes, State Department—they think that Iran is the solution to the problem; that negotiating with them and getting them to be our pals can in effect solve the problems; so confronting Iran would be the absolutely wrong thing to do in solving the problem in Iraq.

So the President is being advised by all of his minions that Iran and confrontation with Iran is not an option, as we heard from the testimony of the new Secretary of Defense.

Let's look at other interested parties as we look at how we solve the problem in Iraq and dealing with Iran. The American media seems to be very focused and spends a lot of time talking about how poorly things are going in Iraq. They report daily—not just recently but repeatedly for the past 3 years, daily—the body count in Iraq. It is the lead and has been virtually every single day for 3 years.

Is their interest in shifting focus and covering the problems in Iran? Not if we can drive home a story like this in Iraq.

Republicans and Democrats, leaders in the Congress, why don't they focus and talk more about Iran? Democrats, if you look through—as unfortunately many Republicans and Democrats do—look at it through the eyes of politics, why would we change focus and focus on Iran as the problem? We saw from the last election there is grand political advantage of keeping the focus on Iraq and the problems in Iraq. Why aren't the Republicans, then, stepping forward and pointing to the difficulty and problems that Iran is causing in Iraq and call for confrontation? If we saw anything from the last election, the American public has no appetite for a broadening of this war, increasing the complexity of this war. You might be seen as warmongering, digging us deeper and more dangerously into a region of the world that we would rather not be in in the first place.

So what do we have? We have the Baker-Hamilton report which is a prescription for surrender. It is just a matter of time. It is certainly not a prescription for victory. Nowhere does it mention, other than of course that we would like victory, nor is there a prescription for victory in that report.

So now we have the slow process of how we exit ourselves because we have no option to confront the real problem. We have no willingness on the part of any level of Government to confront it. So we are destined at this point to focus on something that is insolvable without confronting Iran, and that is the war in Iraq.

Who are these Iranians? Who are these Islamic fascists? I do not mean to exclude Sunni Islamic fascists because they were the principal—or they were the first, let's put it that way—in launching the war against the United States. I should not say the first. They were the first in recent times—certainly 9/11—in launching the war.

So this is not just a Shia problem, but it is increasingly becoming a Shia-dominated field as they continue to spread control in Iran with their influence and money. But let's not leave out Saudi Arabia and others that have used their resources to foment Islamic fascism all over the world with their resources—Sunni Islamic fascism.

So where are we? What can we do to confront this problem?

The interesting thing is that this problem is growing—I don't know about exponentially, but I don't know of a single country in the Middle East where the threat of radical Islam has not grown over the last 30 years, since Iran took over control—since the radicals took over control in Iran, the last 27 years. Every capital, every regime is feeling the pressure. And not just since 2003, but systematically over the years we have seen, particularly in Arab Muslim countries and Middle Eastern Muslim countries, this rise. But, again, not exclusive: Indonesia, Malaysia—this is not exclusive to the Arab world. Obviously Iran, which is Persia.

So what have we seen over the past 6 months? We saw a situation in the central synagogue in Prague where the Islamic fascists intended to carry out, on Rosh Hashanah, a mass kidnaping when large numbers of Jews would be

celebrating the new year. When the world's attention now was focused on Prague, they designed to make impossible demands and then blow up the synagogue and everyone within it.

Those people were not marked for death because they supported the war in Iraq. They were not marked for death because they oppressed these Islamic fascists. They were targeted because they were Jews. This is evil.

Islamic terrorists organized an assault on civilian aircraft leaving London, planning to blow up 10 or more planes this summer as they flew over the North Atlantic. You may not know that two of those participants were a husband and a wife, a husband and a wife who were going to board that plane and explode that plane over the North Atlantic while holding in their arms their 6-month-old child.

This is evil.

Islamic terrorists slaughter innocent Iraqis every single day on both sides of the divide within Islam. As we know, in recent days they beheaded an orthodox priest and crucified a 14-year-old boy guilty of nothing but being Christian.

This is evil.

Almost everyone has now heard of Iranian President Mahmoud Ahmadinejad and the fact that he denies the existence of the Holocaust and called for Israel to be wiped off the face of the Earth. But he has been remarkably clear about his mission, remarkably clear about his messianic vision of a Shiite religion, his vision to destroy the Western world and impose a caliphate on the world in which the world would submit to Islam or die in the process.

He said:

> Is it possible for us to witness a world without America and Zionism?

Then he answered himself:

> But you had best know this slogan and this goal is attainable and surely can be achieved.

So do we have any questions about the nature of our enemy? Do we have any questions about the capability of this oil-rich country? Yet just this past week President Mahmoud Ahmadinejad sent an open letter, a conciliatory letter, to the American people, addressed to the ''noble'' American people. He called on America to withdraw from Iraq and end support for Israel, and, of course, to convert to Islam. This man may be a fanatic, but let me assure you he is not a stupid fanatic. This man understands and studies America. The Islamic fascists respect us enough to get to know us. They respect us enough so they know what buttons to push and how hard to push them. They respect us enough to figure out what it will take to defeat us.

I wish that were the case for the American people.

He couched his warning in the words that are familiar and comfortable with Americans—''freedom,'' trying to appeal that he would be free of this illegitimate regime in his mind, which is the current administration, and we would free them of this burden of fighting. It is a great appeal and many would like to see the end of this war, but we should not be fooled.

Our troops in Iraq are being killed by Iranian weapons today paid for with Iranian money smuggled into Iraq by Iranian logistics and utilized by Iranian-trained terrorists.

A couple of years ago you needed a security clearance to know this. Now, if you care to know, if you want to know this uncomfortable truth about Iran, you can know it. Iran is the centerpiece in the assault against us and other countries in the civilized world, which is why I fought so hard for passage of the Iran Freedom and Support Act.

I stood on the Senate floor at this very desk and argued in May or June of this year for passage of the Iran Freedom and Support Act. I said we should not be negotiating with Iran, that we should be confronting Iran.

Bernard Lewis tells a familiar opinion that he has. He tells a lot of them. He said that the oddity in particular of the Arab and Middle Eastern Islamic world is that the more we have strong relations with the government in an Arab Muslim country the more the people of that country hate us; and the more that we stand up and confront leadership of those countries the more the people like us. Is it no wonder he recounts on the day of 9/11 when there was but one Middle Eastern Muslim capital there was a candlelight vigil in support of those who died on 9/11, and that was in Tehran, Iran.

It is not hard to understand when you have regimes throughout the Middle East who oppress their people that when you stand up and confront those regimes and call them the evil they are the people understand and respect your honesty, agree with you, and support you.

This summer when we attempted to negotiate with Iran, we told the people of Iran that we are not on their side, that we want to make deals with people who oppress them, who torture them, who enslave them, who abuse them, and who kill them. That is why we should not have entered into any negotiations in spite of the entreaties of Europe with this evil regime in Iran. We should confront them, and only confront them. If we want the support of the people of Iran, we have to earn it with the integrity of our mission, and we are not doing that.

So I stood up on the floor of the Senate and said we needed to confront Iran, that we needed to fund full democracy groups, that we needed to use the public airwaves and the Internet to disseminate information to cause a change in the Government of Iran, and that we needed to sanction them. And this administration opposed me. The Senate opposed me by, I think, a 54-to-46 vote. That is why I continue to work on the Iran Freedom and Support Act.

Over the intervening months, what happened? Iran did as I predicted on this floor back in the spring—they played us along. They said: Well, you know we will negotiate with you as long as we can continue to produce nuclear materials and continue our nuclear program. So we negotiated and we negotiated and they developed and they developed. So finally in September of this year, enough people on both sides of the aisle and enough people in the administration finally were convinced that this was not a viable strategy anymore. What did we gain? We passed the Iran Freedom and Support Act, which probably surprised most people in this Chamber. We passed it unanimously—one of the last things we did before we broke. Most Americans don't know it. Unfortunately, most in the Middle East don't know it. I suspect if we went into the bowels of the State Department they may know it, but they are not going to do a damned thing about it because that is not their intent. They do not want to do anything about it. My guess is they will take that money and spend it on a lot of conferences and studies on what we should do instead of giving it to the bus drivers who went on strike as a strike fund so they can stand up to the government. Instead of giving it to dissent groups so they can disseminate information, instead of actively engaging we will appease. We will study, we will delay, and they will have time to further build.

But we did pass the bill. That would be on one of my to-do lists in the next Congress.

Is this bill going to be enforced? Are we going to confront Iran? Are we going to try to do something or are we going to sit by and allow them to develop these weapons? They are not developing them alone. No, there are a lot of reports that they are working with others around the world. Who are those others? I talk about Islamic fascism, and I keep focusing on that. But, unfortunately, over the past several months it is increasingly clear to me that the situation is becoming even more complex. We are not just facing a group of people who are in the Middle East desiring to overthrow the world and oppose a caliphate on us, but they have allies—unlikely allies in some respects, unlikely allies as the German Nazis and Japanese imperialists who had very conflicting ideologies but had a common purpose, and that was destroy the West, destroy the English-speaking world and the Western world, and put it under the domination of those countries.

So it is today. The enemy of my enemy is my friend. What Iran has found and the Islamic fascists have found is there are plenty of enemies of the United States. In fact, they had a meeting just this year a couple of months ago in Havana, Cuba. The nonaligned states met. There were 100 nations. On their agenda was to redefine the word ''terror'' to include ''the U.S. occupation of Iraq'' and the ''Israeli invasion'' of Lebanon. Of course, there

was no mention about the incursion of Hezbollah. They found solace with these countries.

We saw it played out at the United Nations just a couple of weeks later where President Ahmadinejad, President Hugo Chavez, to thunderous applause of many in the United Nations community, demonized America. But another member of that crew of nonaligned nations was North Korea.

I mentioned before that Iran is pursuing a nuclear program. They are indeed pursuing a nuclear program, and there have been many intelligence reports published that have suggested there were Iranian scientists there the day North Korea exploded their nuclear weapon. In fact, the scientist who had been working with North Korea, AQ Kahn, is the same scientist who has been working with Iran in the development of their nuclear program. Some have suggested that they are working collaboratively and jointly in their development of nuclear weapons which, of course, would have put Iran's nuclear program well ahead of where everyone believes it to be.

So we have not only the Islamic fascists led by Iran, but we now have an alliance between Iran and North Korea; North Korea, which is a threat in their own right, now with nuclear weapons and their increasing ability to deliver them with long-range missiles, including the development of, as they hope to do, ICBMs which could reach the United States of America.

We confronted North Korea as soon as they detonated their explosives. We had a U.N. resolution confronting them. North Korea condemned that nuclear U.N. resolution and called it ''a declaration of war'' and threatened the United States by declaring:

> We will deliver merciless blows without hesitation to whoever tries to breach our sovereignty and right to survive under the excuse of carrying out a United Nations Security Council resolution.

Not only do we have a threat of North Korea now launching a nuclear weapon, but we have the clear threat of North Korea and Iran proliferating nuclear technology. In addition, as Iran, working with North Korea, develops their nuclear program, and as the world sits fecklessly by and lets them do it, others in the region legitimately have their tensions increased and have talked about the need for those nations to develop nuclear weapons, Thus starting an arms race in a region of the world where it is the last place we want a nuclear arms race.

Finally, we have the issue of whether this nuclear material that is being developed in both North Korea and Iran will end up in the hands of terrorists, to be delivered in a nonconventional way. North Korea is a new threat on the horizon, but it is not alone. In fact, North Korea has expressed direct support for Iran's nuclear development program and stressed that the United States and the West have no right to defy such a program.

The Iranians have also commented officially on friendly ties between Tehran and Pyongyang after the Islamic revolution, saying Iran ''highly praises North Korea for its steadfastness against the domineering policies of the United States.''

But the threat goes even further. Ahmadinejad, with Kim Jong Il, like Mussolini and Hitler, intends to conquer Western civilization. Again, that is not Hitler. But they also, like the Soviets under Nikita Khrushchev, see the advantage of placing weapons of mass destruction within short ranges of the United States.

Obviously, one likely candidate would be Venezuela. I don't know of any regime currently that is more vehement and more anti-American than Hugo Chavez and the regime in Venezuela, so it probably comes as no surprise that Ahmadinejad and Chavez have had meetings, and they are now aligned and allies and working together and have, in fact, formed a defense pact between the two countries.

Venezuela is a serious threat not just because of their relationship within Iran but because of what it has attempted to do throughout the region, as well as its own potential threat.

Just a few weeks ago there was an election in Nicaragua, right before our election, where Nicaragua's Daniel Ortega won the election, took a congratulatory call from Hugo Chavez, who said:

> We're happy here. We're very proud of you. Now, like never before, the Sandinista revolution and the Bolivarian revolution unite, to construct the future, socialism of the 21st century.

Chavez made no secret about his support for Ortega or his support for the new rulers in Bolivia. Chavez is doing all he can to build military power and might and influence in the region of the world that is uncomfortably close to the United States.

As we know, Chavez has been clear about his disdain for America. What we don't know is what Venezuela has been up to. I suspect that most Members of this Senate do not know that Venezuela is the leading buyer of foreign arms and military equipment in the world today, that Chavez is building an army of more than 1 million soldiers. I suspect most in this Senate do not know that over the next year he plans to spend $30 billion to build 20 military bases in neighboring Bolivia which will dominate the borders of Chile, Peru, Paraguay, Argentina, assembling those military bases on the borders of the countries I just mentioned. These military bases, while they will be manned by Bolivian soldiers, will be commanded by Venezuelan and Cuban officers.

How does he do this? How is he able to accomplish what Fidel Castro has been seeking to accomplish now for 4½ decades? The answer to that, of course, is very simple. It is a three-letter word: oil. Oil and its huge profits are financing this, just like oil and its huge profits are advancing Islamic fascism in the Middle East. It is no wonder again that Venezuela and Iran have formed an oil pact. Why? As they have clearly said before, oil is a ''geopolitical weapon,'' according to Chavez. He also said:

> I could easily order the closing of the refineries we have in the United States. I could easily sell that oil that we sell to the United States to other countries of the world . . . to real friends and allies like China.

They have even closer relationships with the Islamic fascists in Iran. A recent congressional report found that Hezbollah may right now have established bases in Venezuela which have issued thousands of visas to people from places such as Cuba and the Middle East, possibly giving them passports to a vague United States border security.

To make matters worse, we see, with the help of Venezuela, Cuba and China are now exploring for oil within 50 miles of the coast of the United States, while the Senate blocks a measure to allow us to explore for oil within 100 miles of our own shore. So while China, Cuba, and Venezuela draw oil from our shores, we stand idly by and let them do it to arm against us.

Let's not overlook the role of Russia in working with all of these governments—Iran, North Korea, and Venezuela. Last summer, Russia signed an arms deal with Venezuela to the tune of $1 billion. Last month, Russia began deliveries to Iran of highly sophisticated SA–15 anti-aircraft missiles valued at $700 million. The purpose of these missiles? To defend Iran's nuclear program. That shouldn't come as a surprise. Russia has consistently opposed the efforts of the United States to sanction the other enemy, North Korea, for their nuclear programs, and has insisted on diluting the effects of every resolution that was passed condemning North Korea. The Russians claim sanctions don't work. Yet, oddly enough, they just imposed sanctions on their neighbor, Georgia.

Yes, we live in a very complex time and we have enemies who are very dangerous, in which their relationships are growing, and so with it their commensurate power to confront terrorists of the world, and the rest of the world sits and hopes and hopes that we can negotiate our way out of this problem; that since we are people of reason and rational folks, we can deal with them on that level. Have we forgotten our history? We have been in this situation before.

I have titled this address ''The Gathering Storm of the 21st Century.'' It is not a coincidence that I do so in harkening to the book written by Winston Churchill, ''The Gathering Storm,'' talking about the lead-up to World War II. Just like Britain in 1940, after the fall of France, we are engaged with a struggle now with the enemy—alone. Just like Britain in 1940, we entreated the rest of the world to join us against this evil, and the world fell silent. For a year and a half until Pearl Harbor,

and actually long after that, since the United States was certainly not prepared for war, Britain fought this battle alone. And with the exception of the State of Israel, we are fighting this battle alone, and I suspect we will for quite some time.

So what lesson can we learn? What lesson can we learn from history? What we know is America is very reticent to get involved in wars, and rightfully so. In the First World War, we only entered after a German U-boat sank American civilian and commercial ships in the North Atlantic. World War I was the war to end all wars. After the defeat of the German armies, it seemed as if peace was going to be with us for a long time. But it did not last a generation. As I said, we ended up with the situation in World War II. But even after the fall of Europe to the Nazis and the Italian fascists, America stood by, hoping this problem would go away. It was not until Pearl Harbor that things changed.

The Cold War was only after Stalin's aggression in the Middle East in Greece that we decided to engage and recognize that the Soviet Union was not our friend as many thought after World War II but, in fact, our new foe. And now, after the fall of the Soviet Union we thought we would have a peace dividend, peace for a long time, and we find that other forces of evil have cropped up to confront us.

If it were not for the fact of September 11, we would be allowing that to continue today. But we engaged the enemy because they attacked us directly here at home. But now we are growing tired. We are wearying of the battle. I said earlier that these Islamic fascists understand us better than we understand them. They understand our history better than we understand their history. They need not look long to see how quickly America tires of confrontation and conflict and death.

And so they plan and, more importantly, they kill, every day. It is recorded here every day, and support for this war goes down every day. And they check another box in Tehran.

Winston Churchill wrote in ''The Gathering Storm'' a short description of the gathering storm:

> How the English-speaking peoples, through their unwisdom, carelessness and good nature allowed the wicked to rearm.

We are at such a moment. Are we going to allow the wicked to rearm? We paid a terrible price for waiting. We lock at each war, each major conflict, we paid a terrible price for waiting. In many cases, it was a price paid in America. In many other cases it was a price paid in countries around the world. Are we going to pay that price at some day in the future or are we going to confront this enemy?

If we learned anything from the 20th century, it should be this lesson: When leaders say they are prepared to kill millions of people to achieve their goal, we must take them at their word. The enemy before us that I have described has said it clearly, repeatedly, and pointedly, and even more threateningly, because this is an enemy who doesn't see death as a tragic consequence of the war; they see it as their objective of war.

The ayatollah and the mullahs of Iran have repeatedly said that the object of jihad is not success, it is death. It is reaching the next level. It is ending this miserable life which we have on Earth and in pursuit of jihad, guaranteeing yourself eternal life with Allah.

Here in America, we refuse to recognize, many, that we are at war with this great evil.

We shrink from the recognition of identifying the enemy and confronting them, whether they be the Islamic fascists led by Iran or the socialist rulers of North Korea and Venezuela. We are sleep-walking through the storm, as we have done in the past. We pretend it is not happening or that it is simply because of the incompetency of the current administration or of a member of that administration.

But how do those who deny this evil propose to save us from these people? By negotiating through the U.N. or directly with Iran? By firing Don Rumsfeld, now getting rid of John Bolton? That is going to solve the problem? These people are now going to be nice to us because we removed these people who were agitating them or causing problems? Maybe relocating our troops to Okinawa or Kuwait or some other place will get these people to simply leave us alone? Maybe if we just abandon Iraq and Afghanistan to the chaos and slaughter of Islamic fascists, their thirst for blood will be met? Or maybe it is just engaging in one-on-one discussions with Iran and North Korea and other reasonable dictators?

No, I do not think any of those things will work. And history has proved they have not worked. We need to begin to confront our enemies. And that does not mean we have to launch a military mission into the countries I spoke of. But we have to do more than just adjust tactics in Iraq. If the focus of the next year and a half is simply adjusting tactics within Iraq, it will fail. It will fail. We must go after the regimes that recruit, pay, train, and arm their surrogate militias in Iraq. Again, I am not talking about military confrontation; I am talking about political and economic warfare to bring down the terror regimes in Tehran and their satellite puppet state in Syria. The best way to do that is to work with their own people who want freedom.

I talked about the Iran Freedom and Support Act, but there is much more we need to do. We need to implement it. And we need to use the public diplomacy apparatus we have to motivate and change the hearts and minds. A free Iran will change the world because it will deprive the terrorists of the single greatest source of support and isolate the likes of Hugo Chavez and Kim Jong-il.

Why is a free Iran and a free Iraq so essential? Because neither the United States of America nor any of our Western allies can defeat radical Islamic fascism on our own. We cannot defeat radical Islamic fascism. The only thing we can do is, through democracy-building and through support of moderate Islam, give those who truly seek the true meaning, the true moderate meaning of Islam the opportunity to be successful in suppressing its radical elements. We have to create that environment, and we have not in Iraq because Iran and Syria have not let us.

I remember reading commentaries from so many people talking about that things went well originally in Iraq. It seems like things were going OK, and then, after a year or so, it really started to turn south. Well, immediately after we were there, the Iranians were scared to death of us and dared not play in that sandbox. But they quickly surmised that we were not serious, that we were not going to confront this evil, so they began what we now see.

We need to counter Hugo Chavez. We need to do more to develop closer relationships with the countries in Central and South America, through trade and through diplomatic negotiations. We must fight for the hearts and minds of Central and South America, and we must do so much more deliberately and aggressively than we have. We have to do more to confront North Korea and its threat. That includes options, particularly missile defense. Finally, we have to confront the root cause of all of this, the root cause being oil.

There is one regret I have of not coming back here. It is—and my colleagues know I can be somewhat single-minded—to focus the attention of this body and this country on energy security. It is lunacy, it is suicidal to continue to allow the energy markets at the levels they are right now given the fact that a vast majority of those energy dollars are going to people who want to kill us and destroy everything we believe in. We can no longer play games with our energy security.

I spent a lot of time talking about this war, and I have fought very hard to pass legislation, both the Syrian Accountability Act and the Iran Freedom and Support Act, that will try to hurt our enemies and strengthen our country. I will do my best, after I leave this place, to continue to confront these enemies and to give the United States the opportunity to succeed in this war.

Osama bin Laden said:

> In the final phase of the ongoing struggle, the world of the infidels was divided between two superpowers: the United States and the Soviet Union. Now we—

Understand this.

> Now we have defeated and destroyed the more difficult and the more dangerous of the two.

Understand what bin Laden is saying. ''We,'' these Islamic fascists—they claim they defeated the Soviet Union, not Ronald Reagan and Margaret

Thatcher, not Pope John Paul II, but Islamic fascism, the mujahedin in Afghanistan. History will make a plausible case for this assertion that, in fact, they had a lot to do with defeating the Soviet Union. But he continues with one final sentence:

Dealing with the pampered and effeminate Americans will be easy.

You see, they think they understand us. They think they know how to get to America. Open a paper every day and see what their tactic is. Open a paper every day, turn on a television every day, turn on your radio every day, sign on to the Internet every day and see what their tactic is and see how they believe they will defeat us.

I believe we need strong leadership to confront this greatest enemy that we have. The stakes are high, too high not to join together—Democrat, Republican, liberal, conservative, American, European—to confront this dangerous enemy. We must stop them.

Winston Churchill, in June of 1940—I will close with this, for my colleagues who have been patiently waiting—Winston Churchill, in 1940, addressed the British people as Britain stood alone:

What General Weygand called the Battle of France is over. I expect that the Battle of Britain is about to begin. Upon this battle depends the survival of Christian civilization. Upon it depends our own British life, and the long continuity of our institutions and our Empire. The whole fury and might of the enemy must very soon be turned on us. Hitler knows that he will have to break us in this Island or lose the war. If we can stand up to him, all Europe may be free and the life of the world may move forward into broad, sunlit uplands. But if we fail, then the whole world, including the United States, including all that we have known and cared for, will sink into the abyss of a new Dark Age made more sinister, and perhaps more protracted, by the lights of perverted science. Let us therefore brace ourselves to do our duties, and so bear ourselves that, if the British Empire and its Commonwealth last for a thousand years, men will still say, ''This was their finest hour.''

This is the call of this generation. This is America's hour. This is the hour that we need leadership, Churchillian leadership, who had a keen eye for the enemy and a resolve in spite of the political climate to confront it. I ask my colleagues to stand and make this America's finest hour. I regret that the new Secretary of Defense is not up to the task, in my opinion. I hope others are.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President.

ESCALATING CRISIS IN DARFUR

Mr. DURBIN. Mr. President, this evening there was a meeting in my office with the U.S. Special Convoy to the Sudan, Andrew Natsios. It was an unusual meeting by Senate and Capitol Hill standards. It was a bipartisan meeting called by Senator SAM BROWNBACK, my Republican friend from Kansas, and myself, inviting our colleagues on both sides of the aisle to try to address the escalating crisis in Darfur, in the Sudan.

In the meeting, we talked about the urgent need for international action to stop this genocide. Hundreds of thousands of people have been killed in Darfur over the last 3 years. Two and a half million people have been driven from their homes. There are refugee camps not only in Sudan but in Chad and neighboring countries filled with those from Darfur who have been driven out by the violence.

Nearly two-thirds of the people living in this region are now dependent on humanitarian aid, and hundreds of thousands are in need but far beyond the reach of humanitarian organizations. Humanitarian access, the ability to help those in such desperate straits, is, sadly, diminishing when, in fact, we need more.

The Sudanese Government in the capital of Khartoum has orchestrated this campaign of genocide. It continues to deny the death toll, and it continues to reject the United Nations peacekeeping mission.

On November 21, Special Envoy Natsios announced that the Bush administration would resort to an unspecified ''Plan B,'' as they called it, if the Sudanese Government does not agree by January 1, 2007, to allow an expanded international peacekeeping force in Darfur. Mr. Natsios made clear to us in the meeting in my office just a short time ago that this force is to be under the command and control of the United Nations. It is a very important part of our plan. In September, Secretary of State Rice warned that Khartoum faced a choice between cooperation and confrontation.

I believe it is time—it is well past time—for the world to make clear to Khartoum and the Sudanese Government that serious steps will immediately follow the beginning of the new year if a United Nations or combined United Nations and African Union force is not agreed to immediately. The United States and the world have a number of things we can do, things we can do to persuade the Sudanese that they have to stop this genocide in Darfur.

Militarily, the United Nations has authorized and the Senate supports the principle of a no-fly zone over Darfur. It is not going to be easy to implement it, but it is possible. Although it is logistically challenging, that is no excuse to allow the Government of the Sudanese people to continue attacks on the Sudanese people themselves by air.

The United Nations should also be working with the International Criminal Court, sharing intelligence that could help accelerate indictments against those Khartoum officials and others guilty of crimes against humanity. Economically, the United States has sanctions against U.S. companies doing business in Sudan, but most countries don't. Sudan is a rich country when it comes to oil. They are expected to bring in $7.6 billion in revenue this year from oil. The major oil companies in the Sudan are owned and run by the Chinese, the Indians, and the Malaysians.

Independent reports estimate that 70 percent of that oil revenue is likely to be used by the Sudanese Government in Khartoum for military expenditures. Think of that. An otherwise poor African nation taking 70 percent of the revenues from oil, converting it into military equipment that in many cases is being used to kill its own citizens. Those same military expenditures have financed helicopter gunships, automatic weapons, and vehicles that have allowed the Sudanese Government and their militia to terrorize the population of Darfur.

The international community needs to join the United States in sanctions on Sudan. You can hardly pick up a newspaper in our country without finding a full-page ad exhorting our Government and people to do something about the genocide in Darfur. I salute those who are supporting that effort. I encourage them to take that information to other countries in Europe and other places so that they can engage with us in an effort to stop this genocide. Civilized nations should not do business with genociders.

In the United States, we need to do more. We should close our ports to oil tankers that have operated in Sudan. The President could block the assets of 17 individuals named in the United Nations investigation as responsible for crimes in Darfur. The list includes the Sudanese Minister of Interior, the Intelligence Director, and the Minister of Defense. To date, the President has only blocked the assets of four people: Two rebel leaders, a former Air Force officer, and a Janjaweed militia leader. We need to move up the chain of command. We need to do more, and we need to do it now.

All across America, State and local governments, universities, organizations, and private citizens are doing more by divesting their pension and other investment funds from companies that do business in Sudan, companies that support and enrich the Khartoum Government that is looking the other way when it comes to this genocide. Divestment is a powerful tool. I believe Congress and the White House should support it.

My State of Illinois was one of the first to step forward and divest its State pension funds. Five other States followed. Recently, I joined Senator BROWNBACK in writing to every other Governor, urging them to join in the divestment effort. We have also each taken steps to personally divest. There is an interesting side note here. After Senator BROWNBACK and I sent a letter to all of these Governors in States that have not divested from investments in the Sudan, an enterprising reporter reviewed my personal financial information on file and reported to me that

one of the mutual funds that I owned, owned stock in a company doing business in Sudan. I was shocked to learn that. Quickly I sold it. But I think it is a warning to all that if you want to be participating in this effort to try to get the message to the Sudanese, we should all start with our personal savings and mutual funds and make sure that we are not supporting, indirectly, the Government of Sudan. I have sold that mutual fund, and I will try to be vigilant that if another mutual fund I own purchases something in Sudan, that I divest very quickly.

All of these are small actions but cumulatively they can make a difference. Tonight, as I have done before, I can't help but think about Rwanda in 1994. I mentioned it this morning when I noted the retirement of my colleague from Vermont, Senator JIM JEFFORDS. In 1994, mass murder was launched in Rwanda. It was carried out by guns and torches and by the grisly use of machetes.

Five weeks after the killings began, Illinois Senator Paul Simon, my predecessor and my closest friend in public life, who was chairman of the Senate Foreign Relations Subcommittee on Africa, and JIM JEFFORDS, then the ranking Republican on that same subcommittee, phoned General Romeo Dallaire, head of the U.N. peacekeeping force in Rwanda in Kigali and asked what he needed. A desperate Dallaire told them that if he had 5,000 soldiers, he could stop the massacre in Rwanda. Those two Senators immediately drafted and hand-delivered a note to the White House, to the Clinton administration, requesting that the United States get the Security Council to authorize deployment of troops.

In their letter they wrote:

> Obviously there are risks involved. But we cannot sit by idly while this tragedy continue to unfold.

Sadly, they received no reply to their letter. The killings continued. At the end of the day, over 800,000 people died in Rwanda as victims of the genocide. Last year, about this time, Senator BROWNBACK and I went to Kilgali. People there don't talk about the Rwandan genocide of 12 years ago unless it is brought up. As I looked down at a Catholic Church down the hill from the Hotel Rwanda made famous by the movie, I thought it was just a simple church in an African capital. I came to learn that over 1,000 people were hacked to death inside that church where they sought asylum during this massacre and the genocide.

Later, after it occurred, Paul Simon would say:

> If every member of the House and Senate had received just 100 letters from people back home saying we have to do something about Rwanda, when the crisis was first developing, then I think the response would have been different.

Hundreds of thousands of innocent lives would have been saved. So many times I have stood on this floor pleading for our Nation to intervene in Darfur, and I have been thinking about Paul Simon and what he did in Rwanda. This time, during the latest chapter in the world's history of atrocities, hundreds of Americans, thousands of Americans are engaged. It is so encouraging to go to college campuses across the State of Illinois and find college groups that have made Darfur their issue. It is great to go to meetings of people old and young in my State and have someone afterward come up and discuss the genocide in Darfur. These people have not been silent. They have pleaded for action.

Paul Simon was right, in part. The response this time has been different. It has been different than the world's response to genocides against the Armenians, the Jewish people, the Cambodians, the Bosnians, and the Rwandans. It has been different in that this time we recognize that truly there is a genocide taking place on our watch, in our time in this world. But we haven't stopped it.

We are here today not as Democrats or Republicans but as advocates for the people of Darfur. The U.S. special envoy to Sudan, Mr. Natsios, has drawn a line in the sand. As of January 1, the Sudanese Government must either accept the peacekeeping mission or face the consequences. Personally, I believe this deadline comes too late. But I hope it is effective. I hope it convinces the Sudanese Government to accept the peacekeepers. If not, then the administration's plan B, the consequences of refusal, must be meaningful and immediate and decisive.

Let me close with the words of Paul Simon and JIM JEFFORDS, who retires this week from the Senate:

> We cannot sit idly by while this tragedy continues to unfold.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Ohio.

Mr. DEWINE. Mr. President, I congratulate my colleague from Illinois for his very eloquent statement. He, along with Senator BROWNBACK and others, has been very much involved in this issue. We say ''issue,'' but it is a lot more than an issue. It is something that is truly one of the great tragedies of our era. I salute him for his passion. I salute him for his intellect and his drive and his determination to do something about it. We have made some progress and have a special envoy appointed. This was something Senator BIDEN and I worked on, along with others, urged the administration to do. I am delighted that Andrew Natsios is in that position. He is a man of great talent. But we in Congress—and I will be leaving the Congress—and the American people, we all have to continue to speak out. We all have to continue to make this a priority. We all have to remember, as my colleague from Illinois has so eloquently pointed out, the history of atrocities such as this in the past and that when good people do not speak up and do not, more importantly, take action, these tragedies not only occur but they continue.

I salute my colleague from Illinois.

TRIBUTE TO SENATOR RICK SANTORUM

Mr. DEWINE. Mr. President, I rise to take a moment to congratulate my colleague from Pennsylvania, Senator SANTORUM, who spoke very eloquently about the world threat that we face today. RICK SANTORUM is someone of great passion. He is someone who is fearless. He is someone who, frankly, does not care whether people agree with him or do not agree with him.

I will say this: This Senate is going to be a lesser body without RICK SANTORUM's great passion and his great drive, his great creativity. He will take those attributes out of this body, but I know that we will hear from him. He will be vocal. He will be concerned. He will be involved in whatever role he decides to assume after the first of January.

HONORING OUR ARMED FORCES

CORPORAL MICHAEL CIFUENTES

Mr. DEWINE. Mr. President, I come to the Floor today to honor a brave Ohioan, Marine LCpl Michael Cifuentes, from Fairfield, who was killed in the line-of-duty when his vehicle was hit by an improvised explosive device in Iraq on August 3, 2005. Michael is survived by his parents, Gregory and Carolyn, his brother Daniel, and his fiance Tara Reynolds.

Friends, family, and fellow marines remember Michael, first and foremost, for his kind and generous spirit. A 1998 graduate of St. Xavier High School in Cincinnati and then a 2002 graduate of my alma marter, Miami University, Michael chose to postpone his upcoming graduate studies in math education in order to serve in the U.S. Marine Corps.

Michael was known as having a soft spot in his heart for children, and eventually, he wanted to become a math teacher. To make the most of his time before graduate school, Michael was a substitute teacher at Talawanda Middle School in Oxford, OH. Principal Sharon Lytle remembers that he was an excellent teacher, who was well liked by his students and who exhibited a special willingness to help those requiring special instruction. She said the following about Michael:

> He was always willing to take the toughest cases. He was a real team player [and] unfailingly polite and respectful. A lot of college kids come in here just more relaxed. He was just more mature.

Mark Hinkle, Michael's uncle, said that Michael was a great teacher—a teacher who also always wanted to be a Marine. Michael taught Mark's 10-year-old daughter at Talawanda Middle School. His uncle said that Michael ''just loved the kids.''

Michael held a graduate assistantship through iDiscovery, an online program for teachers, until he was called for duty in the Marine Corps

Reserve. Sara Hayes, coordinator of this teaching program, said that ''Michael was a bright, funny, caring personality, and he would have made an excellent math teacher.'' Hayes' sentiments are frequently echoed by friends and family alike.

Michael was always a wonderful friend, and he made an impact upon everyone whom he met. St. Xavier marching band member Kyle Metzroth recalls a particularly humorous moment with Michael:

> I only knew Mike for a year. I was a freshman in the marching band the year he was a senior. I can remember him for always having a smile, and I remember a lot of laughs. But, the one solid, concrete memory I have of Mike was a trip up to Cleveland for the St. Ignatius football game that fall. Mike was a sousaphone player in the band, and if I remember correctly, he had forgotten it on this trip, or it was broken, or something of that nature. The important fact was that he was unable to march with it.
>
> The band director was going to allow him to march anyway without an instrument. But I guess to some true bandsmen, marching without an instrument, just doesn't cut it. There was one extra instrument lying around among the band. The difficulty with this instrument was the fact that it had strings—[it was] a banjo. One of the other bandsmen must have brought it with him as something to do on the bus ride. Little did we know that we were about to witness St. Xavier High School's very first marching banjo! To this day, people I know in the band still talk about it.

At Miami University, Michael continued to play in the marching band—tuba, actually—and was actively involved in the Acacia fraternity, was the head manager for the women's basketball team, and was a member of Miami's Naval ROTC.

Miami University Marching Band Director David Shaffer said this about Michael:

> [He] always gave 100 percent. He loved Miami football and was the team's loudest voice from the stands. With great enthusiasm, he was always the first in line for the tuba snake and the one to ring the President's doorbell during the Band Day parade. I know Mike was a very proud Marine and a true American. We can only be thankful that Mike was with us for 25 years. He was our friend, our brother, and our defender.

It was at Miami University that Michael met his fiance Tara Reynolds. Michael's friends say that one of the happiest moments of Michael's life was when Tara agreed to be his wife.

Friend Janice Hughes said that ''Michael was always looking for the right girl. When he met her, they clicked, (and) he was really excited to talk about her.''

Michael planned for the perfect proposal. In fact, he puts most people to shame when it comes to creative proposals. After going over the details for weeks with his fraternity brothers as a way to quell his nervousness, Michael sat with Tara on an outdoor wooden bench with a packet of recent photos. Mixed into the pile was a snapshot of him holding a sign reading: ''Will You Marry Me?'' She, of course, said ''yes.''

A few months after their engagement, Michael's Marine reserve unit was activated and left Oxford for Iraq.

Tom Fennell, president of the Acacia fraternity, said this about Michael:

> Spending time with Mike in formal and social situations immediately led us to understand his love for his friends, family, fiancé, and country. . . . The best word to describe Michael was 'committed.' He was committed to his fiancé, and he was committed to the Marines.

Pride is another recurring word used to describe Michael. Chris Rhoton, assistant principal at Talawanda Middle School, said that pride ''was how he felt about being called up. Michael was patriotic, mature, and respectful. He was a great role model. Students and anyone who met him just respected him immediately. He enhanced the lives of several kids here.''

The Reverend John Ferone perhaps summed it up best when he said, ''Michael was a lover, a reconciler . . . a person who was able to give everything away so that this world would be a better place.''

Michael's parents included a tribute to their son as part of the program distributed to attendees of his memorial service. This is what they wrote:

> We will celebrate Michael's life for the good that he brought to this world. With his buddies and fellow Marines, he was trying to bring a better life to a people who have suffered for too long.

My wife Fran and I continue to keep Michael's family and friends in our thoughts and prayers.

SPECIALIST ROBERT SWANEY

Mr. President, I rise today to pay tribute to a fellow Ohioan and a brave soldier—Army SPC Robert Swaney, of West Jefferson, OH, who died on July 30, 2005, from injuries sustained when his military vehicle struck an improvised explosive device in Iraq. He was 21 years old.

Robert was an enthusiastic and passionate young man—someone who approached his life with a whole-hearted determination and zeal. In the words of his Uncle Joe, ''Robert lived and died giving it his all.''

Robert graduated from Marion-Franklin High School in 2003, where he was known for his love of football. Despite being one of the smaller players on the team, he fought with a true grit to prove himself on the field. His passion, was an inspiration to his coach and his teammates. ''He was our 'Rudy','' said Marion-Franklin head football coach, Gary Tucker, referring to the 1993 film about a football player, small in stature, who struggled against the odds to play college ball. As Coach Tucker put it, ''Michael always gave 150 percent.''

A former teammate, then quarterback Tony McMichael, said that Robert ''lived and breathed football. . . . He knew how to pump people up.''

After graduation, Robert would return to Marion-Franklin to cheer on the younger players. ''He was so involved, so spirited, so upbeat,'' Coach Tucker said. ''He felt like he could conquer anything.''

Robert's enthusiasm and willingness to get involved stretched beyond the football field. He was a summer school teacher's aide at Marion-Franklin and an aide for the Sunday school at Sts. Simon and Jude Catholic Church of West Jefferson. He was an avid outdoorsman, and he was also very active in West Jefferson Youth Athletic Association.

Shortly after graduating from Marion-Franklin High, Robert moved in with his Aunt Angie and Uncle Joe, and his cousins Jordan, Riley, Landon, and Ryan. ''He was a good kid,'' Angie said. ''We thought of him as a son. He was just like one of the kids. He was such a beautiful soul and spirit.''

Robert loved playing baseball, basketball, and football with his younger cousins, as well as watching The Ohio State University Buckeyes football games. His Uncle Joe fondly remembers the eagerness with which Robert would help out at youth football games. ''He would run chains, do the scoreboard, carry water, anything to help out the Peewee team,'' Joe said. ''He was so enthusiastic, you would have thought he was coaching pro ball!''

Mr. President, Robert also loved animals and had a wicked sweet tooth. ''He was a junk-food junkie,'' his Aunt Angie said. ''He'd eat 15 candy bars and three bags of chips in one sitting and never offer a bite.''

Robert lived with his aunt and uncle until he enlisted in the Army. He was inspired by the example of his older brother Thomas McClellan, who had joined the Air Force. Although family members tried to persuade Robert into either the Air Force or the Navy, Robert was adamant in his decision to enlist in the Army. Robert's lifelong ambition, which he had dreamed about since high school, was to become a nurse, and the Army was where he could get the skills he needed to achieve that goal.

Robert was a good soldier. According to SGT Christopher Mills, Robert had a ''determination to become a better soldier'' and ''never failed to get the job done.'' Robert's brother Thomas said that ''he knew what he was getting into, but that's Rob. He had a big heart. He always wanted to help other people.''

Robert was assigned to the 3rd U.S. Armored Cavalry Regiment, Thunder Squadron, based at Fort Carson, CO. That October, he married the woman he loved—Alexandria—while on leave. Alexandria said that Robert ''would always be the first to let you know that he was the strongest in our family, and he would do anything to take care of us.'' She also remembers Robert's cheerful, outgoing nature. ''He was always trying to find the good in people,'' she recalled. ''He would always love to talk. He would always love to put a smile on [my] face.''

While in Iraq, Robert frequently wrote to his family. His last letter home was sent to his 8-year-old cousin Riley. He wrote to Riley that keeping her safe was all the encouragement he

needed. He wrote: ''I can't promise that I will make it home . . . but I promise I will return a hero.''

Robert Swaney did, indeed, become a hero. He was a young man who always put the well-being of others before his own. In recognition of his outstanding service, the Army posthumously promoted him to specialist.

I would like to conclude by quoting from a letter that Robert wrote to his mother. This is what he wrote:

> I want you to know that I'm doing well and doing what I enjoy the most—serving the people of the United States of America.

My wife Fran and I continue to keep Robert's family and friends in our thoughts and in our prayers.

LANCE CORPORAL TAYLOR B. PRAZYNSKI

Mr. President, I rise today to pay tribute to a fallen marine—LCpl Taylor B. Prazynski from Fairfield, OH. Lance Corporal Prazynski was killed on May 9, 2005, by an indirect fire explosion while in combat in Iraq. He was only 20 years old.

As a young boy growing up in Fairfield, Taylor dreamed of being a soldier. He was born on Veterans Day at an Air Force base where his father John was serving in the military. John remembers that Taylor loved to try on his dad's uniform as a boy and was simply destined to join the military.

As a child, his favorite hangout was an Army surplus store. Today, a photo of 6-year-old Taylor in a military camouflage jumpsuit and beret still hangs there.

Taylor joined the Marines shortly after graduating from Fairfield High School in 2003. For him, there was simply no question of what it was he wanted to do. As his father recalls, ''Taylor always said he was where he was supposed to be and doing what he was supposed to be doing.''

Taylor was a compassionate young man who loved kids. While a senior in high school, he volunteered to serve as an aide for a classroom of multihandicapped students. Some of the students he worked with contacted Taylor's family when they heard news of his death.

Gary Staggs, an aide for the school's multihandicapped class, described Taylor as a budding teacher who inspired students. He remembers Fairfield graduate Josh Dixon, who was among the first to line up to pay respects to Taylor at his funeral, which was held at the Fairfield High School gym. Josh used a walker to enter the gym, and Gary said it was Taylor's hard work in 2003 that helped Josh abandon his wheelchair. According to Gary:

> Taylor took it upon himself to set up Josh Dixon's braces and lay down mats for his practice walks every school day. He basically carried him. Then one day, Josh walks into the classroom with Taylor by his side and both of them [were] beaming with pride. . . . One person can make such a difference in someone's life, and Taylor did that—and more.

Taylor was simply the kind of young man who cared so much for others. As Gary Staggs put it:

> He was big enough to bend over and help somebody else. He was doing what he wanted to be doing. He helped kids, but he also wanted to help society. He wanted to make a difference in Iraq.

Friends describe Taylor as a hard-working man who loved art, played football, and participated in track and field. He was well liked and deeply respected by all who knew him.

Scott Datillo, the head football coach at Fairfield High School, remembers Taylor's spirit of cooperation:

> When you are a coach and want to develop a team, you want kids like him. He bought into the team concept. He worked hard and made the most of his abilities.

Taylor's tribute pages on the Internet continue to be filled in daily by those who knew and loved him. He is so deeply missed. One friend, Elizabeth Williams, wrote the following message to her dear friend Taylor:

> Taylor, words will never be able to express the void that I have felt in my life and heart since you've been gone. . . .I have always loved you with all of my heart, and I just hope you knew that when you were here with us. There is not a single day that goes by that I don't think about you and miss you like crazy. Sometimes, I cannot help but think about things that could have been; but, even on those days, all I can think about are all the happy memories and the moments of our lives together.

Fellow Marine Cpl Brent T. Willoughby, stationed in Afghanistan, says this of Taylor:

> I had the honor of meeting Taylor . . . in Louisville on our way to Parris Island in November 2003. We were in the same platoon and graduated on January 30, 2004. During our time at Parris Island, I saw the love of life that Ski (that's what we called him) possessed. As the lay reader for a platoon, Ski asked me to pray with him on several occasions, and he always let me know within a few days that his prayers had been answered. His dedication and devotion to this country and to his fellow marines will never be forgotten. Rest assured that God has called him home and that when we meet him again, he will be standing guard somewhere in heaven smiling that timeless smile. Godspeed and Semper Fi.

Taylor Prazynski was loved and admired by all those who knew him. He will always be remembered. He had a bright future before him. His father said that in the last months of his son's young life, Taylor had spoken in phone calls from Iraq about wanting to become a special education teacher.

More than 1,500 people came to Fairfield High School's gym to pay final respects to Taylor. It was fitting that the stirring tribute to the fallen hero took place at his high school, where the line of well-wishers waiting to file past Taylor's coffin stretched over 100 yards.

His father said:

> Taylor loved the idea of ''once a marine always a marine.'' Every time I spoke to him, I told him I loved him and that he was my hero. We sent a boy to boot camp, and he came home a man.

A compassionate young man, Taylor had a great big heart and a tremendous sense of dedication to his family, community, and his country.

My wife Fran and I continue to keep the family of Taylor Prazynski—his father and stepmother, John and Carol, and his mother Claudia—in our thoughts and our prayers.

CORPORAL JOSHUA D. JONES

Mr. President, this evening, I wish to pay tribute to Army Cpl Joshua Jones, a soldier from Pomeroy, OH. On August 27, 2006, Joshua died in Iraq when his humvee came under attack from enemy small arms fire. The 24-year-old soldier was a member of the 3rd Battalion, 67th Armor Regiment, 4th Brigade Combat Team, 4th Infantry Division based out of Fort Hood, TX. Joshua leaves his wife Tiffany, his daughter Cami, and their unborn child which Tiffany is expecting this coming March. He is also survived by his mom Sandy, stepfather Arlyn, his father Gary, stepmother Cindy, brothers Caleb, Peter, and Jacob, and sister Alexandria.

Joshua completed his basic training at Fort Knox in May 2004 and went to Iraq in December 2005. Joshua knew his mission in Iraq. He knew it well. He knew that he was fighting so that those he loved—his friends, family, and so many other Americans—would never have to. Friends tell us he joined the Army to protect them.

The role of protector was not a new one for Joshua. He was born on January 2, 1982, and was one of six children. Growing up, Joshua always looked out for his younger siblings. His love of family was evident in all his actions.

His dad beams with pride when talking about his son. Joshua's dad recalls the passion and bravery Joshua showed when he talked with him nearly 3 years ago about his decision to join the Army. According to Gary:

> Whenever [Joshua] talked about joining the Army, he always said he was going to go fight so that his siblings would never have to.

Joshua is lovingly remembered by all who had the privilege of knowing this brave young man. Those who knew him best recall his energy, his optimism, his warmth. They remember him doing the things he loved—singing, traveling, racing remote-controlled cars, and riding all-terrain vehicles in the hills and trails of southeastern Ohio. Family friend David Kelly remembers Joshua as a young man who knew what he wanted and that was simply to love and care for the people around him.

And there is no one whom Joshua loved more than his wife Tiffany. This past September 12, they would have celebrated their 3-year wedding anniversary. Tiffany is making sure that Joshua's character and heroism are not forgotten. She made a book of pictures of their family and Joshua's time in Iraq. Before his death, she also kept a Web site with pictures and updates on his activities in Iraq. To be sure, Tiffany's efforts will preserve Joshua's legacy for their children.

Joshua's family saw him for the last time in June, while he was home on a 2-week leave after being in Iraq for half

of a year. They made the most of every moment they had together before he had to return. Josh loved his family so much.

Joshua was the very best kind of person—a man who put family and Nation above all else. He was a great son, husband, and father. He liked nothing more than to hold his wife and his daughter. Shortly after his return to Iraq, Joshua received the wonderful news that Tiffany was pregnant with their second child.

He called her every day from Iraq and often sent instant messages to his parents. For Joshua, nothing was more important than staying in touch with the people he loved.

Joshua's death is a loss to all of Meigs County. At his funeral, he was remembered not just for his heroism but for the quality and integrity of his life. As a soldier, he approached every task with determination and purpose. Army BG Bruce Berwick lauded Joshua for his service when he said the following:

> No one will ever say Corporal Jones did nothing. He confronted evil. He drove it back. He made a difference. He died doing nothing less than saving this world.

One of Joshua's friends, Tammi Adamson, left the following message for him on an Internet tribute Web site. She reflected on his devotion to his country, his kindness, and the deep love he held for his family. This is what Tammi wrote:

> Thank you, Josh, for your most honorable and unselfish service. I will never forget you, nor will I ever stop loving you. You were like my brother, and I will miss you each and every day. You are my hero and a hero to my children. Words cannot express the sadness and the sorrow I feel for [your] family. Anyone who knew [you would know that you were] a wonderful person and husband who adored [your] wife and [your] . . . daughter. May God keep you in His hand, and may you rest now. Your mission is finished.

That was so beautifully said by his friend.

My wife Fran and I will continue to keep the friends and family of Cpl Joshua D. Jones in our thoughts and in our prayers.

SPECIALIST DAVID H. FORD IV

Mr. President, this evening I pay honor and tribute to Army SPC David H. Ford, IV, from Ironton, OH. Specialist Ford was a member of the 4th Battalion, 64th Armor Regiment, 4th Brigade Combat Team, 3rd Infantry, stationed at Fort Stewart, GA. On September 26, 2005, he was killed when an improvised explosive device detonated near his military vehicle while he was on patrol in Baghdad. He had turned 20 years old just 6 days before his death.

On September 10, 1985, David was born to Violet Adams Ford and David Ford, III, in Norfolk, VA. David's family then moved to Ironton, OH. In 2003, David graduated from Ironton High School, where he was a big fan of the football team.

David also liked to bowl. ''He was an excellent person,'' his Aunt Minnie said. ''[H]e would give the last thing he could to anybody.''

David was a proud soldier. When he joined the Army, he was continuing his family's tradition of military service. His father served in the Navy for 20 years, and his brother Ray also serves in the Army. As David's friend, Shannon Bare, said:

> He always wanted to follow in his dad's footsteps.

His friends will remember him as a fun-loving young man who enjoyed life. The Rev. Robert Pierce, David's pastor of 14 years, agrees that David always had a smile for everyone. He said:

> I'll always remember him as that grinning little boy.

Life wasn't always easy for David, however. His father passed away while he was in junior high, and his house burned down before he graduated from high school. But David always kept a brave smile on his face. He simply dealt with hardship with unusual grace. His friend and Ironton classmate, Rebecca Dingus, considers him a true example of courage. This is what she said:

> He was wonderful, such a strong person. He had been through so much. He lost his father at a young age. His house burned down our senior year, but he kept going. He had such a big heart.

Indeed, this is the strength and spirit that helped David and his family through their difficulties. David's friend Shannon remembers how David always stayed positive:

> He never had a sad look on his face. He always kept a smile on his face. He made friends with everybody. He called me a couple months ago to ask how everyone was doing back here.

David cared about people and they cared about him. He was deeply loved by his family—his mother Violet, his fiancee Susie White, his brother Ray, and his sister Kimberly. His mother said that David was a responsible young man who loved life and was easy to love. He was her ''pride and joy.'' But she knows that he ''died doing what he wanted.'' That is what his mom said.

David joined the Army in 2003 after graduating from high school. He planned to study forensic science after his military service was completed. His cousin, J.P. Harris, said that David was interested in forensic science and that ''[h]e wanted to get into CSI-type of investigations.'' J.P. also said:

> It makes you proud he was a member of your family. He was the type of person who did what he was supposed to do.

Repeatedly, that is what friends and families said about David—that he was such a good person, that he cared for his family, that he did what was right and that made his family very proud. ''He was proud of being a soldier,'' his mother remembers. ''He believed in standing up for what he believed in.''

One of David's former teachers, Sue Blagg, remembers that David ''was a quiet student. He always had his work in on time, and he was never any trouble.'' David's work ethic, his kindness, and his optimism were also apparent to those he served with in the Army. One of his comrades, SGT Heath A. Hutchison, left the following message in David's memory on an Internet tribute Web site. This is what he wrote:

> There would never be enough to say about David. I knew him well. He was always the guy to make me laugh, and now he makes me cry. I will always remember him and all of the crazy things that we did together. I will miss him, and I thank God that I knew him.

At David's funeral, BG John C. Bartley read the following statement from David's commanding officer in Iraq noting David's unforgettable smile:

> When I saw him, I thought to myself: My goodness, this soldier looks so young. But as time went on, I saw him mature from a boy into a man. Watching him grow amazed me. As first gunner, I could see he was nervous, but before I knew it, he was standing before me grinning from ear to ear.

David will be remembered with pride by all who knew him. Internet tribute pages are full of comments from those individuals who remember his warmth, his bravery, and how he could make any day brighter simply by being himself. He was a great friend to many, and his death is a loss for all. As his grandfather Ray Adams said:

> I am proud of him. I am real proud. He was a fine boy. I tell you, it is a great loss.

Indeed, David Ford was a remarkable person—a beloved son, grandson, and brother. He was also a gracious human being. He was bright and he was kind. When confronted with challenges in life, he smiled. He didn't give up. He kept going. He persevered.

David Ford will never be forgotten. We celebrate his life—a life devoted to serving his country and loving and respecting his family and friends.

My wife Fran and I will continue to keep David's family in our thoughts and in our prayers.

FIRST SERGEANT RICKY L. MCGINNIS

Mr. President, this evening I would like to honor the memory of Army 1SG Ricky L. McGinnis, who was originally from Hamilton, OH. First Sergeant McGinnis was killed in Iraq when a roadside bomb detonated near his patrol on October 26, 2006. He is survived by his wife Kerstin and their four daughters: Julia, Laura, Melissa, and Nina. He is also survived by his sisters, Rhonda Isaacs and Julie Wilson and his brother Carl Wilkerson. Ricky was 42 years of age at the time of his death.

Ricky McGinnis graduated from Hamilton High School in 1983 and joined the Army soon after at the age of 18. His niece Nichole recalls how important the military was to Ricky. She said:

> I remembered him always being in an Army uniform. Ever since I was born, he was in the Army.

Ricky gave 23 years of dedicated service to our country and to the Army, though he was planning to retire from the military when he returned from his deployment in Iraq. Ricky's sister Rhonda remembers how

proud he was to serve our country and how patriotic he was. Ricky's commitment to the military took him around the world—from Germany to Korea to the Middle East.

It was in Germany where he met the love of his life, his wife Kerstin. They were married over 20 years ago in Weisenbaden, Germany, in 1986. Ricky was a loving husband and a devoted, proud father of their four girls. He certainly loved his family unconditionally.

Relatives remember that Ricky's daughters meant everything to him. He loved coaching them in softball, basketball, and soccer. One family friend wrote the following to Ricky on an Internet tribute Web site:

> Coach Mac, we can't believe you are gone. God must have needed a great coach and leader in Heaven to have taken you so very soon.

In his 23 years of service, Ricky embodied the best of everything the Army stands for: loyalty, courage, and selflessness. His passion and commitment to the Army was seen by all who were privileged to serve with him. Ricky inspired so many others to follow his example and join the Army, including his 19-year-old nephew, PFC Joey Isaacs.

To Joey, his uncle was more than a mentor—he was a ''best friend'' and a ''second father.'' Joey's mother Rhonda—Ricky's sister—remembers that Joey saw his uncle as a hero. Joey remembers how proud Ricky was when he decided to join the Army. This is what Joey says:

> All we ever talked about was going to Iraq. My uncle and I were inseparable. When I told him I joined the Army, he couldn't have been more proud. He said it was going to be a long year, but we were going to get through it. Whenever I needed him, he was always there.

In Iraq, Ricky and Joey served in the same unit as part of the First Cavalry Division. Every day they would meet to eat lunch together. According to Rhonda, ''Ricky was going to make sure nothing ever happened to Joey.'' And that is exactly what Ricky did.

While both Ricky and Joey were in Iraq, Joey's father was hospitalized after an accident. Without hesitation, Ricky started working to get his nephew home so that he could be with his family. Rhonda remembers the last words Ricky spoke to her. He said:

> Hey, Sis, I am doing everything to get Joey home. I love you.

That conversation took place on Tuesday. The following Thursday, just 2 days later, Ricky was killed.

Joey also recalls the last conversation he had with his uncle. Ricky had come to his barracks to make sure that his nephew was doing all right, and doing all right with his dad's accident. This is how Joey remembers that last final meeting:

> The last time I saw my uncle, he came to my barracks to visit me because I was having a rough time with my dad and his accident. He came in and told me he was there for me—I could talk to him. He told me to be strong, to keep doing my job, and he told me that he loved me.

Ricky's final mission was simply taking care of his family. He succeeded. Joey was able to return home and his father recovered from his accident. As Joey said:

> God saved my dad and now my uncle is with God.

Without question, Ricky did his job in protecting his family, but his compassion and strength were large enough to take care of others as well. He was loyal to and protective of everyone with whom he served. LTC Keith Gogas, Ricky's squadron commander, remembers the dedication with which he served. This is what he said:

> Ricky was doing exactly what he loved doing: leading his soldiers. He loved being a first sergeant because he loved his troops. He loved training them. He loved watching them mature, and he loved turning them into cavalrymen.

Indeed, Ricky was a leader in the truest sense of the word. With his words and his deeds he trained a new generation of leaders. And he truly believed in what he was doing. As his niece Nichole said:

> Ricky was very patriotic. He said he was going to go to Iraq just to get the job done. He was totally about just getting over there and doing his job and worrying about the men he supervised.

Ricky made it his job to look out for others. This is the type of man he was.

The following words were once said by an American soldier:

> What we have done for ourselves, alone, dies with us. What we have done for others and the world remains and is immortal.

These words could not be more fitting in describing the full life of 1SG Ricky McGinnis. Ricky spent 23 years of his life working for others, working for our Nation. This lifetime of service will remain, and it will be immortalized in all those who Ricky trained, led, and inspired. A devoted husband, father, uncle, and son, he impacted them and changed their lives in countless ways. He is deeply missed by all those who knew him and all of those who loved him.

My wife Fran and I continue to keep Ricky's family in our thoughts and in our prayers.

ARMY SERGEANT DAVID GORDON

Mr. President, this evening I would like to honor the life of David Gordon from Williamsfield, OH. David was a member of the 3rd Battalion, 16th Field Artillery Regiment, 4th Infantry Division based in Fort Hood, TX. On September 8, 2006, he was killed in Baghdad when an improvised explosive device detonated near his vehicle. David was serving his second tour of duty in Iraq, and he was scheduled to return home in just 2 months. He was 23 years of age at the time of his death.

David Gordon leaves his wife Kimber, his stepchildren Miguel and Matthew, his father Rodney, his mother Judy, his stepfather Bob, and his three sisters Theresa, Tiffany, and Jean.

David was born in Westfield, NY. His family moved to Pennsylvania and then to Ohio where he attended Pymatuming Valley School. David was known for always helping his loved ones. A childhood friend, Michael Reed, said David was the best friend anyone could ask for and that whenever anyone said something bad about Michael, David would stick up for him. Michael described David as tough, but that deep down he was just a big puppy dog.

In 2000, David graduated from South Ridge Christian Academy where he spent his senior year. David joined the Army immediately after graduating high school. According to his aunt, Kathy Hicks, he wanted people to be proud of him and wanted to model himself after others who had gone into the military. David's grandfather Howard Gordon said that David was going to make the Army a career, and he really believed he was making a difference.

A person with a great zest for life, David enjoyed so many different things. He liked hunting, fishing, football, and wrestling, and he was a fan of NASCAR. His sister Jean remembers that he was an outgoing person. She says:

> He liked to horse around. He liked to watch movies, play video games, and to be on his computer.

David's wife Kimber remembers the impact he had on those whom he knew, and this is what she said:

> David was an extraordinary man, husband, father to our sons, and awesome son and brother. Anyone who had the privilege of having him as a friend would say he touched their life like no other. David is so deeply missed and will always be loved and held in our hearts forever.

David's aunt Kathy wants people to remember that he was a great kid, the kind of boy who always wanted to help out others. This is what she said:

> David was so polite, especially to me. He would hug me whenever he saw me. Most kids that age would not do that, but David was a fun-loving kid who played video games. He was a good kid all the way around.

His mom said:

> He was the kind of boy that would make your darkest days shine bright. He was not only my son, but also my best friend.

A fitting tribute to David was given when his body was brought home to Andover, OH. Friends, neighbors, and strangers stood silently as his body was brought through Andover Square, led by Wayne and Andover fire, police, and emergency crews. Boy Scouts and Girl Scouts stood at attention and held candles to honor this brave fallen soldier. One of the Scouts said:

> I am here to honor him and to honor my country. It is so sad, so sad that he is dead, but I can feel him in my heart.

Mr. President, the Andover Council president, Myra Brown, said it was important for the communities to support each other as they grieved for their hero. Mark Wilbur, president of the Andover Fraternal Order of Eagles, said:

> David won't just be honored in Andover, he will be remembered forever as our hero. He reminds us that freedom isn't free.

Friend Tim Haidon said the following about him:

We met at the church a few years ago before we went back to Iraq. He was a person of faith and we are fortunate to know today he is in heaven.

David Gordon was a good person, someone who was passionate about the security of others, who dedicated himself to protecting all of us.

David Gordon was an exceptional young man. He was simply the type of person who never gave up. Today, we honor his life and we remember how he was a devoted son, a caring brother, a loving husband and father. It is through the good deeds that he did—the service to our Nation that he so selflessly gave—that his memory will never fade.

I would like to conclude my remarks with the heartfelt words of the father of fallen Army soldier, SGT Gregory L. Wahl. He posted this message on a Web site honoring David. This is what he had to say:

To the Gordon family from the Wahl family—you are not alone. Every fallen family and our family are with you. Our heart and prayers are with you and David. He has not died in vain. He is an American hero, and so much more to all who knew him. David has touched the hearts of many. Be supportive towards one another in honoring your son, David.

He continues on:

Each of you and all of us who knew him will reflect on the very fond and precious memorable times we shared together with David. Shed a smile, laugh, and tears. David would not want anyone sad or unhappy. David is with Gregory. They didn't know one another, yet both are brothers. David, you will never, ever, ever be forgotten as you are remembered today and always.

My wife Fran and I continue to keep SGT David Gordon's family and friends in our thoughts and in our prayers.

STAFF SERGEANT ELVIS BOURDON

Mr. President, I rise this evening to pay tribute to a fallen soldier—Army SSG Elvis Bourdon, originally from Youngstown, OH. Staff Sergeant Bourdon was killed in Baghdad on September 6, 2004, when his military vehicle came under attack by enemy small-arms fire. He was 36 years old, and was serving with the 1st Battalion, 9th Cavalry Regiment, 1st Cavalry Division based out of Fort Hood, TX. Left to cherish his memory are his wife Mary, and their two children Corey and Allyssa, his father Juan, his mother Dalila, his brothers Ray and Juan, Jr., and his sisters Elizabeth, Jenny, Thannia, and Barbara.

Although Elvis and his family resided in Texas, he will always be a proud son of Ohio. His home community of Youngstown mourns the loss of a true hero. Family, friends, and neighbors will never forget Elvis. His death was a loss for his entire community. Every day, he is remembered as a wonderful husband, father, and patriot.

A friend of Elvis' named Teresa Schaub from Killeen, TX, left him a message on an Internet tribute Web site. In it, she reflects upon the love shared by Elvis and his wife, and the pride with which his life is remembered. This is what she wrote:

Elvis, I come to your grave side often. . . . You [and Mary] were both always laughing and so happy. Nothing can ever take that away. You both were always an inspiration to everyone and continue to be. . . . Everyone is so proud of you, Elvis. . . . Leaving us is like going through a stormy season here on Earth, but then we think of you as the rainbow that comes out after the storm and the clouds begin to fade. You are our rainbow, our hope, and you will always be our HERO.

Elvis was deeply respected and loved by those with whom he served in the Army. They remember him as a man with whom new recruits could always sit down and talk—whether it was about personal problems or any other questions that needed to be answered. Whatever it was, Elvis was always willing to listen.

Elvis is also remembered for his humor. Those who served with him recall that he was always joking, always smiling. He was a spirited and humorous man—someone who shared great laughs with everyone around him.

SPC Christopher Beck served with Elvis and remembers how much Elvis taught him during that time. In his honor, Specialist Beck wears a black ''killed in action'' bracelet, on which is written Elvis' name, rank, hometown, military branch, and date of death. Specialist Beck does this so that he may never forget the sacrifice that Elvis made for our country and for those he loved.

Soldiers who served with Elvis at Fort Hood remember the respect with which the Staff Sergeant was regarded. ''He was always a great NCO,'' Joshua Roughton wrote. ''I respected him greatly, as I know all of us in 1–22 Infantry, B-Company did. He will be missed.''

And another of Elvis' comrades, Eric Kneffler, wrote the following in his memory on an Internet tribute Web site:

Staff Sergeant Bourdon will be dearly missed by his family and Fellow Soldiers. I had the opportunity to serve with him at Fort Hood and considered him a good buddy and someone to count on.

Aaron DeShay also served with Elvis. He wrote this on Elvis's tribute Web page:

To the family and friends of Elvis Bourdon, may God bless you and bring you comfort in this most painful of times. I, like many others, served with Elvis in B-Company 1–22 and found a good friend in him. I share your pain as he has left his mark in my heart as he has with those who got to know him. We had a lot of laughs together, and I know he will be greatly missed as he truly was a great man.

Jeremy Cheney was another of Elvis' comrades who will never forget him. This is what he wrote about Elvis:

Staff Sergeant Bourdon taught me many things as a soldier and as a person. He was an excellent team member and was easy to get along with, regardless of differences in rank. He will be missed.

In these numerous messages left for Elvis, I think one thing is beautifully clear—Elvis was a man who could be depended upon and was someone that so many looked up to. He was someone who could be trusted and who had a huge impact on everyone he met. Indeed, Elvis was a dedicated and respected soldier.

More importantly, though, he was a devoted family man, who deeply loved his wife, children, and siblings. Elvis' brother, who also serves in the military, remembers how they would laugh and talk over a cup of coffee.

They would talk so that they could help each other cope through difficult times. And, in the military, they fought side-by-side. They were truly brothers-in-arms.

Elvis' sister remembers her brother as a true hero and a peacemaker. It is for these traits that she remembers and honors him. She wrote the following in honor of Elvis:

I would like to thank everyone for the blessing of my brother and any fallen heroes. Our family sends love and appreciation to those all over the United States. I loved my brother dearly and he is a true hero in my book. He was a good person, who loved his family and siblings. He was a peacemaker, and I love him for that. Your family misses you, little brother, and you will always be in our prayers. We love you and miss you very much.

Elvis was dearly loved and respected by all who knew him. His tribute pages continue to be filled with messages from family and friends. These messages serve as living testaments to his legacy. Elvis had many people who loved him. On the tribute page, his wife recognized the outpouring of support. She wrote the following, 2 years after Elvis's death:

It makes me feel good inside to know my husband had touched so many soldiers' lives. He loved his job . . . and would be proud and humbled by your words. The children and I are strong, faithful people. God knew he was a good guy and wanted to be with him, too. Continue to keep my husband's advice going, and keep his family in your prayers. Thank you.

When I think of men like Elvis Bourdon, I am reminded of words once spoken by Sir Winston Churchill. He said that ''courage is rightly esteemed the first of human qualities, because it is the quality that guarantees all others.''

Without question, Elvis served his country with courage—and that guaranteed the rest. He will always be remembered. My wife Fran and I continue to keep his family and friends in our thoughts and prayers.

SPECIALIST RICHARD A. HARDY

Mr. President, I rise this evening to pay tribute to Army SPC Richard A. Hardy from Bolivar, OH. On October 15, 2005, Specialist Hardy was one of five soldiers who died when an improvised explosive device detonated near his military vehicle. He was 24 years old.

Rick—as he was called by family and friends—wasn't planning to join the Army when he graduated from Timken High School in 2000. However, the terrorist attacks of September 11th motivated him to enlist. He wanted to serve his country. He wanted to protect our homeland. Rick was assigned to A

Company, 2nd Battalion, 69th Armor Regiment, 3rd Infantry Division, based at Fort Benning, GA.

Rick's father Richard remembers his son as ''a great kid.'' He also recalls the commitment Rick displayed in always trying to do his best. Rick graduated in 2000. ''He was really proud of that,'' his father recalls.

During Rick's funeral, BG Tod Carmony, the deputy commander for the 38th Infantry Division, remarked upon the courage Rick displayed by enlisting in the Army after the 9/11 attacks. Rick knew it was wartime, and he knew the risks that he would be running. But, he enlisted anyway. This is what Brigadier General Carmony said about Rick:

He understood that we have no choice but to win this global war on terrorism if his family, his community, and his country are to be safe. So Richard put himself on the line, and he died trying to keep that promise of safety to his family and country.

Brigadier General Carmony also noted that Rick was an expert with a carbine and a qualified Bradley gunner. According to the Brigadier General, this ''is quite an accomplishment.''

Rick's father remembers that his son was proud of his role in the military and took the dangers of it in stride. He said, ''Rick didn't mind at all. It was a job—that's the way he looked at it.''

Indeed, the Army was a job that Rick did exceedingly well. When he died, he was on his second tour of duty in Iraq. And according to his father, Rick had been sent back because the Iraq elections were approaching and they ''wanted some guys with experience in the country.''

Well, Rick was a guy with experience—and he used that experience to help further the goal of democracy in Iraq. In fact, the day Rick died was also the day that millions of Iraqis braved death to vote for their new constitution.

As Brigadier General Carmony put it, ''By being there, Richard gave the Iraqi people a chance to move a step closer to freedom and democracy.''

Rick was scheduled to return home in December 2005. According to his father, he was going to take some time off to relax and then planned on getting a job as a welder.

Those who knew best Rick remember that his favorite pastime was riding dirt bikes. His father owns about 6 acres of land, and Rick simply loved riding all over it. ''He was all over the place,'' his dad recalls.

Rick also loved barbecue—steaks and ribs. His father said that Rick had to have a barbecue every time he came home. According to his dad, Rick ''said it beat the MREs—[that] there was nothing like a home-cooked meal.''

These barbecues were one of the many things Rick loved. He enjoyed life, and he especially enjoyed the simple things—like coming home to eat a good meal with his family.

Specialist Hardy was a courageous soldier—a true hero, who always stood on the front lines. His Internet tribute Web page continues to be filled daily by family and friends with messages that serve as a living testament to Rick's legacy. Rick had many people who loved him.

His Aunt ''Debbers'' posted the following message on the tribute Web site. This is what she wrote:

Ricky! You were supposed to come home alive and well! I guess God had other plans. You are so loved and missed. I know you didn't want to be forgotten, but this wasn't the way we wanted to remember you. May you at last find peace. You will always be remembered, especially at the family barbeques.

God bless you for what you have ultimately paid the price for—our freedom. Give Gram a hug and kiss. All our love to you.

Rick's Aunt Sandra posted this message:

To my nephew—you will be missed greatly, and we love you. We are also very proud of you and all of your comrades who are fighting this war. God bless all of you.

Rick's body was laid to rest with full military honors at St. Stephen's Catholic Cemetery in Bolivar. For his brave actions, Rick was posthumously awarded a Bronze Star and a Purple Heart. During his career with the Army, he was also the recipient of the Army Good Conduct Medal, National Defense Service Medal, Iraqi Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Combat Infantryman's Badge, and the Weapons Qualification Badge.

The world is a better place since Rick Hardy has been in it. A young man with courage and a sense of adventure, Rick was the model of what we all hope our children will become.

My wife Fran and I will continue to keep Rick's father and step-mother, Richard and Jody, his mother Doris; and his sisters Kristy and Jessica in our thoughts and in our prayers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

SENATOR MIKE DEWINE

Mr. ISAKSON. Mr. President, I would like to express my sincere appreciation to the Senator from Ohio for allowing me to intercede for a few moments. Since he is on the Senate floor and he has been so gracious as to give me this time—I did not come to the floor and will not talk long about Senator DEWINE, but since he is on the Senate floor and gave me the time, I wanted to express to him my grateful appreciation for his service to the Senate, not just the people of Ohio but the people of this great country.

One of the great joys I have had as a Member of the Senate, having been elected 2 years ago, was to serve on the Health, Education, Labor, and Pensions Committee with Senator DEWINE. One of my great joys I had early on as a Member of this body was to watch him join the Gang of 14 and break the logjams, allowing us to confirm Supreme Court Justices Alito and Roberts. I worked closely with him on the pensions bill. Time and again, I saw his tireless effort on behalf of the best interests of this country and in particular always the best interests of the people of Ohio.

To Senator DEWINE, not to pander because of his graciousness in giving me the time but for giving me the unique chance to express that, we are all very grateful.

DELTA AIRLINES

Mr. ISAKSON. Mr. President, I rise for a moment in morning business to address an issue that to some may appear only to affect the State of Georgia and maybe even in particular the city of Atlanta. But in practice, I say to the distinguished Senator from Utah who is in the chair and others, this is an issue of major import to the United States of America.

An offer has been tendered for the purchase of Delta Airlines. Delta Airlines is a great American carrier that, like most airlines, has gone through terribly difficult times post-9/11. Delta went into bankruptcy. Delta has worked hard in bankruptcy to develop a plan to exit bankruptcy as a healthy, thriving, and dominate company. To Delta's eternal credit, their management committed from the beginning that they would honor and preserve the pension plans of their employees were we able in the U.S. Congress to modernize the pension laws in this country to allow them to do so.

Thanks in no small measures to yourself, Mr. President, and to Senator HATCH as well and the 97 Members of this body, the pension modernization bill passed. We put in specific provisions for the aviation industry, and great airlines and their employees now will be able to earn their pensions and not have them dispensed with because we addressed that crisis, and more importantly Delta Airlines' management has worked to reduce its costs, and its employees have voluntarily taken pay cuts. They have modernized their fleet. They have repositioned their fleet. They have opened international marketplaces that never before were available to people in this country. They have paid the heavy price that only in the great American free-enterprise system are you able to do where you take the problems and adversity and turn them into opportunities.

Now on the doorstep of exiting bankruptcy and filing that petition, a hostile takeover has been made to purchase that great airline.

Before I came to the Senate, I was in business. Nobody understands buying and selling companies and opportunities better than I, and no one would

ever diminish those who seek to take advantage of those opportunities which are there. But I rise for just a minute to make some points that I hope all of us in this Senate and the appropriate committees in this body and the appropriate agencies of the United States are very careful to examine before any acquisition or merger of U.S. Airlines and Delta Airlines were to take place.

First, in our fragile aviation system it is critical to understand that competition is still in the best interests of the American consumer. If you overlay the routes of those two airlines, you will see massive duplications, which ends up in many cases that where there are two competitors in an airport, it is reduced to only one. In the absence of competition, prices rise and service is diminished.

Second, in the great hub-and-spoke airlines and the legacy carriers of this country, people in secondary markets have had access to the major airports such as O'Hare and Hartsfield and LAX in Los Angeles. But as you merge two together, the first place they find savings is in reductions of those flights and those capacities from those secondary markets—the Augusta, Georgias; the Columbuses; the Meridian, Mississippis; the Asheville, North Carolinas; and many other cities such as those around the country. It is very important for us to be sure, when we analyze the viability of such a proposal, that we not diminish the opportunity for Americans in those cities to be able to access aviation as they have in the past.

Equally important is the future of aviation in this country. A further consolidation of the airlines we have now would lead us to singular service in many cities, an absence of competition, an inevitable increase in rates, and, unfortunately, less than the healthiest aviation industry in the country.

As this proposal has now come forward, it is important for us in this body to analyze from a competitive standpoint, from a competition standpoint, from a consumer interest standpoint, from a marketplace standpoint, from a secondary market standpoint, and from the heavy prices that have been paid by the American aviation industry to reposition itself post-9/11 to make sure we honor those that have paid the price, are prepared to exit bankruptcy as a viable competitive airline, and not allow a quick, hostile takeover at the last minute and threaten competition, secondary market service, lower flight costs, and the great reward of America for paying the price to do the right thing, to exit bankruptcy and come back stronger than ever before.

I respect this great system. I respect greatly Delta Airlines and the price its employees have paid. I respect greatly the management that committed itself even in bankruptcy to ensuring its employees come first, their pensions would be honored, and they did whatever to see to it that was a reality.

As one Member of this Senate, I will call on my colleagues to look diligently at all of these questions as we move forward and make sure we honor competition, that we honor the secondary market, that we honor the employees of this great airline and do everything we can to preserve the modern competitive aviation system we have today and do not succumb ourselves to the threat of massive consolidation and an absence of competition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

HONORING OUR ARMED FORCES

LANCE CORPORAL RYAN E. MILLER

Mr. DEWINE. Mr. President, I rise today to pay tribute to LCpl Ryan E. Miller of Gahanna, OH. Ryan was killed on September 3, 2006, by an improvised explosive device while conducting combat operations in the Al Anbar province of Iraq. When he died, he was 2 months into his second tour of duty. He was 21 years old.

Long before he was old enough to enlist in the Marines, Ryan was a courageous protector. He was always looking out for his family and friends—especially his younger sister Tara.

Ryan's aunt Kathie Masters remembers how even when Ryan was just 4 years old, he was always protecting Tara. One day, she had toddled toward the end of the driveway. As she got close to the road, 4-year-old Ryan raced toward her to keep her from crossing into the street. As Kathie recalls:

> Tears were streaming down his face and he was screaming, 'No, Tara! No!' He ran to shield her from harm's way.

That story sums up the type of person Ryan Miller was throughout his entire life—selfless, caring, and always concerned first and foremost about others.

Ryan graduated from DeSales High School in 2003, and enlisted in the Marines December of that same year. He told his parents that ''he thought he would come out of it a stronger, better person with lifelong friendships.'' As Ryan told his father, Ed: ''There's nothing negative here, Dad. This is all good.''

When Ryan was a child his father taught him how to shoot a pellet gun in the backyard. Even at an early age, Ed could see that Ryan was a good marksman. Years later—after enlisting in the Marines—Ryan went to the School of Infantry at Camp Pendleton, CA, and graduated with the Military Occupational Specialty for rifleman.

Ryan's uncle Michael remembers that his nephew welcomed the challenge of the Marines. ''He wanted to be tested,'' he recalls. ''He wanted to serve as three past generations of the Miller family did so proudly. He wanted to be the best.''

Ryan was so proud of serving his Nation in the military, and his father remembers that the Marines had made Ryan more confident, mature, and focused. Ryan was first deployed to Iraq in February 2004. After returning that following September, he would give slide shows for anyone interested in what the experience had been like. And although Ryan's second tour was more volatile than his first, he always maintained his positive attitude—always told his parents not to worry. ''I can handle anything they can throw at me,'' his father remembers Ryan saying. ''I'll have a lot of good stories to tell you when I get back.''

Ryan was, indeed, an excellent Marine. He served with pride, honor, and dedication. Joseph Rivera, a fellow marine who had served with Ryan, wrote the following message to Ryan's family on an Internet tribute Web site:

> I'm very sorry for your loss. I knew Ryan shortly after he got to the 3–2. I stood a lot of post with him. He was a good Marine and an even better friend. He was one of the best guys I've ever had the privilege of serving with. He will be missed—but never forgotten.

Five days before his death, Ryan called his parents Ed and Mary. After 10 days of being in the field, he told them he was eager for a shower and a good meal. Assigned to the 3rd Battalion, 2nd Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force out of Camp Lejeune, NC, Ryan anticipated heading out again soon.

For those who knew Ryan, it is easy to remember his sparkling blue eyes, his ''trademark smile,'' and his love of athletics—especially baseball, Ohio State football, and the Minnesota Vikings. People also remember his ''quiet work ethic'' and how his military service deepened his maturity, focus, and confidence. They also will recall his strong Catholic faith and how he leaned on it during times of trouble.

At Ryan's funeral, his aunt Kathie remembered the dedication with which he served his country, and the way he inspired all he knew with his courage. This is what Kathie said:

> The one thing I can say about Ryan for sure [is that] Ryan didn't sit out. For as long as he was able, he shielded us from harm's way. He willingly put others before himself. He died a hero—protecting us, our children, [and] our grandchildren.

The Reverend Anthony P. Lonzo, speaking of Ryan's commitment to service, said this about him:

> [Ryan] was a man of God, a man of honor, a man of respect. These are the values that made him the man he is and [the man he] was when he joined the Marine Corps and made the ultimate sacrifice of his life.

At a service held at a chapel in Iraq, SGT Jeff Weaver, who served with Ryan, said the following:

> Miller came with one of the greatest attitudes possessed by any man. . . . [He] had a quiet demeanor, combined with a powerful presence that was a source of inspiration for anyone around him. . . . [Ryan]—you will not be forgotten and your memory will be carried on by each and every one of us.

Ryan was a young man with a bright future before him. After returning from Iraq, he planned to go to college and

then work in law enforcement. He was looking forward to playing in a softball league with his father and spending Christmas 2007 at home. He was making plans to pay down his Nissan Altima—the car that was his pride and joy. Ryan was simply the type of person who was always looking forward to the future.

Ryan's death has been a loss to his entire community. There was a special prayer for his family at the DeSales High School chapel. School Principal Dan Garrick said that ''we're deeply, deeply saddened. There's a very strong void in his community.''

Principal Garrick continued, his words summing up the sense of loss felt by the entire Gahanna community. This is what he said:

> We should all be so blessed at the end of our lives for someone to use the word hero to describe us, and that's what Ryan was. Sometimes our society uses that term too loosely. Ryan truly lived the credo of the hero.
>
> Ryan was a brave and courageous man who will always be remembered for his strength and decency. He was a person of both honor and respect—a devoted son, a protective older brother, and a truly outstanding marine. As his father said, ''I couldn't have asked for a better son.''

My wife Fran and I continue to keep LCpl Ryan Miller's family in our thoughts and in our prayers.

Mr. President, I know the majority leader will be on the floor, and I will tell my colleagues that I will give another tribute which should last about 6 or 7 minutes, at which time the majority leader will be in the Senate.

PRIVATE FIRST CLASS HEATH D. WARNER

Mr. President, I rise today to pay tribute to a fellow Ohioan who gave his life for the cause of freedom—Marine PFC Heath D. Warner from Canton. He was killed by a roadside bomb in Al Anbar province in Iraq on November 22nd of this year. He was just six weeks shy of his 20th birthday.

Heath Warner was a special young man, whose life was a model of selflessness and courage. And while it is right for us to honor him today and everyday and to grieve his loss, his childhood friend Brad Mowery said it best:

> [Heath] doesn't want people to feel sorry for him. He wants people to realize he was doing what he wanted to do. He was living his dream. How many people get to live their dream?

Serving in the military was indeed Heath's lifelong dream, and it was evident all along. When Heath was 12 years old, he visited Arlington National Cemetery with his family. On those hallowed grounds, his family remembers him saluting a member of the honor guard at the Tomb of the Unknowns. Even at that young age, Heath understood the value and importance of service and sacrifice.

His family pictures show countless other examples of Heath's interest in serving our Nation: There is a picture of him wearing the Army uniform of his grandfather, Randy Metzger, while another picture shows Heath standing at attention, while saluting at a fort in Virginia.

Even when he received his high school diploma, he walked straight as an arrow, like the splendid marine he would later become.

Heath's mother Melissa recalls that ''this is what he always wanted to do. It was his calling in life. I remember him over and over saying, 'I'm gonna go fight for my country.'''

He did just that, and he did it with great honor and dedication.

Heath had many interests. He loved exotic foods, martial arts, and zombie movies. A passionate student, he taught himself German and Japanese and was taking Arabic during his tour in Iraq. And, like all teenagers, he loved hanging out with family and friends.

No matter what he was doing, his unique personality came through. As his friend Brad explained:

> He didn't care what anybody thought about him, he just did what he wanted to do. He had his own way, his own style.

Part of Heath's personal style was his love for break dancing. All throughout his time at McKinley High School, he performed at community and school events in the Canton area. But another essential element of Heath's character was to give freely of himself. So it is no surprise that he took his passion for break dancing and turned it into a way to help others. In addition to performing, Heath taught break dancing to younger kids at the Living Fountain Dance Company in Canton.

Kimberly Payne, an instructor at the dance company, remembers this about Heath:

> He decided to give a little bit of himself and his heart to other kids. He really believed break dancing would keep kids out of trouble. I'm crushed that such a positive kid has been taken from this world.

Prompted by the terrorist attacks of September 11, Heath joined the Marines while still attending McKinley High. Upon graduation in 2005, Heath went through basic training and eventually became a member of the 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, based in Hawaii. He was trained as a gunner on a humvee—one of the most dangerous positions. It was exactly where Heath wanted to be—and that was on the front lines.

Before his deployment in August, Heath's family decided to celebrate his 20th birthday early. His father, Scott said that ''we knew he wouldn't be here [in Ohio at the time of his birthday in January]. So we decided to have his 20th birthday [before he deployed to Iraq].''

After celebrating with friends and family, Heath deployed to Iraq. Early on in his tour, he survived an IED explosion. Heath wrote in a letter home that he knew ''God was watching him.'' He spent his free time in Iraq reading ''The Purpose Driven Life'' and studying the Bible.

In his last letter home, Heath told his family that he loved them all and signed off with a word in Arabic, which meant goodbye. When the news came in late November that Heath had given what Lincoln called ''the last full measure of devotion,'' his family was, of course, devastated. It would be a brokenhearted Thanksgiving for all who had the privilege of knowing Heath Warner. Through tears, his mother remembered, ''Last year, [Heath] ate and ate until he got sick. He loved Thanksgiving and this time of year. He loved to smell the turkey.''

To honor Heath upon his death and in continued support of the troops, Northeast Ohioans flew their American flags. There has been an outpouring of support for Heath's family, with family, friends, and even strangers dropping by the Warner household to give them food, flowers, and cards. All wanted to remember and honor Heath, who had brought so much happiness into this world.

In his short time on this earth, Heath Warner left a powerful legacy. He was devoted to helping others—a trait best illustrated by the instructions he left behind on the use of his death benefits. He asked his parents to use them to pay for his two younger brothers Chandler and Ashton to go to college. This selfless act tells you all you need to know about the person Heath was.

Heath's dad summed it up this way:

> I want people to know that Heath believed in what he was doing. He believed in the fight he was involved in, and he was willing to make the sacrifice. We honor that sacrifice. He's our hero. We need men and women like Heath to serve our country so that we can have the privileges we have. I am in awe of my son.

Heath's life was a precious gift, and he made the most of it.

My wife Fran and I continue to keep Heath's parents, Scott and Melissa, his brothers Chandler and Ashton, and all his family and friends in our thoughts and in our prayers.

LANCE CORPORAL RYAN THOMAS MCCAUGHN

Mr. GREGG. Mr. President, I rise today to pay tribute to U.S. Marine Corps LCpl Ryan Thomas McCaughn, of Manchester, NH, a brave American who has made the ultimate sacrifice in service to our country.

Raised in a family that was familiar with the virtues of military service, Ryan knew from an early age that it was his calling to be a U.S. marine. Graduating from Manchester's Central High School in 2005, Ryan gave us a glimpse of the characteristics that would later make him a remarkable marine. While others may have been deterred, Ryan rose to meet the academic challenge by taking three English classes in one semester during his senior year at Central in order to fulfill his dream of joining the Corps. This can-do attitude, as well as his sense of humor and creativity, will always be remembered by those who knew him.

Like Ryan, another man who was in the service of his country and from

New Hampshire, Daniel Webster said, ''God grants liberty only to those who love it, and are always ready to guard and defend it.'' In this spirit, a week after graduating from Central, Ryan left for Marine Corps Recruit Training at Parris Island, SC. After completing his initial training, Ryan went to the School of Infantry at Camp Lejeune, NC, where he graduated as mortarman. In February 2006, then Private First Class McCaughn joined 1st Battalion, 6th Marines at Camp Lejeune.

In March 2006, Ryan was promoted to Lance Corporal; 6 months later he arrived in Iraq as part of Operation Iraqi Freedom. Tragically, on November 7, 2006, this brave marine was killed during combat operations in Ar Ramadi, Iraq, when an improvised explosive device detonated while he was conducting combat operations against enemy forces. Throughout his short career, Ryan earned accolades which testify to the dedication and devotion he held for the Marine Corps, his fellow marines, and his country. Lance Corporal McCaughn's awards and decorations include the National Defense Service Medal, the Iraqi Campaign Medal, Global War on Terrorism Service Medal, the Purple Heart Medal, and the Combat Action Ribbon.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Baghdad—and U.S. Marine Corps LCpl Ryan McCaughn served in that fine tradition. As he told his mother, he knowingly put himself in harm's way so that others did not have to, and for this, we are eternally grateful. To his last day, Lance Corporal McCaughn exemplified the motto of the U.S. Marine Corps, ''Semper Fidelis—Always Loyal.''

My heartfelt sympathy, condolences and prayers go out to Ryan's parents, his brothers, and his family and friends who have suffered this grievous hurt. The death of Ryan, only 19 years old, on a battlefield far from New Hampshire is a true loss for our State, our Nation and the world. Although he will be sorely missed by all, his family and friends may sense some comfort in knowing that because of his devotion, sense of duty, and selfless dedication, the safety and liberty of each and every American is more secure. May God bless LCpl Ryan Thomas McCaughn.

SERGEANT JEREMY MULHAIR

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army SSG Jeremy Mulhair of Nebraska. Sergeant Mulhair died when an explosion hit his vehicle near Taji, Iraq.

Sergeant Mulhair grew up in the rural areas northwest of Omaha. He attended Omaha Central High School. Sergeant Mulhair enlisted with the Army National Guard in 1995. He joined the Guard for both his deep sense of patriotism and a strong respect for his father Jerry, who served in Vietnam.

Sergeant Mulhair turned his National Guard duty into a job in the regular Army. He had been in Iraq since October, serving with the Apache Troop, 1st Squadron, 7th Cavalry Regiment. This was his second tour of duty in Iraq. Sergeant Mulhair had served in South Korea as well.

Sergeant Mulhair was a devoted family man. He and his wife Suzie had three children: 9-year-old Celina, 8-year-old Jeremy, Jr., and 9-month-old Maybel. The family hoped to have another child when he returned from Iraq. Thousands of brave Americans like Sergeant Mulhair are currently serving in Iraq.

In addition to his wife and children, Sergeant Mulhair is survived by his parents Jerry and Mildred of Kimballton, IA, brother Robert Mulhair of Mead, NE, and sisters Dixie Heisner and Tammy Lines of Omaha.

I ask my colleagues to join me and all Americans in honoring SSG Robert Mulhair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO CHAPLAIN BARRY BLACK

Mr. FRIST. Mr. President, as I depart this body, I would like to extend a heartfelt personal thank you to Chaplain Barry Black. From comforting staff and Members in the wake of tragic deaths to leading erudite Bible study groups, to opening the Senate each morning with prayer, Chaplain Barry Black has shown himself the epitome of a great minister. He is a man of keen intellect, enormous oratorical skill, and great faith.

Personally, I have always been taken by his voice as he offers our opening prayers each morning we are in session. He has a voice that makes everyone perk up, listen, and remain attentive.

I have seen Chaplain Black become a friend, an ally, and a helper to staff and Members from all points on the political spectrum. He has kept his door open to people of all faiths and, as a Seventh Day Adventist minister himself, has helped many Christian Senators and staff—including me—enter into a closer and more meaningful relationship with Jesus Christ.

I am delighted that he will be continuing his service and I am pleased that I could have the honor of appointing him. Barry Black, thank you.

TRIBUTE TO BILL PICKLE

Mr. FRIST. Mr. President, Since 2003, Bill Pickle has served this body with enormous distinction. As the Senate's Sergeant at Arms, he has helped us and he has protected us. Now, as he departs, I wish to thank him, recognize him, and honor him.

For over 3 years, he has excelled in one of the hardest jobs I know of, not just in the Senate, not just in our legislative branch, not just in our Federal Government but I honestly believe, in the entire Nation.

When I came to the job as majority leader, I wanted to find the best professional possible in law enforcement, information technology, security, and continuity planning to lead the Sergeant at Arms operation. I found him in Bill Pickle, and it was one of the smartest decisions I made during my tenure as leader. Bill is the consummate professional. He is smart, with good instincts, and like my colleagues, I value his counsel and insight.

Originally, his office existed to keep order in the Senate Chamber and compel the attendance of Members for votes. In this body's early days, the Sergeant at Arms would circulate through the drinking houses of what was then known as Washington City, rounding up recalcitrant Members and dragging them—sometimes by the coattails—back to the Senate Chamber.

Perhaps today's members do a slightly better job showing up for votes. To my knowledge, Bill Pickle has never had to bodily drag any of my colleagues in for a vote, but that has not made his job easier.

Today's Sergeant at Arms is part security specialist, part corporate executive, and part management information systems administrator, and that is just part of it. Every day, the Sergeant at Arms' office must deal with the demands of 100 opinionated, demanding men and women, thousands of American citizens, officials from every part of our own Government, and people from around the world.

The duties that fall under his office range from running our recording studio to serving on the board that oversees the U.S. Capitol Police, but one thing unites them all their ability to connect this body to the people of this Nation.

Through his leadership, his courage, and his vision, against immense challenges, Bill Pickle has kept this building and this body open and accessible to the people we serve.

During the whole of Bill Pickle's time in office, our Nation has been at war against Islamic fascists, enemies who wish to strike at the principles of openness and democratic governance that this body represents. And he has kept us safe. Not a single serious assault has occurred on this body during his time in office. The Capitol is safer than it has ever been. For that alone, we all owe him a debt of gratitude.

Every time his office has faced a challenge. Bill Pickle has risen to the occasion. Time after time, he has tackled difficult tasks with aplomb. He preside over a necessary expansion of the Capitol Police, appointed the Senate's first chief information officer, helped

oversee expansion of our computer networks needed to deal with the ever-growing stream of e-mail sent to our offices, and, of course, the demands to keep the Senate accessible amidst ever-changing security requirements. In short, he has realized the goals he set out for himself on his first day of work: Providing State-of-the art technology and world class security.

He has won the respect and admiration of people throughout the Senate, members of both parties.

Bill has taken continuity planning and security to a new level for us in the Senate, and I know his successor, our former police chief, Terry Gainer, will follow Bill's lead on these critical issues.

As a person with a long and distinguished career in law enforcement, I trust that Mr. Pickle will not mind if I paraphrase the great American police chief, August Vollmer. In his service to the Senate, I believe, Bill Pickle has shown ''the wisdom of Solomon, the courage of David, the leadership of Moses, the strategic thinking of Alexander the Great, and the diplomacy of Lincoln.''

Bill Pickle: I thank you, the Senate thanks you, and the Nation thanks you.

TRIBUTE TO DOLLY PARTON

Mr. FRIST. Mr. President, a few days ago, an extraordinary Tennessean, Dolly Parton, received one of the 2006 Kennedy Center Honors. As a singer, a songwriter, an actress, a television producer, and an entrepreneur, she has emerged as one of the preeminent cultural figures of our era. Her life story, her talent, and her rise to success can serve as an inspiration for all Americans.

Dolly Parton, in fact, could turn out to be the last prominent American actually born in a log cabin. She was born at home on January 19, 1946. Growing up, by her own description, ''dirt poor,'' in east Tennessee's town of Sevierville, her family of 14 lived in a hand-built log house. She discovered her gift for singing in church, gave public performances before she turned 10, recorded her first tracks at age 12, and appeared at the Grand Ole Opry at 13. Well-known country artists recorded her original compositions before she turned 20. Her own recordings hit the country charts for the first time with the song ''Dumb Blonde'' in 1966. Today, she has recorded more No. 1 Billboard hits than any other female artist ever and received 25 gold, platinum, and multiplatinum honors. She has been awarded a star on the Hollywood Walk of Fame, seven Grammy Awards, and two Oscar nominations. Her unique personal style and her sense of humor have influenced Americans across the country.

Since 1986, her theme park, Dollywood, has generated thousands of jobs and hundreds of millions of dollars of investment in the Great Smokey Mountains. As one of the most visited theme parks in the country, Dollywood now serves as an economic anchor for east Tennessee. Today, a statue of her sits Sevierville's town square. She has also given back: Her Imagination Library charitable program has shared her love of reading with millions of children around the United States.

Dolly Parton stands as one of the most influential living Tennesseans. We all owe her a debt of gratitude.

I must close in expressing my strong agreement with sentiments about her own musical genre: ''If you talk bad about country music, it's like saying bad things about my momma. Them's fightin' words.''

Dolly Parton: I thank you. America thanks you.

TRIBUTE TO GEORGE MANIAS

Mr. DURBIN. Mr. President, tomorrow is an historic day in Peoria, IL. It was exactly 60 years ago tomorrow—on December 6, 1946—that George Manias opened his shoeshine business with one shoeshine chair in the corner of a downtown barber shop.

George has been shining shoes in Peoria ever since—for working folks, movie stars, famous athletes, and at least two presidents.

This evening, the Peoria City Council will honor George Manias with a special resolution in his honor. I ask unanimous consent that the text of that resolution be printed in the RECORD.

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

Office of the Mayor—Proclamation

60TH ANNIVERSARY, GEORGE'S SHOESHINE PARLOR, ''WORLD HEADQUARTERS'', PEORIA, ILLINOIS

Whereas, George Manias opened his shoeshine business in 1946, and he has been in the heart of Downtown for 60 years and is recognized by the City of Peoria for his genuine concern for people, his traditional work ethic, and his ability to continue to operate a successful small business in a changing environment; and

Whereas, George Manias has been locally and nationally recognized for many years and has been featured in the U.S.A. Today newspaper and on the Today Show on NBC; and

Whereas, George Manias has an open door to everyone from all walks of life and has served the citizens of Peoria, as well as local and national celebrities and elected officials, including President Ronald Reagan and Senator Everett Dirksen;

Now Therefore, I, Jim Ardis, Mayor of the City of Peoria, Illinois, do hereby congratulate

George Manias in Peoria, Illinois, on the occasion of the 60th Anniversary of George's Shoeshine Parlor.

Dated this 5th day of December 2006 A.D.

Mayor

Mr. DURBIN. The resolution notes that George's shoeshine parlor has been in the heart of downtown Peoria for 60 years. Some would say that George's just flat is the heart of downtown Peoria.

Located across the street from the Peoria County Courthouse and kitty-corner from the world headquarters of the Caterpillar Incorporated, George's shoe shine parlor brings together people from all walks of life.

Among his customers are the judges, lawyers, police, politicians and other courthouse regulars; business leaders; celebrities; and other folks who appreciate the importance of caring for leather and looking your best.

They come in, sit down in one of George's nine shoe shine chairs with their shoes scuffed and dirty and five or six minutes later, they stand up with their shoes polished to a mirror finish, looking like new money. It's like the old 1950 song by Harry Stone and Jack Stapp, Chattanooga Shoe Shine Boy:

He makes the oldest kinda' leather look like new
You feel as though you want to dance when he gets through.

And it only costs $3 a shine—the same price George has been charging for over 15 years.

George Manias is a master of an almost lost art. He is a shoeshine professional. He wears a white dress shirt and a bow tie every day.

A lot of shoeshine men nowadays apply the polish with a cloth. Not George. He's old school. He massages the polish into your shoes with his bare hands. He explains: The polish gets into the leather better that way. Then he buffs and shines and the next thing you know, your shoes look better than when you bought them.

Let me tell George's story. It is a great American story. George Manias was born in Peoria 75 years ago, the son of proud Greek immigrants, and he speaks with the accent of his parents' homeland. That's because, when he was 3 or 4 years old, his parents took the family back to Crete, to see George's grandfather, who was very ill.

While the family was in Crete, the Nazis invaded and George's father was taken prisoner.

In 1945, when the war ended, the Manias family was finally able to return to Peoria. They were practically penniless. Everyone had to work to support the family. George had to learn to speak English.

At 14, he started shining shoes at the old Paris Shoe Shine Parlor on Main Street, next to the Palace Theater. He charged 20 cents a shine.

Within a year, he had saved enough money to buy his own chair. He became an entrepreneur, working out of Ed and Roy Gibbs' Barber Shop.

In 1956, he opened his own 12–seat shoe shine parlor in the Old Niagara Building.

Over the years, George has had four different shops. The last three were all torn down to make way for bigger, taller buildings. He moved to his current location almost 20 years ago.

Today, a professional shoeshine might seem like a minor indulgence. But back when George started, a man

didn't feel properly dressed without a hat and a shoe shine.

It was a time, as Arthur Miller's legendary Willie Loman said in Death of a Salesman, when we were all salesmen, getting along with a shoe shine and a smile. For many men, the shine was a weekly ritual.

Back in the day, you could walk into George's and all nine chairs would be occupied with customers—wingtips, next to oxfords, next to loafers—and George would be polishing all nine pair at once. It was like an assembly line, but there was nothing automated about it.

At one point, he had four men working for him and he still worked 14- and 16-hour days, seven days a week.

He didn't take a vacation for 29 years, until 1975, when he went back to Greece for two weeks with his mother, brother and sister. After that, he didn't take another vacation for 25 years.

He's been to Greece twice in the last three years to visit relatives. He says he might take a vacation again someday—but only with family.

Work and family. Those are the things that matter to George Manias: His sister Angie owns a small candy-and-nuts shop in Peoria, and his brother Manny is a private detective who used to be the deputy sheriff in Peoria County.

In 1996, his widowed mother suffered a serious stroke that left her paralyzed. The siblings cared for her at home for the last 4 years of her life.

Customers come to George's for more than just the spit-polish shines. They come to chat and to learn what's happening in town.

Mike McCuskey, a federal judge, has been a loyal customer for years. He calls George's shoe shine parlor pure Americana and vintage Peoria.

You never know who you'll see there. One day, McCusky said, he looked over at the man in the chair next to him and blurted out, You're Gayle Sayers, aren't you? That was when the Hall of Famer was still playing for the Chicago Bears.

Over the years, George's Shoe Shine and Hattery—its official name—has grown from a small business to a legend. It has been featured in local newspapers, radio and TV; in the Washington Times and the Associated Press; on the Today Show; and on the front page of USA Today—twice.

The walls are covered with news clippings and photographs of famous people who have dropped in for a shine: President Gerald Ford, during the 1976 presidential campaign; President Ronald Reagan in 1982; Everett Dirksen, the Minority Leader of the U.S. Senate when LBJ was President; Former House Minority Leader Bob Michel; Congressman RAY LAHOOD; Former Illinois governors Bob Edgar and Richard Ogilvie; Peoria Mayor Jim Ardis and a string of his predecessors; BARACK OBAMA. Even my photograph is there. Democrats and Republicans. In 2004, Congressman LAHOOD brought in then-CIA director George Tenet, a Greek-American, who was in Peoria to give a speech. The two Georges chatted in Greek. There are photos of movie stars and singers. And judges—lots of judges.

But you don't have to be famous to feel welcome. George makes everyone in Peoria feel special. It doesn't matter if you're a well-known politician or if the $3 you spend on that shoe shine is the only $3 you have, George makes you feel special.

Another reason people go to George's is because he listens to everything, and he knows everything that's going on in the local Republican and Democratic parties, and in the Peoria business community.

Says Judge McCuskey: It's like that Merrill Lynch commercial. When George speaks, you want to listen. And sometimes when you speak, George looks up at you with the slightest smile, and you never know if he's smiling because he knows something you don't know—or because you've just given him another piece of a puzzle he didn't have. He's the keeper of the secrets.

On Judge McCuskey's desk in the federal courthouse in Urbana sits a small scale of justice, a symbol that traces its origins to ancient Greece. It's a treasured gift that George Manias brought back from a trip to Greece.

Across Peoria and far beyond, countless other people have been blessed with gifts from George, not the least of which is a perfect shine and the dignity of being treated with respect no matter who you are.

George Manias is a quintessential American in a quintessentially American city, and I am proud to join the city of Peoria in honoring him on his 60 years as a successful entrepreneur.

PREVENTING UNDERAGE DRINKING ACT

Mr. DEWINE. Mr. President, just over 3 years ago, on September 30, 2003, I held a hearing as chairman of the Substance Abuse and Mental Health Services Subcommittee on the problem of underage drinking. Senator DODD, who later joined me in crafting a bill to help combat the problem, joined me at that hearing. We were there to discuss this serious problem affecting the health and well-being of our Nation's young people—a problem that has been ignored for too long—a problem that kills thousand of America's teenagers.

We all know that underage drinking is a significant issue for youth in this country. We have known that for a very long time. We have known that underage drinking often contributes to the 4 leading causes of deaths among 15 to 20-year-olds—that 69 percent of youths who died in alcohol-related traffic fatalities in the year 2000 involved young drinking drivers—that in 1999, nearly 40 percent of people under age 21 who were victims of drownings, burns, and falls tested positive for alcohol.

We have known that alcohol has been reported to be involved in 36 percent of homicides, 12 percent of male suicides, and 8 percent of female suicides involving people under 21. And we have known that underage drinking accounts for 6.5 times more deaths among young people than illicit drug use.

How did we get here? How did our Nation reach this point—a point where today, 12 percent of eighth graders—12 and 13-year-olds—binge drink? These statistics are frightening. Too many American kids are drinking regularly, and they are drinking in quantities that can be of great harm to them.

As a nation, we clearly haven't done enough to address this problem. We haven't done enough to acknowledge how prevalent and widespread teenage drinking is in this country.

We haven't done enough to admit that it is a real problem with very real and very devastating consequences. We haven't done enough to help teach America's children about the dangers of underage drinking. We talk about drugs and the dangers of drug use, as we should, but the reality is that we, as a society, have become complacent about the problem of underage drinking. This has to change. The culture has to change.

In reaction to these problems, I worked with my friend and colleague from Connecticut, Senator DODD, to write a bill that will provide some of the tools our communities need to combat underage drinking.

The Sober Truth on Preventing, STOP, Underage Drinking Act would be an important step toward reducing underage drinking on our college campuses and in our schools and communities. This bill will provide authorization for funding to encourage parental awareness of the problem, such as the ongoing Ad Council campaign on underage drinking. It will also provide authorization for grants on college campuses and in surrounding communities to change the culture of drinking that so permeates our institutions of higher education. It will also provide grants to our communities to specifically target underage drinking reduction, as well as authorize additional research that is so important to helping us to further understand this problem and prevent the negative consequences associated with it.

I want to thank Senator DODD for his hard work on this bill. He has been a great champion for the prevention of underage drinking. He is a tireless fighter for America's children and youth. He cares about kids. He cares about their well-being. I am privileged to have had the opportunity to work with him on many pieces of legislation to help protect children and promote their health and welfare. I know that combating teenage drinking has been and continues to be very important to him, and I thank him for his interest in this area. I also thank Chairman ENZI and Ranking Member KENNEDY for their help in passing this important legislation.

Kids are beginning to drink earlier and earlier—at younger and younger ages—and they are doing so in ways that could negatively affect their bodies, their minds, and their futures. I urge swift passage of this legislation and look forward to seeing the good work that comes from it.

RETIREMENT OF GENERAL JAMES L. JONES

Mr. WARNER. Mr. President, I rise today to pay special tribute to GEN James Logan Jones, USMC, who is concluding his extraordinary career in the Marine Corps with his retirement as Commander, United States European Command and as the Supreme Allied Commander of NATO.

For 5 decades, Jim Jones and his family have faithfully served our Nation in peace and war. From 1965, when he led a platoon in the jungles of Vietnam, to 1999, when he became the 32nd Commandant of the United States Marine Corps and subsequently led the Corps through 9/11 and the ensuing, turbulent years of the global war on terrorism, to the present day as he ensures that NATO—the world's preeminent security alliance—is ready for the 21st century, Jim Jones is the embodiment of what a modern American military leader should be—warrior, statesman, visionary.

My long association with General Jones began in 1972 when I was privileged to take the oath of office as Secretary of the Navy at the historic Marine Barracks in our Nation's Capital. Years before, in the winter of 1951 to 1952, I served in Korea, as a young Marine Corps ground officer with the 1st Marine Air Wing. That modest service, coupled with many years of reserve duty thereafter, prompted me to select the Marine Barracks when I became the first Secretary in history to be sworn in on those grounds. Ten years later, I learned that one of the Marine captains who commanded a company of marines that marched at the ceremony that day was CPT Jim Jones. Years later, we were reunited when he was specially selected to come to the Senate to serve as a Marine Corps liaison officer. Our first trip, with Senator John Tower, the chairman of the Senate Armed Services Committee in the early 1980s, was to go to Lebanon to inspect the tragic site where the U.S. Marine barracks were blown up by suicidal terrorists.

Jim's service in the Corps is a lasting memory for me, and many other Members, to name a few: Senators HAGEL, INOUYE, LEVIN, LUGAR, MCCAIN, ROBERTS, STEVENS, BURNS, and THOMAS, because of his professionalism and dedication to the Senate's constitutional obligation ''to raise and support armies,'' and ''to provide and maintain a navy.''

As the years passed on, I have observed with great admiration as Jim Jones applied his talents and abilities to the numerous opportunities and challenges he faced—from Vietnam to the halls of the Pentagon and Senate, to the deserts of the Middle East, to Eastern Europe and Africa. Our Nation has produced such a courageous, skilled and dynamic officer in Jim Jones.

Among his most challenging assignments was his last where he led the most aggressive transformation efforts in NATO's history—including a comprehensive headquarters realignment, developing NATO's global military capabilities, creating the NATO Response Force, bringing new members into NATO's military structure, and embracing the concept and practice of out-of-area missions for NATO. Under his guidance, NATO now has 30,000 troops deployed in locations across the globe and is leading the International Security Assistance Force in Afghanistan.

Unlike his predecessors, Jim Jones would travel to any geographic location in his area of responsibility to personally brief traveling Members of Congress—using charts galore.

As a steadfast, life-long supporter of NATO for its unparalleled success in achieving peace through steadfast resolve, I was privileged to watch General Jones provide extraordinary leadership of NATO's military forces as NATO expanded its membership and began to embrace of out-of-area missions. I share his view that: ''NATO has been, and needs to remain, a great Alliance: great Alliances do great things. It is possible, even probable, that NATO's most important days and most important missions lie ahead in the future.'' Thanks in no small measure to General Jones' contributions, I am confident that NATO is and will be always ready for those challenges.

For the years they have shared with him the burdens and joys of arduous public service, it is also important that we publicly thank his wife Diane, and their children, James, Jennifer, Kevin, and Greg. They, too, have sacrificed much for their country. How proud they are, and we are, that their son Greg is an active duty captain in the Marine Corps today. In keeping with the finest traditions of the Marine Corps throughout its 229-year history, General Jones and his family are grateful for their opportunity to serve, and our Nation is equally grateful for their contributions.

As GEN Jim Jones prepares to ''hang up'' his Marine Corps sword, our Armed Forces, the Congress, and our Nation owe him a huge debt of gratitude for his many years of commitment and service to this country.

General, sir, in the immortal words of the Navy-Marine Corps team, may you have fair winds and following seas as you embark on your next endeavor. Semper Fidelis.

IRAQ'S TOLL OF SLAIN JOURNALISTS CONTINUES TO RISE

Mr. LEAHY. Mr. President, Iraq is a dangerous and chaotic place for our brave American soldiers there, for our coalition partners, and for Iraqi families who must struggle just to make it safely through each day. It is also a perilous place for the journalists who attempt to cover the situation on the ground. They are at the front of the front lines of this conflict, and the dispatches from Iraq produced by representatives of a free and independent press are a vital conduit of information that helps the American people—and their representatives in government—to make more informed decisions. These are print reporters, television correspondents, photo journalists and the other professionals who help journalists in gathering and transmitting the news.

We learned in recent days of the deaths of two more news professionals. Raad Jaafar Hamadi, a journalist with the daily Al Sabah, was shot dead in his car in the east of Baghdad on November 22. Fadhila Abdelkarim, an administrative staff worker of TV station Nainawa, was shot outside her home in Mosul on November 26.

American media professionals have been among the casualties. They are as well known to us as NBC correspondent David Bloom, and those who we will never know by their bylines or on our TV screens. Director General Koichiro Matsuura of the U.N. Educational, Scientific and Cultural Organization—UNESCO—this week noted that the number of media professionals killed in Iraq continues to grow unabated, and that ''since January more than 35 journalists have paid with their lives for their determination to fulfill their mission.''

According to Reporters without Borders—RSF—137 journalists and media assistants have been killed in Iraq since the start of the war in 2003, while 51 have been kidnapped. According to RSF, four of the kidnap victims are still being held hostage.

Some in the administration have chosen over the years to disparage the journalists serving in Iraq—for instance, labeling them ''lazy'' or unwilling to leave their bureaus or hotels.

The reality is far different. Day after day, journalists in Iraq face, and accept, incredible dangers just to do their jobs. As news professionals on one of the most challenging and important news beats on the planet, they deserve great credit for their courage and their commitment, and they deserve our appreciation.

A PLAN FOR IDAHO'S ROADLESS AREAS

Mr. CRAPO. Mr. President, on November 29, 2006, Idaho Governor James Risch presented Idaho's petition for our Roadless Areas to the Roadless Area National Advisory Committee here in Washington, DC. I strongly support this collaborative and comprehensive petition.

The Idaho Roadless process was of a thorough and collaborative nature.

Every effort was made to involve county commissioners, members of the public, and a diverse array of participants. Idaho leaders and agency representatives have done an excellent job of including everyone who wished to provide input.

In this case, we have had decades of uncertainty. This petition, as set forth by Governor Risch, has potential to resolve these disputed and difficult issues in a collaborative manner.

The petition is the result of thoughtful hard work intended to reach consensus on a very tough issue. Such decisions seldom provide any one group or individual with everything they had hoped or negotiated to achieve. In this case, it appears to be a fair petition and sets a path forward that will encourage all parties, including those who are in support and in opposition, to resolve their differences and establish Idaho's future road management policy. This is a beginning, not an end.

I commend Governor Risch and his team for their efforts and render my support in behalf of their earnest and diligent effort.

ESTHER MARTINEZ NATIVE AMERICAN LANGUAGES PRESERVATION ACT

Mr. MCCAIN. Mr. President, I rise in support of H.R. 4766, the Esther Martinez Native American Languages Preservation Act of 2006, which was passed by the House of Representatives on September 27, 2006, and referred to the Committee on Indian Affairs. This legislation reauthorizes the Native American Programs Act of 1974 through the year 2012 and provides a grant program to ensure the survival and vitality of Native-American languages through such programs as language nests, survival schools, and language restoration programs, in addition to programs currently funded by the ANA grants for language preservation. I am asking the Senate to pass the bill as passed by the House of Representatives. However, I understand that Dr. COBURN has a question about the intent of this bill in respect to a particular matter and would like to engage in a colloquy for the purpose of clarifying that intent.

Mr. COBURN. I rise for the purpose of engaging Senator MCCAIN, who is managing H.R. 4766, in a colloquy over a certain aspect of the bill. Senator MCCAIN, as the chairman of the Committee on Indian Affairs, to which this bill has been referred, and as the bill's manager in the Senate, I would like to know if it is the intent of this legislation that the Administration for native Americans, in administering the provisions of this bill, require that grants for Native language survival schools requite parental permission for the student to participate in the program and also that the students participating in the program demonstrate adequate progress in English proficiency according to grade level?

Mr. MCCAIN. The Senator from Oklahoma is correct. That is the intent of the bill.

ENDING THE TRADE IN CONFLICT DIAMONDS

Mr. FEINGOLD. Mr. President, this week marks the opening of a film that has already gotten a lot of attention, Warner Brothers' ''Blood Diamond.'' Many will flock to theaters to see this Hollywood blockbuster, but I hope these audiences will remember more than the celebrities and action sequences.

So-called blood diamonds finance criminal activity that threatens the lives and environments of civilians, the stability of communities and countries, and national, regional, and international security. Innocent citizens, many of them children, are forced to mine the gems in hazardous conditions while rebel groups reap large profits, which are used to pay for weapons that breed brutal violence. In the past decade, the sale of blood diamonds fuelled civil wars resulting in over 4 million deaths and the displacement of millions of people in Angola, Sierra Leone, Liberia, the Democratic Republic of Congo, and now in Ivory Coast.

In 2003, Congress passed the Clean Diamond Trade Act, which sought to ensure that the United States does not participate in the conflict diamond trade by prohibiting the importation of diamonds from countries that fail to implement a clearly articulated system of controls on rough diamonds. It was designed to implement the multinational Kimberley Process scheme launched earlier that year by 70 governments and the global diamond industry, which requires governments to certify that diamond shipments through their countries are conflict-free. The scheme's objectives are to: (1) stem the flow of rough diamonds used by rebels to finance armed conflict; and (2) protect the legitimate diamond industry, upon which several African countries depend for their economic and social development.

A 3-year review of Kimberley Process implementation held earlier this month in Botswana revealed that while important progress has been made, serious loopholes remain and must be closed to stop diamonds from funding conflict in Africa and elsewhere. This meeting comes on the heels of a U.N. report which found that $23 million in conflict diamonds from Ivory Coast are being sold around the world, and that diamonds continue to cause instability and brutal human rights abuses in the Democratic Republic of Congo.

As the largest consumer of diamonds in the world and a strong advocate for transparency and human rights, the U.S. should be setting an example by ensuring that its domestic certification system is effective and by working to strengthen the Kimberley Process. Just 2 months ago, however, the U.S. Government Accountability Office released an in-depth study that revealed blood diamonds may be entering the United States due to poor enforcement of the Clean Diamond Trade Act and a failure by the U.S. diamond industry to abide by its promise to police itself in support of the Kimberley Process.

The 2003 Clean Diamond Act commissioned this GAO study to identify areas for improvement in domestic and international implementation of the Kimberley Process scheme, so it is now Congress's responsibility to ensure that the responsible government agencies and departments act upon the report's recommendations.

The GAO reports that the U.S. does not inspect rough diamond imports or exports and so must rely on importers to confirm the legality of their wares. Official statistics show an excess of diamond exports over imports of 300,000 carats last year that cannot be accounted for, suggesting that some diamonds are entering the U.S. through informal channels. Clearly, existing U.S. controls are not strong enough and are insufficiently enforced. Similarly, the GAO study finds that implementation of the Kimberley Process scheme in Africa is severely constrained by the limited capacity and resources of these countries and the need to harmonize diamond trade and certification policies among these and other countries in the region.

Both to discourage the mining and sale of blood diamonds and to promote legitimate diamond trade, the United States must initiate regular, independent, and systematic monitoring of diamond imports and exports. The American diamond industry must also adopt and enforce a credible system to make sure that companies are verifiably adhering to the scheme and responsibly sourcing diamonds. In addition to conducting oversight of these domestic activities, Congress needs to advocate and appropriate U.S. assistance for regional efforts to strengthen implementation of the Kimberley Process in Africa.

The release of the film ''Blood Diamond'' coincides with the holiday shopping season, and it should remind us all that much work remains to put an end to the illicit diamond trade that continues to fuel violence, finance criminals, and exploit innocent people and their environments. I remain committed to improving the Kimberley Process scheme at home and abroad and promoting active leadership by the U.S. government and the American diamond industry towards ensuring that diamond mining contributes to sustainable development in Africa, rather than fueling conflict by financing criminal activity.

CONDITIONS IN DARFUR

Mr. KOHL. Mr. President, I am grateful for the opportunity to join with my colleagues on the vitally important topic of Darfur and the entire humanitarian crisis facing that part of the world.

When we look at a current map of Africa, we are looking, for the most part, at national boundary lines that were formed by the arbitrary dictates of Western European nations during their primacy as colonial power brokers in the 19th century. Those lines were, essentially, simple longitude or latitude lines that had no relevancy, at all, to the social, cultural, or tribal structures that had existed on those lands for centuries. Suddenly, the simple, clean-cut decisions of 19th century Europeans have become, in the late 20th and early 21st centuries, far more complex than any diplomats in London, Paris, Berlin, or even Washington, could have imagined in those relatively distant times.

Darfur is serious. Clearly, it is not the only place on this planet with unspeakable atrocities and unbelievable conditions. People who once farmed wheat in western Afghanistan are now facing desperate consequences due to the confluence of floods and drought. There are countless people—women, children, and the infirm—in camps like Dadaab in eastern Kenya who are not only trying to cope with the political and military chaos streaming out of Somalia but also the natural calamity of floods bringing food shortages, waterborne disease, and other human heartbreaks to our attention. We cannot ignore these other tragedies. Darfur is not the only place in need of assistance.

But there remains Darfur. It is etched in our conscious because of the pictures we see on television, the stories we read in the paper, and more importantly, what we know to be true. The facts are before us.

The crisis in Darfur is an outgrowth of a decades-long struggle within Sudan extending back nearly to 1956 when Sudan gained independence from Britain and Egypt, resulting in an estimated 2 million deaths due to war and famine in the last two decades alone. Millions more have been displaced. In February of 2003, the conflict spilled into Darfur with tragic consequences when local rebel militias determined to challenge the Khartoum Government on grounds related to discrimination of ethnic groups in the region. The central government's response was to unleash a harsh policy against the people of Darfur, including use of armed militias against civilians. The U.S. Congress and the Bush administration pronounced these actions in 2004 as genocide.

In 2005, condition in Darfur only got worse. Attacks by the Khartoum Government-backed jingaweit against civilian populations continued unabated. U.N. Secretary General Kofi Annan announced that abduction of national staff of humanitarian relief NGOs had reached alarming proportions. In June of 2005, the International Criminal Court formally began an investigation into charges of atrocities in Darfur. And in recent months, reports indicate that atrocities in Darfur are peaking again.

Slowly, the African Union began exercising limited authority in Darfur. Further attempts by the United Nations to introduce peacekeeping forces or a similar presence met with continuing resistance from the Khartoum Government. Just last week, the Peace and Security Council of the African Union adopted a proposal concerning a hybrid force for peacekeeping in Darfur. The African Union will extend its mission for another 6 months beginning January 1, 2007, in order to provide additional time for clarification and implementation of how a hybrid force will be composed and deployed. Progress may be seen in these actions, but it moves very slowly.

To date, since the Darfur crisis began in 2003, an estimated 450,000 people have been killed and more than 2 million displaced. In addition, some 220,000 Sudanese have been forced into refugee camps in neighboring Chad, and an additional number are in refugee camps in Kenya. Even though the Bush administration has declared that acts of genocide have occurred in Darfur, such declaration has not resulted in any major shift in U.S. policy. A shift should occur. We must intensify pressure on the Khartoum Government regarding its policies toward Darfur, and we must firmly pursue the Addis protocols that were achieved last week.

As the current ranking member of the Senate Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies, and during the tenure I hope to continue in the next Congress, I know that humanitarian food assistance is a very large piece of the solution to the crisis in Darfur. Under the jurisdiction of the Agriculture Subcommittee is an array of programs of importance to food insecurity—what in this country we once called hunger—such as Public Law 480 and reimbursements to the Bill Emerson Humanitarian Trust.

In fact, a little more than 1 month ago, my appropriations staff was sent on a mission to Sudan which would have brought them to within a few kilometers of the border of South Darfur. Unfortunately, the El Bashir government in Khartoum refused to issue them the appropriate visas, but they were able to participate with the World Food Program on an air drop of food over Southern Sudan that, at least, gave them a firsthand experience of the hardships in that country. They also met with refugees from Darfur in the U.N. camp at Kakuma in northwestern Kenya, where the original ''Lost Children'' of Sudan found shelter in the early 1990s. While at Kakuma, my staff was presented with the following written request by Darfur refugees:

OCTOBER 13, 2006.

The current situation in Darfur was not acceptable and every day getting worse and we Darfurian we have worried and we don't know how our future will be and what are you planning for us.

MUBARAK SULEIMAN,
Darfur Committee.

I have watched, and I will continue to watch with keen interest the developments in this part of the world and take to heart the charge that these things shall not occur ''on our watch.'' To the extent that I can continue to direct food aid programs in the coming Congress, this part of the world, and all the other parts in dire need, will have my full attention, and I will seek the support of fellow Senators when the time comes to make emergency assistance available.

HONORING HELEN CHENOWETH-HAGE

Mr. CRAIG. Mr. President, I rise today to honor a former congressional colleague and a personal friend, Representative Helen Chenoweth-Hage.

Just weeks ago, our Nation lost a true American patriot in a tragic car accident in central Nevada. On October 2, 2006, Helen Chenoweth was riding in her daughter-in-law's car, cradling her baby grandson in her arms. The car was overturned, and she and her grandson were thrown from it. Helen held her grandson so tightly that he came away with minor injuries—but she was not so lucky.

I take this time to honor Representative Chenoweth and her contributions to Idaho and this Nation, as some may not be aware of how much she gave of herself.

Helen was born in Topeka, KS, on January 27, 1938. She graduated from Whitworth College in Spokane, WA, and started her lifelong career of public service. She ran her own medical and management consulting firm, which led to her job as manager at the Northside Medical Center in Orofino, ID. In 1975, she was appointed as the first woman to serve as the state executive director of the Idaho Republican Party. Soon after, she became the chief of staff and then campaign manager for long-time friend, First District Congressman Steve Symms. A close friend described the Chenoweth-Symms team as a ''fun and inspiring team to work with.''

After establishing herself in Idaho as a trusted leader, she won the Republican nomination to Idaho's First Congressional District in 1994. A strong advocate for term limits, she pledged to serve no more than three terms, if elected. Helen Chenoweth won the 1994 November election, beating the Democratic incumbent by nearly 11 percent. She was known as one of the ''true believers'' in the 1995 Republican freshman class and was one of the most conservative. She even made conservative grammatical choices, insisting on being called ''Congressman Chenoweth,'' instead of Congresswoman.

Helen easily won reelection two more times and was asked by many to run for a fourth term, but having pledged to serve three terms, she was true to her word and retired in 2000. Idaho Govenor Jim Risch is quoted as saying, ''When the six years were up, she could have easily been reelected, she could

have easily carried on, but she said 'no, I made that promise and I'm going to stick with that promise.' ''

I was always impressed by her unwavering ideological positions, even if sometimes they were unpopular. I learned that she was driven by a clearly defined and articulated philosophy that allowed her to stand strong in the middle of a storm of criticism and persist in forcing changes for the betterment of Idaho and the Nation.

She was a strong advocate for the American people and a true believer in the balance of powers. During the Balkan crisis in the 1990s, she argued for the involvement of the legislative branch, writing, ''Congress played no role in defining those political aims, which means that the American people—in whose name Congress is empowered to act—were not permitted to play any role in the decision to commit our Nation to war.'' She was known for quoting the Founders when giving her arguments, pulling her colleagues back to our Nation's constitutional roots if they were veering in another direction. On this same issue she quoted Alexander Hamilton writing, ''It is the province and duty of the Executive to preserve to the Nation the blessings of peace. The Legislature alone can interrupt those blessings, by placing the Nation in a state of War.''

Helen Chenoweth was a champion for property rights and constitutional government. She fought hard for the rights of property owners and against the heavy hand of Federal regulation and taxation that affected family farms, ranches, and businesses. In Idaho she was known as a ''true environmentalist'' who worked to preserve Idaho's natural beauty while also balancing the rights and needs of humans. Her passion and hard work demonstrated her belief in the inalienable rights of all citizens, and she fought to keep them protected by the U.S. Constitution.

On September 21, 2000, she was awarded the first ''Friend of American Freedom Award'' by the National Center For Public Policy Research and the Committee For a Constructive Tomorrow. The award honored Congressman Chenoweth's ''distinguished record of defending the United States against environmental treaties, United Nations programs and other global policies that pose a threat to the Nation's sovereignty.'' Particular appreciation was given for her work on the American Land Sovereignty Protection Act, which would require the executive branch to seek Congressional approval before designating any U.S. landmark as a world heritage site. The director of the National Center's Environmental Policy Task Force said of Helen, ''Congressman Chenoweth-Hage has been one of the leading champions of U.S. sovereignty and the U.S. Constitution during her 6-year tenure in Congress. The 'Friend of American Freedom Award' represents our profound thanks to the Congressman for her valiant work defending constitutional liberties.''

While I served as chairman of the Senate Energy and Natural Resources Subcommittee on Forests and Public Land Management, she served as chairman of the House Subcommittee on Forests and Forest Health. I enjoyed this opportunity to work together on land management issues such as the Roadless Initiative. We shared a passion to protect our great western lands. Much of her work survives in the Healthy Forest Restoration Act.

Helen was a strong advocate for women and families. She supported funding for women's health and also for family health care. Many women looked up to her as a woman politician who earned every bit of respect she received and held her ground in an environment predominately of men. She was known as a true feminist who never asked for special treatment because of her gender.

Even after her retirement from Congress she worked tirelessly with her husband, Nevada rancher Wayne Hage, in the lawsuit Hage vs. U.S. Wayne had purchased his ranch in 1978 and testified that over the years Federal agency interference made it nearly impossible to run a livestock operation and ultimately resulted in the taking of his ranch. Wayne and Helen's court victory was a triumph for all private property owners.

Helen Chenoweth-Hage was not only a great politician; she was also a loving wife and mother and a loyal friend. Her strong Christian faith inspired many, guided her throughout her life, and served as a base on which she built her philosophy. Among her many endearing qualities were her unfailing graciousness, charm, and her warm smile. She will be sorely missed, not only by her children and other family members, but by legions of friends, colleagues, and admirers.

Let me end by quoting her daughter Meg Keenan, who spoke for many of us when she said: ''Helen was the most amazing, gracious person I ever had the privilege to know. She was fearless in life, and I know she welcomes the opportunity to be in the presence of God the Father.''

2005 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES IN THE PHILIPPINES

Mr. DAYTON. Mr. President, I rise today to express my deep distress about the human rights violations reportedly committed in the Philippines. The U.S. Department of State's 2005 Country Report on Human Rights Practices in the Philippines, released in March 2006, is a very troubling account and, at times, a cynical report on the current state of Philippine human rights problems. The Report cites the Philippine National Police as the worst abuser of human rights in the country, and it describes numerous violations, including extrajudicial killings, disappearances, and physical abuse of suspects and detainees. It cites instances of torture, arbitrary arrests, trafficking of persons, and harassment of human rights personnel and political activists.

In light of the report's troubling findings, I respectfully urge my colleagues to review this document and recognize the significance of these extremely serious transgressions.

AUSTRALIAN WHEAT BOARD

Mr. COLEMAN. Mr. President, I would like to discuss today the gross misconduct of the Australian Wheat Board in its dealings with Saddam Hussein under the U.N. Oil for Food Program and to introduce legislation regarding the potential impact AWB's actions may have had U.S. farmers.

Last week, a commission in Australia led by former Supreme Court Justice Terence Cole released a detailed report documenting extensive corruption, fraud, and deceit on the part of the Australian Wheat Board, commonly called AWB. The report showed that AWB paid more than $221 million in under-the-table kickbacks to the Hussein regime to secure exclusive, illegal access to the Iraqi wheat market. I applaud Sir Terence Cole and his commission for the thorough and comprehensive manner in which they have dealt with this issue.

As chairman of the Senate Permanent Subcommittee on Investigations, I conducted an investigation for almost 3 years into abuses of the U.N. Oil-for-Food Program. During my investigation, I held numerous hearings and issued several detailed reports that exposed significant graft associated with the program.

In particular, my subcommittee exposed corruption involving public officials from the United Kingdom, Russia, France and the United Nations, along with corrupt transactions by companies in the United States, United Kingdom, and elsewhere around the world.

However, when my subcommittee considered investigating the AWB, we faced insurmountable legal challenges that prevented us from initiating the kind of exhaustive review that this case required. Unlike other foreign entities that voluntarily cooperated with the subcommittee's efforts, AWB declined to cooperate with the subcommittee by providing documents or witnesses. Given that AWB is a foreign entity, the subcommittee could not compel its cooperation through subpoenas.

Moreover, the U.N.'s investigators at the Independent Inquiry Committee issued a report in October 2004, which suggested that it would examine AWB's transactions along with the other deals executed under the program. Unlike the subcommittee's efforts, that inquiry would have complete access to U.N. files and unfettered access to documents from relevant Iraqi ministries and would likely have access to the files and banking records of AWB.

Instead of launching a duplicative investigation with no ability to compel the AWB to cooperate, I encouraged the Australian Government and the AWB to cooperate with the IIC and the Cole inquiry whose findings have just been released.

The Cole report has left me with a few lingering questions to which I plan to find some answers. My subcommittee is continuing its review of the Cole report to determine whether U.S. affiliates of the AWB should be held accountable here in the United States.

But the most important question to ask in the wake of the Cole report's findings is whether American wheat farmers have suffered as a result of the fraud and abuse on the part of the monopolistic AWB. I am introducing legislation today to address that question, and if we find proof of harm, to make our farmers whole.

I would like to introduce today the Australian Wheat Board Accountability Act of 2006. The purpose of this legislation is just that: to hold the Australian Wheat Board accountable for their illegal, deceitful, trade-distorting actions. The bill directs the Office of U.S. Trade Representative to use its authority to investigate and combat these practices.

This legislation is a simple bill with two distinct elements. First, the bill directs USTR to investigate whether U.S. wheat farmers have suffered economic damage due to the actions of the Australian Wheat Board. Second, if we find harm, we seek compensation.

I have spoken many times on this floor about the great experiences I have had meeting with farmers of my State. I just finished traveling to all 87 counties in Minnesota this year, and I will be the first to tell this body that some of the most enriching visits I had took place with farmers. Those who make a living by working the land, Mr. President. Those who produce the food and fiber of our Nation and have done so for generations. Those who contribute so much to the social fabric we hold so dear.

And they don't ask for much in return. They didn't ask me to come to the floor today or to introduce this legislation. All they ask is that when it comes to trade, everyone ought to play by the same rules. They want a level playing field because they know they can compete with anyone in a fair global market.

The fact is the Australian Wheat Board hasn't been playing by the rules. The Cole report has proven that the AWB unfairly monopolized wheat exports to Iraq under the Oil for Food Program. By paying Saddam and his henchmen millions in illegal kickbacks, they may have distorted the wheat market to the detriment of the honest, hard-working farmers across Minnesota and the United States while they reaped the benefits of a corrupt regime for their own ill-gotten gain.

I intend to find out if AWB's criminal actions hurt the bottom lines of our farmers, and that is what part one of this legislation does.

Part two of this legislation is about compensation. Under this bill, if it is found that our wheat farmers have suffered economic damage, USTR will seek appropriate compensation to make our farmers whole. If we cannot come to a negotiated settlement, we will impose duties on certain Australian goods until we collect a sum equivalent to the financial loss brought on by the AWB. Either way, I want any possibility of financial loss looked at, and if proven, I want compensation for our farmers.

Mr. President, I realize this is the final week of the 109th Congress and that this legislation probably doesn't make the priority list for passage this week. You can bet I will be back here again when we reconvene in January offering this bill in the 110th Congress. We owe it to our farmers to further investigate AWB's actions, and this legislation will make that happen.

PANDEMIC AND ALL-HAZARDS PREPAREDNESS ACT

Mr. LIEBERMAN. Mr. President, I wanted to give my thanks to Senators BURR and KENNEDY for working with me and my esteemed colleagues, Senators COCHRAN, OBAMA, KOHL, and LANDRIEU, to pass a bill that together makes a difference to the health and well-being of Americans in the event of a public health emergency—natural or man-made. We saw in Hurricane Katrina that local, State, and Federal governments were not adequately prepared for a situation that could have been much worse. Also, much of the public was not prepared and could not get out of harm's way because of issues of capacity and trust. Regardless of our preparation then, it is clear that the government and the public must become better prepared now. We must come up with a disaster preparedness and response system which does a better job of knowing what is happening not in government cubicles but on the ground, which is able to prioritize the allocation and delivery of finite resources, and which utilizes our cumulative man and woman-power to work together to get anything that needs to be done, done.

This is not a perfect bill, but S. 3678, the Pandemic and All-Hazards Preparedness Act, does improve the ability of the Federal Government to coordinate response to emergencies and disasters. It centralizes command and control of Federal public health and medical emergency response and for the first time ever, lists the needs of at-risk individuals in emergencies as a national preparedness goal.

Considering the needs of at-risk populations in public health emergencies and disasters is perhaps the most vital way to reduce casualties when treatment options are limited, environmental exposures place the public at risk and or when evacuation is necessary to get people out of harm's way. In disasters, the burden of casualties almost always fall on populations with unequal ability to protect themselves. These populations are termed special-needs populations, at-risk populations or at-risk individuals. They are populations who possess unique needs or limitations and may as a result not be able to receive, comprehend, or respond to public health messaging during emergencies in the way that bests support their safety and well-being. They are populations that may not able to fully address their own preparedness for, response to, and recovery from public health emergencies. At-risk individuals include the elderly, children, pregnant women, the poor, disabled, individuals with limited English proficiency, and others. Forty million Americans are over 65 years old, a number that will reach 71 million by 2030. There are over 70 million children under age 18. There are approximately 7 million pregnant women. Fourteen percent of Americans are limited in activity due to a chronic health condition.

I thank Senators BURR and KENNEDY for having the vision to address at-risk individuals in S. 3678 but also the willingness to work with Senators COCHRAN, OBAMA, KOHL, and LANDRIEU and me to make the language concerning at-risk individuals even stronger. The Lieberman-Cochran amendment, which has been incorporated into the final S. 3678 managers' package, publicly designates a person with a budget, who would ideally be called the Director Office of At-Risk Individuals, to oversee the implementation of the national preparedness goal concerning at-risk individuals; assist Federal agencies responsible with planning for, responding to, and recovering from public health emergencies in addressing the needs of at-risk individuals; provide guidance to State and local public health grant recipients as to how to incorporate the needs of at-risk individuals in emergency preparedness and response strategies; and develop and disseminate best principles and practices regarding outreach to and care of at-risk individuals in public health emergencies.

Senators COCHRAN, OBAMA, KOHL, and LANDRIEU and I believe that a new director of At-Risk Individuals will be a great resource to the Assistant Secretary in keeping the needs of at-risk individuals central as the Secretary works to implement the Nation's disaster preparedness goals across the Federal agencies. In the past, the Nation has not done enough to break down the artificial silos between the agencies charged with the health aspects of disaster planning and response, which is vital for the public in general but particularly to at-risk individuals in disasters. At-risk individuals are not monolithic, and their identities change depending upon the type, location, and character of disasters. Yet they are many, and their existence poses consistent challenges which must be addressed. These groups include people

with disabilities, the elderly, non-English speakers, children, the poor, and the homeless. We understand that there is often significant overlap between at-risk groups. Individuals who are homeless, for example, are also poor and often disabled.

Senators COCHRAN, OBAMA, KOHL, and LANDRIEU and I also believe that a new director of At-Risk Individuals will also be a great resource to States, which will now have to incorporate the needs of at-risk individuals into disaster plans as a condition of receiving Federal disaster preparedness funding. The process by which the needs of at-risk individuals are incorporated into State, let alone Federal disaster plans is not obvious and will require both accumulation and dissemination of expertise. The committee envisions the Office of At-Risk Individuals as an ideal repository and resource for information in this regard. This information can be gathered from entities already doing excellent work in the field. Within HHS, this includes the Administration on Aging, the Office on Disability, and Administration on Developmental Disabilities. Within DHS, this includes the Office for Civil Rights and Civil Liberties, the Preparedness Directorate, and the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities. Within the community, this includes organizations like C.A.R.D. in California and the Kellogg Foundation's Redefining Readiness Projects. Within Academia, this includes work done by the Center for Civilian Biodefense Studies in Maryland and the New York Academy of Medicine. Nationally, this includes the National Organization on Disability's Emergency Preparedness, Initiative, the Center for Disability and Special Needs Preparedness, and the American Academy of Pediatrics.

Finally, Senators COCHRAN, OBAMA, KOHL, and LANDRIEU and I believe that a new Director of At-Risk Individuals can be an important source of funding and support for a community engagement process focused on organizing ordinary citizens to prepare and to respond to public health emergencies. The public is not a passive entity and must be viewed as a valuable partner in disaster planning and response. Communities are better able, for example, to identify the location of their special needs populations, to communicate with them, and to intervene in ways that are consistent with the reality of people's lives. In addition, during disasters, the governmental response is often delayed, and people must be able to protect themselves why they wait for help. Last of all, community-derived public health emergency plans must be coordinated with local, State and Federal disaster plans and the new Office of At-Risk Individuals can fund opportunities to bring all key stakeholders together.

The AARP, the American Red Cross, United Cerebral Palsy, and the American Academy of Pediatrics have all endorsed this important amendment. These are groups that most would agree know much about at-risk individuals, disaster preparedness and response.

In short, the process of addressing the needs of at-risk individuals during public health emergencies is a necessary and immense task that must be overseen. A new Director of At-Risk Individuals with a budget of up to $5 million as specified in S. 3678 will provide the focus, expertise, personnel, and institutional memory to assure that the at-risk language in S. 3678 is followed and that the Government, in planning for and responding to emergencies, keeps the needs of all Americans, front and center.

I thank Senators BURR and KENNEDY again for writing and passing S. 3678 and being open to the Lieberman-Cochran language.

TRIBUTE TO MAJOR STEPHEN G. PURDY

Mr. DOMENICI. Mr. President, I rise to recognize Major Stephen G. Purdy, Jr., of the U.S. Air Force for the outstanding contributions he rendered this year while serving as a legislative fellow on my staff. Stephen will soon complete his Capitol Hill fellowship, and it is my hope that he has benefited as much from this experience as I have benefited from having him on my staff.

In the course of Stephen's military career, he has served rotations in the Office of the Secretary of Defense for Nuclear Matters and the Office of the Assistant Secretary of the Air Force for Acquisitions, Space and Nuclear Programs. While working at the Space and Missile Systems Center, Stephen was the Atlas V Program chief engineer. Additionally, Stephen has served as the Joint Counterair Acquisition Manager at the Office of the Assistant Secretary of the Air Force for Acquisitions, Global Power Directorate. Finally, before joining my office Stephen was posted to the Secretary of the Air Force Office of Legislative Liaison.

To my great benefit, Stephen joined my office in a year when the Air Force was searching for a new mission for Cannon Air Force base in New Mexico. Cannon was originally targeted for closure on the Department of Defense's, DOD, Base Closure and Realignment, BRAC, list. However, the BRAC Commission ultimately found that the DOD ''substantially deviated'' on several BRAC selection criteria and required that DOD shall seek a new mission for Cannon. Stephen's experience proved critical in our successful efforts to secure a new mission for Cannon. I have no doubt that his tireless work and dedication were important to the Air Force's decision to relocate the Air Force Special Operation Command's 16th Special Operations Wing to Cannon, which has ensured that Cannon will continue to play an important role in securing our Nation.

I must also thank Stephen's family for enduring his many late nights at work. So to Wendy, Stephen's wife, and the Purdy children, Taylor and Holly, I say thank you. And without question, you can be extremely proud of Stephen's dedication to our country.

Finally, Mr. President, I give my heartfelt thanks to Stephen for his service. His can-do attitude and tireless work ethic were infectious. His willingness to tackle issues which were new to him and to embrace the goals I've set for my staff on behalf of both the men and women of the Armed Forces and the citizens of New Mexico were truly commendable. I have no doubt that as Stephen continues his military career he will achieve great things for both the U.S. Air Force and his country, and I wish him the very best of luck in all his future endeavors.

AGRICULTURE APPROPRIATION 2006

Mr. MCCAIN. Mr. President, yesterday the Senate briefly turned to H.R. 5384, the Agriculture Appropriations Bill for fiscal year 2007. This bill appropriates about $98 billion in spending, an amount that is approximately $4.9 billion over the administration's budget request, and $4.7 billion more than the House-passed bill. Although we were unable to complete work on H.R. 5384, I want to explain my objections to the passage of this bill in its current form.

I believe that some Federal involvement is necessary to assist low-income families under the food stamp program, and that we should ensure that our farmers stay out of the red, and to this end, many of the programs under the Agriculture Department are worthwhile and I support their funding. I know that many of my colleagues have spoken before the Senate about the economic struggles of America's farmers. But as Congress looks ahead toward legislating a new farm bill in the near future, next year in fact, we once again conform to the practice of diverting taxpayer dollars into an array of special interest pork projects which have not been authorized or requested by the Administration.

Let's take a look at some of the earmarks that are in this bill and accompanying report:

$3.5 million for fruit fly control in Texas, which was not in the administration's budget request.

$400,000 for codling moth research in Kerneysville, WVA, which was not in the administration's budget request.

$200,000 for research into the genetic enhancement of barley in Aberdeen, ID, which was not in the administration's budget request.

$300,000 for grass research in Burns, OR which was not in the administration's budget request.

$750,000 to the Denali Commission to improve solid waste disposal sites in Alaska, which was not in the administration's budget request.

$200,000 for the Utah State University's Space Dynamics Laboratory to

study gaseous emissions from agriculture operations, which was not in the administration's budget request.

$100,000 to study crop pollination by bees, Logan, UT, which was not in the administration's budget request.

$600,000 for the U.S. Dairy Forage Research Center in Madison, WI, which was not in the administration's budget request.

$250,000 for shellfish and salmon research, Franklin, ME, which was not in the administration's budget request.

$250,000 for the Great Lakes Aquaculture Center, Coshocton, OH, which was not in the administration's budget request.

$158,000 for cranberry research, Massachusetts.

$1.4 million for potato research (State not listed).

$453,000 for seafood safety research, Massachusetts;

$4.1 million for shrimp aquiculture research in AZ, HI, MA, MS, SC, and TX.

$780,000 for milk safety research at Pennsylvania State University, PA, which was not in the administration's budget request.

$170,000 for blackbird management in the State of Kansas, which was not in the administration's budget request.

It is worth noting what we are already doing to support our Nation's agriculture producers. Last year, Federal farm subsidies grew to more than $23 billion despite near-record farm revenue which reached $76 billion. While some of these farm programs make good fiscal sense, other have become alarmingly wasteful and counterproductive.

For example, The Washington Post recently exposed a USDA program, known as ''direct and counter-cyclical payments,'' that in 2005 paid out $1.3 billion to farmers irrespective of high or low market prices or whether they grew any crops at all. This program was intended to be a temporary subsidy that would prop up farmers during poor market conditions, but the special interests and the farm lobby convinced Congress to keep this unneeded program, which has become perhaps the most abused farm subsidy in existence.

The Washington Post also discovered that in 2002 and 2003, $635 million in drought assistance went to ranchers and dairy farmers whose livestock experienced mild or no drought at all. Thanks to strong lobbying by cattle growers, the Congress modified the payment requirements under the Livestock Compensation Program for 2002–2003, so that ranchers weren't required to prove they suffered any actual losses. So long as a the disaster was declared, the Government simply mailed checks to ranchers dependent only on the number of cattle they owned.

In an offshoot of the USDA's drought relief efforts, the Federal Government paid $34 million to compensate catfish farmers for feed they purchased during the 2002 drought year, even though feed prices were at a 10-year low. Much like the cattle program, catfish farmers were not required to prove they suffered any losses. All they had to do was tell the USDA how much feed they bought that year.

Who is at fault for this egregious waste? The farmer? The Department of Agriculture? In reality, both are the victims of bad policy. Unfortunately, the biggest victim is the taxpayer, and the blame rests with us, the Congress. Our current farm policy is riddled with waste. Yet we compound matters by furthering the out-of-control earmarking of pork.

Mr. President, I ask unanimous consent to insert into the record copies of *The Washington Post* articles I cited: Farm Program Pays $.13 Billion to People Who Don't Farm (July 2, 2006), No Drought Required For Federal Drought Aid (July 18, 2006), and When Feed Was Cheap, Catfish Farmers Got Help Buying It (July 18, 2006).

It is difficult to overlook the $4.5 billion disaster assistance package that appropriators have attached to this bill. None of this funding under this agricultural title is included in the administration's request, and in fact, was strongly opposed by the administration when similar provision were added to the 2006 Emergency Supplemental Appropriations bill. My colleagues may recall that the emergency supplemental faced a veto threat because of the billions of dollars in unrequested agriculture handouts appropriators were seeking. Fortunately these agriculture subsidies were removed in conference, and the bill was finally enacted enabling crucial funding to reach our troops overseas.

Let's take a look at some of the provisions in this latest Agriculture disaster package:

$1 billion in crop disaster assistance to compensate farmers for damage that occurred in 2005 due to weather. This also specifically applies to the Mormon cricket infestation in Nevada, and flooding in California, Hawaii and Vermont.

$13 million to help ewe lamb farmers who have suffered populations losses.

$6 million to owners of flooded crop and grazing land in North Dakota.

$6 million to assist a sugarcane transportation cooperative in Hawaii.

$100 million for grants to each State to promote specialty crop production.

$1.7 billion in assistance to dairy farmers who suffered losses in 2005.

This appropriations measure is not expected to receive any further action during this session of Congress. Instead of debating and passing our annual spending bills, our constitutional obligation, we are resorting to passing continuing resolutions to maintain our government functions well into fiscal year 2007. This failure is partially because of our habit of earmarking. When members frantically look for appropriation bills as vehicles for pet projects and unrequested earmarks, the appropriation process becomes a game of ''you vote for my pork, I'll vote for yours.'' This is the sad state of our appropriations process, when we would rather postpone funding for critical programs for our farmers, soldiers, veterans, seniors, and nearly everything until next year if it means our pork isn't included this round.

Again I want to make it clear that I support doing all that we can for the American farmer. Agriculture production is part of the backbone of our great country. However, we do more bad than good by raiding the national treasury, and, in some cases other Agriculture programs, to pay for pet projects that in many cases benefitlll certain constituency which is not representative of the larger needs of the farming community.

RETIREMENT OF JOHN TREZISE

Mr. BURNS. Mr. President, as the chairman of the Interior and Related Agencies Appropriations Subcommittee, I wish to speak for a few moments about the coming retirement of one of the most dedicated public servants I have had the pleasure of knowing. Shortly after the first of the year, John Trezise will be leaving the Department of the Interior after 35 productive years..

Since 1998, John has served as the Director of the Interior Department's Office of Budget and for the 5 years before that as the Chief of the Office's Division of Budget. In short, John has been ''running the numbers'' at the Interior Department for the past 13 years. And I can vouch for the fact that during those years, no one has known more about the Department's budget than John. He is, to put it bluntly, a walking ledger.

John first got his start with the Department in 1971 when he hired on as a young attorney in the Office of the Solicitor. For a number of years, he was Assistant Solicitor for administrative law and General Legal Services, specializing in appropriations law issues.

It is this legal background that has made John such an important asset to those of us on the Appropriations Committee. The guidance and counsel John has been able to offer our Members and our staff has been invaluable. It is no exaggeration to say that without his help, we would have been, if not lost, at least temporarily delayed in getting our appropriations bill done each year on time and within our budget.

As he prepares to leave the Department, I wish to take this opportunity to say thank you to John Trezise for all he has done and to let him know that he will be sorely missed by the members of the Senate Appropriations Committee.

Mr. DORGAN. Mr. President, as the ranking member of the Interior appropriations subcommittee, I wish to join my colleague from Montana in extending our congratulations and our best wishes to John Trezise as he prepares to leave Federal service.

Each spring, the Interior Subcommittee holds a budget hearing to

review the Interior Department's budget request for the coming fiscal year. The Interior Secretary is always seated, front and center, at the main table in our hearing room ready to answer the myriad of questions coming from our subcommittee's members. And despite the sometimes obscure nature of the questions asked, the Secretary has always been able to offer a timely, if not credible, answer. That ability to respond is more often than not due to the fact that, seated immediately next to the Secretary, has been John Trezise and the fattest looseleaf binder any of us has ever seen. No matter what is asked, John has been able to reach into that book and almost instantly retrieve a figure or some other pithy explanation that nearly always seems to satisfy the inquiring Senator. It is a magical exercise that must be seen to be believed.

Mr. President, too often the word ''bureaucrat'' is used as a pejorative. But in the case of John Trezise, those of us on the Interior Subcommittee have come to learn that he exemplifies the best in civil service. And so I join Senator BURNS in saying to Mr. Trezise that he can be justly proud of his service to the American people and that we wish him and his family all the best in the coming years.

RETIREMENT OF MR. ANTHONY J. ''TONY'' ZAGAMI

Mr. INOUYE. Mr. President, at the end of this year, a longtime employee of the Congress and the legislative branch will retire from Federal Service. On January 3, Anthony J. ''Tony'' Zagami will leave the U.S. Government Printing Office, having been the longest serving general counsel in the agencies history.

Tony Zagami began his career as a page in the U.S. Senate in the mid 1960s as I was completing my first term as a U.S. Senator from Hawaii. His late father, Dino, also served the U.S. Senate at that time as a member of the Official Reporters of Debates. I had the pleasure of knowing and working with both of the Zagami's during that period of time. Dino retired in 1972 as Tony's congressional career was just getting underway.

Tony held a number of positions on the Hill while pursuing an undergraduate and law degree. He spent a total of 25 years working for the Congress in positions ranging from Senate page to committee general counsel, before leaving in 1990 to become the general counsel for the Government Printing Office. As you know, the GPO is responsible for producing and distributing our CONGRESSIONAL RECORD and other vital Government documents on a daily basis.

After 40 years of dedicated Government service, Tony Zagami has decided to move on to the next chapter of his life. As he ends a distinguished career, I would like to take this opportunity to thank Tony Zagami for his many years of public service to our Nation and wish him and his family the very best in all future endeavors.

Mr. BIDEN. Mr. President, at the end of this year, Anthony ''Tony'' Zagami will retire after 40 years of public service, including the last 16 years at the Government Printing Office, which publishes the CONGRESSIONAL RECORD for all of us every day.

I first met Tony when I served in my first term in the Senate. He was working as a legislative assistant in the Democratic cloakroom. He spent 25 years working in the Congress, including general counsel to the Joint Committee on Printing.

In 1990, Tony left to become the general counsel at the Government Printing Office. When he retires it will be with the distinction of having been the agency's longest-serving general counsel.

As he moves on, I know all my colleagues join me in thanking him for his dedicated service, and wish him the best for the future.

ADDITIONAL STATEMENTS

TRIBUTE TO PAIGE McPHERSON

• Mr. THUNE. Mr. President, today I recognize Paige McPherson of Sturgis, SD, for her success in the martial art of tae kwon do. Paige is considered one of the top female Tae Kwon Do fighters in the country in the 130- to 139-pound weight class.

Paige McPherson trains and teaches out of the Black Hawk tae kwon do center in Black Hawk, SD. She has successfully competed in tae kwon do tournaments at the national level and has secured a spot for the 2007 Senior National Team and Pan American Game Trials.

It gives me great pleasure to congratulate Paige McPherson on this special occasion and to wish her continued success in the years to come.•

SHIRLEY HILLS PRIMARY SCHOOL, MOUND, MINNESOTA

• Mr. DAYTON. Mr. President, today I honor Shirley Hills Primary School, in Mound, Minnesota, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Shirley Hills Primary School is truly a model of educational success. The teaching staff believes wholeheartedly that all children can succeed, a philosophy that has led to performance rates that are among the best in the State. The learning environment values strong character in addition to academic achievement. In addition, the vibrant school community offers a preschool program, to help ensure a smooth transition to kindergarten.

Shirley Hills Primary School is particularly proud of its designation as a Minnesota five-star school, recognized for excellence by the Minnesota Department of Education. The school recently received the Parent Involvement School of Excellence Award from the National PTA, recognizing its strong partnership with parents. The Westonka School District which includes Shirley Hills Primary School has also earned the What Parents Want Award, given by SchoolMatch, the Nation's largest school-selection consulting firm. The award was earned by fewer than 15 percent of the Nation's public school districts. The Westonka District was also 1 of 22 Minnesota school districts named academic outperformers by Standard & Poor's School Evaluation Services.

Shirley Hills Primary fosters the development of strong character by recognizing children for demonstrating responsibility, respect, and honesty. An all-school assembly every month includes the presentation of a trophy, given successively in due course to a child who has demonstrated one of these qualities. Shirley Hills pupils know that good character is lived out, in all areas of life; it is how they choose to live, not just how they behave in school.

In the belief that children can succeed better in the global economy when knowledgeable about other languages and cultures, Shirley Hills offers before- and after-school Spanish classes for kindergarten through fourth grade. The school district is also pursuing a secondary-level educational exchange program with China.

Shirley Hills' staff encourages families to expect great test scores but not to settle for that alone. The school proudly has high expectations for achievement and behavior, and just as proudly provides educational experiences that take into account the whole child. Teachers know each child's strengths and growth areas, and they work together with parents to help every child grow as a learner, as well as a valued human being.

Much of the credit for Shirley Hills Primary School's success belongs to its principal, Ann Swanson, and the dedicated teachers. The pupils and staff at Shirley Hills Primary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where pupils can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and children at Shirley Hills Primary School should be very proud of their accomplishments!

I congratulate Shirley Hills Primary School in Mound for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.•

LAKE MARION ELEMENTARY SCHOOL, LAKEVILLE, MINNESOTA

• Mr. DAYTON. Mr. President, today I wish to honor Lake Marion Elementary School, in Lakeville, MN, which recently earned an Award for Excellence

in Education for its exceptional and innovative achievements in educating children.

Lake Marion Elementary School is truly a model of educational success. Three factors that make the school particularly outstanding include: a high level of involvement by parents, innovative programs, and academic achievement.

Lake Marion Elementary School takes great pride in involving parents in their children's school experiences. Lake Marion's Parent Teacher Organization has provided volunteer and financial support for the Artist of the Month program, for which parent volunteers teach a class about an artist and his/her works; the Junior Great Books program; the Lake Marion Yearbook, which has set the standard for elementary school yearbooks; the fifth-grade trip to Camp Saint Croix Environment Camp; the school directory; Family Fun Night; cultural awareness programming; mini-grants for selected staff projects; and field trip transportation costs.

Lake Marion Elementary provides the children innovative programming outside the school day. Targeted Services offers additional reading and math support in classes which run before school and are very popular with the children and their families. Additional programs include before- and after-school athletics, art, and world languages.

The school's many successes are reflected in the pupils' outstanding academic accomplishments. Lake Marion Elementary School's Math Masters Teams have finished first two times, second four times, and third five times in Regional Math Masters competitions. In addition, Lake Marion Elementary has received a five-star rating from the Minnesota Department of Education in reading and math every year since the inception of the Minnesota School Report Card system.

Much of the credit for Lake Marion Elementary School's success belongs to its principal, John W. Braun, and the dedicated teachers. The pupils and staff at Lake Marion Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where pupils can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and children at Lake Marion Elementary School should be very proud of their accomplishments.

I congratulate Lake Marion Elementary School in Lakeville for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

ORCHARD LAKE ELEMENTARY SCHOOL, LAKEVILLE, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Orchard Lake Elementary School, in Lakeville, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Orchard Lake Elementary School is truly a model of educational success. The staff at OLE, always seeking to improve professionally, value in-service days and use this time to study new and innovative teaching techniques. Every year the school does a book study that addresses ways to increase achievement for students. The teaching staff takes on new challenges, studies best-practice ideas, has conversations across grade levels, offers mutual support, and applies solutions.

In the spring of 2004, Orchard Lake Elementary was the first school in Minnesota to receive the Tekne Award for Innovations in Teaching. Mark Deming, the media specialist, had pupils in grades 5 and 6 arrive before school and called them the ''Morning Crew.'' The children learned to design segments of school news, interview classmates and staff, and videotape and edit productions so that they could produce the morning announcements. In addition, they created their own music using the Garage Band program on the school computers. The morning announcements were shown over the school's media system and produced exclusively by children for all classrooms to enjoy. This system is still in place for use by fourth- and fifth-graders.

Orchard Lake Elementary teachers work with parents as partners in education. Five years ago, when space became a concern, the PTO purchased a portable computer lab. Last year, the PTO purchased 14 new computers and has entered Phase 2 of purchasing all new computers for the lab classroom. The PTO recently held a fund-raiser to purchase new playground equipment. OLE had a 99 percent parent-participation rate at parent-teacher conferences. The school has a gifted education program, as well as a targeted services program, which offers extra instruction in reading and math for struggling students. Involved parents support their children by working together with teachers, who value the parents' active contributions.

Orchard Lake Elementary provides a safe and nurturing environment, both educationally and emotionally. Teachers build relationships with pupils through a community circle and discussions of life skills. The children take part in student council, art shows, music concerts, morning announcements, band, and academic choice in the classroom.

Orchard Lake Elementary School was recognized by the State Department of Education as a five-star school in both math and reading. This distinction is particularly impressive, considering that Orchard Lake, which has a high concentration of low-income students, is a Title 1 school.

Much of the credit for Orchard Lake Elementary School's success belongs to its principal, Karen Roos, and the dedicated teachers. The pupils and staff at Orchard Lake Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where pupils can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and children at Orchard Lake Elementary School should be very proud of their accomplishments!

I congratulate Orchard Lake Elementary School in Lakeville for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R.395. An act to adjust the boundary of Lowell National Historical Park, and for other purposes.

H.R. 4742. An act to amend title 35, United States Code, to allow the Director of the Patent and Trademark Office to waive statutory provisions governing patents and trademarks in certain emergencies.

H.R. 5110. An act to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources.

H.R. 5466. An act to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

H.R. 5666. An act to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho.

H.R. 6111. An act to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

H.R. 6316. An act to extend through December 31, 2008, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

H.R. 6338. An act to amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 73. Concurrent resolution supporting the goals and ideals of National High School Seniors Voter Registration Day.

H. Con. Res. 495. Concurrent resolution authorizing the printing as a House document of United States House of Representatives, The Committee on Ways and Means: A History, 1789–2006.

The message further announced that the House has passed the following bills, without amendment:

S. 2250. An act to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 1219. An act to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc.

The message also announced that the House passed the bill (S. 3938) to reauthorize the Export-Import Bank of the United States, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1492) to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 5682) to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. HYDE, Mr. BOEHNER, and Mr. LANTOS as managers of the conference on the part of the House.

The message further announced that pursuant to Public Law 109–236, the Majority Leaders of the Senate and the House of Representatives appoints Thomas P. Mucho of Pennsylvania to the MINER Act Technical Study Panel.

At 8:10 p.m., a message from the House, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1674. An act to authorize and strengthen the tsunami detection, forecast, warning, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service, and for other purposes.

H.R. 3248. An act to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

H.R. 5076. An act to amend title 19, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes.

H.R. 5782. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 6342. An act to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program, and for other purposes.

The message also announced that the House passed the following bills, without amendment:

S. 1346. An act to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

S. 1820. An act to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the ''Dewey F. Bartlett Post Office''.

S. 1998. An act to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 4044. An act to clarify the treatment of certain charitable contributions under title 11, United States Code.

S. 4073. An act to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the ''Robert Silvey Department of Veterans Affairs Outpatient Clinic''.

The message further announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 91. Concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert ''Satchel'' Paige.

The message also announced that the House passed the bill (S. 214) to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House passed the bill (S. 843) to amend the Public Health Service Act to combat autism through research, screening, intervention and education, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House passed the bill (S. 895) to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents, with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House passed the bill (S. 1785) to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House passed the bill (S. 1829) to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, with amendments, in which it requests the concurrence of the Senate.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 4080. A bill to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5466. An act to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9165. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Anchorage Regulations (including 2 regulations beginning with CGD08-05-016)'' (RIN1625-AA01) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9166. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Champ Boat Grand Prix of Savannah; Savannah, Georgia (CGD07-06-191)'' (RIN1625-AA08) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9167. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Fireworks Display, Trent River, New Bern, North Carolina (CGD05-06-092)'' (RIN1625-AA00) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9168. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 11 regulations beginning with CGD01-06-116)'' (RIN1625-AA00) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9169. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations (including 8 regulations beginning with CGD01-06-033)'' (RIN1625-AA09) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9170. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations (including 2 regulations beginning with CGD08-06-036)'' (RIN1625-AA09) received

on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9171. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''2007 Atlantic Surfclam Minimum Size Suspension'' (101906A-X) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9172. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fraser River Sockeye Salmon Fisheries; Inseason Orders'' (ID No. 102406A) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9173. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revised 2006 and 2007 Harvest Specifications for the 'Other Species' Complex in the Gulf of Alaska'' (ID No. 112805A) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9174. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Correct and Clarify Atlantic Mackerel, Squid, and Butterfish Fishery Regulations'' (RIN0648-AU54) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9175. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the actions taken by the Board to ensure that audits are conducted of its programs and operations for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–9176. A communication from the Director for Acquisition Management and Procurement Executive, Department of Commerce, transmitting, pursuant to law, the Department's annual progress report relative to interagency activities and Department-specific activities; to the Committee on Commerce, Science, and Transportation.

EC–9177. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, an interim report relative to the Commission's activities that pertain to the Fair and Accurate Credit Transactions Act of 2003; to the Committee on Commerce, Science, and Transportation.

EC–9178. A communication from the Administrator, National Highway Traffic Safety Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the activities that have been completed by the Administration in conjunction with the National Telecommunications and Information Administration as of September 30, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9179. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Grant and Cooperative Agreement Handbook—Training Grant and Award Procedures'' (RIN2700-AD30) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9180. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; Western Pacific Bottomfish and Seamount Groundfish Fisheries; Guam Bottomfish Management Measures'' (RIN0648-AT94) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9181. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Implementation of Earned Value Management'' (RIN2700-AD29) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9182. A communication from the Associate General, Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Disposition of HUD-Acquired Single Family Property; Good Neighbor Next Door Sales Program'' (RIN2502-AH72) received on December 4 , 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9183. A communication from the General Counsel, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Record Retention'' (RIN2550-AA34) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9184. A communication from the General Counsel, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Risk-Based Capital Regulation Amendment'' (RIN2550-AA35) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9185. A communication from the Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the emergency funding provided to the State of Arizona; to the Committee on Banking, Housing, and Urban Affairs.

EC–9186. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Penalty for Failure to Timely Pay Assessments'' (RIN3064-AD06) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9187. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Advertisement of Membership'' (RIN3064-AD05) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9188. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (71 FR 67068) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9189. A communication from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules 17Ac-1, 17Ac-2, 17Acd-1 and Forms TA-1, TA-2, and TA-W; Electronic Filing of Transfer Agent Forms'' (RIN3235-AJ68) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9190. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2005 Dairy Disaster Assistance Payment Program'' (RIN0560-AH59) received on December 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9191. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2005 Cottonseed Payment Program'' (RIN0560-AH63) received on December 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9192. A communication from the Director of the Selective Service, transmitting, pursuant to law, a report relative to the Agency's compliance with both Sections 2 and 4 of the Integrity Act; to the Committee on Armed Services.

EC–9193. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the approved retirement of Lieutenant General Jerry L. Sinn, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–9194. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings and New Federal Low-Rise Residential Buildings'' (RIN1904-AB13) received on December 4, 2006; to the Committee on Energy and Natural Resources.

EC–9195. A communication from the Chairman, Federal Regulatory Commission, transmitting, pursuant to law, the Commission's annual report covering the fiscal year from October 1, 2004, through September 30, 2005; to the Committee on Energy and Natural Resources.

EC–9196. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Astragalus Brauntonii and Pentachaeta Iyonii'' (RIN1018-AU51) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9197. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Fender's Blue Butterfly, Lupinus Sulphureus ssp. kincaidii, and Erigeron decumbens var. decumbens'' (RIN1018-AT91) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9198. A communication from the Commissioner, Social Security Administration, Department of the Treasury, transmitting, a draft bill that would provide the Department with authority to complete the reimbursement of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for certain bookkeeping errors; to the Committee on Finance.

EC–9199. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the impact of the Andean Trade Preference Act on U.S. trade and employment from 2004 to 2005; to the Committee on Finance.

EC–9200. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Canada, Israel, Spain, and Taiwan; to the Committee on Foreign Relations.

EC–9201. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a quarterly report relative to the obligations and outlays of fiscal year 2004, fiscal year 2005, and fiscal year 2006 funds under the President's Emergency Plan for AIDS Relief through March 31, 2006; to the Committee on Foreign Relations.

EC–9202. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to efforts made by the United Nations and its Specialized Agencies to employ an adequate number of Americans during 2005; to the Committee on Foreign Relations.

EC–9203. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06-258-06-270); to the Committee on Foreign Relations.

EC–9204. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the petition filed on behalf of workers from the Los Alamos National Laboratory requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–9205. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the petition filed on behalf of workers from the S-50 Oak Ridge Thermal Diffusion Plant requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–9206. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on December 4, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9207. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the petition filed on behalf of workers from the Oak Ridge Institute of Nuclear Studies Cancer Research Hospital requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–9208. A communication from the Acting General Counsel, Office of Size Standards, United States Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards; Security Guards and Patrol Services Industry'' (RIN3245–AF28) received on December 4, 2006; to the Committee on Small Business and Entrepreneurship.

EC–9209. A communication from the Acting General Counsel, Office of Size Standards, United States Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards; Surety Bond Guarantee Program'' (RIN3245–AE81) received on December 4, 2006; to the Committee on Small Business and Entrepreneurship.

EC–9210. A communication from the Secretary of the Department of Homeland Security, transmitting, pursuant to law, a preliminary report of a violation of the Antideficiency Act by the Transportation Security Administration; to the Committee on Appropriations.

EC–9211. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the California Advisory Committee; to the Committee on the Judiciary.

EC–9212. A communication from the President, Women's Army Corps Veterans' Association, transmitting, a request for clarification relative to the requirements for annual reports; to the Committee on Veterans' Affairs.

EC–9213. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled ''Statistical Programs of the United States Government: Fiscal Year 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–9214. A communication from the Acting Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9215. A communication from the Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Assistant Secretary, received on December 4, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9216. A communication from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the Committee's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9217. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9218. A communication from the Associate Director for Human Resources, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, a report relative to all employees hired by the Agency during the periods October 2004 through September 2005 and October 2005 through September 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9219. A communication from the President, Overseas Private Investment Corporation, transmitting, pursuant to law, an annual report on the Corporation's audit and investigative activities; to the Committee on Homeland Security and Governmental Affairs.

EC–9220. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9221. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a semiannual report summarizing the Board's activities and accomplishments from April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9222. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, a semiannual report for the period ending September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9223. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Program Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9224. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Inspector General's semiannual report on the Board's actions for the period April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9225. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 2803, a bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining (Rept. No. 109–365).

Report to accompany S. 3570, a bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes (Rept. No. 109–366).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for the Committee on Environment and Public Works.

Alex A. Beehler, of Maryland, to be Inspector General, Environmental Protection Agency.

*Diane Humetewa, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring August 25, 2012.

*Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2012.

By Mr. GRASSLEY for the Committee on Finance.

*Paul Cherecwich, Jr., of Utah, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2009.

*Deborah L. Wince-Smith, of Virginia, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2010.

*Dean A. Pinkert, of Virginia, to be a Member of the United States International Trade Commission for the term expiring December 16, 2015.

*Irving A. Williamson, of New York, to be a Member of the United States International Trade Commission for the term expiring June 16, 2014.

*Jeffrey Robert Brown, of Illinois, to be a Member of Social Security Advisory Board for a term expiring September 30, 2008.

*Mark J. Warshawshy, of Maryland, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2012.

*Dana K. Bilyeu, of Nevada, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2010.

*Phillip L. Swagel, of Maryland, to be an Assistant Secretary of the Treasury.

*Michele A. Davis, of Virginia, to be an Assistant Secretary of the Treasury.

*Anthony W. Ryan, of Massachusetts, to be an Assistant Secretary of the Treasury.

*Robert F. Hoyt, of Maryland, to be General Counsel for the Department of the Treasury.

By Ms. SNOWE for the Committee on Small Business and Entrepreneurship.

*Jovita Carranza, of Illinois, to be Deputy Administrator of the Small Business Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself and Mr. BAYH):

S. 4083. A bill to amend title XVIII of the Social Security Act to require reporting of quality measures by hospitals in order to reduce medication errors; to the Committee on Finance.

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

S. 4084. A bill to authorize the implementation of the San Joaquin River Restoration Settlement; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 4085. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on certain wooden arrows; to the Committee on Finance.

By Mr. DEWINE:

S. 4086. A bill to improve data collection efforts with respect to the safety of pregnant women and unborn children in motor vehicle crashes, provide for research and development of appropriate countermeasures, educate the public regarding motor vehicle safety risks affecting pregnant women and unborn children, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. GRASSLEY, Mr. BAUCUS, and Mr. ALLARD):

S. 4087. A bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. REID):

S. 4088. A bill to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 4089. A bill to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, to require convicted sex offenders to register online identifiers, and for other purposes; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 4090. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the Administrator of the Federal Emergency Management Agency to reimburse State and local law enforcement agencies for any expenditures or compensation of personnel and use or consumption of materials and facilities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 4091. A bill to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for other purposes; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 4092. A bill to clarify certain land use in Jefferson County, Colorado; considered and passed.

By Mr. HARKIN (for himself, Mr. CHAMBLISS, Ms. LANDRIEU, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. BAUCUS, Mr. ROBERTS, Mr. SALAZAR, Ms. STABENOW, Mr. VITTER, Mr. JOHNSON, Mrs. LINCOLN, Mr. LEVIN, Mr. BOND, Mr. HAGEL, Mr. DURBIN, and Mr. BIDEN):

S. 4093. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance; considered and passed.

By Ms. LANDRIEU:

S. 4094. A bill to extend the period in which States may spend funds from the additional allotments provided to States under the Social Services Block Grant program for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes in the Gulf of Mexico in 2005; to the Committee on Finance.

By Ms. LANDRIEU:

S. 4095. A bill to extend the period in which the State of Louisiana may spend funds from the additional allotment provided to the State under the Social Services Block Grant program for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes in the Gulf of Mexico in 2005; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, and Mr. JEFFORDS):

S. 4096. A bill to require the Secretary of the Army to operate and maintain as a system the Chicago sanitary and ship canal dispersal barriers to prevent the spread of aquatic invasive species into the Great Lakes, and to determine the feasibility of a dispersal barrier project at the Lake Champlain Canal, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself, Mr. KERRY, Ms. LANDRIEU, and Mr. VITTER):

S. 4097. A bill to improve the disaster loan program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

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

S. 4098. A bill to improve the process for the development of needed pediatric medical devices; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself and Mr. KERRY):

S. Res. 624. A resolution to honor the memory of Arnold ''Red'' Auerbach; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 625. A resolution extending the authority for the Senate National Security Working Group; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1531

At the request of Mr. ENZI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1531, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 2465

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2465, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 3238

At the request of Mr. CORNYN, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Minnesota (Mr. DAYTON) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3556

At the request of Mr. DEMINT, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3556, a bill to clarify the rules of origin for certain textile and apparel products.

S. 3677

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3677, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Alaska (Mr. STEVENS) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 3744, a bill to establish

the Abraham Lincoln Study Abroad Program.

S. 3768

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3768, a bill to prohibit the procurement of victim-activated landmines and other weapons that are designed to be victim-activated.

S. 3791

At the request of Mrs. HUTCHISON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3791, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such disease.

S. 3813

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3813, a bill to permit individuals who are employees of a grantee that is receiving funds under section 330 of the Public Health Service Act to enroll in health insurance coverage provided under the Federal Employees Health Benefits Program.

S. 4011

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 4011, a bill to amend the Medicare Prescription Drug, Improvement and Modernization Act of 2003 to restore State authority to waive the application of the 35-mile rule to permit the designation of a critical access hospital in Cass County, Minnesota.

S. 4067

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 4067, a bill to provide for secondary transmissions of distant network signals for private home viewing by certain satellite carriers.

S. 4080

At the request of Mr. STEVENS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 4080, a bill to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations.

S. RES. 622

At the request of Mr. WARNER, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 622, a resolution supporting the goals and ideals of a ''National Children and Families Day'', as established by the National Children's Museum, on the fourth Saturday of June.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 4084. A bill to authorize the implementation of the San Joaquin River Restoration Settlement; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce—with my cosponsor Senator BOXER—a historic bill that will end 18 years of litigation between the Natural Resources Defense Council, the Friant Water Authority, and the U.S. Department of the Interior. The legislation will enact a settlement that accomplishes the restoration of California's second longest river, the San Joaquin, while maintaining a stable water supply for the farmers who have made the Valley bloom and have supplied low-cost agricultural products to Americans from coast to coast.

The alternative to a consensus resolution to this long-running western water battle basis is to continue the fight. To my knowledge, every farmer and every environmentalist who has considered the possibility of continued litigation believes that an outcome imposed by a judge is likely to be worse for everyone on all counts: more costly, riskier for the farmers, and less beneficial for the environment.

Because the settlement provides a framework that all interests can accept, this legislation has the strong support of the Bush administration, the Schwarzenegger administration, the environmental and fishing communities and numerous California farmers and water districts, including all 22 Friant water districts that have been part of the litigation.

In announcing the signing of this San Joaquin River settlement in September, the Assistant Secretary of the Interior praised it as a ''monumental agreement.'' And when the Federal court then approved the settlement in late October, Secretary of the Interior Dirk Kempthorne further praised settlement for launching ''one of the largest environmental restoration projects in California's history.'' The Secretary further observed that ''This Settlement closes a long chapter of conflict and uncertainty in California's San Joaquin Valley . . . and open[s] a new chapter of environmental restoration and water supply certainty for the farmers and their communities.''

I share the Secretary's strong support for this balanced and historic agreement, and it is my honor to join with Senator BOXER and a bipartisan group of California House Members in introducing legislation to approve and authorize this settlement before we end the 109th Congress.

The legislation indicates how the settlement agreement forged by the parties is going to be implemented. It involves the Departments of the Interior and Commerce, and essentially gives the Secretary of the Interior the additional authority to:

take the actions to restore the San Joaquin River;

reintroduce the California Central Valley Spring Run Chinook Salmon;

minimize water supply impacts on Friant water districts; and

avoid reductions in water supply for third-party water contractors.

One of the major benefits of this settlement is the restoration of a long-lost salmon fishery. The return of one of California's most important salmon runs will create significant benefits for local communities in the San Joaquin Valley, helping to restore a beleaguered fishing industry while improving recreation and quality of life.

The legislation provides for improvements to the San Joaquin River channel to allow salmon restoration to begin in 2014. Beginning in that year, the river would see an annual flow regime mandated by the settlement, with pulses of additional water in the spring and greater flows available in wetter years. There is flexibility to add or subtract up to 10 percent from the annual flows, as the best science dictates.

A visitor to the revitalized river channel in a decade will find an entirely different place providing recreation and relaxation for residents of small towns like Mendota, and a refuge for residents of larger cities like Fresno.

The legislation I am introducing today includes provisions to benefit the farmers of the San Joaquin Valley as well as the salmon: In wet years, Friant contractors can purchase surplus flows at $10 per acre-foot for use in dry years, far less than the approximately $35 per acre-foot that they would otherwise pay for this water. The Secretary of the Interior is authorized to recirculate new restoration flows from the Delta via the California aqueduct and the Cross-Valley Canal to provide additional supply for Friant.

Today's legislation also includes substantial protections for other water districts in California that were not party to the original settlement negotiations. These other water contractors will be able to avoid all but the smallest water impacts as a result of the settlement, except on a voluntary basis.

In addition, the restoration of flows for over 150 miles below Friant Dam, and reconnecting the upper river to the critical San Joaquin-Sacramento Delta, will be a welcome change for the more than 22 million Californians who rely on that crucial source for their drinking water.

Finally, restoring the San Joaquin as a living salmon river may ultimately help struggling fishing communities on California's north coast—and even into southern Oregon. The restoration of the San Joaquin and the government's commitment to reintroduce and rebuild historic salmon populations provide a rare bright spot for these communities.

In addition to congratulating the parties for making a settlement that will enable the long-sought restoration of the San Joaquin River, I am mindful of and remain committed to progress in implementing and funding the December 19, 2000, Trinity River restoration

record of decision and the Hoopa Valley Tribe's comanagement of the decision's important goal of restoring the fishery resources that the United States holds in trust for the tribe.

Support of this agreement is almost as far reaching as its benefits. This historic agreement would not have been possible without the participation of a remarkably broad group of agencies, stakeholders and legislators, reaching far beyond the settling parties. The Department of the Interior, the State of California, the Friant Water Users Authority, the Natural Resources Defense Council on behalf of 13 other environmental organizations and countless other stakeholders came together and spent countless hours with legislators in Washington to ensure that we found a solution that the large majority of those affected could support.

Last month, California voters showed their support by approving Propositions 84 and 1E that will help pay for the settlement by committing at least $100 million and likely $200 million or more toward the restoration costs. Indeed, this legislation includes a diverse mix of approximately $200 million in direct Water User payments, new State payments, $240 million in dedicated Friant Central Valley Project capital repayments, and future Federal appropriations limited to $250 million. This mix of funding sources is intended to ensure that the river restoration program will be sustainable over time and truly a joint effort of Federal, State and local agencies.

I would like to emphasize that the Federal funding in the bill is for implementation of both the restoration goal to reestablish a salmon fishery in the river, and the water management goal to avoid or minimize water supply losses supplied by Friant Water Districts. It is important to recognize that these efforts are of equal importance.

At the end of the day, I believe that this agreement is something that we can all feel very proud of, and I urge my colleagues in the Senate to move quickly to approve this legislation and provide the administration the authorization it needs to fully carry out its legal obligations and the extensive restoration opportunities under the settlement.

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

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

S. 4084

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 ''San Joaquin River Restoration Settlement Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to authorize implementation of the Stipulation of Settlement dated September 13, 2006 (referred to in this Act as the ''Settlement''), in the litigation entitled NATURAL RESOURCES DEFENSE COUNCIL, et al. v. KIRK RODGERS, et al., United States District Court, Eastern District of California, No. CIV. S–88–1658–LKK/GGH.

SEC. 3. DEFINITIONS.

In this Act, the terms ''Friant Division long-term contractors'', ''Interim Flows'', ''Restoration Flows'', ''Recovered Water Account'', ''Restoration Goal'', and ''Water Management Goal'' have the meanings given the terms in the Settlement.

SEC. 4. IMPLEMENTATION OF SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the ''Secretary'') is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State's agreement in 1 or more Memoranda of Understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary's use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and

(C) the Secretary's performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) AGREEMENTS.—

(1) AGREEMENTS WITH THE STATE.—In order to facilitate or expedite implementation of the Settlement, the Secretary is authorized and directed to enter into appropriate agreements, including cost sharing agreements, with the State of California.

(2) OTHER AGREEMENTS.—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.—The Secretary is authorized to accept and expend non-Federal funds in order to facilitate implementation of the Settlement.

(d) MITIGATION OF IMPACTS.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

(e) DESIGN AND ENGINEERING STUDIES.—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) EFFECT ON CONTRACT WATER ALLOCATIONS.—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

(g) EFFECT ON EXISTING WATER CONTRACTS.—Except as provided in the Settlement and this Act, nothing in this Act shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase or exchange contract.

SEC. 5. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

(a) TITLE TO FACILITIES.—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this Act, and title to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property—

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) ACQUISITION OF PROPERTY.—

(1) IN GENERAL.—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this Act.

(2) APPLICABLE LAW.—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (50 Stat. 844, chapter 832), to carry out the measures authorized in this section and section 4.

(c) DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—Upon the Secretary's determination that retention of title to property or interests in property acquired pursuant to this Act is no longer needed to be held by the United States for the furtherance of the Settlement, the Secretary is authorized to dispose of such property or interest in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

(2) RIGHT OF FIRST REFUSAL.—In the event the Secretary determines that property acquired pursuant to this Act through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property owner

from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being offered to other parties.

(3) DISPOSITION OF PROCEEDS.—Proceeds from the disposal by sale or transfer of any such property or interests in such property shall be deposited in the fund established by section 9(c).

SEC. 6. COMPLIANCE WITH APPLICABLE LAW.

(a) APPLICABLE LAW.—

(1) IN GENERAL.—In undertaking the measures authorized by this Act, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, rules, and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(2) ENVIRONMENTAL REVIEWS.—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(b) EFFECT ON STATE LAW.—Nothing in this Act shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(c) USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.—

(1) DEFINITION OF ENVIRONMENTAL REVIEW.—For purposes of this subsection, the term ''environmental review'' includes any consultation and planning necessary to comply with subsection (a).

(2) PARTICIPATION IN ENVIRONMENTAL REVIEW PROCESS.—In undertaking the measures authorized by section 4, and for which environmental review is required, the Secretary may provide funds made available under this Act to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that such funds are necessary to allow the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) LIMITATION.—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) NONREIMBURSABLE FUNDS.—The United States' share of the costs of implementing this Act shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use of the funds assessed and collected pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project Ratesetting Policies.

SEC. 7. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Congress hereby finds and declares that the Settlement satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), provided, however, that—

(1) the Secretary shall continue to assess and collect the charges provided in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), as provided in the Settlement and section 9(d); and

(2) those assessments and collections shall continue to be counted towards the requirements of the Secretary contained in section 3407(c)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4726).

SEC. 8. NO PRIVATE RIGHT OF ACTION.

(a) IN GENERAL.—Nothing in this Act confers upon any person or entity not a party to the Settlement a private right of action or claim for relief to interpret or enforce the provisions of this Act or the Settlement.

(b) APPLICABLE LAW.—This section shall not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 9. APPROPRIATIONS; SETTLEMENT FUND.

(a) IMPLEMENTATION COSTS.—

(1) IN GENERAL.—The costs of implementing the Settlement shall be covered by payments or in kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in paragraphs (1) through (5) of subsection (c), estimated to total $440,000,000, of which the non-Federal payments are estimated to total $200,000,000 (at October 2006 price levels) and the amount from repaid Central Valley Project capital obligations is estimated to total $240,000,000, the additional Federal appropriation of $250,000,000 authorized pursuant to subsection (b)(1), and such additional funds authorized pursuant to subsection (b)(2); provided however, that the costs of implementing the provisions of section 4(a)(1) shall be shared by the State of California pursuant to the terms of a Memorandum of Understanding executed by the State of California and the Parties to the Settlement on September 13, 2006, which includes at least $110,000,000 of State funds.

(2) ADDITIONAL AGREEMENTS.—

(A) IN GENERAL.—The Secretary shall enter into 1 or more agreements to fund or implement improvements on a project-by-project basis with the State of California.

(B) REQUIREMENTS.—Any agreements entered into under subparagraph (A) shall provide for recognition of either monetary or in-kind contributions toward the State of California's share of the cost of implementing the provisions of section 4(a)(1).

(3) LIMITATION.—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the funds provided in paragraphs (1) through (5) of subsection (c), there are also authorized to be appropriated not to exceed $250,000,000 (at October 2006 price levels) to implement this Act and the Settlement, to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts equal to the amount of funds deposited in the Fund (not including payments under subsection (c)(2), proceeds under subsection (c)(3) other than an amount equal to what would otherwise have been deposited under subsection (c)(1) in the absence of issuance of the bond, and proceeds under subsection (c)(4)), the amount of in-kind contributions, and other non-Federal payments actually committed to the implementation of this Act or the Settlement.

(2) OTHER FUNDS.—The Secretary is authorized to use monies from the Fund created under section 3407 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4727) for purposes of this Act.

(c) FUND.—There is hereby established within the Treasury of the United States a fund, to be known as the ''San Joaquin River Restoration Fund'', into which the following shall be deposited and used solely for the purpose of implementing the Settlement, to be available for expenditure without further appropriation:

(1) Subject to subsection (d), at the beginning of the fiscal year following enactment of this Act, all payments received pursuant to section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721).

(2) Subject to subsection (d), the capital component (not otherwise needed to cover operation and maintenance costs) of payments made by Friant Division long-term contractors pursuant to long-term water service contracts beginning the first fiscal year after the date of enactment of this Act. The capital repayment obligation of such contractors under such contracts shall be reduced by the amount paid pursuant to this paragraph and the appropriate share of the existing Federal investment in the Central Valley Project to be recovered by the Secretary pursuant to Public Law 99-546 (100 Stat. 3050) shall be reduced by an equivalent sum.

(3) Proceeds from a bond issue, federally-guaranteed loan, or other appropriate financing instrument, to be issued or entered into by an appropriate public agency or subdivision of the State of California pursuant to subsection (d)(2).

(4) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 5.

(5) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for the purposes for which contributed.

(d) GUARANTEED LOANS AND OTHER FINANCING INSTRUMENTS.—

(1) IN GENERAL.—The Secretary is authorized to enter into agreements with appropriate agencies or subdivisions of the State of California in order to facilitate a bond issue, federally-guaranteed loan, or other appropriate financing instrument, for the purpose of implementing this Settlement.

(2) REQUIREMENTS.—If the Secretary and an appropriate agency or subdivision of the State of California enter into such an agreement, and if such agency or subdivision issues 1 or more revenue bonds, procures a federally secured loan, or other appropriate financing to fund implementation of the Settlement, and if such agency deposits the proceeds received from such bonds, loans, or financing into the Fund pursuant to subsection (c)(3), monies specified in paragraphs (1) and (2) of subsection (c) shall be provided by the Friant Division long-term contractors directly to such public agency or subdivision of the State of California to repay the bond, loan or financing rather than into the Fund.

(3) DISPOSITION OF PAYMENTS.—After the satisfaction of any such bond, loan, or financing, the payments specified in paragraphs (1) and (2) of subsection (c) shall be paid directly into the Fund authorized by this section.

(e) LIMITATION ON CONTRIBUTIONS.—Payments made by long-term contractors who receive water from the Friant Division and Hidden and Buchanan Units of the Central Valley Project pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727) and payments made pursuant to paragraph 16(b)(3) of the Settlement and subsection (c)(2) shall be the limitation of such entities'

direct financial contribution to the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(f) NO ADDITIONAL EXPENDITURES REQUIRED.—Nothing in this Act shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(g) REACH 4B.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the Settlement and the Memorandum of Understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to increase the capacity of Reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) DEADLINE.—The study under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.

(2) REPORT.—

(A) IN GENERAL.—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel conveyance capacity to 4500 cubic feet per second in Reach 4B of the San Joaquin River, or use an alternative route for pulse flows, that—

(i) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary's determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary's final cost estimate for expanding Reach 4B capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this Act, by non-Federal funds, by future Federal appropriations, or some combination of such sources.

(B) DETERMINATION REQUIRED.—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking any substantial construction work to increase capacity in Reach 4B.

(3) COSTS.—If the Secretary's estimated Federal cost for expanding Reach 4B in paragraph (2), in light of the Secretary's funding plan set out in paragraph (2), would exceed the remaining Federal funding authorized by this Act (including all funds reallocated, all funds dedicated, and all new funds authorized by this Act and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in Reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this Act in an amount at least sufficient to cover the higher estimated Federal costs.

SEC. 10. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) FINDING.—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) REINTRODUCTION IN THE SAN JOAQUIN RIVER.—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) FINAL RULE.—

(1) DEFINITION OF THIRD PARTY.—For the purpose of this subsection, the term ''third party'' means persons or entities diverting or receiving water pursuant to applicable State and Federal law and shall include Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project.

(2) ISSUANCE.—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) REQUIRED COMPONENTS.—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimis: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) APPLICABLE LAW.—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce; or

(B) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for future implementation of this section.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the reintroduction.

(e) FERC PROJECTS.—

(1) IN GENERAL.—With regard to California Central Valley Spring Run Chinook salmon reintroduced pursuant to the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection shall preclude the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(f) EFFECT OF SECTION.—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

By Mr. DEWINE:

S. 4086. A bill to improve data collection efforts with respect to the safety of pregnant women and unborn children in motor vehicle crashes, provide for research and development of appropriate countermeasures, educate the public regarding motor vehicle safety risks affecting pregnant women and unborn children, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DEWINE. Mr. President, during my 12 years in the Senate, I have always fought to increase our Nation's commitment to children's health and safety. One of the areas where I have had the privilege of working together with Democrats and Republicans on children's issues is highway safety. Whether the matter at hand was making school buses safer or enacting new motor vehicle safety standards that protect small children in crashes, I have always been fortunate to find fellow Senators committed to crafting legislation that will make a difference in children's lives.

One of the things I have learned over the years is that the research, testing, and public awareness programs operated by the National Highway Traffic Safety Administration—NHTSA—play a major role helping prevent injuries and saving lives on our roads. We lose over 42,000 lives each year in motor vehicle crashes, but that total would be astronomically higher without the work done by NHTSA and its partners. As vehicles have changed, technologies

have matured, and the safety challenges facing the driving public have shifted over time, NHTSA has responded by instituting new programs. Sometimes, however, it takes a little action by Congress to get NHTSA moving on these important safety objectives.

Today, I rise to introduce a measure that I hope my colleagues will consider in the future as they continue to work on highway safety issues. I also hope that this bill might spur additional action by NHTSA.

In speaking with leading safety advocates, I have come to understand just how significant the safety challenges are for pregnant women and their unborn children in motor vehicle crashes. Yet despite these great challenges and the importance we all place on ensuring maternal health and safety, we know very little about the way crash forces affect mothers and their unborn children over both the short-term and long-term. While university researchers have begun to document some of the chief safety challenges facing pregnant mothers, we need to do more to fully understand these issues and to develop ways of applying what we have learned in manufacturing vehicles that are safer for pregnant women and their unborn children.

Additionally, we need to do a better job communicating the immediate and lifelong safety risks associated with motor vehicle crashes to pregnant mothers so that they can do everything possible to ensure not only their own health, but that of their babies. Sometimes, these steps may be as simple as making sure that safety belts are worn and positioned properly. At some point, technologies may become available on the market designed specifically to cater to the motor vehicle safety needs of pregnant women.

To achieve these goals and ultimately to prevent injuries and save lives, we need NHTSA to act and we need to provide new resources for research and testing. The bill I am introducing today does precisely that.

The Maternal Motor Vehicle Crash Safety Act of 2006 addresses these issues in a number of ways. First, the bill presents findings defining the challenges facing pregnant women and their unborn children in motor vehicle crashes. I particularly want to thank Dr. Hank Weiss of the University of Pittsburgh for his assistance in bringing this important research to my attention.

Second, the bill contains sections providing incentives for states to link various databases in a way that will lead to a better understanding of the number of mothers and babies that are impacted by motor vehicle crashes each year and what the long-term health impacts are for children who were involved in crashes before being born. Furthermore, the bill sets several high priority research areas for NHTSA, including an investigation into computer modeling systems and biofidelic crash-test dummies capable of simulating a pregnant woman and her child during dangerous crashes. Sadly, we have functional dummies that accurately simulate men, women, and children—but none for pregnant women.

I strongly urge my colleagues to take up and pass this legislation during the 110th Congress. Members of the Senate and leaders at NHTSA work hard every year to do their best to improve highway safety here in the United States, and I believe the measures outlined in this bill have the potential to make a lasting contribution to those efforts in the years ahead.

Mr. President, I ask unanimous consent that the text of the bill, the Maternal Motor Vehicle Crash Safety Act of 2006, be printed in the RECORD.

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

S. 4086

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 ''Maternal Motor Vehicle Crash Safety Act of 2006''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Highway Traffic Safety Administration.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Appropriations and Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives.

(3) BIOFIDELIC.—The term ''biofidelic'' means having the property of responding to and being impacted by crash and other external forces in a manner directly consistent with the way in which a live human being would respond to and be impacted by such forces.

(4) DATA LINKAGE SYSTEM.—The term ''data linkage system'' means an information system that is capable of accurately tracking adverse health effects and birth outcomes for pregnant women who are occupants of a motor vehicle that is involved in a crash and the unborn children of such women, through the connection and analysis of multiple data sources.

(5) UNBORN CHILD.—The term ''unborn child'' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Injuries are the leading cause of pregnancy-associated deaths in the United States.

(2) Motor vehicle crashes are the leading cause of injury deaths in women of reproductive age and the leading cause of injury hospitalizations among pregnant women.

(3) Studies have indicated that motor vehicles are estimated to account for up to 80 percent of injury related deaths among unborn children.

(4) Transportation Research Board publications indicate that deaths among unborn children due to motor vehicle crashes are more frequent than several notable fatal childhood injuries, including bicycle related deaths in children aged 0 through 15, firearm related deaths in children aged 0 through 9, and motor vehicle crash related deaths in children aged 0 through 1.

(5) Studies suggest that approximately 3 percent of all babies born in the United States are involved in a motor vehicle crash while in utero.

(6) Studies have shown that elevated risks of birth-related threats and obstetric complications following crashes involving pregnant women include—

(A) premature childbirth;

(B) low birth weight;

(C) placental injury;

(D) uterine rupture; and

(E) amniotic rupture.

(7) Despite advances in vehicle safety, pregnant women have not received the special attention and consideration needed to understand, reduce, and prevent the risks of adverse pregnancy outcomes related to crashes.

(8) There is a need for more research and application using anthropometric test devices and computerized modeling systems that represent pregnant women during all stages of pregnancy.

(9) During pregnancy, the risks of traumatic injury to a woman is shared by the woman's unborn child. Assessing the magnitude and characteristics of those risks through data linkage systems, comparing the risks to other injuries and diseases, and reducing them, are important unmet challenges for improving maternal and child health.

(10) A better understanding is needed about what can happen during, and after, a pregnant woman is involved in a motor vehicle crash. This includes the effects of a crash on the mother, the unborn child, and the delicate physiological balance between the mother and child that separates healthy from unhealthy pregnancies, including the effects of maternal physiologic adaptations to trauma, fluid loss and shock, effects from maternal stress, effects from diagnostic regimens, medical or surgical procedures, or the wide variety of prescription medicines, and other medication taken by the mother.

(11) Despite the importance of the health of mothers and unborn children involved in motor vehicle crashes, agencies and data linkage systems responsible for tracking motor vehicle injuries, deaths, and other measures of adverse outcome rarely capture pregnancy status.

(12) Existing data collection and analysis systems generally do not count unborn children involved in motor vehicle crashes and do not follow them after their birth to ascertain the effects of the crash on long-term neuro-developmental and functional outcomes.

SEC. 4. SENSE OF CONGRESS ON IMPROVEMENTS TO THE NATIONAL AUTOMOTIVE SAMPLING SYSTEM CRASHWORTHINESS DATA SYSTEM.

It is the sense of Congress that the Administrator—

(1) should continue to include in the National Automotive Sampling System Crashworthiness Data System maintained by the Administrator data related to motor vehicle crashes that involved a pregnant women; and

(2) should identify other means to advance the current level of understanding regarding the number, nature, and impact of motor vehicle crashes involving pregnant women and their unborn children through data collection, data linkage systems, and analysis systems.

SEC. 5. GRANTS FOR DATA LINKAGE SYSTEMS PROGRAMS.

(a) IN GENERAL.—The Administrator shall, in consultation with appropriate officials of

State agencies or public health organizations, carry out a program to provide grants and other incentives, including technical assistance to eligible entities for the purpose described in subsection (b).

(b) PURPOSE.—A grant or other incentive provided under this section shall be used to promote the development of data linkage systems described in subsection (e).

(c) ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means an academic, public health, or transportation safety organization or a State or local government agency that the Administrator determines is appropriate to receive a grant or incentive under this section.

(d) APPLICATION AND AWARD PROCESS.—

(1) APPLICATIONS.—Each eligible entity seeking a grant under this section shall submit an application to the Administrator at such time and in such manner as the Administrator may require.

(2) AWARDS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall establish—

(A) the criteria for awarding a grant or incentive under this section; and

(B) a competitive, merit-based process to select applications to receive a grant or incentive under this section.

(3) PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall publish in the Federal Register the criteria and process described in paragraph (2).

(e) PROGRAM STRUCTURE.—The data linkage systems eligible to receive assistance under this section are systems that use the following sources:

(1) State and local vital statistics databases, including birth, infant, and death records.

(2) State and local crash and driver's license records.

(3) Other computerized health records as available, including emergency medical services reports and hospital and emergency room admission and discharge records.

(f) EXISTING DATA SYSTEMS.—To the maximum extent possible, the Administrator shall integrate the grant and incentive program carried out under this section with the existing State specific Crash Outcome Data Evaluation Systems carried out by the Administrator to utilize the capabilities, linkage expertise, and organizational relationships of such Systems to provide a foundation for improving the tracking of adverse health effects and birth outcomes for pregnant women who are occupants of a motor vehicle at the time of a crash and their unborn children.

(g) DATA SECURITY AND PRIVACY.—In carrying out this section, the Administrator and any eligible entity selected to receive a grant or incentive under this section for a data linkage system shall ensure that personal identifiers and other information utilized in that data linkage system related to a specific individual is handled in a manner consistent with all applicable Federal, State, and local laws and regulations and to ensure the confidentiality of such information, and in the manner necessary to prevent the theft, manipulation, or other unlawful or unauthorized use of personal information contained in data sources used for linkage studies.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $2,500,000 for each of the fiscal years 2007, 2008, 2009, and 2010 to carry out this section.

(2) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 6. SAFETY RESEARCH PROGRAM AND NATIONAL CONFERENCE.

(a) SAFETY RESEARCH PROGRAM.—

(1) REQUIREMENT TO CONDUCT.—The Administrator shall conduct a research program as described in this section to promote the health and safety of pregnant women who are involved in motor vehicle crashes and of their unborn children.

(2) HIGH PRIORITY RESEARCH AREAS.—In carrying out the research program under this section, the Administrator shall place a high priority on conducting research to—

(A) investigate methods to maximize the injury prevention performance of standard 3-point safety belts for pregnant women during all stages of pregnancy;

(B) analyze the effectiveness of technologies designed to modify or extend the safety performance of 3-point safety belts for pregnant women across a range of pregnancy phases, including technologies currently available in the marketplace;

(C) develop biofidelic, anthropometric test devices that are representative of pregnant women during all stages of pregnancy; and

(D) develop biofidelic, computer models that are representative of pregnant women during all stages of pregnancy to aid in understanding crash forces relevant to the safety of pregnant women and unborn children that may include the utilization of existing modeling systems developed by private and academic institutions, if appropriate.

(b) NATIONAL CONFERENCE.—

(1) REQUIREMENT TO CONVENE.—Not later than 18 months after the date of the enactment of this Act, the Administrator, in consultation with the heads of other appropriate Federal agencies, shall convene a national research conference for the purpose of identifying critical scientific issues for research on the safety of pregnant women involved in motor vehicle crashes and their unborn children.

(2) PURPOSE OF THE CONFERENCE.—The purpose of the conference required by paragraph (1) shall be to establish and prioritize a list of research questions to guide future research related to the safety of pregnant women involved in motor vehicle crashes and their unborn children.

(3) AUTHORITY TO PARTNER WITH OTHER ORGANIZATIONS.—The Administrator is authorized to carry out the conference required by paragraph (1) in a partnership with organizations recognized for expertise related to the research described in paragraph (2).

(c) REPORT REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report that describes—

(1) the research program carried out by the Administration pursuant to subsection (a), including any findings or conclusions associated with such research program; and

(2) the priorities established at the national conference required by subsection (b), plans for regulations or future programs, or factors limiting the effectiveness of such research.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—For each of the fiscal years 2007, 2008, and 2009, there are authorized to be appropriated such sums as necessary to carry out this section.

(2) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 7. PUBLIC OUTREACH AND EDUCATION.

(a) IN GENERAL.—The Administrator shall conduct a public outreach and education program to increase awareness of the unique safety risks associated with motor vehicle crashes for pregnant women and the unborn children of such women and of the methods available to reduce such risks. Such program shall include making information regarding the injury-prevention value of proper safety belt and airbag use available to the public.

(b) TARGETED OUTREACH.—The Administrator shall carry out the program described in subsection (a) in a manner that utilizes media and organizational partners to effectively educate pregnant women, ensure an overall educational impact, and efficiently utilize the program's resources.

(c) PROGRAM INITIATION AND DURATION.—The Administrator shall initiate the program described in subsection (a) not later than 12 months after the date of the enactment of this Act, and shall maintain such program for not less than 24 months, subject to the availability of funds.

SEC. 8. INCLUSION OF SAFETY DATA IN ANNUAL ASSESSMENT.

(a) IN GENERAL.—Subject to subsection (b), the Administrator shall include a discussion of data regarding the safety of pregnant women who are involved in motor vehicle crashes and of their unborn children, including any relevant trends in such data, in each of the Annual Assessment of Motor Vehicle Crashes published by the National Center for Statistics and Analysis of the National Highway Traffic Safety Administration or an equivalent publication of such Center.

(b) REPORT TO CONGRESS.—If the Administrator determines that including the information described in subsection (a) in the Annual Assessment of Motor Vehicle Crashes or an equivalent publication is not feasible, the Administrator shall submit a report to the appropriate congressional committees not later than 60 days after the date of the release of such Annual Assessment or equivalent publication that states the reasons that it was not feasible to include such information and an analysis of the steps necessary to make such information available in the future.

By Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. GRASSLEY, Mr. BAUCUS, and Mr. ALLARD).

S. 4087. A bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today with my colleagues—Senator LINCOLN from Arkansas, Senator CHARLES GRASSLEY from Iowa, and Senator MAX BAUCUS from Montana—to introduce the Endangered Species Recovery Act or ESRA. Nearly a year ago, Senator LINCOLN and I introduced the Collaboration for the Recovery of the Endangered Species Act, or CRESA, an earlier bill to amend the Endangered Species Act or ESA. This new bill, which does not amend the current ESA, builds on ideas set forth in CRESA. It creates new policies that finance the recovery of endangered species by private landowners. ESRA makes it simpler for landowners to get involved in conservation and reduces the conflict often emanating from the ESA. It will be an important codification of much-needed incentives to help recover endangered species.

Over 80 percent of endangered species live on private property. Under the current law, however, there are too few incentives and too many obstacles for

private landowners to participate in conservation agreements to help recover species under the ESA. ESRA, like the voluntary farm bill conservation programs that inspired its creation, will make it more attractive for private landowners to contribute to the recovery of species under the ESA.

This bill resulted from effective and inclusive collaboration among key stakeholders most affected by the implementation of the ESA. Landowner interests include farmers, ranchers, and those from the natural resource-using communities. For example, some current supporters of ESRA who contributed invaluable advice are the American Farm Bureau, the National Cattlemen's Beef Association, and the Society of American Foresters. This could not rightly be called a collaborative project without the vital and necessary input received from the Defenders of Wildlife, Environmental Defense and the National Wildlife Federation—key environmental groups that made significant contributions. And they further understand that landowners must be treated as allies to ensure success in the long-run for the conservation of habitat and species. Finally, while the genesis of this bill has many roots, a passionate catalyst was James Cummins of Mississippi Fish and Wildlife Foundation, whose passion for the outdoors provided inspiration to move these ideas forward.

This collaborative expertise worked together to craft the ESRA, which provides new tax incentives for private landowners who voluntarily contribute to the recovery of endangered species. The tax credits will reimburse landowners for property rights affected by agreements that include conservation easements and costs incurred by species management plans. For landowners who limit their property rights through conservation easements, there will be 100 percent compensation of all costs. That percentage declines to 75 percent for 30-year easements and 50 percent for cost-share agreements not encumbered by an easement.

It is worth noting that this is the same formula that works successfully for farm bill programs such as the Wetlands Reserve Program. Private property owners are appropriately rewarded for crucial ecological services that they provide with their property. The public benefits from those actions which ensure biodiversity; instead of placing the financial burdens on the landowner, we ought to find appropriate ways to compensate them. While the primary returns from this investment are protection and recovery of endangered species, the public will also undoubtedly gain additional benefits such as aesthetically pleasing open space, combating invasive species and enhanced water quality.

The legislation provides a list of options that give landowners a choice, and this is a crucial element for the success of this proposal. For some landowners, a conservation easement will be the most attractive option. Easements are flexible tools that can be tailored to each landowner and species' interests. An easement restricts certain activities, but it still works well with traditional rural activities such as ranching and farming. For agreements without easements, there is flexibility to do what is necessary for the concerned species without the need to sacrifice property rights into perpetuity.

The tax credits provide essential funding that is necessary to respect private property rights. Wildlife should be an asset rather than a liability; which is how it has sometimes been viewed under the ESA. With wildlife becoming valuable to a landowner, those who may been reluctant to participate in recovery efforts in the past will be more likely to contribute with these incentives. When people want to take part in the process and do not fear it, the likelihood of conflict and litigation is reduced. For years, this type of conflict has proven costly not only in dollars to individuals and the government, but also in terms of relationships between people who share the land and natural resources. With a new trust and new model for finding conservation solutions, we can do more and better conservation work.

Provisions have been made to accommodate landowners whose taxes may be less than the tax credit provides. Partnerships in the agreements will allow any party to an agreement to receive a credit as long as they pay or incur costs as a result of the agreement. This language will allow creative collaboration among governments, landowners, taxpayers and environmentalists, further increasing the number of people involved in finding new solutions for conservation.

Furthermore, this bill also expands tax deductions for any landowner who takes part in the recovery plans approved under the ESA, and allows landowners to exclude from taxable income certain federal payments under conservation costshare programs. This will allow both individuals and businesses to deduct the cost of recovery work without bureaucratic obstacles.

This bill not only sets forth the financing for private landowners, but it also makes it easier to implement the agreements. Landowners will receive technical assistance to implement the agreements. Also, to remove some legal disincentives to recover species, liability protection may be provided to protect the landowners from penalties under the ESA. This removes the fear of trying to help species; currently, more species usually just means more liability for a landowner.

As a result of these incentives, I expect to see a phenomenal increase in the number of success stories. These stories will sound familiar to those creative collaborators working on the ground now where we have learned that the types of tools provided in this bill can work if consistently offered.

The Endangered Species Recovery Act is very exciting to those of us who value protecting our natural resources. It provides collaborative, creative ways to balance resource conservation with economic uses of our natural resources and preserving rural ways of life. I look forward to working with my colleagues in the Senate and House to move ahead with this legislation which will allow better, more effective conservation work for future generations.

I am deeply grateful to my colleagues from Arkansas, Iowa and Montana for their essential expertise and support to create ESRA. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 4087

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 ''Endangered Species Recovery Act of 2006''.

SEC. 2. ENDANGERED SPECIES RECOVERY CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 30D. ENDANGERED SPECIES RECOVERY CREDIT.

''(a) IN GENERAL.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) the habitat protection easement credit, plus

''(2) the habitat restoration credit.

''(b) LIMITATION.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any eligible taxpayer for any taxable year shall not exceed the endangered species recovery credit limitation allocated to the eligible taxpayer under subsection (f) for the calendar year in which the taxpayer's taxable year ends.

''(2) CARRYFORWARDS.—

''(A) IN GENERAL.—If the amount of the credit allowable under subsection (a) for any taxpayer for any taxable year exceeds the endangered species recovery credit limitation allocated under subsection (f) to such taxpayer for the calendar year in which the taxpayer's taxable year ends, such excess may be carried forward to the next taxable year for which such taxpayer is allocated a portion of the endangered species recovery credit limitation.

''(B) CARRYFORWARD OF ALLOCATION AMOUNT.—If the amount of the endangered species recovery credit limitation allocated to an eligible taxpayer for any calendar year under subsection (f) exceeds the amount of the credit allowed to the taxpayer under subsection (a) for the taxable year ending in such calendar year, such excess may be carried forward to the next taxable year of the taxpayer. For purposes of this paragraph, any amount carried to another taxable year under this subparagraph shall be treated as allocated to the taxpayer for use in such taxable year under subsection (f).

''(c) ELIGIBLE TAXPAYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible taxpayer' means—

''(A) a taxpayer who—

''(i) owns real property which contains the habitat of a qualified species, and

''(ii) enters into a qualified perpetual habitat protection agreement, a qualified 30-year habitat protection agreement, or a qualified habitat protection agreement with the appropriate Secretary with respect to such real property, and

''(B) any other taxpayer who—

''(i) is a party to a qualified perpetual habitat protection agreement, a qualified 30-year habitat protection agreement, or a qualified habitat protection agreement, and

''(ii) as part of any such agreement, agrees to assume responsibility for costs paid or incurred in protecting or preserving the habitat which is the subject of such agreement.

''(2) QUALIFIED PERPETUAL HABITAT PROTECTION AGREEMENT.—The term 'qualified perpetual habitat protection agreement' means an agreement—

''(A) under which the taxpayer grants to the appropriate Secretary, the Secretary of Agriculture, or a State an easement in perpetuity for the protection of the habitat of a qualified species, and

''(B) which meets the requirements of paragraph (5).

''(3) QUALIFIED 30-YEAR HABITAT PROTECTION AGREEMENT.—The term 'qualified 30-year habitat protection agreement' means an agreement—

''(A) under which the taxpayer grants to the appropriate Secretary, the Secretary of Agriculture, or a State an easement for a period of not less than 30 years and less than perpetuity for the protection of the habitat of a qualified species, and

''(B) which meets the requirements of paragraph (5).

''(4) QUALIFIED HABITAT PROTECTION AGREEMENT.—The term 'qualified habitat protection agreement' means an agreement—

''(A) under which the taxpayer enters into an agreement with the appropriate Secretary, the Secretary of Agriculture, or a State to protect the habitat of a qualified species for a specified period of time, and

''(B) which meets the requirements of paragraph (5).

''(5) REQUIREMENTS.—An agreement meets the requirements of this paragraph if—

''(A) the agreement is not inconsistent with any recovery plan which has been approved for a qualified species under section 4 of the Endangered Species Act of 1973,

''(B) the appropriate Secretary and the eligible taxpayer enter into a habitat management plan designed to—

''(i) restore or enhance the habitat of a qualified species, or

''(ii) reduce threats to a qualified species through the management of the habitat, and

''(C) the appropriate Secretary ensures that the eligible taxpayer is provided with technical assistance in carrying out the duties of the taxpayer under the terms of the agreement.

''(d) HABITAT PROTECTION EASEMENT CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a)(1), the habitat protection easement credit for any taxable year is an amount equal to—

''(A) in the case of an eligible taxpayer who has entered into a qualified perpetual habitat protection agreement during such taxable year, 100 percent of the excess (if any) of—

''(i) the fair market value of the real property with respect to which the qualified perpetual habitat protection agreement is made, determined on the day before such agreement is entered into, over

''(ii) the fair market value of such property, determined on the day after such agreement is entered into,

''(B) in the case of an eligible taxpayer who has entered into a qualified 30-year habitat protection agreement during such taxable year, 75 percent of such excess, and

''(C) in the case of any other eligible taxpayer, zero.

''(2) REDUCTION FOR AMOUNT RECEIVED FOR EASEMENT.—The credit allowed under subsection (a)(1) shall be reduced by any amount received by the taxpayer in connection with the easement.

''(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a)(1) for any taxable year shall not exceed the sum of—

''(A) the taxpayer's regular tax liability for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C, and

''(B) the tax imposed by section 55(a) for the taxable year.

''(4) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a)(1) for any taxable year exceeds the limitation imposed by paragraph (3) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a)(1) for such succeeding taxable year.

''(5) QUALIFIED APPRAISALS REQUIRED.—No amount shall be taken into account under this subsection unless the eligible taxpayer includes with the taxpayer's return for the taxable year a qualified appraisal (within the meaning of section 170(f)(11)(E)) of the real property.

''(e) HABITAT RESTORATION CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a)(2), the habitat restoration credit for any taxable year shall be an amount equal to—

''(A) in the case of a qualified perpetual habitat protection agreement, 100 percent of the costs paid or incurred by an eligible taxpayer during such taxable year pursuant to such agreement,

''(B) in the case of a qualified 30-year habitat protection agreement, 75 percent of the costs paid or incurred by an eligible taxpayer during such taxable year pursuant to such agreement, and

''(C) in the case of a qualified habitat protection agreement, 50 percent of the costs paid or incurred by an eligible taxpayer during such taxable year pursuant to such agreement.

''(2) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a)(2) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax liability for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C, over

''(B) the tentative minimum tax for the taxable year.

''(3) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a)(2) for any taxable year exceeds the limitation imposed by paragraph (2) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a)(2) for such succeeding taxable year.

''(4) SPECIAL RULES.—

''(A) CERTAIN COSTS NOT INCLUDED.—No credit shall be allowed under subsection (a)(2) for any cost which is paid or incurred by a taxpayer to comply with any requirement of a Federal, State, or local government.

''(B) SUBSIDIZED FINANCING.—For purposes of paragraph (1), the amount of costs paid or incurred by an eligible taxpayer pursuant to any agreement described in subsection (c) shall be reduced by the amount of any financing provided under any Federal or State program a principal purpose of which is to subsidize financing for the conservation of the habitat of a qualified species.

''(f) ENDANGERED SPECIES RECOVERY CREDIT LIMITATION.—

''(1) IN GENERAL.—There is an endangered species recovery credit limitation for each calendar year. Such limitation is —

''(A) for 2007, 2008, 2009, 2010, and 2011—

''(i) $300,000,000 with respect to qualified perpetual habitat protection agreements,

''(ii) $60,000,000 with respect to qualified 30-year habitat protection agreements, and

''(iii) $40,000,000 with respect to qualified habitat protection agreements, and

''(B) except as provided in paragraph (3), zero thereafter.

''(2) ALLOCATION OF LIMITATION.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall allocate the endangered species recovery credit limitation to eligible taxpayers.

''(B) CONSIDERATIONS.—In making allocations to eligible taxpayers under this section, priority shall be given to taxpayers with agreements—

''(i) relating to habitats that will significantly increase the likelihood of recovering and delisting a species as an endangered species or a threatened species (as defined under section 2 of the Endangered Species Act of 1973),

''(ii) that are cost-effective and maximize the benefits to a qualified species per dollar expended,

''(iii) relating to habitats of species which have a federally approved recovery plan pursuant to section 4 of the Endangered Species Act of 1973,

''(iv) relating to habitats with the potential to contribute significantly to the improvement of the status of a qualified species,

''(v) relating to habitats with the potential to contribute significantly to the eradication or control of invasive species that are imperiling a qualified species,

''(vi) with habitat management plans that will manage multiple qualified species,

''(vii) with habitat management plans that will create adjacent or proximate habitat for the recovery of a qualified species,

''(viii) relating to habitats for qualified species with an urgent need for protection,

''(ix) with habitat management plans that assist in preventing the listing of a species as endangered or threatened under the Endangered Species Act of 1973 or a similar State law,

''(x) with habitat management plans that may resolve conflicts between the protection of qualified species and otherwise lawful human activities, and

''(xi) with habitat management plans that may resolve conflicts between the protection of a qualified species and military training or other military operations.

''(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year the limitation under paragraph (1) (after the application of this paragraph) exceeds the amount allocated to all eligible taxpayers for such calendar year, the limitation amount for the following calendar year shall be increased by the amount of such excess.

''(g) OTHER DEFINITIONS AND SPECIAL RULES.—

''(1) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' has the meaning given to the term 'Secretary' under section 3(15) of the Endangered Species Act of 1973.

''(2) HABITAT MANAGEMENT PLAN.—The term 'habitat management plan' means, with respect to any habitat, a plan which—

''(A) identifies one or more qualified species to which the plan applies,

''(B) describes the management practices to be undertaken by the taxpayer,

''(C) describes the technical assistance to be provided to the taxpayer and identifies the entity that will provide such assistance,

''(D) provides a schedule of deadlines for undertaking such management practices, and

''(E) requires monitoring of the management practices and the status of the qualified species.

''(3) QUALIFIED SPECIES.—The term 'qualified species' means—

''(A) any species listed as an endangered species or threatened species under the Endangered Species Act of 1973, or

''(B) any species for which a finding has been made under section 4(b)(3) of Endangered Species Act of 1973 that listing under such Act may be warranted.

''(4) TAKING.—The term 'taking' has the meaning given to such term under the Endangered Species Act of 1973.

''(5) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a)(1) shall be reduced by the amount of the credit so allowed.

''(6) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any amount with respect to which a credit is allowed under subsection (a).

''(7) CERTIFICATION.—No credit shall be allowed under subsection (a) unless the appropriate Secretary certifies that any agreement described in subsection (c) which is entered into by an eligible taxpayer will contribute to the recovery of a qualified species.

''(8) REQUEST FOR AUTHORIZATION OF INCIDENTAL TAKINGS.—The Secretary shall request the appropriate Secretary to consider whether to authorize under the Endangered Species Act of 1973 takings by an eligible taxpayer of a qualified species to which an agreement described in subsection (c) relates if the takings are incidental to—

''(A) the restoration, enhancement, or management of the habitat pursuant to the habitat management plan under the agreement, or

''(B) the use of the property to which the agreement pertains at any time after the expiration of the easement or the specified period described in subsection (c)(4)(A), but only if such use will leave the qualified species at least as well off on the property as it was before the agreement was made.

''(9) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit under any credit allowable under subsection (a) if the Secretary, in consultation with the appropriate Secretary, determines that the eligible taxpayer has failed to carry out the duties of the taxpayer under the terms of a qualified perpetual habitat protection agreement, a qualified 30-year habitat protection agreement, or a qualified habitat protection agreement.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by inserting after paragraph (37) the following new paragraph:

''(38) to the extent provided in section 30D(g)(5).''.

(2) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

''Sec. 30D. Endangered species recovery credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. DEDUCTION FOR ENDANGERED SPECIES RECOVERY EXPENDITURES.

(a) DEDUCTION FOR ENDANGERED SPECIES RECOVERY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (1) of section 175(c) of the Internal Revenue Code of 1986 (relating to definitions) is amended by inserting after the first sentence the following new sentence: ''Such term shall include expenditures paid or incurred for the purpose of achieving specific actions recommended in recovery plans approved pursuant to the Endangered Species Act of 1973.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 175 of such Code is amended by inserting '', or for endangered species recovery'' after ''prevention of erosion of land used in farming'' each place it appears in subsections (a) and (c).

(B) The heading of section 175 of such Code is amended by inserting ''**; endangered species recovery expenditures**'' before the period.

(C) The item relating to section 175 in the table of sections for part VI of subchapter B of chapter 1 of such Code is amended by inserting ''; endangered species recovery expenditures'' before the period.

(b) LIMITATIONS.—Paragraph (3) of section 175(c) of the Internal Revenue Code of 1986 (relating to additional limitations) is amended—

(1) in the heading, by inserting ''OR ENDANGERED SPECIES RECOVERY PLAN'' after ''CONSERVATION PLAN'', and

(2) in subparagraph (A)(i), by inserting ''or the recovery plan approved pursuant to the Endangered Species Act of 1973'' after ''Department of Agriculture''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act.

SEC. 4. EXCLUSION FOR COST SHARING PAYMENTS UNDER THE PARTNERS FOR FISH AND WILDLIFE ACT AND CERTAIN OTHER PROGRAMS AUTHORIZED BY THE FISH AND WILDLIFE ACT OF 1956.

(a) IN GENERAL.—Subsection (a) of section 126 of the Internal Revenue Code of 1986 (relating to certain cost-sharing payments) is amended by redesignating paragraph (10) as paragraph (12) and by inserting after paragraph (9) the following new paragraphs:

''(10) The Partners for Fish and Wildlife Program authorized by the Partners for Fish and Wildlife Act.

''(11) The Landowner Incentive Program, the State Wildlife Grants Program, and the Private Stewardship Grants Program authorized by the Fish and Wildlife Act of 1956.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments received after the date of the enactment of this Act.

By Mr. McCAIN:

S. 4089. A bill to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, to require convicted sex offenders to register online identifiers, and for other purposes; to the Committee on the Judiciary.

Mr. McCAIN. Mr. President, today I am introducing the Stop the Online Exploitation of Our Children Act of 2006. This legislation would reduce the sexual exploitation of our children, and punish those who cause them physical and emotional harm through sex crimes.

Twenty-two years ago, President Ronald Reagan inaugurated the opening of the National Center for Missing and Exploited Children, known as NCMEC. At a White House ceremony, he called on the center to ''wake up America and attack the crisis of child victimization.'' Today, thanks to the efforts of NCMEC and many others in the public and private sectors, America is more conscious of the dangers of child exploitation, but our children still face significant threats from those who see their innocence as an opportunity to do harm. The continuing victimization of our children is readily and all too painfully apparent in the resurgence of child pornography in our world.

In recent years, technology has contributed to the greater distribution and availability, and, some believe, desire for child pornography. I say child pornography, but that label does not describe accurately what is at issue. As emphasized by a recent Department of Justice report, ''child pornography'' does not come close to describing these images, which are nothing short of recorded images of child sexual abuse. These images are, quite literally, digital evidence of violent sexual crimes perpetrated against the most vulnerable among us.

Experts are also finding that the images of child sexual exploitation produced and distributed today involve younger and younger children. As emphasized by NCMEC, 83 percent of offenders surveyed in a recent study were caught with images of children younger than 12 years old. Thirty-nine percent had images of children younger than 6. Almost 20 percent had images of children younger than 3. These are not normal criminals, and I cannot fathom the extent of the physical and emotional harm they cause their victims.

The violence of the images continues to increase as well. Dr. Sharon Cooper, a nationally recognized expert on this subject, stated before a September Senate Commerce Committee hearing that the images often depict ''sadistic gross sexual assault and sodomy.'' This view was underscored by Mike Brown, the sheriff of Bedford County, VA, and the director of the Blue Ridge Thunder Internet Crimes Against Children Task Force, who also testified to his direct experience with increasingly violent and disturbing images of child sexual exploitation.

The Federal Government has in place a system for online companies such as Internet service providers to report these images to NCMEC. The center is directed by law to relay that information to Federal and State law enforcement agencies. This reporting system has been successful, but it is in need of several vital improvements.

The bill would enhance the current reporting system by expanding the range of companies obligated to report child pornography to NCMEC; stating specifically what information must be reported to the center; moving the reporting obligations into the Federal

criminal code; imposing higher penalties on companies that do not report child pornography to NCMEC in the manner required by law; and providing greater legal certainty around the child pornography reporting requirement.

As suggested by NCMEC, the reporting of child pornography should be more widespread. To that end, the bill would expand and clarify the types of online companies that would be obligated to report child pornography to the center. Today, Federal law requires electronic communication service providers and providers of remote computing services to report child pornography they discover to NCMEC through the center's CyberTipline. However, what types of companies fall into each category is sometimes unclear. To better define and expand the types of online companies obligated to report child pornography, the legislation would require a broad range of online service providers—including Web hosting companies, domain name registrars, and social networking sites—to report child pornography to NCMEC.

Another weakness in the current reporting system is that the law does not say exactly what information should be reported to NCMEC. This failure to set forth specific reporting requirements makes the current statute both difficult to comply with and tough to enforce, and this omission may have led to less effective prosecution of child pornographers. According to testimony submitted by the center to the Senate Commerce Committee, ''because there are no guidelines for the contents of these reports, some [companies] do not send customer information that allows NCMEC to identify a law enforcement jurisdiction. So potentially valuable investigative leads are left to sit in the CyberTipline database with no action taken.'' This is unacceptable.

The bill would cure this problem by requiring that reporting companies convey to the center a defined set of information, which is in large part the information that is provided to NCMEC today by the Nation's leading Internet service providers. Among other things, the bill would require online service providers to report specific information about the individual involved in producing, distributing, or receiving child pornography such as that individual's e-mail address. In addition, it would require reporting companies to NCMEC geographic location of the involved individual such as the individual's physical address and the IP address from which the individual connected to the Internet.

To ensure that law enforcement officials have better odds of prosecuting involved individuals, the bill would also require online service providers to preserve all data that they report to NCMEC for at least 180 days, and to not knowingly destroy any other information that they possess that relates to a child pornography incident reported to NCMEC.

The legislation would help ensure greater compliance with the child pornography reporting requirements under Federal law by increasing threefold the penalties for knowing failure to report child pornography to NCMEC. It would also move the reporting requirement from title 42, which relates to the public's health and welfare, to title 18, our Federal Criminal Code. This is to underscore that a breach of the reporting obligations is a violation of criminal law. In addition, the act would eliminate the legal liability of online service providers for actions taken to comply with the child pornography reporting requirements.

The bottom line is that this legislation should result in more thorough reporting of child pornography to NCMEC. I expect that more and better information provided to the center will lead to a greater number of prosecutions and enhanced protection of our children. As stated by NCMEC, with improvements to the reporting system there would be more reports that are actionable by law enforcement, which will lead to more prosecutions and convictions and, more importantly, to the rescue of more children.

In addition to the provisions relating to child pornography, the bill also would ensure that sex offenders will register information relevant to their online activities on sex offender registries. Specifically, it would require sex offenders to register their e-mail addresses, as well as their instant messaging and chat room handles and any other online identifiers they use. If a sex offender failed to do so, he could be prosecuted, convicted, and thrown into jail for up to 10 years. The bill would also make the use of the Internet in the commission of a crime of child exploitation an aggravating factor that would add 10 years to the offender's sentence.

To help address the international nature of child pornography, the bill would permit NCMEC to share reports with foreign law enforcement agencies, subject to approval by the Department of Justice. In addition, the act would state the sense of Congress that the executive branch should make child pornography a priority when engaging in negotiations or talks with foreign countries.

Finally, the act would authorize $20.3 million for our Nation's Internet Crimes Against Children Task Forces. This increase of $5 million above that currently requested by the Administration is recommended by NCMEC, Sheriff Brown, and others who believe that the additional amount would significantly improve the efforts of these teams of Federal, State, and local law enforcement officials dedicated to identifying and prosecuting those who use the Internet to prey upon our Nation's children.

Mr. President, protecting our children is a top priority for Members of Congress, regardless of party affiliation. This legislation would help us achieve that goal. I look forward to working with my colleagues to debate and move this bill through the legislative process during the next Congress.

By Ms. SNOWE (for herself, Mr. KERRY, Ms. LANDRIEU, and Mr. VITTER):

S. 4097. A bill to improve the disaster loan program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today with Senators KERRY, LANDRIEU and VITTER to introduce The Small Business Disaster Response and Loan Improvements Act of 2006, a bill that would provide a comprehensive; package of reforms to improve the Small Business Administration's, SBA, disaster loan program.

As you know, the entire gulf coast of the United States was ravaged in 2005 by Hurricanes Katrina and Rita. These natural disasters, unprecedented in scope and economic impact, presented a prime opportunity for the SBA to showcase its programs and resources for small businesses. Unfortunately, SBA's response was subpar at best, leaving some disaster victims waiting three months or more for disaster loans to be processed.

As chair of the Senate Committee on Small Business and Entrepreneurship, I remain committed to doing everything in my power to provide small businesses and homeowners with the tools they need to recover from disasters. The SBA is and must be at the forefront of disaster relief efforts. We must ensure that victims of future disasters have access to the resources they need to restore their lives, their businesses, and their dreams.

Many of the provisions in this bid have already passed unanimously through the Small Business Committee this year as part of the Small Business Reauthorization and Improvements Act of 2006 S. 3778, bipartisan legislation I authored that features sweeping reforms to help the SBA lead with the same dedication to excellence found in the entrepreneurs it serves. The committee unanimously approved this legislation and reported it to the full Senate, where it awaits consideration.

This bill before the Senate today includes essential provisions that would better assist victims applying for SBA disaster loans. Among other items, this legislation would increase the maximum size of an SBA disaster loan from $1.5 million per loan to $5 million per loan and would make it possible for non-profit institutions to be eligible for disaster loans.

Recognizing the increased demand disasters place on all small business lending programs, the legislation establishes a private disaster loan PDL program that allows for PDLs to be made to disaster victims by private banks, which would have to apply to the SBA for eligibility. A business would be eligible for a PDL if the county in which the business is located was

declared a disaster area anytime in the last 24 months. The business would not have to show a nexus between its need for a loan, and the disaster that occurred. It would be enough to be located in that county. The SBA would provide an 85 percent guarantee for the loans.

In addition, our legislation would provide authorization for the SBA to enter into agreements with qualified private contractors to process disaster loans. It also would require the SBA to provide Congress with a report on how the disaster loan application process can be improved, including methods to expedite loan processing and verification for sources vital to rebuilding efforts.

This legislation would also require the SBA to promulgate rules within 6 months that would create a new ''expedited disaster assistance business loan program.'' These short-term loans would have low interest rates similar to regular disaster loans. The program is intended to respond to major disasters, but at the discretion of the SBA Administrator, it can be implemented in the event of any disaster.

I firmly believe the product before us is the best package to aid families, businesses, and communities through challenging times following disasters. We must not forget their pain, their determination, and their resolute refusal to walk away from the communities and small businesses they cherish.

When a disaster strikes, the spirit, determination, and will of America's small businesses help to create the firm economic foundation, propelling our nation's economic growth forward. Therefore, we in turn must create an atmosphere favorable for small businesses and provide this assistance package to the SBA. We must allow our Nation's small businesses to do what they do best—create jobs.

I urge my colleagues to support this bill. Too much is at stake for small businesses, and the economy as a whole, to allow this critical legislation to languish. Clearly, if we strive for anything less, we fail to support the backbone of our economy, our hope for new innovation, and the entrepreneurs reach for the American dream.

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

S. 4097

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Disaster Response and Loan Improvements Act of 2006''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PRIVATE DISASTER LOANS

Sec. 101. Private disaster loans.
Sec. 102. Technical and conforming amendments.

TITLE II—DISASTER RELIEF AND RECONSTRUCTION

Sec. 201. Definition of disaster area.
Sec. 202. Disaster loans to nonprofits.
Sec. 203. Disaster loan amounts.
Sec. 204. Small business development center portability grants.
Sec. 205. Assistance to out-of-State businesses.
Sec. 206. Outreach programs.
Sec. 207. Small business bonding threshold.
Sec. 208. Contracting priority for local small businesses.
Sec. 209. Termination of program.
Sec. 210. Increasing collateral requirements.

TITLE III—DISASTER RESPONSE

Sec. 301. Definitions.
Sec. 302. Business expedited disaster assistance loan program.
Sec. 303. Catastrophic national disasters.
Sec. 304. Public awareness of disaster declaration and application periods.
Sec. 305. Consistency between Administration regulations and standard operating procedures.
Sec. 306. Processing disaster loans.
Sec. 307. Development and implementation of major disaster response plan.
Sec. 308. Congressional oversight.

TITLE IV—ENERGY EMERGENCIES

Sec. 401. Findings.
Sec. 402. Small business energy emergency disaster loan program.
Sec. 403. Agricultural producer emergency loans.
Sec. 404. Guidelines and rulemaking.
Sec. 405. Reports.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term ''small business concern owned and controlled by socially and economically disadvantaged individuals'' has the same meaning as in section 8 of the Small Business Act (15 U.S.C. 637).

TITLE I—PRIVATE DISASTER LOANS

SEC. 101. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) PRIVATE DISASTER LOANS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'disaster area' means a county, parish, or similar unit of general local government in which a disaster was declared under subsection (b);

''(B) the term 'eligible small business concern' means a business concern that is—

''(i) a small business concern, as defined in this Act; or

''(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958; and

''(C) the term 'qualified private lender' means any privately-owned bank or other lending institution that the Administrator determines meets the criteria established under paragraph (9).

''(2) AUTHORIZATION.—The Administrator may guarantee timely payment of principal and interest, as scheduled on any loan issued by a qualified private lender to an eligible small business concern located in a disaster area.

''(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (a) or (b).

''(4) ONLINE APPLICATIONS.—

''(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

''(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

''(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

''(5) MAXIMUM AMOUNTS.—

''(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

''(B) LOAN AMOUNTS.—The maximum amount of a loan guaranteed under this subsection shall be $3,000,000.

''(6) LOAN TERM.—The longest term of a loan for a loan guaranteed under this subsection shall be—

''(A) 15 years for any loan that is issued without collateral; and

''(B) 25 years for any loan that is issued with collateral.

''(7) FEES.—

''(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

''(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender and the Administrator.

''(8) DOCUMENTATION.—A qualified private lender may use its own loan documentation for a loan guaranteed by the Administrator, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan offered under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (9).

''(9) IMPLEMENTATION REGULATIONS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2006, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

''(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2006, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(10) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration under subsection (b).

''(B) AUTHORITY TO REDUCE INTEREST RATES.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator, to the extent available, to reduce the applicable rate of interest for a loan guaranteed under this subsection by not more than 3 percentage points.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters declared under section 7(b)(2) of the Small Business Act (631 U.S.C. 636(b)(2)) before, on, or after the date of enactment of this Act.

SEC. 102. TECHNICAL AND CONFORMING AMENDMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking ''7(c)(2)'' and inserting ''7(d)(2)''; and

(B) in paragraph (2)—

(i) by striking ''7(c)(2)'' and inserting ''7(d)(2)''; and

(ii) by striking ''7(e),''; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking ''That the provisions of paragraph (1) of subsection (c)'' and inserting ''That the provisions of paragraph (1) of subsection (d)''; and

(B) by striking ''Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c),'' and inserting ''Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)''.

TITLE II—DISASTER RELIEF AND RECONSTRUCTION

SEC. 201. DEFINITION OF DISASTER AREA.

In this title, the term ''disaster area'' means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration.

SEC. 202. DISASTER LOANS TO NONPROFITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

''(4) LOANS TO NONPROFITS.—In addition to any other loan authorized by this subsection, the Administrator may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a nonprofit organization located or operating in an area affected by a natural or other disaster, as determined under paragraph (1) or (2), or providing services to persons who have evacuated from any such area.''.

SEC. 203. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (4), as added by this title, the following:

''(5) INCREASED LOAN CAPS.—

''(A) AGGREGATE LOAN AMOUNTS.—Except as provided in clause (ii), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $5,000,000.

''(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amount established under clause (i).''.

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting ''of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)'' after ''20 per centum''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''the, Administration'' and inserting ''the Administration'';

(2) in paragraph (2)(A), by striking ''Disaster Relief and Emergency Assistance Act'' and inserting ''Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)''; and

(3) in the undesignated matter at the end—

(A) by striking '', (2), and (4)'' and inserting ''and (2)''; and

(B) by striking '', (2), or (4)'' and inserting ''(2)''.

SEC. 204. SMALL BUSINESS DEVELOPMENT CENTER PORTABILITY GRANTS.

Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended—

(1) in the first sentence, by striking ''as a result of a business or government facility down sizing or closing, which has resulted in the loss of jobs or small business instability'' and inserting ''due to events that have resulted or will result in, business or government facility downsizing or closing''; and

(2) by adding at the end ''At the discretion of the Administrator, the Administrator may make an award greater than $100,000 to a recipient to accommodate extraordinary occurrences having a catastrophic impact on the small business concerns in a community.''.

SEC. 205. ASSISTANCE TO OUT-OF-STATE BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking ''At the discretion'' and inserting the following: ''SMALL BUSINESS DEVELOPMENT CENTERS.—

''(A) IN GENERAL.—At the discretion''; and

(2) by adding at the end the following:

''(B) DURING DISASTERS.—

''(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide such assistance to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in a disaster area declared under section 7(b)(2)(A).

''(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which such small business development center otherwise provides services.

''(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of providing disaster recovery assistance under this subparagraph, the Administrator shall, to the maximum extent practicable, permit small business development center personnel to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.''.

SEC. 206. OUTREACH PROGRAMS.

(a) IN GENERAL.—Not later than 30 days after the date of the declaration of a disaster area, the Administrator may establish a contracting outreach and technical assistance program for small business concerns which have had a primary place of business in, or other significant presence in, such disaster area.

(b) ADMINISTRATOR ACTION.—The Administrator may fulfill the requirement of subsection (a) by acting through—

(1) the Administration;

(2) the Federal agency small business officials designated under section 15(k)(1) of the Small Business Act (15 U.S.C. 644(k)(1)); or

(3) any Federal, State, or local government entity, higher education institution, procurement technical assistance center, or private nonprofit organization that the Administrator may determine appropriate, upon conclusion of a memorandum of understanding or assistance agreement, as appropriate, with the Administrator.

SEC. 207. SMALL BUSINESS BONDING THRESHOLD.

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) INCREASE OF AMOUNT.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

SEC. 208. CONTRACTING PRIORITY FOR LOCAL SMALL BUSINESSES.

Section 15(d) of the Small Business Act (15 U.S.C. 644(d)) is amended—

(1) by striking ''(d) For purposes'' and inserting the following:

''(d) CONTRACTING PRIORITIES.—

''(1) IN GENERAL.—For purposes''; and

(2) by adding at the end the following:

''(2) DISASTER CONTRACTING PRIORITY IN GENERAL.—The Administrator shall designate any disaster area as an area of concentrated unemployment or underemployment, or a labor surplus area for purposes of paragraph (1).

''(3) LOCAL SMALL BUSINESSES.—

''(A) IN GENERAL.—The head of each executive agency shall give priority in the awarding of contracts and the placement of subcontracts for disaster relief to local small business concerns by using, as appropriate—

''(i) preferential factors in evaluations of contract bids and proposals;

''(ii) competitions restricted to local small business concerns, where there is a reasonable expectation of receiving competitive, reasonably priced bids or proposals from not fewer than 2 local small business concerns;

''(iii) requirements of preference for local small business concerns in subcontracting plans; and

''(iv) assessments of liquidated damages and other contractual penalties, including contract termination.

''(B) OTHER DISASTER ASSISTANCE.—Priority shall be given to local small business concerns in the awarding of contracts and the placement of subcontracts for disaster relief in any Federal procurement and any procurement by a State or local government made with Federal disaster assistance funds.

''(4) DEFINITIONS.—In this subsection—

''(A) the term 'declared disaster' means a disaster, as designated by the Administrator;

''(B) the term 'disaster area' means any State or area affected by a declared disaster, as determined by the Administrator;

''(C) the term 'executive agency' has the same meaning as in section 105 of title 5, United States Code; and

''(D) the term 'local small business concern' means a small business concern that—

''(i) on the date immediately preceding the date on which a declared disaster occurred—

''(I) had a principal office in the disaster area for such declared disaster; and

''(II) employed a majority of the workforce of such small business concern in the disaster area for such declared disaster; and

''(ii) is capable of performing a substantial proportion of any contract or subcontract

for disaster relief within the disaster area for such declared disaster, as determined by the Administrator.''.

SEC. 209. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after ''January 1, 1989'' the following: '', and shall terminate on the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2006''.

SEC. 210. INCREASING COLLATERAL REQUIREMENTS.

Section 7(d)(6) of the Small Business Act (15 U.S.C. 636), as so designated by section 101, is amended by striking ''$10,000 or less'' and inserting ''$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a catastrophic national disaster declared under subsection (b)(6))''.

TITLE III—DISASTER RESPONSE

SEC. 301. DEFINITIONS.

In this title—

(1) the term ''catastrophic national disaster'' has the meaning given the term in section 7(b)(6) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act;

(2) the term ''declared disaster'' means a major disaster or a catastrophic national disaster;

(3) the term ''disaster loan program of the Administration'' means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(4) the term ''disaster update period'' means the period beginning on the date on which the President declares a major disaster or a catastrophic national disaster and ending on the date on which such declaration terminates;

(5) the term ''major disaster'' has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(6) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

SEC. 302. BUSINESS EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''immediate disaster assistance'' means assistance provided during the period beginning on the date on which a disaster declaration is made and ending on the date that an impacted small business concern is able to secure funding through insurance claims, Federal assistance programs, or other sources; and

(2) the term ''program'' means the expedited disaster assistance business loan program established under subsection (b); and

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program to provide small business concerns with immediate disaster assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate rules establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the declared disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan made by the Administration under this section—

(A) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(B) shall have an interest rate not to exceed 1 percentage point above the prime rate of interest that a private lender may charge;

(C) shall have no prepayment penalty;

(D) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act; and

(E) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 303. CATASTROPHIC NATIONAL DISASTERS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

''(6) CATASTROPHIC NATIONAL DISASTERS.—

''(A) DEFINITION.—In this paragraph the term 'catastrophic national disaster' means a disaster, natural or other, that the President determines has caused significant adverse economic conditions outside of the geographic reach of the disaster.

''(B) AUTHORIZATION.—The Administrator may make such loans under this paragraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to small business concerns located anywhere in the United States that are economically adversely impacted as a result of a catastrophic national disaster.

''(C) LOAN TERMS.—A loan under this paragraph shall be made on the same terms as a loan under paragraph (2).''.

SEC. 304. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (6), as added by this Act, the following:

''(7) COORDINATION WITH FEMA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, for any disaster (including a catastrophic national disaster) declared under this subsection or major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Administrator, in consultation with the Director of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) begin on the same date and end on the same date.

''(B) DEADLINE EXTENSIONS.—Notwithstanding any other provision of law—

''(i) not later than 10 days before the closing date of an application period for disaster relief under this Act for any disaster (including a catastrophic national disaster) declared under this subsection, the Administrator, in consultation with the Director of the Federal Emergency Management Agency, shall notify the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives as to whether the Administrator intends to extend such application period; and

''(ii) not later than 10 days before the closing date of an application period for disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) for which the President has declared a catastrophic national disaster under paragraph (6), the Director of the Federal Emergency Management Agency, in consultation with the Administrator, shall notify the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives as to whether the Director intends to extend such application period.

''(8) PUBLIC AWARENESS OF DISASTERS.—If a disaster (including a catastrophic national disaster) is declared under this subsection, the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

''(A) the date of such declaration;

''(B) cities and towns within the area of such declaration;

''(C) loan application deadlines related to such disaster;

''(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

''(E) links to relevant Federal and State disaster assistance websites;

''(F) information on eligibility criteria for Federal Emergency Management Agency disaster assistance applications, as well as for Administration loan programs, including where such applications can be found; and

''(G) application materials that clearly state the function of the Administration as the Federal source of disaster loans for homeowners and renters.''.

(b) COORDINATION OF AGENCIES AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator and the Director of the Federal Emergency

Management Agency shall enter into a memorandum of understanding that ensures, to the maximum extent practicable, adequate lodging and transportation for employees of the Administration, contract employees, and volunteers during a major disaster, if such staff are needed to assist businesses, homeowners, or renters in recovery.

(c) MARKETING AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) distinguishes between disaster services provided by the Administration and disaster services provided by the Federal Emergency Management Agency, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and what eligibility requirements exist for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

SEC. 305. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) IN GENERAL.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administration shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

SEC. 306. PROCESSING DISASTER LOANS.

(a) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS TO PROCESS DISASTER LOANS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

''(9) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS.—

''(A) DISASTER LOAN PROCESSING.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or a catastrophic national disaster declared under paragraph (6), under which the Administrator shall pay the contractor a fee for each loan processed.

''(B) LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or a catastrophic national disaster declared under paragraph (6), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.''.

(b) COORDINATION OF EFFORTS BETWEEN THE ADMINISTRATOR AND THE INTERNAL REVENUE SERVICE TO EXPEDITE LOAN PROCESSING.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

(c) REPORT ON LOAN APPROVAL RATE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

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

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Administration's Accelerated Disaster Response Initiative; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

SEC. 307. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) IN GENERAL.—Not later than March 15, 2007, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the ''disaster response plan'') to apply to major disasters and catastrophic national disasters, consistent with this Act and the amendments made by this Act; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) CONTENTS.—The amended report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted on July 14, 2006;

(2) a description of how the Administrator plans to utilize and integrate District Office personnel of the Administration in the response to a major disaster, including information on the utilization of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administrator can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the system in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in cooperation with the Director of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) EXERCISES.—Not later than May 31, 2007, the Administrator shall develop and execute simulation exercises to demonstrate the effectiveness of the amended disaster response plan required under this section.

SEC. 308. CONGRESSIONAL OVERSIGHT.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) DEFINITION.—In this subsection the term ''applicable period'' means the period beginning on the date on which the President declares a major disaster and ending on the date that is 30 days after the later of the closing date for applications for physical disaster loans for such disaster and the closing date for applications for economic injury disaster loans for such disaster.

(2) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall provide to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for such disaster during the preceding month.

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

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased, noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (2);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (2);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased, noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) DAILY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each day during a disaster update period, excluding Federal holidays and weekends, the Administration shall provide to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster or a catastrophic national disaster, as the case may be.

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

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans dispersed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully dispersed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) NOTICE OF THE NEED FOR SUPPLEMENTAL FUNDS.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for such loan program.

(d) REPORT ON CONTRACTING.—

(1) IN GENERAL.—Not later than 6 months after the date on which the President declares a declared disaster, and every 6 months thereafter until the date that is 18 months after the date on which the declared disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of the declared disaster.

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

(A) the total number of contracts awarded as a result of the declared disaster;

(B) the total number of contracts awarded to small business concerns as a result of the declared disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of the declared disaster; and

(D) the total number of contracts awarded to local businesses as a result of the declared disaster.

TITLE IV—ENERGY EMERGENCIES

SEC. 401. FINDINGS.

Congress finds that—

(1) a significant number of small business concerns in the United States, nonfarm as well as agricultural producers, use heating oil, natural gas, propane, or kerosene to heat their facilities and for other purposes;

(2) a significant number of small business concerns in the United States sell, distribute, market, or otherwise engage in commerce directly related to heating oil, natural gas, propane, and kerosene; and

(3) significant increases in the price of heating oil, natural gas, propane, or kerosene—

(A) disproportionately harm small business concerns dependent on those fuels or that use, sell, or distribute those fuels in the ordinary course of their business, and can cause them substantial economic injury;

(B) can negatively affect the national economy and regional economies;

(C) have occurred in the winters of 1983 to 1984, 1988 to 1989, 1996 to 1997, 1999 to 2000, 2000 to 2001, and 2004 to 2005; and

(D) can be caused by a host of factors, including international conflicts, global or regional supply difficulties, weather conditions, insufficient inventories, refinery capacity, transportation, and competitive structures in the markets, causes that are often unforeseeable to, and beyond the control of, those who own and operate small business concerns.

SEC. 402. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (9), as added by this Act, the following:

''(10) ENERGY EMERGENCIES.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

''(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, or propane during the subsequent calendar month, commonly known as the 'front month';

''(iii) the term 'heating fuel' means heating oil, natural gas, propane, or kerosene; and

''(iv) the term 'significant increase' means—

''(I) with respect to the price of heating oil, natural gas, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

''(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

''(B) AUTHORIZATION.—The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a significant increase in the price of heating fuel occurring on or after October 1, 2004.

''(C) INTEREST RATE.—Any loan or guarantee extended under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

''(D) MAXIMUM AMOUNT.—No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administrator, in which case the Administrator, in the discretion of the Administrator, may waive the $1,500,000 limitation.

''(E) DECLARATIONS.—For purposes of assistance under this paragraph—

''(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

''(ii) if no declaration has been made under clause (i), the Governor of a State in which a significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have

suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

''(F) USE OF FUNDS.—Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating fuel to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.''.

(b) CONFORMING AMENDMENTS RELATING TO HEATING FUEL.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(1) by inserting '', significant increase in the price of heating fuel'' after ''civil disorders''; and

(2) by inserting ''other'' before ''economic''.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Administrator under section 404.

SEC. 403. AGRICULTURAL PRODUCER EMERGENCY LOANS.

(a) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in the first sentence—

(A) by striking ''operations have'' and inserting ''operations (i) have''; and

(B) by inserting before '': *Provided,*'' the following: '', or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after October 1, 2004, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after October 1, 2004, in connection with an energy emergency declared by the President or the Secretary'';

(2) in the third sentence, by inserting before the period at the end the following: ''or by an energy emergency declared by the President or the Secretary''; and

(3) in the fourth sentence—

(A) by inserting ''or energy emergency'' after ''natural disaster'' each place that term appears; and

(B) by inserting ''or declaration'' after ''emergency designation''.

(b) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subsection (a) to meet the needs resulting from energy emergencies.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Secretary of Agriculture under section 404.

SEC. 404. GUIDELINES AND RULEMAKING.

(a) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator and the Secretary of Agriculture shall each issue such guidelines as the Administrator or the Secretary, as applicable, determines to be necessary to carry out this title and the amendments made by this title.

(b) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(10)(A)(iv)(II) of the Small Business Act, as added by this Act.

SEC. 405. REPORTS.

(a) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator issues guidelines under section 404, and annually thereafter until the date that is 12 months after the end of the effective period of section 7(b)(10) of the Small Business Act, as added by this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(10) of the Small Business Act, as added by this Act, including—

(1) the number of small business concerns that applied for a loan under such section and the number of those that received such loans;

(2) the dollar value of those loans;

(3) the States in which the small business concerns that received such loans are located;

(4) the type of heating fuel or energy that caused the significant increase in the cost for the participating small business concerns; and

(5) recommendations for ways to improve the assistance provided under such section 7(b)(10), if any.

(b) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under section 404, and annually thereafter until the date that is 12 months after the end of the effective period of the amendments made to section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) by this title, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(1) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); and

(2) contains recommendations for ways to improve the assistance provided under such section 321(a), if any.

Mr. KERRY. Mr. President, in the 15 months since Hurricane Katrina decimated gulf coast communities, Senators SNOWE, LANDRIEU, VITTER, and I have worked to produce a comprehensive package to reform the SBA's disaster loan program. The SBA's failed response in a time of unmatched need demonstrated to everyone that this program is broken and needs fixing.

Immediately after Hurricane Katrina hit, I introduced an amendment with Senator LANDRIEU to the fiscal year 2006 Commerce, Justice and Science appropriations bill to address the needs of gulf region small business and homeowners. The amendment was adapted with input from Chair SNOWE, and a subsequent bipartisan amendment passed the Senate with a vote of 96 to 0. Although the entire Senate supported the amendment, it was stripped out of the bill conference.

On September 30, 2005, I again worked with Chair SNOWE and Senators LANDRIEU and VITTER to introduce the Small Business Hurricane Relief and Reconstruction Act of 2006, S. 1807. Although this bill presented a bipartisan, comprehensive approach to hurricane relief, it stalled in the face of the Administration's opposition. In June, I introduced the Small Business Disaster Loan Reauthorization and Improvements Act of 2006, S. 3487, which once again attempted to comprehensively address the shortcomings of this program. Finally, in August, and with continued opposition from the administration, the, committee unanimously reported S. 3778, the Small Business Reauthorization and Improvements Act of 2006, which again put forward a bipartisan, comprehensive fix for this program.

Many of the provisions included in the bill we are introducing today were included in one or more of these previous proposals. The bill includes directives for the SBA to create a private disaster loan program, to allow for lenders to issue disaster loans. To ensure that these loans are borrower friendly, we provide authorization for appropriations so that the agency can subsidize the interest rates. In addition, the administrator is authorized to enter into agreements with private contractors in order to expedite loan application processing for direct disaster loans.

The bill also includes language directing SBA to create an expedited disaster assistance loan program to provide businesses with short-term loans so that they may keep their doors open until they receive alternative forms of assistance. The days immediately following a disaster are crucial for business owners—statistics show that once they close their doors, they likely will not open them again. These short-term loans should help prevent those doors from closing.

A Presidential declaration of catastrophic national disaster will allow the administrator to offer economic injury disaster loans to adversely affected business owners beyond the geographic reach of the disaster area.

Nonprofit entities working to provide services to victims should be rewarded and given access to the capital they require to continue their services. To this end, the administrator is authorized to make disaster loans to nonprofit entities, including religious organizations.

Construction and rebuilding contracts being awarded are likely to be larger than the current $2 million threshold currently applied to the SBA Surety Bond Program which helps small construction firms gain access to contracts. This bill increases the guarantee against loss for small business contracts up to $5 million and allows the administrator to increase that level to $10 million, if deemed necessary.

The bill also provides for small business development centers to offer business counseling in disaster areas and to travel beyond traditional geographic

boundaries to provide services during declared disasters. To encourage small business development centers located in disaster areas to keep their doors open, the maximum grant amount is waived.

So that Congress may remain better aware of the status of the administration's disaster loan program, this bill directs the administration to report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regularly on the fiscal status of the disaster loan program as well as the need for supplemental funding. The administration is also directed to report on the number of Federal contracts awarded to small businesses, minority-owned small businesses, women-owned businesses, and local businesses during a disaster declaration.

Finally, gas prices continue to fluctuate, and fuel-dependent small businesses are struggling with the cost of energy. This bill provides relief to small business owners during times of above average energy price increases, authorizing energy disaster loans through the Small Business Administration and the Department of Agriculture to companies that depend on fuel.

Residents of the gulf coast continue to rebuild from last year's hurricane season. By all accounts, Administrator Preston has implemented policies that are helping gulf coast victims get back on their feet. However, the SBA needs the tools offered in this bill in order to comprehensively address the needs of business owners following a large-scale disaster. As the 109th Congress prepares to adjourn, it is unconscionable that we have not yet put in place the reforms needed for this program to function effectively. I urge my colleagues in the final days of this session to support this legislation, so that God forbid another region has to deal with a disaster the size and scope of the 2005 gulf coast hurricanes, the SBA will be fully able to provide the assistance that homeowners and business owners require.

Ms. LANDRIEU. Mr. President, as we all know, there was a tremendous amount of criticism of the Federal Government's response to Hurricanes Katrina and Rita last year. Things are better now and the region is slowly recovering. But having just finished the 2006 Hurricane season, and with the 2007 season a few months away, we must be sure that if we have another disaster, the Federal Government's response will be better this time around. Disaster response agencies have to be better organized, more efficient, and more responsive in order to avoid the problems, the delays, mismanagement, and the seeming incompetence that occurred last year.

Today, I am proud to be an original cosponsor of legislation to improve the disaster response of one agency that had a great deal of problems last year, the Small Business Administration, SBA. This bill, the Small Business Disaster Response and Loan Improvements Act, makes major improvements to the SBA's disaster response and provides them with essential tools to ensure that they are more efficient and better prepared for future disasters—big and small. I should also note that this bill is a result of intensive bipartisan work over the past few months. As such, it is reflective of the priorities from Senators SNOWE and KERRY, respectively chair and ranking member of the Senate Small Business Committee, as well as Senator LANDRIEU. For my part, I have heard loud and clear from our impacted businesses that SBA reforms should be implemented as soon as possible. That is why in September, I sent a letter to the new SBA Administrator Steve Preston, expressing concerns on the lack of progress on SBA Disaster reforms, which were included in S. 3778, the fiscal year 2007 SBA reauthorization bill reported out of the Senate Small Business Committee. In this letter, I requested his cooperation, along with our committee, to pass this important legislation before Congress adjourns at the end of the year. The introduction of this bill today, shows the progress that the committee made since September on this issue. I hope that this spirit of bipartisanship continues well into the 110th Congress and that I can continue to work with my colleagues on the Senate Small Business Committee to reform SBA.

This legislation offers new tools to enhance SBA's disaster assistance programs. In every disaster, the SBA disaster loan program is a lifeline for businesses and homeowners who want to rebuild their lives after a catastrophe. When Katrina hit, our businesses and homeowners had to wait months for loan approvals. I do not know how many businesses we lost because help did not come in time. Because of the scale of this disaster, what these businesses needed was immediate, short-term assistance to hold them over until SBA was ready to process the tens of thousands of loan applications it received.

That is why this legislation provides the SBA Administrator with the ability to set up an expedited disaster assistance business loan program to make short-term, low-interest loans to keep them afloat. These loans will allow businesses to make payroll, begin making repairs, and address other immediate needs while they are awaiting insurance payouts or regular SBA disaster loans. However, I realize that every disaster is different and could range from a disaster on the scale of Hurricane Katrina or 911, to an ice storm or drought. This legislation gives the SBA additional options and flexibility in the kinds of relief they can offer a community. When a tornado destroys 20 businesses in a small town in the Midwest, SBA can get the regular disaster program up and running fairly quickly. You may not need short-term loans in this instance. But if you know that SBA's resources would be overwhelmed by a storm—just as they were initially with Katrina—these expedited business loans would be very helpful.

This legislation also would direct SBA to study ways to expedite disaster loans for those businesses in a disaster area that have a good, solid track record with the SBA or can provide vital recovery efforts. We had many businesses in the gulf coast that had paid off previous SBA loans, were major sources of employment in their communities, but had to wait months for decisions on their SBA disaster loan applications. I do not want to get rid of the SBA's current practice of reviewing applications on a first-come-first-served basis, but there should be some mechanism in place for major disasters to get expedited loans out the door to specific businesses that has a positive record with SBA or those that could serve a vital role in the recovery efforts. Expedited loans would jump-start impacted economies, get vital capital out to businesses, and retain essential jobs following future disasters.

This bill also makes an important modification to the collateral requirements for disaster loans. The SBA cannot disburse more than $10,000 for an approved loan without showing collateral. This is to limit the loss to the SBA in the event that a loan defaults. However, this disbursement amount has not been increased since 1998, and these days, $10,000 is not enough to get a business up and running. That is why this bill increases this collateral requirement to $14,000 and gives the Administrator the ability to increase that amount, in the event of another large-scale disaster. I believe this is a reasonable and fiscally responsible increase, and at the same time gives the Administrator flexibility for future disasters which will inevitably occur.

As you may know, pushed to get language in the last hurricane supplemental appropriations bill in June 2006 to require SBA to develop a disaster plan and report to Congress on its contents by July 15, 2006. SBA provided this status report in July, and I am pleased that, since then, SBA has been working on a comprehensive disaster response plan. That said, I believe that with the 2007 Atlantic hurricane season fast approaching, and other disasters possible before then, the SBA should be looking at additional ways to improve upon this plan. This legislation requires SBA to report to Congress, by March 15, 2007, on the current status of its response plan and to provide us with a snapshot of where they were with Katrina and where they are now. The report also requests SBA feedback on suggested improvements. These improvements include better incorporating State disaster assistance efforts into SBA's response, as well as better coordination with Federal response agencies like FEMA.

The Small Business Disaster Response and Loan Improvements Act will provide essential tools to make the SBA more proactive, flexible, and most important, more efficient during future disasters. Again, I look forward to working with both Senator SNOWE and Senator KERRY during the 110th Congress to ensure that the SBA has everything it needs to meet these goals.

I thank the Chair and ask that my entire statement appear in the RECORD. I also ask unanimous consent that a copy of my September 27, 2006, letter to SBA be printed in the RECORD at the conclusion of my statement.

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

U.S. SENATE,
Washington, DC, September 27, 2006.

Hon. STEVEN C. PRESTON,
Administrator, U.S. Small Business Administration,
Washington, DC.

DEAR ADMINISTRATOR PRESTON: Let me take this opportunity to again congratulate you on your confirmation as Administrator of the U.S. Small Business Administration (SBA). Your management experience and passion to serve will prove extremely helpful to you in this challenging position.

I write you today because, as member of the Senate Committee on Small Business and Entrepreneurship, as well as senator from a state hit hard by both Hurricanes Katrina and Rita, I believe it is my duty to ensure that we implement substantive changes to SBA's Disaster Assistance Program during this session of Congress.

The SBA's response to Katrina and Rita was too slow and lacking in urgency—threatening the very survival of our affected businesses. A year has passed since Hurricanes Katrina and Rita, yet while Congress is currently acting on extensive reforms for the Federal Emergency Management Agency (FEMA), there has been only incremental changes to SBA's Disaster Assistance Program. That is why I am pleased to learn that you have recently created the Accelerated Disaster Response Initiative to identify and help implement process improvements to enable the SBA to respond more quickly in assisting small businesses and homeowners in need of assistance after a disaster. I applaud these efforts and your leadership on this issue. But much more must be done to address the systemic problems that led to delays and inaction post-Katrina and Rita.

For our part, the Senate is also attempting to address the multiple problems that hampered SBA's ability to assist impacted Gulf Coast small businesses and homeowners. Under the leadership of the Chair and Ranking Member of the Senate Committee on Small Business and Entrepreneurship, Senators SNOWE and KERRY, the committee voted unanimously to approve S. 3778, the ''Small Business Reauthorization and Improvements Act of 2006'' and sent it to the full Senate for consideration. A copy of the bill is attached for your convenience. This bipartisisan legislation re-authorizes SBA programs, and also of great importance to me and my constitutents, makes essential reforms to SBA's Disaster Assistance Program. However, since S. 3778 was introduced on August 2, 2006, almost nine weeks ago, it has been blocked from consideration and the Committee is still waiting for budget information so that it may file its report on the bill. It is my understanding that the administration and SBA has several concerns about this bill in its current form.

I am very concerned at this apparent deadlock, a deadlock which threatens our bipartisan efforts to implement comprehensive SBA Diaster Assistance reforms before the end of the year. In particular, I believe that there must be SBA reforms in the following areas:

Short-Term Assistance: Following Katrina and Rita small businesses waited, on average, four to six months for approvals and disbursements on SBA Disaster Loans, In order to ensure the long-term survival of small businesses impacted by a catastrophic disaster, SBA needs to be in the business of short-term recovery—by providing either emergency bridge loans or grants.

Disaster Loan Process for Homeowners: While SBA's mission is to ''aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns'' it also has the added responsibility of helping affected homeowners rebuild their housing post-disaster. Katrina and Rita resulted in record numbers of SBA Disaster Loan applications, from homeowners, which strained SBA's existing resources and personnel. If the SBA must bear this responsibility, the agency should improve the process as well as possibly seek greater coordination and cooperation with the U.S. Department of Housing and Urban Development on disaster housing assistance.

Expedited Disaster Loans to Businesses: The SBA currently has no mechanism in place to expedite Disaster Loans to impacted businesses that are either a major source of employment or that can demonstrate a vital contribution to recovery efforts in the area, such as businesses who construct housing, provide building materials, or conduct debris removal. The SBA needs the ability to fast-track loans to these businesses, in order to jumpstart local economies and recovery efforts.

Economic Injury Disaster Loans: Although Katrina and Rita directly affected businesses along the Gulf Coast, additional businesses in the region, as well as the rest of the country, were economically impacted by the storms. The SBA must have the ability to provide nationwide, or perhaps regional, economic injury disaster loans to businesses which can demonstrate economic distress or disruption from a future major disaster.

Loss Verification and Loan Processing: Following the Gulf Coast hurricanes, the SBA struggled for months to hire enough staff to inspect losses and process loan applications. Although SBA now has trained reserves to handle such surges in demand, the SBA also needs the permanent authority to enter into agreements with qualified private lenders and credit unions to process Disaster Loans and provide loss verification services.

Administrator Preston, I was impressed by your expressed willingness to be a bridge between Congress and the White House. For the SBA truly bring its disaster capabilities to the next level, I believe that it must work in concert with the Congress. Together, we must remove layers of bureaucracy and red tape, which, following Katrina and Rita, both overwhelmed and frustrated dedicated SBA employees and those affected by the hurricanes. We must also give the SBA new tools to ensure that problems that occurred post-Katrina and Rita never happen again.

Last month we marked the 1-year anniversary of Hurricane Katrina, and now mark the 1-year anniversary of hurricane Rita. It is essential that we take action now to make substantive reforms to the SBA Disaster Assistance Program. We owe nothing less to our small businesses. I ask that you continue working with my office on this important issue and respond to our approach in writing no later than October 31, 2006. This will help us develop a proposal which can address the concerns of the SBA as well as provide a better and more responsive SBA Disaster Assistance Program for our small businesses.

Thank you in advance for your assistance with this request.

Sincerely,

MARY L. LANDRIEU,
United States Senator.

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

S. 4098. A bill to improve the process for the development of needed pediatric medical devices; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Pediatric Medical Device Safety and Improvement Act of 2006. I want to begin by thanking Senator MIKE DEWINE for joining me in introducing this legislation and for his leadership on children's health. He has been my partner over the years as we fought to make drugs safer and more widely available for children. I believe the legislation we are introducing today will achieve a similar goal for pediatric medical devices. I would also like to especially thank the Elizabeth Glaser Pediatric AIDS Foundation, the American Academy of Pediatrics, the American Thoracic Society and the National Organization for Rare Disorders for their expertise in helping craft this legislation as well as their tireless support for making medical devices safer for use in children.

This legislation provides a comprehensive approach to ensuring that children are not left behind as cutting-edge research and revolutionary technologies for medical devices advance. Like drugs, where for too long children were treated like small adults and could just be given reduced doses of adult products, many essential medical devices used extensively by pediatricians are not designed or sized for children. In fact, the development of new medical devices suitable for children's smaller and growing bodies can lag 5 or 10 years behind those for adults.

While children and adults suffer from many of the same diseases and conditions, their device needs can vary considerably due to differences in size, rates of growth, critical development periods, anatomy, physiological differences such as breathing and heart rate, and physical activity levels. To date, because the pediatric market is so small and pediatric diseases relatively rare, there has been little incentive for device manufacturers to focus their attention on children. The result has been that pediatric providers must resort to ''jerry-rigging'' or fashioning make-shift device solutions for pediatric use. When that is not an option, providers may be forced to use more invasive treatment or less effective therapies.

For example, at present, left ventricular assist devices, LVADs, do not exist in the U.S. for children less than 5 years old. An LVAD is a mechanical pump that helps a heart that is too weak to pump blood through the body.

So infants and children under 5 years of age who have critical failure of their left or right ventricles have to be supported through extracorporeal membrane oxygenation, ECMO. An ECMO consists of a pump, an artificial lung, a blood warmer and an arterial filter, which is installed by inserting tubes into large veins or arteries located in the right side of the neck or the groin. While ECMOs can help children for short periods of time, they are problematic. They can cause dangerous clots and the blood thinners that prevent these clots may lead to internal bleeding. In addition, children must remain bedridden while using the device.

For young children needing to be on a ventilator to assist their breathing, the lack of non-invasive ventilators with masks that suitably fit babies has led to respiratory treatments that are inadequate or invasive treatment options such as placing a tube in the baby's throat.

Children needing prosthetic heart valves face a disproportionately high failure rate. Because of the biochemistry of children's growing bodies, prosthetic heart valves implanted in children calcify and deteriorate much faster than in adults. Typically, children with a heart valve implant who survive to adulthood will need four or five operations. Additionally, devices currently available for children must be better able to expand and grow as the child grows.

Over the past 2 years, several efforts have been launched to better identify barriers to the development of pediatric devices and to generate solutions for improving children's access to needed medical devices.

Beginning in June 2004, the American Academy of Pediatrics, the Elizabeth Glaser Pediatric AIDS Foundation, the National Organization for Rare Disorders, NORD, the National Association of Children's Hospitals, and the Advanced Medical Technology Association, AdvaMed, hosted a series of stakeholders meetings that yielded recommendations for improving the availability of pediatric devices. In October 2004, in response to a directive in the Medical Devices Technical Corrections Act of 2004, the Food and Drug Administration, FDA, released a report that identified numerous barriers to the development and approval of devices for children. And in July 2005, the Institute of Medicine, IOM, issued a report on the adequacy of postmarket surveillance of pediatric medical devices, as mandated by the Medical Device User Fee and Modernization Act of 2002. The IOM found significant flaws in safety monitoring and recommended expanding the FDA's ability to require postmarket studies of certain products and improving public access to information about postmarket pediatric studies.

Our legislation seeks to address the equally important issues of pediatric medical device safety and availability. To begin with, the bill creates a mechanism to allow the FDA to track the number and types of medical devices approved specifically for children or for conditions that occur in children. It also allows the FDA to use adult data to support a determination of reasonable assurance of effectiveness in pediatric populations and to extrapolate data between pediatric subpopulations.

The market for pediatric medical devices simply isn't what it is for adults. Therefore, many device manufacturers have been reluctant to make devices for children. Our bill creates an incentive for companies by modifying the existing humanitarian device exemption, HDE, provision to allow manufacturers to profit from devices that are specifically designed to meet a pediatric need.

To prevent abuse, our bill reverts to current law which allows no profit on sales of devices that exceed the number estimated to be needed for the approved condition. This provision is modeled after the existing Orphan Products Division designation process. Under no circumstances can there be a profit on sales if the device is used to treat or diagnose diseases or conditions affecting more than 4,000 individuals in the U.S. per year which is the same as under current law. Already approved adult HDEs upon date of enactment are eligible for the HDE profit modification but only if they are meet the conditions of the bill. The lifting of the profit restriction for new pediatric HDEs sunsets in 2012 and FDA is required to issue a report on its impact within 5 years.

In order to encourage pediatric medical device research, our bill requires the National Institutes of Health, NIH, to designate a point of contact at the agency to help innovators and physicians access funding for pediatric medical device development. It also requires the NIH, the FDA, and the Agency for Healthcare Research and Quality, AHRQ, to submit a plan for pediatric medical device research that identifies gaps in such research and proposes a research agenda for addressing them. In identifying the gaps, the plan can include a survey of pediatric medical providers regarding unmet pediatric medical device needs.

To better foster innovation in the private sector, our bill establishes demonstration grants for non-profit consortia to promote pediatric device development, including matchmaking between inventors and manufacturers and federal resources. These demonstration grants which are authorized for $6 million annually require that the federal government mentor and help manage pediatric device projects through the development process, including product identification, prototype design, device development and marketing. Under the bill, grantees must coordinate with the NIH's pediatric devices point of contact to identify research issues that require further study and with the FDA to help facilitate approval of pediatric indications.

Finally, in its 2005 report on pediatric medical device safety, the IOM found serious flaws in the postmarket safety surveillance of these devices. Our legislation allows FDA to require postmarket studies as a condition of clearance for certain categories of devices. This includes ''a class II or class III device the failure of which would be reasonably likely to have serious adverse health consequences or is intended to be (1) implanted in the human body for more than one year, or (2) a life sustaining or life supporting device used outside a device user facility.''

The legislation also gives the FDA the ability to require studies longer than 3 years with respect to a device that is to have significant use in pediatric populations if such studies would be necessary to address longer term pediatric questions, such as the impact on growth and development. And, it establishes a publicly accessible database of postmarket study commitments that involve questions about device use in pediatric populations.

The legislation we are introducing today has been many years in the making. In addition to the lead republican bill sponsor, Senator DEWINE, and the public health organizations I mentioned earlier, I would like to thank the Advanced Medical Technology Association and its member company Johnson & Johnson, for their contributions to this legislation. The bill we are introducing today reflects many of the comments and suggestions they provided through the development of this legislation. Several device manufacturers including Respironics, Seleon, Breas Medical AB, and Stryker have submitted letters of support for this legislation and I ask unanimous consent that their letters as well as the letters of all organizations supporting this bill be entered in the record following my remarks.

I look forward to working with patient groups, physicians, industry and my colleagues—including the chairman and ranking member of the Health, Education, Labor and Pensions Committee, Senators ENZI and KENNEDY—to move this legislation next year when the committee considers medical device legislation. I urge my colleagues to support this legislation and I am hopeful that it will become law as soon as possible.

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

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

ELIZABETH GLASER
PEDIATRIC AIDS FOUNDATION,
Washington, DC, December 5, 2006.

Hon. CHRISTOPHER DODD,
Russell Senate Office Building,
Washington, DC.

Hon. MIKE DEWINE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS DODD AND DEWINE: On behalf of the Elizabeth Glaser Pediatric AIDS

Foundation, I would like to express our strong support for the Pediatric Medical Device Safety and Improvement Act of 2006. Your leadership on this issue has been outstanding and I applaud your efforts to introduce legislation that will improve the health and well-being of children across the U.S.

While cutting-edge research and revolutionary technologies have led to the development of countless innovative medical devices, as science and medicine move forward children are at risk of being left behind. Physical differences such as children's size, anatomy, and growth provide challenges that limit children's access to safe and effective medical devices. With very few devices available for pediatric use, pediatric providers must resort to ''jury-rigging'' or fashioning make-shift device solutions for their patients. When that is not an option, providers may be forced to use more invasive treatment or less effective therapies.

This legislation recognizes the urgent need for improved access to medical devices designed specifically for children and provides a comprehensive approach to addressing this issue that includes providing assistance to innovators, streamlining regulatory processes, elevating pediatric device issues at the FDA and NIH, and improving incentives for devices for small markets—while still preserving the ability to ensure the safety of new products.

Thank you for your leadership and commitment to this issue. We look forward to working closely with you to ensure that children across the U.S. benefit from this important piece of legislation.

Sincerely,

PAMELA W. BARNES,
President and Chief Executive Officer.

AMERICAN THORACIC SOCIETY,
New York, NY, September 11, 2006.

Hon. MIKE DEWINE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DEWINE: On behalf of the American Thoracic Society, I want to encourage you to continue your efforts to improve access to medical devices for children by introducing legislation this fall.

The ATS represents over 13,000 physicians, researchers, and allied health professionals, who are actively engaged in the diagnosis, treatment and research of respiratory disease and critical care medicine. Many of the patients we treat are children suffering from respiratory diseases.

You have long been a champion of the health needs of children and you are well aware that children are not ''little people.'' Children have specific health needs and challenges. This is particularly true in the case of medical equipment.

The medical device industry has excelled in developing new products that improve the care and well being for patients with respiratory diseases. However, due to the reduced market size, many of these breakthrough respiratory devices are not available to children. Children do not have the same access to ventilators, sleep apnea machines, masks and other respiratory related equipment that adults enjoy. The device access issue for children is a persistent problem in other fields of medicine.

The research and regulatory requirements for making pediatric specific devices can be daunting and may outweigh the business potential for entering the pediatric device market.

We have worked with our colleagues at the American Academy of Pediatrics and members of your staff to develop a legislative proposal that would remove many of the barriers that exist to binging pediatric specific medical devices products to the market. We strongly encourage you to introduce this legislation this fall.

The American Thoracic Society looks forward to working with you to bring this legislative proposal to fruition.

Sincerely,

JOHN E. HEFFNER,
President.

AMERICAN ACADEMY OF PEDIATRICS,
Elk Grove Village, IL, December 4, 2006.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Washington, DC.
Hon. MIKE DEWINE,
U.S. Senate, Washington, DC.

DEAR SENATORS DODD AND DEWINE: On behalf of the 60,000 primary care pediatricians, pediatric medical subspecialists, and surgical specialists of the American Academy of Pediatrics who are committed to the attainment of optimal physical, mental and social health and well-being for all infants, children, adolescents, and young adults, we write today to express our gratitude and support for the ''Pediatric Medical Device Safety and Improvement Act of 2006.'' This legislation is an important step towards improving the process for the development of needed pediatric medical devices.

Children and adults often suffer from many of the same diseases and conditions, however their medical device needs vary considerable. Children are not just small adults and medical device technologies manufactured for adults often do not fit the needs of children. This problems forces pediatricians to ''jury-rig'' adult medical devices that are often too large in order to make them fit smaller bodies. This practice, however, is not always effective and leaves children without optimal treatment. Additionally, children's device needs vary considerable, due not only to size, but also to different rates of growth, anatomy, physiological differences and physical activity levels.

This legislation offers incentives to manufacturers to create needed medical devices specifically designed to meet the needs of pediatric patients and it gives the Food and Drug Administration the authority to require post-market studies to ensure continued efficacy and safety of these devices. The need for pediatric medical devices to treat or diagnose diseases and conditions affecting children is clear. Hence, it is essential that medical devices be manufactured with children's needs in mind.

Thank you for your continued commitment to improving the health and well-being of children. The American Academy of Pediatrics looks forward to working with you as this important legislation moves through Congress.

Sincerely,

AMERICAN ACADEMY OF PEDIATRICS.
THE AMERICAN PEDIATRIC SOCIETY.
THE ASSOCIATION OF MEDICAL SCHOOL PEDIATRIC DEPARTMENT CHAIRS.
THE SOCIETY FOR PEDIATRIC RESEARCH.

Murrysville, PA, August 16, 2006.

Hon. MIKE DEWINE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DEWINE, Respironics, Inc. is a global medical device company based in Pittsburgh, Pennsylvania. We are the worldwide leader at anticipating needs and providing valued solutions to the sleep and respiratory markets. We employ approximately 4,700 employees and have annual sales in excess of one billion dollars.

In our business, we often are called upon to work with pediatric patients. Based on this work, it is clear that changes are needed to facilitate an improvement in the availability of diagnostic and therapeutic medical devices for children.

Currently, a draft of a bill entitled ''To improve the process for the development of needed pediatric medical devices'' is being circulated among some Senators for discussion. After reviewing this bill, Respironics believes that the changes contemplated by this bill could help improve the availability of medical devices for children. Therefore, Respironics supports enactment of the bill.

We hope that you will join Respironics in supporting this important legislation.

Sincerely,

DAVID P. WHITE,
Chief Medical Officer.

SELEON, INC.,
Baltimore, MD, September 23, 2006.

Hon. MIKE DEWINE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DEWINE: On behalf of Seleon Inc., I want to encourage you to continue your efforts to improve access to medical therapies for children by introducing the bill, ''to improve the process for the development of needed pediatric medical devices'' this fall.

Seleon Inc., a medical device manufacturing company, strongly supports this bill. Thank you for your ongoing support of children's health and this important issue.

Sincerely,

MICHAEL LAUK,
President.

BREAS MEDICAL AB,
Mölnlycke, Sweden, August 17, 2006.

Hon. CHRISTOPHER J. DODD,
Hon. MIKE DEWINE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS DODD AND DEWINE, On behalf of Breas Medical, I would like to thank you for your efforts to expand the availability of medical devices for children. We appreciate your long-standing leadership on behalf of children and welcome your interest in ensuring that they are not left behind when it comes to critical medical advances. Our devices were developed in Europe and are available for home use in the pediatric population there. We have partnered with companies in the United States, including Sleep Services of America, and now have FDA approval for device use in adults. We are seeking approval for the use of our devices in children where there is a great need.

While children and adults suffer from many of the same diseases and conditions, their device needs can vary considerably. Cutting-edge research and revolutionary technologies have led to the development of many innovative medical products; however, very few are designed specifically for children. We support your efforts to address the barriers to pediatric device development through legislation, particularly in the following areas:

1. Improving the ability of the Food and Drug Administration (FDA) to track how many and what types of devices are approved for children each year;

2. Streamlining pediatric device approvals by allowing the extrapolation of adult data to support pediatric indications, as appropriate;

3. Encouraging device manufacturers to create products for conditions that affect small numbers of children by removing existing restrictions on profit;

4. Improving federal support for pediatric device development by creating a coordinated research agenda and establishing a

contact point at the National Institutes of Health to help innovators access existing funding;

5. Improving pediatric device availability by establishing demonstration grants to promote pediatric device development, including connecting inventors and manufacturers, product identification, prototype development, and testing;

6. Improving post-market safety of pediatric devices by allowing FDA to call for postmarket pediatric studies, establishing a publicly accessible database of postmarket studies, and giving FDA the ability to require studies longer than 3 years if needed to answer longer-term pediatric questions.

Thank you for your leadership and commitment to this issue. We look forward to working closely with you toward passage of legislation to improve children's access to medical devices.

Sincerely,

ULF JÖNSSON,
President.

STRYKER CORPORATION,
Washington, DC, December 4, 2006.

Senator CHRISTOPHER J. DODD,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: On behalf of Stryker Corporation (''Stryker''), I am pleased to announce our support for your legislation to improve the availability and safety of pediatric medical devices—the Pediatric Medical Device Safety and Improvement Act of 2006. Like you and your colleagues, we want our children to have access to the fullest and best range of possible medical treatments, even if that means doing or inventing something new just for them.

We view this as our responsibility both as the leading manufacturer of orthopaedic oncology prostheses in the United States and as a global medical technology company with a significant presence in other medical specialties, including craniofacial deformities such as cleft lip and palate. We take pride in partnering with and sponsoring a range of medical organizations, including one which last year was able to provide free cleft lip surgeries to 8,531 children in 23 countries. The surgery took only about 45 minutes and cost $750 per child, but the corrective surgery changed, in a positive way, forevermore the lives of each and every child and the lives of their families too.

We sincerely appreciate your leadership role on children's issues. We take very seriously not only our commitment to children with cancer and craniofacial deformities but also our responsibility to ensure that our devices are safe and effective for use in pediatric patients.

As you may know, there has been significant progress over the past two decades in the management of patients with musculoskeletal cancers that has improved both the survival rates and quality of life of afflicted individuals. Twenty years ago, the standard treatment for any primary malignant bone and soft tissue sarcomas of the extremity was amputation of the affected arm or leg. Since that time, Stryker is proud to have partnered with leading pediatric oncology surgeons to develop limb-sparing, surgical solutions, including the implantation of a growing prosthesis that can be elongated to account for children's growth.

As with cancer, the treatment of craniofacial deformities is an area in which Stryker has also significantly improved and broadened its range of available medical products and solutions. With continued innovation of new and improved craniomaxillofacial technologies, Stryker hopes to continue to transform the lives of children with craniofacial deformities, such as craniosynostis and cleft lip and palate too.

It is our hope that your legislation will further spur the evolution of novel health care solutions for children. The bill's efforts to streamline approvals for devices with pediatric indications, improve incentives for the development of devices for small pediatric populations, and encourage the establishment of non-profit consortia for pediatric device development should be commended.

Stryker stands ready to assist you in your drive to stimulate the further development of child-centered medical technologies while closely monitoring the safety of such products after they have entered the market. Thank you again for your leadership on this important issue, and we look forward to working with you to advance your bill as medical device reauthorization legislation moves forward in the 110th Congress.

Sincerely,

ED ROZYNSKI,
Vice President,
Global Government Affairs.

S. 4098

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 ''Pediatric Medical Device Safety and Improvement Act of 2006''.

SEC. 2. TRACKING PEDIATRIC DEVICE APPROVALS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 515 the following:

''SEC. 515A. PEDIATRIC USES OF DEVICES.

''(a) NEW DEVICES.—

''(1) IN GENERAL.—A person that submits to the Secretary an application under section 520(m), or an application (or supplement to an application) or a product development protocol under section 515, shall include in the application or protocol the information described in paragraph (2).

''(2) REQUIRED INFORMATION.—The application or protocol described in paragraph (1) shall include, with respect to the device for which approval is sought and if readily available—

''(A) a description of any pediatric subpopulations that suffer from the disease or condition that the device is intended to treat, diagnose, or cure; and

''(B) the number of affected pediatric patients.

''(3) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

''(A) the number of devices approved in the year preceding the year in which the report is submitted, for which there is a pediatric subpopulation that suffers from the disease or condition that the device is intended to treat, diagnose, or cure;

''(B) the number of devices approved in the year preceding the year in which the report is submitted, labeled for use in pediatric patients;

''(C) the number of pediatric devices approved in the year preceding the year in which the report is submitted, exempted from a fee pursuant to section 738(a)(2)(B)(v); and

''(D) the review time for each device described in subparagraphs (A), (B), and (C).

''(b) DETERMINATION OF PEDIATRIC EFFECTIVENESS BASED ON SIMILAR COURSE OF DISEASE OR CONDITION OR SIMILAR EFFECT OF DEVICE ON ADULTS.—

''(1) IN GENERAL.—If the course of the disease or condition and the effects of the device are sufficiently similar in adults and pediatric patients, the Secretary may conclude that adult data may be used to support a determination of a reasonable assurance of effectiveness in pediatric populations, as appropriate.

''(2) EXTRAPOLATION BETWEEN SUBPOPULATIONS.—A study may not be needed in each pediatric subpopulation if data from one subpopulation can be extrapolated to another subpopulation.''.

SEC. 3. MODIFICATION TO HUMANITARIAN DEVICE EXEMPTION.

(a) IN GENERAL.—Section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (3), by striking ''No'' and inserting ''Except as provided in paragraph (6), no'';

(2) in paragraph (5)—

(A) by inserting '', if the Secretary has reason to believe that the requirements of paragraph (6) are no longer met,'' after ''public health''; and

(B) by adding at the end the following: ''If the person granted an exemption under paragraph (2) fails to demonstrate continued compliance with the requirements of this subsection, the Secretary may suspend or withdraw the exemption from the effectiveness requirements of sections 514 and 515 for a humanitarian device only after providing notice and an opportunity for an informal hearing.'';

(3) by striking paragraph (6) and inserting the following:

''(6)(A) Except as provided in subparagraph (D), the prohibition in paragraph (3) shall not apply with respect to a person granted an exemption under paragraph (2) if each of the following conditions apply:

''(i)(I) The device with respect to which the exemption is granted is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs.

''(II) The device was not previously approved under this subsection for the pediatric patients or the pediatric subpopulation described in subclause (I) prior to the date of enactment of the Pediatric Medical Device Safety and Improvement Act of 2006.

''(ii) During any calendar year, the number of such devices distributed during that year does not exceed the annual distribution number specified by the Secretary when the Secretary grants such exemption. The annual distribution number shall be based on the number of individuals affected by the disease or condition that such device is intended to treat, diagnose, or cure, and of that number, the number of individuals likely to use the device, and the number of devices reasonably necessary to treat such individuals. In no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

''(iii) Such person immediately notifies the Secretary if the number of such devices distributed during any calendar year exceeds the annual distribution number referred to in clause (ii).

''(iv) The request for such exemption is submitted on or before October 1, 2012.

''(B) The Secretary may inspect the records relating to the number of devices distributed during any calendar year of a person granted an exemption under paragraph (2) for which the prohibition in paragraph (3) does not apply.

''(C) A person may petition the Secretary to modify the annual distribution number specified by the Secretary under subparagraph (A)(ii) with respect to a device if additional information on the number of individuals affected by the disease or condition arises, and the Secretary may modify such number but in no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

''(D) If a person notifies the Secretary, or the Secretary determines through an inspection under subparagraph (B), that the number of devices distributed during any calendar year exceeds the annual distribution number, as required under subparagraph (A)(iii), and modified under subparagraph (C), if applicable, then the prohibition in paragraph (3) shall apply with respect to such person for such device for any sales of such device after such notification.

''(E)(i) In this subsection, the term 'pediatric patients' means patients who are 21 years of age or younger at the time of the diagnosis or treatment.

''(ii) In this subsection, the term 'pediatric subpopulation' means 1 of the following populations:

''(I) Neonates.

''(II) Infants.

''(III) Children.

''(IV) Adolescents.''; and

(4) by adding at the end the following:

''(7) The Secretary shall refer any report of an adverse event regarding a device for which the prohibition under paragraph (3) does not apply pursuant to paragraph (6)(A) that the Secretary receives to the Office of Pediatric Therapeutics, established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109)). In considering the report, the Director of the Office of Pediatric Therapeutics, in consultation with experts in the Center for Devices and Radiological Health, shall provide for periodic review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to the report.''.

(b) REPORT.—Not later than January 1, 2011, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of allowing persons granted an exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) with respect to a device to profit from such device pursuant to section 520(m)(6) of such Act (21 U.S.C. 360j(m)(6)) (as amended by subsection (a)), including—

(1) an assessment of whether such section 520(m)(6) (as amended by subsection (a)) has increased the availability of pediatric devices for conditions that occur in small numbers of children, including any increase or decrease in the number of—

(A) exemptions granted under such section 520(m)(2) for pediatric devices; and

(B) applications approved under section 515 of such Act (21 U.S.C. 360e) for devices intended to treat, diagnose, or cure conditions that occur in pediatric patients or for devices labeled for use in a pediatric population;

(2) the conditions or diseases the pediatric devices were intended to treat or diagnose and the estimated size of the pediatric patient population for each condition or disease;

(3) the costs of the pediatric devices, based on a survey of children's hospitals;

(4) the extent to which the costs of such devices are covered by health insurance;

(5) the impact, if any, of allowing profit on access to such devices for patients;

(6) the profits made by manufacturers for each device that receives an exemption;

(7) an estimate of the extent of the use of the pediatric devices by both adults and pediatric populations for a condition or disease other than the condition or disease on the label of such devices;

(8) recommendations of the Comptroller General of the United States regarding the effectiveness of such section 520(m)(6) (as amended by subsection (a)) and whether any modifications to such section 520(m)(6) (as amended by subsection (a)) should be made;

(9) existing obstacles to pediatric device development; and

(10) an evaluation of the demonstration grants described in section 5.

(c) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Food and Drugs shall issue guidance for institutional review committees on how to evaluate requests for approval for devices for which a humanitarian device exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) has been granted.

SEC. 4. ENCOURAGING PEDIATRIC MEDICAL DEVICE RESEARCH.

(a) ACCESS TO FUNDING.—The Director of the National Institutes of Health shall designate a contact point or office at the National Institutes of Health to help innovators and physicians access funding for pediatric medical device development.

(b) PLAN FOR PEDIATRIC MEDICAL DEVICE RESEARCH.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Food and Drugs, in collaboration with the Director of the National Institutes of Health and the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for expanding pediatric medical device research and development. In developing such plan, the Commissioner of Food and Drugs shall consult with individuals and organizations with appropriate expertise in pediatric medical devices.

(2) CONTENTS.—The plan under paragraph (1) shall include—

(A) the current status of federally funded pediatric medical device research;

(B) any gaps in such research, which may include a survey of pediatric medical providers regarding unmet pediatric medical device needs, as needed; and

(C) a research agenda for improving pediatric medical device development and Food and Drug Administration clearance or approval of pediatric medical devices, and for evaluating the short- and long-term safety and effectiveness of pediatric medical devices.

SEC. 5. DEMONSTRATION GRANTS FOR IMPROVING PEDIATRIC DEVICE AVAILABILITY.

(a) IN GENERAL.—

(1) REQUEST FOR PROPOSALS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a request for proposals for 1 or more grants or contracts to nonprofit consortia for demonstration projects to promote pediatric device development.

(2) DETERMINATION ON GRANTS OR CONTRACTS.—Not later than 180 days after the date the Secretary of Health and Human Services issues a request for proposals under paragraph (1), the Secretary shall make a determination on the grants or contracts under this section.

(b) APPLICATION.—A nonprofit consortium that desires to receive a grant or contract under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—A nonprofit consortium that receives a grant or contract under this section shall—

(1) encourage innovation by connecting qualified individuals with pediatric device ideas with potential manufacturers;

(2) mentor and manage pediatric device projects through the development process, including product identification, prototype design, device development, and marketing;

(3) connect innovators and physicians to existing Federal resources, including resources from the Food and Drug Administration, the National Institutes of Health, the Small Business Administration, the Department of Energy, the Department of Education, the National Science Foundation, the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and the National Institute of Standards and Technology;

(4) assess the scientific and medical merit of proposed pediatric device projects;

(5) assess business feasibility and provide business advice;

(6) provide assistance with prototype development; and

(7) provide assistance with postmarket needs, including training, logistics, and reporting.

(d) COORDINATION.—

(1) NATIONAL INSTITUTES OF HEALTH.—Each consortium that receives a grant or contract under this section shall—

(A) coordinate with the National Institutes of Health's pediatric device contact point or office, designated under section 4; and

(B) provide to the National Institutes of Health any identified pediatric device needs that the consortium lacks sufficient capacity to address or those needs in which the consortium has been unable to stimulate manufacturer interest.

(2) FOOD AND DRUG ADMINISTRATION.—Each consortium that receives a grant or contract under this section shall coordinate with the Commissioner of Food and Drugs and device companies to facilitate the application for approval or clearance of devices labeled for pediatric use.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2007 through 2011.

SEC. 6. AMENDMENTS TO OFFICE OF PEDIATRIC THERAPEUTICS AND PEDIATRIC ADVISORY COMMITTEE.

(a) OFFICE OF PEDIATRIC THERAPEUTICS.—Section 6(b) of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a(b)) is amended by inserting '', including increasing pediatric access to medical devices'' after ''pediatric issues''.

(b) PEDIATRIC ADVISORY COMMITTEE.—Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a), by inserting ''(including drugs and biological products) and medical devices'' after ''therapeutics''; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''(including drugs and biological products) and medical devices'' after ''therapeutics''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and 505B'' and inserting ''505B, 510(k), 515, and 520(m)'';

(ii) by striking subparagraph (B) and inserting the following:

''(B) identification of research priorities related to therapeutics (including drugs and biological products) and medical devices for

pediatric populations and the need for additional diagnostics and treatments for specific pediatric diseases or conditions; and''; and

(iii) in subparagraph (C), by inserting ''(including drugs and biological products) and medical devices'' after ''therapeutics''.

SEC. 7. STUDIES.

(a) POSTMARKET STUDIES.—Section 522 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l) is amended—

(1) in subsection (a)—

(A) by inserting '', or as a condition to approval of an application (or a supplement to an application) or a product development protocol under section 515 or as a condition to clearance of a premarket notification report under section 510(k),'' after ''The Secretary may by order''; and

(B) by inserting '', that is expected to have significant use in pediatric populations,'' after ''health consequences''; and

(2) in subsection (b)—

(A) by striking ''(b) SURVEILLANCE APPROVAL.—Each'' and inserting the following:

''(b) SURVEILLANCE APPROVAL.—

''(1) IN GENERAL.—Each'';

(B) by striking ''The Secretary, in consultation'' and inserting ''Except as provided in paragraph (2), the Secretary, in consultation'';

(C) by striking ''Any determination'' and inserting ''Except as provided in paragraph (2), any determination''; and

(D) by adding at the end the following:

''(2) LONGER STUDIES FOR PEDIATRIC DEVICES.—The Secretary may by order require a prospective surveillance period of more than 36 months with respect to a device that is expected to have significant use in pediatric populations if such period of more than 36 months is necessary in order to assess the impact of the device on growth and development, or the effects of growth, development, activity level, or other factors on the safety or efficacy of the device.''.

(b) DATABASE.—

(1) IN GENERAL.—

(A) ESTABLISHMENT.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall establish a publicly accessible database of studies of medical devices that includes all studies and surveillances, described in paragraph (2)(A), that were in progress on the date of enactment of this Act or that began after such date.

(B) ACCESSIBILITY.—Information included in the database under subparagraph (A) shall be in language reasonably accessible and understood by individuals without specific expertise in the medical field.

(2) STUDIES AND SURVEILLANCES.—

(A) INCLUDED.—The database described in paragraph (1) shall include—

(i) all postmarket surveillances ordered under section 522(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l(a)) or agreed to by the manufacturer; and

(ii) all other studies completed by the manufacturer with respect to a medical device after—

(I) the premarket approval of such device under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e);

(II) the clearance of a premarket notification report under section 510(k) of such Act (21 U.S.C. 360(k)) with respect to such device; or

(III) submission of an application under section 520(m) of such Act (21 U.S.C. 360j(m)) with respect to such device.

(B) EXCLUDED.—The database described in paragraph (1) shall not include any studies with respect to a medical device that were completed prior to the initial approval of such device.

(3) CONTENTS OF STUDY AND SURVEILLANCE.—For each study or surveillance included in the database described in paragraph (1), the database shall include—

(A) information on the status of the study or surveillance;

(B) basic information about the study or surveillance, including the purpose, the primary and secondary outcomes, and the population targeted;

(C) the expected completion date of the study or surveillance;

(D) public health notifications, including safety alerts; and

(E) any other information the Secretary of Health and Human Services determines appropriate to protect the public health.

(4) ONCE COMPLETED OR TERMINATED.—In addition to the information described in paragraph (3), once a study or surveillance has been completed or if a study or surveillance is terminated, the database shall also include—

(A) the actual date of completion or termination;

(B) if the study or surveillance was terminated, the reason for termination;

(C) if the study or surveillance was submitted but not accepted by the Food and Drug Administration because the study or surveillance did not meet the requirements for such study or surveillance, an explanation of the reasons and any follow-up action required;

(D) information about any labeling changes made to the device as a result of the study or surveillance findings;

(E) information about any other decisions or actions of the Food and Drug Administration that result from the study or surveillance findings;

(F) lay and technical summaries of the study or surveillance results and key findings, or an explanation as to why the results and key findings do not warrant public availability;

(G) a link to any peer reviewed articles on the study or surveillance; and

(H) any other information the Secretary of Health and Human Services determines appropriate to protect the public health.

(5) PUBLIC ACCESS.—The database described in paragraph (1) shall be—

(A) accessible to the general public; and

(B) easily searchable by multiple criteria, including whether the study or surveillance involves pediatric populations.

(c) MEDICAL DEVICE CODING.—The Secretary of Health and Human Services, in consultation with the Commissioner of Food and Drugs, shall adopt voluntary national standards for medical device coding. In adopting voluntary national standards for medical device coding, the Secretary of Health and Human Services shall coordinate with other efforts by the Secretary to adopt and implement standards for the electronic exchange of health information.

Mr. DEWINE. Mr. President, today I join my colleague Senator DODD to introduce a bill designed to help protect our Nation's children. Simply put, our bill would help ensure that our children have access to lifesaving medical devices that are designed specifically for their small bodies. Since the beginning of my career, my No. 1 priority has been to ensure that our children are healthy and safe. There is no other issue more important to me.

Today, many medical devices used by pediatricians are not designed for children. That means that doctors have to fit adult sized devices into children's bodies. This is not right. We need to encourage the development of devices that are sized appropriately for children. According to pediatricians, medical devices sized appropriately for children are developed sometimes 5 to 10 years behind those for adults. The Pediatric Medical Device Safety and Improvement Act takes a step towards fixing this problem by providing incentives for manufacturers to develop devices for children while also ensuring the safety of new products once on the market.

By introducing this bill, we are saying that we care about our children. We are saying that we care that children have access to lifesaving medical devices that are designed specifically for their small bodies. We are saying that we know we can do better for our children and this bill will do just that.

We all want to see better health care options for our sick children. I believe that with this bill we are taking the first step to resolve a serious national health problem. While this legislation obviously will not pass this year, I know that Senator DODD will continue to work on it next year and encourage my Republican colleagues to take a close look at this bill and support it in the 110th Congress.

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

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 624—TO HONOR THE MEMORY OF ARNOLD ''RED'' AUERBACH

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

S. RES. 624

Whereas Arnold ''Red'' Auerbach was born on September 20, 1917, in Brooklyn, New York, the son of immigrants from Minsk, Russia;

Whereas Red started playing basketball as a public school student in Brooklyn and later became a star guard for Eastern District High School, making all-scholastic second team in his senior year;

Whereas Red started his coaching career at St. Albans Preparatory School and Roosevelt High School in Washington, D.C., before serving in the United States Navy from 1943 to 1946;

Whereas, in 1946, Red began his professional coaching career with the Washington Capitols in the Basketball Association of America (BAA) and led the team to the 1947 and 1949 division titles, then joined the Boston Celtics as coach in 1950 after the BAA merged with the National Basketball Association (NBA);

Whereas Red's record of success on the basketball court and in the Celtics' front office is unmatched;

Whereas, during Red's 16 years coaching the Boston Celtics, the team won 9 NBA championships, with a record 8 in a row;

Whereas, when Red retired from coaching in 1966 to become General Manager of the Celtics, he had won more games than any other coach in NBA history with 1,037 victories and had won almost two-thirds of the

games he coached over a 20-year NBA coaching career;

Whereas during his nearly 57-year tenure with the Celtics as Head Coach, General Manager, Vice Chairman of the Board, and President, Red was the architect of one of the greatest dynasties in the history of professional sports;

Whereas Red infused the Celtics organization with the values of teamwork, respect, tenacity, and loyalty, creating a culture known as ''Celtic Pride'' that will be forever associated with the Boston Celtics franchise;

Whereas Red's imprint on the Celtics, the NBA, and the game of basketball is permanent and visible today in innovations that Red developed, including the ''sixth man'' role and fast break style of play;

Whereas Red was an effective and tireless ambassador for the game of basketball, both in the United States and overseas, conducting clinics, barnstorming with the Celtics, starring in the successful television series ''Red on Roundball'', writing 7 books on basketball, including the influential ''Basketball For The Player, The Coach, and The Fan'', and participating with Celtics great and Hall of Famer Larry Bird in the instructional video, ''Winning Basketball'';

Whereas Red received numerous awards and honors in recognition of his extraordinary achievements, such as selection as the NBA Coach of the Year in 1965, induction into the Naismith Memorial Basketball Hall of Fame in 1969, designation as the NBA Executive of the Year in 1980, and selection as ''The Greatest Coach in the History of the NBA'' by the Professional Basketball Writers' Association of America in 1980;

Whereas Red's lighting of his cigar in the closing moments of an imminent Celtics' victory became an enduring symbol of success in Boston and around the world;

Whereas Red's legacy extends beyond the game of basketball and includes his important contributions to the advancement of a colorblind society through his decisions to draft the NBA's first African-American player, Chuck Cooper, in 1950, hire the first African-American head coach in professional sports, Bill Russell, in 1966, and field the first starting lineup in the NBA consisting entirely of African-American players in 1964; and

Whereas the name Red Auerbach will forever be synonymous with winning, intensity, integrity, and charitable causes: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Arnold ''Red'' Auerbach was a basketball genius who embodied the values of creativity, determination, versatility, and commitment to helping the less fortunate;

(2) Red Auerbach was a leader in the effort to remove racial barriers and allow merit to prevail in professional sports, through his decisions to draft, hire, and prominently feature African-Americans on the Boston Celtics basketball team; and

(3) Red Auerbach's place among the greatest coaches and executives of all time is assured, his contributions to the betterment of society will always endure, and his life exemplifies the very best ideals of the United States.

SENATE RESOLUTION 625—EXTENDING THE AUTHORITY FOR THE SENATE NATIONAL SECURITY WORKING GROUP

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 625

Resolved, That Senate Resolution 105 of the One Hundred First Congress, 1st session (agreed to on April 13, 1989), as amended by Senate Resolution 149 of the One Hundred Third Congress, 1st session (agreed to on October 5, 1993), as further amended by Senate Resolution 75 of the One Hundred Sixth Congress, 1st session (agreed to on March 25, 1999), as further amended by Senate Resolution 383 of the One Hundred Sixth Congress, 2d session (agreed to on October 27, 2000), as further amended by Senate Resolution 355 of the One Hundred Seventh Congress, 2d session (agreed to on November 13, 2002), and as further amended by Senate Resolution 480 of the One Hundred Eighth Congress, 2d session (agreed to November 20, 2004), is further amended in section 4 by striking ''2006'' and inserting ''2008''.

AMENDMENTS SUBMITTED & PROPOSED

SA 5212. Mr. ENSIGN (for Mr. ENZI (for himself and Mr. KENNEDY)) proposed an amendment to the bill H.R. 6143, to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV AIDS.

SA 5213. Mr. FRIST (for Mr. INHOFE (for himself, Mr. CHAFEE, and Mr. JEFFORDS)) proposed an amendment to the bill H.R. 4588, to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

SA 5214. Mr. FRIST (for Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, and Mr. BAUCUS)) proposed an amendment to the bill S. 2735, to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

SA 5215. Mr. FRIST proposed an amendment to the concurrent resolution H. Con. Res. 430, recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary.

SA 5216. Mr. FRIST (for Mr. AKAKA) proposed an amendment to the bill S. 1876, to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code.

SA 5217. Mr. FRIST (for Mr. SPECTER (for himself, Mr. LEAHY, Mr. REID, Mr. CORNYN, and Mr. DURBIN)) proposed an amendment to the bill H.R. 1751, to amend title 18, United States Code, to protect judges, prosecutors, witnesses , victims, and their family members, and for other purposes.

SA 5218. Mr. FRIST (for Mr. STEVENS) proposed an amendment to the bill S. 2653, to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

SA 5219. Mr. FRIST (for Mr. ENZI) proposed an amendment to the bill H.R. 864, to provide for programs and activities with respect to the prevention of underage drinking.

SA 5220. Mr. FRIST (for Mr. STEVENS) proposed an amendment to the bill H.R. 4075, to amend the Marine Mammal Protection Act of 1972 to provide for better understanding and protection of marine mammals, and for other purposes.

SA 5221. Mr. FRIST (for Mr. STEVENS) proposed an amendment to the bill H.R. 4075, supra.

SA 5222. Mr. WYDEN (for himself, Ms. CANTWELL, Mr. SMITH, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4388, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 5223. Mr. FRIST (for Ms. COLLINS) proposed an amendment to the bill S. 3821, to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance.

TEXT OF AMENDMENTS

SA 5212. Mr. ENSIGN (for Mr. ENZI (for himself and Mr. KENNEDY) proposed an amendment to the bill H.R. 6143, to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV AIDS; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ryan White HIV/AIDS Treatment Modernization Act of 2006''.

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

Sec. 1. Short title; table of contents.

TITLE I—EMERGENCY RELIEF FOR ELIGIBLE AREAS

Sec. 101. Establishment of program; general eligibility for grants.
Sec. 102. Type and distribution of grants; formula grants.
Sec. 103. Type and distribution of grants; supplemental grants.
Sec. 104. Timeframe for obligation and expenditure of grant funds.
Sec. 105. Use of amounts.
Sec. 106. Additional amendments to part A.
Sec. 107. New program in part A; transitional grants for certain areas ineligible under section 2601.
Sec. 108. Authorization of appropriations for part A.

TITLE II—CARE GRANTS

Sec. 201. General use of grants.
Sec. 202. AIDS Drug Assistance Program.
Sec. 203. Distribution of funds.
Sec. 204. Additional amendments to subpart I of part B.
Sec. 205. Supplemental grants on basis of demonstrated need.
Sec. 206. Emerging communities.
Sec. 207. Timeframe for obligation and expenditure of grant funds.
Sec. 208. Authorization of appropriations for subpart I of part B.
Sec. 209. Early diagnosis grant program.
Sec. 210. Certain partner notification programs; authorization of appropriations.

TITLE III—EARLY INTERVENTION SERVICES

Sec. 301. Establishment of program; core medical services.
Sec. 302. Eligible entities; preferences; planning and development grants.
Sec. 303. Authorization of appropriations.
Sec. 304. Confidentiality and informed consent.
Sec. 305. Provision of certain counseling services.
Sec. 306. General provisions.

TITLE IV—WOMEN, INFANTS, CHILDREN, AND YOUTH

Sec. 401. Women, infants, children, and youth.
Sec. 402. GAO Report.

TITLE V—GENERAL PROVISIONS

Sec. 501. General provisions.

TITLE VI—DEMONSTRATION AND TRAINING

Sec. 601. Demonstration and training.
Sec. 602. AIDS education and training centers.
Sec. 603. Codification of minority AIDS initiative.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Hepatitis; use of funds.
Sec. 702. Certain references.
Sec. 703. Repeal.

TITLE I—EMERGENCY RELIEF FOR ELIGIBLE AREAS

SEC. 101. ESTABLISHMENT OF PROGRAM; GENERAL ELIGIBILITY FOR GRANTS.

(a) IN GENERAL.—Section 2601 of the Public Health Service Act (42 U.S.C. 300ff-11) is amended by striking subsections (b) through (d) and inserting the following:

''(b) CONTINUED STATUS AS ELIGIBLE AREA.—Notwithstanding any other provision of this section, a metropolitan area that is an eligible area for a fiscal year continues to be an eligible area until the metropolitan area fails, for three consecutive fiscal years—

''(1) to meet the requirements of subsection (a); and

''(2) to have a cumulative total of 3,000 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

''(c) BOUNDARIES.—For purposes of determining eligibility under this part—

''(1) with respect to a metropolitan area that received funding under this part in fiscal year 2006, the boundaries of such metropolitan area shall be the boundaries that were in effect for such area for fiscal year 1994; or

''(2) with respect to a metropolitan area that becomes eligible to receive funding under this part in any fiscal year after fiscal year 2006, the boundaries of such metropolitan area shall be the boundaries that are in effect for such area when such area initially receives funding under this part.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2601(a) of the Public Health Service Act (42 U.S.C. 300ff-11(a)) is amended—

(1) by striking ''through (d)'' and inserting ''through (c)''; and

(2) by inserting ''and confirmed by'' after ''reported to''.

(c) DEFINITION OF METROPOLITAN AREA.—Section 2607(2) of the Public Health Service Act (42 U.S.C. 300ff-17(2)) is amended—

(1) by striking ''area referred'' and inserting ''area that is referred''; and

(2) by inserting before the period the following: '', and that has a population of 50,000 or more individuals''.

SEC. 102. TYPE AND DISTRIBUTION OF GRANTS; FORMULA GRANTS.

(a) DISTRIBUTION PERCENTAGES.—Section 2603(a)(2) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(2)) is amended—

(1) in the first sentence—

(A) by striking ''50 percent of the amount appropriated under section 2677'' and inserting ''66⅔ percent of the amount made available under section 2610(b) for carrying out this subpart''; and

(B) by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''.

(2) by striking the last sentence.

(b) DISTRIBUTION BASED ON LIVING CASES OF HIV/AIDS.—Section 2603(a)(3) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(3)) is amended—

(1) in subparagraph (B), by striking ''estimated living cases of acquired immune deficiency syndrome'' and inserting ''living cases of HIV/AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention)''; and

(2) by striking subparagraphs (C) through (E) and inserting the following:

''(C) LIVING CASES OF HIV/AIDS.—

''(i) REQUIREMENT OF NAMES-BASED REPORTING.—Except as provided in clause (ii), the number determined under this subparagraph for an eligible area for a fiscal year for purposes of subparagraph (B) is the number of living names-based cases of HIV/AIDS that, as of December 31 of the most recent calendar year for which such data is available, have been reported to and confirmed by the Director of the Centers for Disease Control and Prevention.

''(ii) TRANSITION PERIOD; EXEMPTION REGARDING NON-AIDS CASES.—For each of the fiscal years 2007 through 2009, an eligible area is, subject to clauses (iii) through (v), exempt from the requirement under clause (i) that living names-based non-AIDS cases of HIV be reported unless—

''(I) a system was in operation as of December 31, 2005, that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State in which the area is located, subject to clause (viii); or

''(II) no later than the beginning of fiscal year 2008 or 2009, the Secretary, in consultation with the chief executive of the State in which the area is located, determines that a system has become operational in the State that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State.

''(iii) REQUIREMENTS FOR EXEMPTION FOR FISCAL YEAR 2007.—For fiscal year 2007, an exemption under clause (ii) for an eligible area applies only if, by October 1, 2006—

''(I)(aa) the State in which the area is located had submitted to the Secretary a plan for making the transition to sufficiently accurate and reliable names-based reporting of living non-AIDS cases of HIV; or

''(bb) all statutory changes necessary to provide for sufficiently accurate and reliable reporting of such cases had been made; and

''(II) the State had agreed that, by April 1, 2008, the State will begin accurate and reliable names-based reporting of such cases, except that such agreement is not required to provide that, as of such date, the system for such reporting be fully sufficient with respect to accuracy and reliability throughout the area.

''(iv) REQUIREMENT FOR EXEMPTION AS OF FISCAL YEAR 2008.—For each of the fiscal years 2008 through 2010, an exemption under clause (ii) for an eligible area applies only if, as of April 1, 2008, the State in which the area is located is substantially in compliance with the agreement under clause (iii)(II).

''(v) PROGRESS TOWARD NAMES-BASED REPORTING.—For fiscal year 2009, the Secretary may terminate an exemption under clause (ii) for an eligible area if the State in which the area is located submitted a plan under clause (iii)(I)(aa) and the Secretary determines that the State is not substantially following the plan.

''(vi) COUNTING OF CASES IN AREAS WITH EXEMPTIONS.—

''(I) IN GENERAL.—With respect to an eligible area that is under a reporting system for living non-AIDS cases of HIV that is not names-based (referred to in this subparagraph as 'code-based reporting'), the Secretary shall, for purposes of this subparagraph, modify the number of such cases reported for the eligible area in order to adjust for duplicative reporting in and among systems that use code-based reporting.

''(II) ADJUSTMENT RATE.—The adjustment rate under subclause (I) for an eligible area shall be a reduction of 5 percent in the number of living non-AIDS cases of HIV reported for the area.

''(vii) MULTIPLE POLITICAL JURISDICTIONS.—With respect to living non-AIDS cases of HIV, if an eligible area is not entirely within one political jurisdiction and as a result is subject to more than one reporting system for purposes of this subparagraph:

''(I) Names-based reporting under clause (i) applies in a jurisdictional portion of the area, or an exemption under clause (ii) applies in such portion (subject to applicable provisions of this subparagraph), according to whether names-based reporting or code-based reporting is used in such portion.

''(II) If under subclause (I) both names-based reporting and code-based reporting apply in the area, the number of code-based cases shall be reduced under clause (vi).

''(viii) LIST OF ELIGIBLE AREAS MEETING STANDARD REGARDING DECEMBER 31, 2005.—

''(I) IN GENERAL.—If an eligible area or portion thereof is in a State specified in subclause (II), the eligible area or portion shall be considered to meet the standard described in clause (ii)(I). No other eligible area or portion thereof may be considered to meet such standard.

''(II) RELEVANT STATES.—For purposes of subclause (I), the States specified in this subclause are the following: Alaska, Alabama, Arkansas, Arizona, Colorado, Florida, Indiana, Iowa, Idaho, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, North Carolina, North Dakota, Nebraska, New Jersey, New Mexico, New York, Nevada, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, West Virginia, Wyoming, Guam, and the Virgin Islands.

''(ix) RULES OF CONSTRUCTION REGARDING ACCEPTANCE OF REPORTS.—

''(I) CASES OF AIDS.—With respect to an eligible area that is subject to the requirement under clause (i) and is not in compliance with the requirement for names-based reporting of living non-AIDS cases of HIV, the Secretary shall, notwithstanding such noncompliance, accept reports of living cases of AIDS that are in accordance with such clause.

''(II) APPLICABILITY OF EXEMPTION REQUIREMENTS.—The provisions of clauses (ii) through (viii) may not be construed as having any legal effect for fiscal year 2010 or any subsequent fiscal year, and accordingly, the status of a State for purposes of such clauses may not be considered after fiscal year 2009.

''(x) PROGRAM FOR DETECTING INACCURATE OR FRAUDULENT COUNTING.—The Secretary shall carry out a program to monitor the reporting of names-based cases for purposes of this subparagraph and to detect instances of inaccurate reporting, including fraudulent reporting.''.

(c) CODE-BASED AREAS; LIMITATION ON INCREASE IN GRANT.—Section 2603(a)(3) of the Public Health Service Act (42 U.S.C. 300ff-13(a)), as amended by subsection (b)(2) of this section, is amended by adding at the end the following subparagraph:

''(D) CODE-BASED AREAS; LIMITATION ON INCREASE IN GRANT .—

''(i) IN GENERAL.—For each of the fiscal years 2007 through 2009, if code-based reporting (within the meaning of subparagraph (C)(vi)) applies in an eligible area or any portion thereof as of the beginning of the fiscal year involved, then notwithstanding any other provision of this paragraph, the amount of the grant pursuant to this paragraph for such area for such fiscal year may not—

''(I) for fiscal year 2007, exceed by more than 5 percent the amount of the grant for the area that would have been made pursuant to this paragraph and paragraph (4) for

fiscal year 2006 (as such paragraphs were in effect for such fiscal year) if paragraph (2) (as so in effect) had been applied by substituting '66⅔ percent' for '50 percent'; and

''(II) for each of the fiscal years 2008 and 2009, exceed by more than 5 percent the amount of the grant pursuant to this paragraph and paragraph (4) for the area for the preceding fiscal year.

''(ii) USE OF AMOUNTS INVOLVED.—For each of the fiscal years 2007 through 2009, amounts available as a result of the limitation under clause (i) shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the fiscal year involved, subject to paragraph (4) and section 2610(d)(2).''.

(d) HOLD HARMLESS.—Section 2603(a) of the Public Health Service Act (42 U.S.C. 300ff-13(a)) is amended—

(1) in paragraph (3)(A)—

(A) in clause (ii), by striking the period at the end and inserting a semicolon; and

(B) by inserting after and below clause (ii) the following:

''which product shall then, as applicable, be increased under paragraph (4).''.

(2) by amending paragraph (4) to read as follows:

''(4) INCREASES IN GRANT.—

''(A) IN GENERAL.—For each eligible area that received a grant pursuant to this subsection for fiscal year 2006, the Secretary shall, for each of the fiscal years 2007 through 2009, increase the amount of the grant made pursuant to paragraph (3) for the area to ensure that the amount of the grant for the fiscal year involved is not less than the following amount, as applicable to such fiscal year:

''(i) For fiscal year 2007, an amount equal to 95 percent of the amount of the grant that would have been made pursuant to paragraph (3) and this paragraph for fiscal year 2006 (as such paragraphs were in effect for such fiscal year) if paragraph (2) (as so in effect) had been applied by substituting '66⅔ percent' for '50 percent'.

''(ii) For each of the fiscal years 2008 and 2009, an amount equal to 100 percent of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2007.

''(B) SOURCE OF FUNDS FOR INCREASE.—

''(i) IN GENERAL.—From the amounts available for carrying out the single program referred to in section 2609(d)(2)(C) for a fiscal year (relating to supplemental grants), the Secretary shall make available such amounts as may be necessary to comply with subparagraph (A), subject to section 2610(d)(2).

''(ii) PRO RATA REDUCTION.—If the amounts referred to in clause (i) for a fiscal year are insufficient to fully comply with subparagraph (A) for the year, the Secretary, in order to provide the additional funds necessary for such compliance, shall reduce on a pro rata basis the amount of each grant pursuant to this subsection for the fiscal year, other than grants for eligible areas for which increases under subparagraph (A) apply. A reduction under the preceding sentence may not be made in an amount that would result in the eligible area involved becoming eligible for such an increase.

''(C) LIMITATION.—This paragraph may not be construed as having any applicability after fiscal year 2009.''.

SEC. 103. TYPE AND DISTRIBUTION OF GRANTS; SUPPLEMENTAL GRANTS.

Section 2603(b) of the Public Health Service Act (42 U.S.C. 300ff-13(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''Not later than'' and all that follows through ''the Secretary shall'' and inserting the following: ''Subject to subsection (a)(4)(B)(i) and section 2610(d), the Secretary shall'';

(B) in subparagraph (B), by striking ''demonstrates the severe need in such area'' and inserting ''demonstrates the need in such area, on an objective and quantified basis,'';

(C) by striking subparagraph (F) and inserting the following:

''(F) demonstrates the inclusiveness of affected communities and individuals with HIV/AIDS;'';

(D) in subparagraph (G), by striking the period and inserting ''; and''; and

(E) by adding at the end the following:

''(H) demonstrates the ability of the applicant to expend funds efficiently by not having had, for the most recent grant year under subsection (a) for which data is available, more than 2 percent of grant funds under such subsection canceled or covered by any waivers under subsection (c)(3).''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''severe need'' and inserting ''demonstrated need'';

(B) by striking subparagraph (B) and inserting the following:

''(B) DEMONSTRATED NEED.—The factors considered by the Secretary in determining whether an eligible area has a demonstrated need for purposes of paragraph (1)(B) may include any or all of the following:

''(i) The unmet need for such services, as determined under section 2602(b)(4) or other community input process as defined under section 2609(d)(1)(A).

''(ii) An increasing need for HIV/AIDS-related services, including relative rates of increase in the number of cases of HIV/AIDS.

''(iii) The relative rates of increase in the number of cases of HIV/AIDS within new or emerging subpopulations.

''(iv) The current prevalence of HIV/AIDS.

''(v) Relevant factors related to the cost and complexity of delivering health care to individuals with HIV/AIDS in the eligible area.

''(vi) The impact of co-morbid factors, including co-occurring conditions, determined relevant by the Secretary.

''(vii) The prevalence of homelessness.

''(viii) The prevalence of individuals described under section 2602(b)(2)(M).

''(ix) The relevant factors that limit access to health care, including geographic variation, adequacy of health insurance coverage, and language barriers.

''(x) The impact of a decline in the amount received pursuant to subsection (a) on services available to all individuals with HIV/AIDS identified and eligible under this title.''; and

(C) by striking subparagraphs (C) and (D) and inserting the following:

''(C) PRIORITY IN MAKING GRANTS.—The Secretary shall provide funds under this subsection to an eligible area to address the decline or disruption of all EMA-provided services related to the decline in the amounts received pursuant to subsection (a) consistent with the grant award for the eligible area for fiscal year 2006, to the extent that the factor under subparagraph (B)(x) (relating to a decline in funding) applies to the eligible area.''.

SEC. 104. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.

Section 2603 of the Public Health Service Act (42 U.S.C. 300ff–13) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

''(c) TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.—

''(1) OBLIGATION BY END OF GRANT YEAR.—Effective for fiscal year 2007 and subsequent fiscal years, funds from a grant award made pursuant to subsection (a) or (b) for a fiscal year are available for obligation by the eligible area involved through the end of the one-year period beginning on the date in such fiscal year on which funds from the award first become available to the area (referred to in this subsection as the 'grant year for the award'), except as provided in paragraph (3)(A).

''(2) SUPPLEMENTAL GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made pursuant to subsection (b) for an eligible area for a fiscal year has an unobligated balance as of the end of the grant year for the award—

''(A) the Secretary shall cancel that unobligated balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area; and

''(B) the funds involved shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under subparagraph (A) to be canceled, except that the availability of the funds for such grants is subject to subsection (a)(4) and section 2610(d)(2) as applied for such year.

''(3) FORMULA GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD; WAIVER PERMITTING CARRYOVER.—

''(A) IN GENERAL.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made pursuant to subsection (a) for an eligible area for a fiscal year has an unobligated balance as of the end of the grant year for the award, the Secretary shall cancel that unobligated balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area, unless—

''(i) before the end of the grant year, the chief elected official of the area submits to the Secretary a written application for a waiver of the cancellation, which application includes a description of the purposes for which the area intends to expend the funds involved; and

''(ii) the Secretary approves the waiver.

''(B) EXPENDITURE BY END OF CARRYOVER YEAR.—With respect to a waiver under subparagraph (A) that is approved for a balance that is unobligated as of the end of a grant year for an award:

''(i) The unobligated funds are available for expenditure by the eligible area involved for the one-year period beginning upon the expiration of the grant year (referred to in this subsection as the 'carryover year').

''(ii) If the funds are not expended by the end of the carryover year, the Secretary shall cancel that unexpended balance of the award, and shall require the eligible area to return any amounts from such balance that have been disbursed to the area.

''(C) USE OF CANCELLED BALANCES.—In the case of any balance of a grant award that is cancelled under subparagraph (A) or (B)(ii), the grant funds involved shall be made available by the Secretary as additional amounts for grants pursuant to subsection (b) for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under such subparagraph to be canceled, except that the availability of the funds for such grants is subject to subsection (a)(4) and section 2610(d)(2) as applied for such year.

''(D) CORRESPONDING REDUCTION IN FUTURE GRANT.—

''(i) IN GENERAL.—In the case of an eligible area for which a balance from a grant award

under subsection (a) is unobligated as of the end of the grant year for the award—

''(I) the Secretary shall reduce, by the same amount as such unobligated balance, the amount of the grant under such subsection for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that such balance was unobligated as of the end of the grant year (which requirement for a reduction applies without regard to whether a waiver under subparagraph (A) has been approved with respect to such balance); and

''(II) the grant funds involved in such reduction shall be made available by the Secretary as additional funds for grants pursuant to subsection (b) for such first fiscal year, subject to subsection (a)(4) and section 2610(d)(2);

except that this clause does not apply to the eligible area if the amount of the unobligated balance was 2 percent or less.

''(ii) RELATION TO INCREASES IN GRANT.—A reduction under clause (i) for an eligible area for a fiscal year may not be taken into account in applying subsection (a)(4) with respect to the area for the subsequent fiscal year.''; and

(3) by adding at the end the following:

''(e) REPORT ON THE AWARDING OF SUPPLEMENTAL FUNDS.—Not later than 45 days after the awarding of supplemental funds under this section, the Secretary shall submit to Congress a report concerning such funds. Such report shall include information detailing—

''(1) the total amount of supplemental funds available under this section for the year involved;

''(2) the amount of supplemental funds used in accordance with the hold harmless provisions of subsection (a)(4);

''(3) the amount of supplemental funds disbursed pursuant to subsection (b)(2)(C);

''(4) the disbursement of the remainder of the supplemental funds after taking into account the uses described in paragraphs (2) and (3); and

''(5) the rationale used for the amount of funds disbursed as described under paragraphs (2), (3), and (4).''.

SEC. 105. USE OF AMOUNTS.

Section 2604 of the Public Health Service Act (42 U.S.C. 300ff–14) is amended to read as follows:

''SEC. 2604. USE OF AMOUNTS.

''(a) REQUIREMENTS.—The Secretary may not make a grant under section 2601(a) to the chief elected official of an eligible area unless such political subdivision agrees that—

''(1) subject to paragraph (2), the allocation of funds and services within the eligible area will be made in accordance with the priorities established, pursuant to section 2602(b)(4)(C), by the HIV health services planning council that serves such eligible area;

''(2) funds provided under section 2601 will be expended only for—

''(A) core medical services described in subsection (c);

''(B) support services described in subsection (d); and

''(C) administrative expenses described in subsection (h); and

''(3) the use of such funds will comply with the requirements of this section.

''(b) DIRECT FINANCIAL ASSISTANCE TO APPROPRIATE ENTITIES.—

''(1) IN GENERAL.—The chief elected official of an eligible area shall use amounts from a grant under section 2601 to provide direct financial assistance to entities described in paragraph (2) for the purpose of providing core medical services and support services.

''(2) APPROPRIATE ENTITIES.—Direct financial assistance may be provided under paragraph (1) to public or nonprofit private entities, or private for-profit entities if such entities are the only available provider of quality HIV care in the area.

''(c) REQUIRED FUNDING FOR CORE MEDICAL SERVICES.—

''(1) IN GENERAL.—With respect to a grant under section 2601 for an eligible area for a grant year, the chief elected official of the area shall, of the portion of the grant remaining after reserving amounts for purposes of paragraphs (1) and (5)(B)(i) of subsection (h), use not less than 75 percent to provide core medical services that are needed in the eligible area for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

''(2) WAIVER.—

''(A) IN GENERAL.—The Secretary shall waive the application of paragraph (1) with respect to a chief elected official for a grant year if the Secretary determines that, within the eligible area involved—

''(i) there are no waiting lists for AIDS Drug Assistance Program services under section 2616; and

''(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

''(B) NOTIFICATION OF WAIVER STATUS.—When informing the chief elected official of an eligible area that a grant under section 2601 is being made for the area for a grant year, the Secretary shall inform the official whether a waiver under subparagraph (A) is in effect for such year.

''(3) CORE MEDICAL SERVICES.—For purposes of this subsection, the term 'core medical services', with respect to an individual with HIV/AIDS (including the co-occurring conditions of the individual), means the following services:

''(A) Outpatient and ambulatory health services.

''(B) AIDS Drug Assistance Program treatments in accordance with section 2616.

''(C) AIDS pharmaceutical assistance.

''(D) Oral health care.

''(E) Early intervention services described in subsection (e).

''(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

''(G) Home health care.

''(H) Medical nutrition therapy.

''(I) Hospice services.

''(J) Home and community-based health services as defined under section 2614(c).

''(K) Mental health services.

''(L) Substance abuse outpatient care.

''(M) Medical case management, including treatment adherence services.

''(d) SUPPORT SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

''(2) MEDICAL OUTCOMES.—In this subsection, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

''(e) EARLY INTERVENTION SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'early intervention services' means HIV/AIDS early intervention services described in section 2651(e), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV/AIDS counseling and testing sites, health care points of entry specified by eligible areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

''(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph shall apply only if the entity demonstrates to the satisfaction of the chief elected official for the eligible area involved that—

''(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

''(B) the entity will expend funds pursuant to such paragraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

''(f) PRIORITY FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.—

''(1) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV/AIDS, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with HIV/AIDS to the general population in such area of individuals with HIV/AIDS.

''(2) WAIVER.—With respect to the population involved, the Secretary may provide to the chief elected official of an eligible area a waiver of the requirement of paragraph (1) if such official demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.

''(g) REQUIREMENT OF STATUS AS MEDICAID PROVIDER.—

''(1) PROVISION OF SERVICE.—Subject to paragraph (2), the Secretary may not make a grant under section 2601(a) for the provision of services under this section in a State unless, in the case of any such service that is available pursuant to the State plan approved under title XIX of the Social Security Act for the State—

''(A) the political subdivision involved will provide the service directly, and the political subdivision has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

''(B) the political subdivision will enter into an agreement with a public or nonprofit private entity under which the entity will provide the service, and the entity has entered into such a participation agreement and is qualified to receive such payments.

''(2) WAIVER.—

''(A) IN GENERAL.—In the case of an entity making an agreement pursuant to paragraph (1)(B) regarding the provision of services, the requirement established in such paragraph shall be waived by the HIV health services planning council for the eligible area if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third-party

payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

''(B) DETERMINATION.—A determination by the HIV health services planning council of whether an entity referred to in subparagraph (A) meets the criteria for a waiver under such subparagraph shall be made without regard to whether the entity accepts voluntary donations for the purpose of providing services to the public.

''(h) ADMINISTRATION.—

''(1) LIMITATION.—The chief elected official of an eligible area shall not use in excess of 10 percent of amounts received under a grant under this part for administrative expenses.

''(2) ALLOCATIONS BY CHIEF ELECTED OFFICIAL.—In the case of entities and subcontractors to which the chief elected official of an eligible area allocates amounts received by the official under a grant under this part, the official shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).

''(3) ADMINISTRATIVE ACTIVITIES.—For purposes of paragraph (1), amounts may be used for administrative activities that include—

''(A) routine grant administration and monitoring activities, including the development of applications for part A funds, the receipt and disbursal of program funds, the development and establishment of reimbursement and accounting systems, the development of a clinical quality management program as described in paragraph (5), the preparation of routine programmatic and financial reports, and compliance with grant conditions and audit requirements; and

''(B) all activities associated with the grantee's contract award procedures, including the activities carried out by the HIV health services planning council as established under section 2602(b), the development of requests for proposals, contract proposal review activities, negotiation and awarding of contracts, monitoring of contracts through telephone consultation, written documentation or onsite visits, reporting on contracts, and funding reallocation activities.

''(4) SUBCONTRACTOR ADMINISTRATIVE ACTIVITIES.—For the purposes of this subsection, subcontractor administrative activities include—

''(A) usual and recognized overhead activities, including established indirect rates for agencies;

''(B) management oversight of specific programs funded under this title; and

''(C) other types of program support such as quality assurance, quality control, and related activities.

''(5) CLINICAL QUALITY MANAGEMENT.—

''(A) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—From amounts received under a grant awarded under this subpart for a fiscal year, the chief elected official of an eligible area may use for activities associated with the clinical quality management program required in subparagraph (A) not to exceed the lesser of—

''(I) 5 percent of amounts received under the grant; or

''(II) $3,000,000.

''(ii) RELATION TO LIMITATION ON ADMINISTRATIVE EXPENSES.—The costs of a clinical quality management program under subparagraph (A) may not be considered administrative expenses for purposes of the limitation established in paragraph (1).

''(i) CONSTRUCTION.—A chief elected official may not use amounts received under a grant awarded under this part to purchase or improve land, or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or to make cash payments to intended recipients of services.''.

SEC. 106. ADDITIONAL AMENDMENTS TO PART A.

(a) REPORTING OF CASES.—Section 2601(a) of the Public Health Service Act (42 U.S.C. 300ff-11(a)) is amended by striking ''for the most recent period'' and inserting ''during the most recent period''.

(b) PLANNING COUNCIL REPRESENTATION.—Section 2602(b)(2)(G) of the Public Health Service Act (42 U.S.C. 300ff-12(b)(2)(G)) is amended by inserting '', members of a Federally recognized Indian tribe as represented in the population, individuals co-infected with hepatitis B or C'' after ''disease''.

(c) APPLICATION FOR GRANT.—

(1) PAYER OF LAST RESORT.—Section 2605(a)(6)(A) of the Public Health Service Act (42 U.S.C. 300ff-15(a)(6)(A)) is amended by inserting ''(except for a program administered by or providing the services of the Indian Health Service)'' before the semicolon.

(2) AUDITS.—Section 2605(a) of the Public Health Service Act (42 U.S.C. 300ff-15(a)) is amended—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(10) that the chief elected official will submit to the lead State agency under section 2617(b)(4), audits, consistent with Office of Management and Budget circular A133, regarding funds expended in accordance with this part every 2 years and shall include necessary client-based data to compile unmet need calculations and Statewide coordinated statements of need process.''.

(3) COORDINATION.—Section 2605(b) of the Public Health Service Act (42 U.S.C. 300ff-15(b)) is amended—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(5) the manner in which the expected expenditures are related to the planning process for States that receive funding under part B (including the planning process described in section 2617(b)); and

''(6) the expected expenditures and how those expenditures will improve overall client outcomes, as described under the State plan under section 2617(b), and through additional outcomes measures as identified by the HIV health services planning council under section 2602(b).''.

SEC. 107. NEW PROGRAM IN PART A; TRANSITIONAL GRANTS FOR CERTAIN AREAS INELIGIBLE UNDER SECTION 2601.

(a) IN GENERAL.—Part A of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11) is amended—

(1) by inserting after the part heading the following:

"Subpart I—General Grant Provisions"; and

(2) by adding at the end the following:

"Subpart II—Transitional Grants

"SEC. 2609. ESTABLISHMENT OF PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants for the purpose of providing services described in section 2604 in transitional areas, subject to the same provisions regarding the allocation of grant funds as apply under subsection (c) of such section.

''(b) TRANSITIONAL AREAS.—For purposes of this section, the term 'transitional area' means, subject to subsection (c), a metropolitan area for which there has been reported to and confirmed by the Director of the Centers for Disease Control and Prevention a cumulative total of at least 1,000, but fewer than 2,000, cases of AIDS during the most recent period of 5 calendar years for which such data are available.

''(c) CERTAIN ELIGIBILITY RULES.—

''(1) FISCAL YEAR 2007.—With respect to grants under subsection (a) for fiscal year 2007, a metropolitan area that received funding under subpart I for fiscal year 2006 but does not for fiscal year 2007 qualify under such subpart as an eligible area and does not qualify under subsection (b) as a transitional area shall, notwithstanding subsection (b), be considered a transitional area.

''(2) CONTINUED STATUS AS TRANSITIONAL AREA.—

''(A) IN GENERAL.—Notwithstanding subsection (b), a metropolitan area that is a transitional area for a fiscal year continues, except as provided in subparagraph (B), to be a transitional area until the metropolitan area fails, for three consecutive fiscal years—

''(i) to qualify under such subsection as a transitional area; and

''(ii) to have a cumulative total of 1,500 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

''(B) EXCEPTION REGARDING STATUS AS ELIGIBLE AREA.—Subparagraph (A) does not apply for a fiscal year if the metropolitan area involved qualifies under subpart I as an eligible area.

''(d) APPLICATION OF CERTAIN PROVISIONS OF SUBPART I.—

''(1) ADMINISTRATION; PLANNING COUNCIL.—

''(A) IN GENERAL.—The provisions of section 2602 apply with respect to a grant under subsection (a) for a transitional area to the same extent and in the same manner as such provisions apply with respect to a grant under subpart I for an eligible area, except that, subject to subparagraph (B), the chief elected official of the transitional area may elect not to comply with the provisions of section 2602(b) if the official provides documentation to the Secretary that details the process used to obtain community input (particularly from those with HIV) in the transitional area for formulating the overall plan for priority setting and allocating funds from the grant under subsection (a).

''(B) EXCEPTION.—For each of the fiscal years 2007 through 2009, the exception described in subparagraph (A) does not apply if the transitional area involved received funding under subpart I for fiscal year 2006.

''(2) TYPE AND DISTRIBUTION OF GRANTS; TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.—

''(A) FORMULA GRANTS; SUPPLEMENTAL GRANTS.—The provisions of section 2603 apply with respect to grants under subsection (a) to the same extent and in the same manner as such provisions apply with respect to grants under subpart I, subject to subparagraphs (B) and (C).

''(B) FORMULA GRANTS; INCREASE IN GRANT.—For purposes of subparagraph (A), section 2603(a)(4) does not apply.

''(C) SUPPLEMENTAL GRANTS; SINGLE PROGRAM WITH SUBPART I PROGRAM.—With respect to section 2603(b) as applied for purposes of subparagraph (A):

''(i) The Secretary shall combine amounts available pursuant to such subparagraph with amounts available for carrying out section 2603(b) and shall administer the two programs as a single program.

''(ii) In the single program, the Secretary has discretion in allocating amounts between eligible areas under subpart I and transitional areas under this section, subject to the eligibility criteria that apply under such section, and subject to section 2603(b)(2)(C) (relating to priority in making grants).

''(iii) Pursuant to section 2603(b)(1), amounts for the single program are subject to use under sections 2603(a)(4) and 2610(d)(1).

''(3) APPLICATION; TECHNICAL ASSISTANCE; DEFINITIONS.—The provisions of sections 2605, 2606, and 2607 apply with respect to grants under subsection (a) to the same extent and in the same manner as such provisions apply with respect to grants under subpart I.''.

(b) CONFORMING AMENDMENTS.—Subpart I of part A of title XXVI of the Public Health Service Act, as designated by subsection (a)(1) of this section, is amended by striking ''this part'' each place such term appears and inserting ''this subpart''.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS FOR PART A.

Part A of title XXVI of the Public Health Service Act, as amended by section 106(a), is amended by adding at the end the following:

''Subpart III—General Provisions

''SEC. 2610. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $604,000,000 for fiscal year 2007, $626,300,000 for fiscal year 2008, and $649,500,000 for fiscal year 2009. Amounts appropriated under the preceding sentence for a fiscal year are available for obligation by the Secretary until the end of the second succeeding fiscal year.

''(b) RESERVATION OF AMOUNTS.—

''(1) FISCAL YEAR 2007.—Of the amount appropriated under subsection (a) for fiscal year 2007, the Secretary shall reserve—

''(A) $458,310,000 for grants under subpart I; and

''(B) $145,690,000 for grants under section 2609.

''(2) SUBSEQUENT FISCAL YEARS.—Of the amount appropriated under subsection (a) for fiscal year 2008 and each subsequent fiscal year—

''(A) the Secretary shall reserve an amount for grants under subpart I; and

''(B) the Secretary shall reserve an amount for grants under section 2609.

''(c) TRANSFER OF CERTAIN AMOUNTS; CHANGE IN STATUS AS ELIGIBLE AREA OR TRANSITIONAL AREA.—Notwithstanding subsection (b):

''(1) If a metropolitan area is an eligible area under subpart I for a fiscal year, but for a subsequent fiscal year ceases to be an eligible area by reason of section 2601(b)—

''(A)(i) the amount reserved under paragraph (1)(A) or (2)(A) of subsection (b) of this section for the first such subsequent year of not being an eligible area is deemed to be reduced by an amount equal to the amount of the grant made pursuant to section 2603(a) for the metropolitan area for the preceding fiscal year; and

''(ii)(I) if the metropolitan area qualifies for such first subsequent fiscal year as a transitional area under 2609, the amount reserved under paragraph (1)(B) or (2)(B) of subsection (b) for such fiscal year is deemed to be increased by an amount equal to the amount of the reduction under subparagraph (A) for such year; or

''(II) if the metropolitan area does not qualify for such first subsequent fiscal year as a transitional area under 2609, an amount equal to the amount of such reduction is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623; and

''(B) if a transfer under subparagraph (A)(ii)(II) is made with respect to the metropolitan area for such first subsequent fiscal year, then—

''(i) the amount reserved under paragraph (1)(A) or (2)(A) of subsection (b) of this section for such year is deemed to be reduced by an additional $500,000; and

''(ii) an amount equal to the amount of such additional reduction is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623.

''(2) If a metropolitan area is a transitional area under section 2609 for a fiscal year, but for a subsequent fiscal year ceases to be a transitional area by reason of section 2609(c)(2) (and does not qualify for such subsequent fiscal year as an eligible area under subpart I)—

''(A) the amount reserved under subsection (b)(2)(B) of this section for the first such subsequent fiscal year of not being a transitional area is deemed to be reduced by an amount equal to the total of—

''(i) the amount of the grant that, pursuant to section 2603(a), was made under section 2609(d)(2)(A) for the metropolitan area for the preceding fiscal year; and

''(ii) $500,000; and

''(B) an amount equal to the amount of the reduction under subparagraph (A) for such year is, notwithstanding subsection (a), transferred and made available for grants pursuant to section 2618(a)(1), in addition to amounts available for such grants under section 2623.

''(3) If a metropolitan area is a transitional area under section 2609 for a fiscal year, but for a subsequent fiscal year qualifies as an eligible area under subpart I—

''(A) the amount reserved under subsection (b)(2)(B) of this section for the first such subsequent fiscal year of becoming an eligible area is deemed to be reduced by an amount equal to the amount of the grant that, pursuant to section 2603(a), was made under section 2609(d)(2)(A) for the metropolitan area for the preceding fiscal year; and

''(B) the amount reserved under subsection (b)(2)(A) for such fiscal year is deemed to be increased by an amount equal to the amount of the reduction under subparagraph (A) for such year.

''(d) CERTAIN TRANSFERS; ALLOCATIONS BETWEEN PROGRAMS UNDER SUBPART I.—With respect to paragraphs (1)(B)(i) and (2)(A)(ii) of subsection (c), the Secretary shall administer any reductions under such paragraphs for a fiscal year in accordance with the following:

''(1) The reductions shall be made from amounts available for the single program referred to in section 2609(d)(2)(C) (relating to supplemental grants).

''(2) The reductions shall be made before the amounts referred to in paragraph (1) are used for purposes of section 2603(a)(4).

''(3) If the amounts referred to in paragraph (1) are not sufficient for making all the reductions, the reductions shall be reduced until the total amount of the reductions equals the total of the amounts referred to in such paragraph.

''(e) RULES OF CONSTRUCTION REGARDING FIRST SUBSEQUENT FISCAL YEAR.—Paragraphs (1) and (2) of subsection (c) apply with respect to each series of fiscal years during which a metropolitan area is an eligible area under subpart I or a transitional area under section 2609 for a fiscal year and then for a subsequent fiscal year ceases to be such an area by reason of section 2601(b) or 2609(c)(2), respectively, rather than applying to a single such series. Paragraph (3) of subsection (c) applies with respect to each series of fiscal years during which a metropolitan area is a transitional area under section 2609 for a fiscal year and then for a subsequent fiscal year becomes an eligible area under subpart I, rather than applying to a single such series.''.

TITLE II—CARE GRANTS

SEC. 201. GENERAL USE OF GRANTS.

(a) IN GENERAL.—Section 2612 of the Public Health Service Act (42 U.S.C. 300ff–22) is amended to read as follows:

''SEC. 2612. GENERAL USE OF GRANTS.

''(a) IN GENERAL.—A State may use amounts provided under grants made under section 2611 for—

''(1) core medical services described in subsection (b);

''(2) support services described in subsection (c); and

''(3) administrative expenses described in section 2618(b)(3).

''(b) REQUIRED FUNDING FOR CORE MEDICAL SERVICES.—

''(1) IN GENERAL.—With respect to a grant under section 2611 for a State for a grant year, the State shall, of the portion of the grant remaining after reserving amounts for purposes of subparagraphs (A) and (E)(ii)(I) of section 2618(b)(3), use not less than 75 percent to provide core medical services that are needed in the State for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

''(2) WAIVER.—

''(A) IN GENERAL.—The Secretary shall waive the application of paragraph (1) with respect to a State for a grant year if the Secretary determines that, within the State—

''(i) there are no waiting lists for AIDS Drug Assistance Program services under section 2616; and

''(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

''(B) NOTIFICATION OF WAIVER STATUS.—When informing a State that a grant under section 2611 is being made to the State for a fiscal year, the Secretary shall inform the State whether a waiver under subparagraph (A) is in effect for the fiscal year.

''(3) CORE MEDICAL SERVICES.—For purposes of this subsection, the term 'core medical services', with respect to an individual infected with HIV/AIDS (including the co-occurring conditions of the individual) means the following services:

''(A) Outpatient and ambulatory health services.

''(B) AIDS Drug Assistance Program treatments in accordance with section 2616.

''(C) AIDS pharmaceutical assistance.

''(D) Oral health care.

''(E) Early intervention services described in subsection (d).

''(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

''(G) Home health care.

''(H) Medical nutrition therapy.

''(I) Hospice services.

''(J) Home and community-based health services as defined under section 2614(c).

''(K) Mental health services.

''(L) Substance abuse outpatient care.

''(M) Medical case management, including treatment adherence services.

''(c) SUPPORT SERVICES.—

''(1) IN GENERAL.—For purposes of this subsection, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

''(2) DEFINITION OF MEDICAL OUTCOMES.—In this subsection, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

''(d) EARLY INTERVENTION SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'early intervention services' means HIV/AIDS early intervention services described in section 2651(e), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV/AIDS counseling and testing sites, health care points of entry specified by States, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

''(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph shall apply only if the entity demonstrates to the satisfaction of the chief elected official for the State involved that—

''(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

''(B) the entity will expend funds pursuant to such subparagraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

''(e) PRIORITY FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.—

''(1) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV/AIDS, including treatment measures to prevent the perinatal transmission of HIV, a State shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with HIV/AIDS to the general population in such area of individuals with HIV/AIDS.

''(2) WAIVER.—With respect to the population involved, the Secretary may provide to a State a waiver of the requirement of paragraph (1) if such State demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.

''(f) CONSTRUCTION.—A State may not use amounts received under a grant awarded under section 2611 to purchase or improve land, or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or to make cash payments to intended recipients of services.''.

(b) HIV CARE CONSORTIA.—Section 2613 of the Public Health Service Act (42 U.S.C. 300ff-23) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking ''may use'' and inserting ''may, subject to subsection (f), use''; and

(B) by striking ''section 2612(a)(1)'' and inserting ''section 2612(a)''; and

(2) by adding at the end the following subsection:

''(f) ALLOCATION OF FUNDS; TREATMENT AS SUPPORT SERVICES.—For purposes of the requirement of section 2612(b)(1), expenditures of grants under section 2611 for or through consortia under this section are deemed to be support services, not core medical services. The preceding sentence may not be construed as having any legal effect on the provisions of subsection (a) that relate to authorized expenditures of the grant.''.

(c) TECHNICAL AMENDMENTS.—Part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-21 et seq.) is amended—

(1) in section 2611—

(A) in subsection (a), by striking the subsection designation and heading; and

(B) by striking subsection (b);

(2) in section 2614—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''section 2612(a)(2)'' and inserting ''section 2612(b)(3)(J)''; and

(B) in subsection (c)(2)(B), by striking ''homemaker or'';

(3) in section 2615(a) by striking ''section 2612(a)(3)'' and inserting ''section 2612(b)(3)(F)''; and

(4) in section 2616(a) by striking ''section 2612(a)(5)'' and inserting ''section 2612(b)(3)(B)''.

SEC. 202. AIDS DRUG ASSISTANCE PROGRAM.

(a) REQUIREMENT OF MINIMUM DRUG LIST.—Section 2616 of the Public Health Service Act (42 U.S.C. 300ff-26) is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) ensure that the therapeutics included on the list of classes of core antiretroviral therapeutics established by the Secretary under subsection (e) are, at a minimum, the treatments provided by the State pursuant to this section;'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) LIST OF CLASSES OF CORE ANTIRETROVIRAL THERAPEUTICS.—For purposes of subsection (c)(1), the Secretary shall develop and maintain a list of classes of core antiretroviral therapeutics, which list shall be based on the therapeutics included in the guidelines of the Secretary known as the Clinical Practice Guidelines for Use of HIV/AIDS Drugs, relating to drugs needed to manage symptoms associated with HIV. The preceding sentence does not affect the authority of the Secretary to modify such Guidelines.''.

(b) DRUG REBATE PROGRAM.—Section 2616 of the Public Health Service Act, as amended by subsection (a)(2) of this section, is amended by adding at the end the following:

''(g) DRUG REBATE PROGRAM.—A State shall ensure that any drug rebates received on drugs purchased from funds provided pursuant to this section are applied to activities supported under this subpart, with priority given to activities described under this section.''.

SEC. 203. DISTRIBUTION OF FUNDS.

(a) DISTRIBUTION BASED ON LIVING CASES OF HIV/AIDS.—

(1) STATE DISTRIBUTION FACTOR.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)) is amended—

(A) in subparagraph (B), by striking ''estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved'' and inserting ''number of living cases of HIV/AIDS in the State involved''; and

(B) by amending subparagraph (D) to read as follows:

''(D) LIVING CASES OF HIV/AIDS.—

''(i) REQUIREMENT OF NAMES-BASED REPORTING.—Except as provided in clause (ii), the number determined under this subparagraph for a State for a fiscal year for purposes of subparagraph (B) is the number of living names-based cases of HIV/AIDS in the State that, as of December 31 of the most recent calendar year for which such data is available, have been reported to and confirmed by the Director of the Centers for Disease Control and Prevention.

''(ii) TRANSITION PERIOD; EXEMPTION REGARDING NON-AIDS CASES.—For each of the fiscal years 2007 through 2009, a State is, subject to clauses (iii) through (v), exempt from the requirement under clause (i) that living non-AIDS names-based cases of HIV be reported unless—

''(I) a system was in operation as of December 31, 2005, that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State, subject to clause (vii); or

''(II) no later than the beginning of fiscal year 2008 or 2009, the Secretary, after consultation with the chief executive of the State, determines that a system has become operational in the State that provides sufficiently accurate and reliable names-based reporting of such cases throughout the State.

''(iii) REQUIREMENTS FOR EXEMPTION FOR FISCAL YEAR 2007.—For fiscal year 2007, an exemption under clause (ii) for a State applies only if, by October 1, 2006—

''(I)(aa) the State had submitted to the Secretary a plan for making the transition to sufficiently accurate and reliable names-based reporting of living non-AIDS cases of HIV; or

''(bb) all statutory changes necessary to provide for sufficiently accurate and reliable reporting of such cases had been made; and

''(II) the State had agreed that, by April 1, 2008, the State will begin accurate and reliable names-based reporting of such cases, except that such agreement is not required to provide that, as of such date, the system for such reporting be fully sufficient with respect to accuracy and reliability throughout the area.

''(iv) REQUIREMENT FOR EXEMPTION AS OF FISCAL YEAR 2008.—For each of the fiscal years 2008 through 2010, an exemption under clause (ii) for a State applies only if, as of April 1, 2008, the State is substantially in compliance with the agreement under clause (iii)(II).

''(v) PROGRESS TOWARD NAMES-BASED REPORTING.—For fiscal year 2009, the Secretary may terminate an exemption under clause (ii) for a State if the State submitted a plan under clause (iii)(I)(aa) and the Secretary determines that the State is not substantially following the plan.

''(vi) COUNTING OF CASES IN AREAS WITH EXEMPTIONS.—

''(I) IN GENERAL.—With respect to a State that is under a reporting system for living non-AIDS cases of HIV that is not names-based (referred to in this subparagraph as 'code-based reporting'), the Secretary shall, for purposes of this subparagraph, modify the number of such cases reported for the State in order to adjust for duplicative reporting in and among systems that use code-based reporting.

''(II) ADJUSTMENT RATE.—The adjustment rate under subclause (I) for a State shall be

a reduction of 5 percent in the number of living non-AIDS cases of HIV reported for the State.

''(vii) LIST OF STATES MEETING STANDARD REGARDING DECEMBER 31, 2005.—

''(I) IN GENERAL.—If a State is specified in subclause (II), the State shall be considered to meet the standard described in clause (ii)(I). No other State may be considered to meet such standard.

''(II) RELEVANT STATES.—For purposes of subclause (I), the States specified in this subclause are the following: Alaska, Alabama, Arkansas, Arizona, Colorado, Florida, Indiana, Iowa, Idaho, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, North Carolina, North Dakota, Nebraska, New Jersey, New Mexico, New York, Nevada, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, West Virginia, Wyoming, Guam, and the Virgin Islands.

''(viii) RULES OF CONSTRUCTION REGARDING ACCEPTANCE OF REPORTS.—

''(I) CASES OF AIDS.—With respect to a State that is subject to the requirement under clause (i) and is not in compliance with the requirement for names-based reporting of living non-AIDS cases of HIV, the Secretary shall, notwithstanding such noncompliance, accept reports of living cases of AIDS that are in accordance with such clause.

''(II) APPLICABILITY OF EXEMPTION REQUIREMENTS.—The provisions of clauses (ii) through (vii) may not be construed as having any legal effect for fiscal year 2010 or any subsequent fiscal year, and accordingly, the status of a State for purposes of such clauses may not be considered after fiscal year 2009.

''(ix) PROGRAM FOR DETECTING INACCURATE OR FRAUDULENT COUNTING.—The Secretary shall carry out a program to monitor the reporting of names-based cases for purposes of this subparagraph and to detect instances of inaccurate reporting, including fraudulent reporting.''.

(2) NON-EMA DISTRIBUTION FACTOR.—Section 2618(a)(2)(C) of the Public Health Service Act (42 U.S.C. 300ff–28(a)(2)(C)) is amended—

(A) in clause (i), by striking ''estimated number of living cases of acquired immune deficiency syndrome'' each place such term appears and inserting ''number of living cases of HIV/AIDS''; and

(B) in clause (ii), by amending such clause to read as follows:

''(ii) a number equal to the sum of—

''(I) the total number of living cases of HIV/AIDS that are within areas in such State that are eligible areas under subpart I of part A for the fiscal year involved, which individual number for an area is the number that applies under section 2601 for the area for such fiscal year; and

''(II) the total number of such cases that are within areas in such State that are transitional areas under section 2609 for such fiscal year, which individual number for an area is the number that applies under such section for the fiscal year.''.

(b) FORMULA AMENDMENTS GENERALLY.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff-28(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking ''The amount referred to'' in the matter preceding clause (i) and all that follows through the end of clause (i) and inserting the following: ''For purposes of paragraph (1), the amount referred to in this paragraph for a State (including a territory) for a fiscal year is, subject to subparagraphs (E) and (F)—

''(i) an amount equal to the amount made available under section 2623 for the fiscal year involved for grants pursuant to paragraph (1), subject to subparagraph (G); and''; and

(B) in clause (ii)—

(i) in subclause (I)—

(I) by striking ''.80'' and inserting ''0.75''; and

(II) by striking ''and'' at the end;

(ii) in subclause (II)—

(I) by inserting ''non-EMA'' after ''respective''; and

(II) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(III) if the State does not for such fiscal year contain any area that is an eligible area under subpart I of part A or any area that is a transitional area under section 2609 (referred to in this subclause as a 'no-EMA State'), the product of 0.05 and the ratio of the number of cases that applies for the State under subparagraph (D) to the sum of the respective numbers of cases that so apply for all no-EMA States.'';

(2) by striking subparagraphs (E) through (H);

(3) by inserting after subparagraph (D) the following subparagraphs:

''(E) CODE-BASED STATES; LIMITATION ON INCREASE IN GRANT.—

''(i) IN GENERAL.—For each of the fiscal years 2007 through 2009, if code-based reporting (within the meaning of subparagraph (D)(vi)) applies in a State as of the beginning of the fiscal year involved, then notwithstanding any other provision of this paragraph, the amount of the grant pursuant to paragraph (1) for the State may not for the fiscal year involved exceed by more than 5 percent the amount of the grant pursuant to this paragraph for the State for the preceding fiscal year, except that the limitation under this clause may not result in a grant pursuant to paragraph (1) for a fiscal year that is less than the minimum amount that applies to the State under such paragraph for such fiscal year.

''(ii) USE OF AMOUNTS INVOLVED.—For each of the fiscal years 2007 through 2009, amounts available as a result of the limitation under clause (i) shall be made available by the Secretary as additional amounts for grants pursuant to section 2620, subject to subparagraph (H).''; and

(4) by redesignating subparagraph (I) as subparagraph (F).

(c) SEPARATE ADAP GRANTS.—Section 2618(a)(2)(G) of the Public Health Service Act (42 U.S.C. 300ff-28(a)(2)(G)), as redesignated by subsection (b)(4) of this section, is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''section 2677'' and inserting ''section 2623'';

(B) in subclause (II), by striking the period at the end and inserting a semicolon; and

(C) by adding after and below subclause (II) the following:

''which product shall then, as applicable, be increased under subparagraph (H).'';

(2) in clause (ii)—

(A) by striking subclauses (I) through (III) and inserting the following:

''(I) IN GENERAL.—From amounts made available under subclause (V), the Secretary shall award supplemental grants to States described in subclause (II) to enable such States to purchase and distribute to eligible individuals under section 2616(b) pharmaceutical therapeutics described under subsections (c)(2) and (e) of such section.

''(II) ELIGIBLE STATES.—For purposes of subclause (I), a State shall be an eligible State if the State did not have unobligated funds subject to reallocation under section 2618(d) in the previous fiscal year and, in accordance with criteria established by the Secretary, demonstrates a severe need for a grant under this clause. For purposes of determining severe need, the Secretary shall consider eligibility standards, formulary composition, the number of eligible individuals to whom a State is unable to provide therapeutics described in section 2616(a), and an unanticipated increase of eligible individuals with HIV/AIDS.

''(III) STATE REQUIREMENTS.—The Secretary may not make a grant to a State under this clause unless the State agrees that the State will make available (directly or through donations of public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant, except that the Secretary may waive this subclause if the State has otherwise fully complied with section 2617(d) with respect to the grant year involved. The provisions of this subclause shall apply to States that are not required to comply with such section 2617(d).''.

(B) in subclause (IV), by moving the subclause two ems to the left;

(C) in subclause (V), by striking ''3 percent'' and inserting ''5 percent''; and

(D) by striking subclause (VI); and

(3) by adding at the end the following clause:

''(iii) CODE-BASED STATES; LIMITATION ON INCREASE IN FORMULA GRANT.—The limitation under subparagraph (E)(i) applies to grants pursuant to clause (i) of this subparagraph to the same extent and in the same manner as such limitation applies to grants pursuant to paragraph (1), except that the reference to minimum grants does not apply for purposes of this clause. Amounts available as a result of the limitation under the preceding sentence shall be made available by the Secretary as additional amounts for grants under clause (ii) of this subparagraph.''.

(d) HOLD HARMLESS.—Section 2618(a)(2) of the Public Health Service Act (42 U.S.C. 300ff-28(a)(2)), as amended by subsection (b)(4) of this section, is amended by adding at the end the following subparagraph:

''(H) INCREASE IN FORMULA GRANTS.—

''(i) ASSURANCE OF AMOUNT.—

''(I) GENERAL RULE.—For fiscal year 2007, the Secretary shall ensure, subject to clauses (ii) through (iv), that the total for a State of the grant pursuant to paragraph (1) and the grant pursuant to subparagraph (G) is not less than 95 percent of such total for the State for fiscal year 2006.

''(II) RULE OF CONSTRUCTION.—With respect to the application of subclause (I), the 95 percent requirement under such subclause shall apply with respect to each grant awarded under paragraph (1) and with respect to each grant awarded under subparagraph (G).

''(ii) FISCAL YEAR 2007.—For purposes of clause (i) as applied for fiscal year 2007, the references in such clause to subparagraph (G) are deemed to be references to subparagraph (I) as such subparagraph was in effect for fiscal year 2006.

''(iii) FISCAL YEARS 2008 AND 2009.—For each of the fiscal years 2008 and 2009, the Secretary shall ensure that the total for a State of the grant pursuant to paragraph (1) and the grant pursuant to subparagraph (G) is not less than 100 percent of such total for the State for fiscal year 2007.

''(iv) SOURCE OF FUNDS FOR INCREASE.—

''(I) IN GENERAL.—From the amount reserved under section 2623(b)(2) for a fiscal year, and from amounts available for such section pursuant to subsection (d) of this section, the Secretary shall make available such amounts as may be necessary to comply with clause (i).

''(II) PRO RATA REDUCTION.—If the amounts referred to in subclause (I) for a fiscal year are insufficient to fully comply with clause (i) for the year, the Secretary, in order to provide the additional funds necessary for such compliance, shall reduce on a pro rata

basis the amount of each grant pursuant to paragraph (1) for the fiscal year, other than grants for States for which increases under clause (i) apply and other than States described in paragraph (1)(A)(i)(I). A reduction under the preceding sentence may not be made in an amount that would result in the State involved becoming eligible for such an increase.

''(v) APPLICABILITY.—This paragraph may not be construed as having any applicability after fiscal year 2009.''.

(e) ADMINISTRATIVE EXPENSES; CLINICAL QUALITY MANAGEMENT.—Section 2618(b) of the Public Health Service Act (42 U.S.C. 300ff-28(b)) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (1) through (6);

(2) in paragraph (2) (as so redesignated)—

(A) by striking ''paragraph (5)'' and inserting ''paragraph (4)''; and

(B) by striking ''paragraph (6)'' and inserting ''paragraph (5)'';

(3) in paragraph (3) (as so redesignated)—

(A) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—Subject to paragraph (4,) and except as provided in paragraph (5), a State may not use more than 10 percent of amounts received under a grant awarded under section 2611 for administration.'';

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

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

''(B) ALLOCATIONS.—In the case of entities and subcontractors to which a State allocates amounts received by the State under a grant under section 2611, the State shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).'';

(D) in subparagraph (C) (as so redesignated), by inserting before the period the following: '', including a clinical quality management program under subparagraph (E)''; and

(E) by adding at the end the following:

''(E) CLINICAL QUALITY MANAGEMENT.—

''(i) REQUIREMENT.—Each State that receives a grant under section 2611 shall provide for the establishment of a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

''(ii) USE OF FUNDS.—

''(I) IN GENERAL.—From amounts received under a grant awarded under section 2611 for a fiscal year, a State may use for activities associated with the clinical quality management program required in clause (i) not to exceed the lesser of—

''(aa) 5 percent of amounts received under the grant; or

''(bb) $3,000,000.

''(II) RELATION TO LIMITATION ON ADMINISTRATIVE EXPENSES.—The costs of a clinical quality management program under clause (i) may not be considered administrative expenses for purposes of the limitation established in subparagraph (A).'';

(4) in paragraph (4) (as so redesignated)—

(A) by striking ''paragraph (6)'' and inserting ''paragraph (5)''; and

(B) by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (2) and (3)''; and

(5) in paragraph (5) (as so redesignated), by striking ''paragraphs (3)'' and all that follows through ''(5),'' and inserting the following: ''paragraphs (2) and (3), may, notwithstanding paragraphs (2) through (4),''.

(f) REALLOCATION FOR SUPPLEMENTAL GRANTS.—Section 2618(d) of the Public Health Service Act (42 U.S.C. 300ff-28(d)) is amended to read as follows:

''(d) REALLOCATION.—Any portion of a grant made to a State under section 2611 for a fiscal year that has not been obligated as described in subsection (c) ceases to be available to the State and shall be made available by the Secretary for grants under section 2620, in addition to amounts made available for such grants under section 2623(b)(2).''.

(g) DEFINITIONS; OTHER TECHNICAL AMENDMENTS.—Section 2618(a) of the Public Health Service Act (42 U.S.C. 300ff–28(a)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''section 2677'' and inserting ''section 2623'';

(2) in paragraph (1)(A)—

(A) in the matter preceding clause (i), by striking ''each of the several States and the District of Columbia'' and inserting ''each of the 50 States, the District of Columbia, Guam, and the Virgin Islands (referred to in this paragraph as a 'covered State')''; and

(B) in clause (i)—

(i) in subclause (I), by striking ''State or District'' and inserting ''covered State''; and

(ii) in subclause (II)—

(I) by striking ''State or District'' and inserting ''covered State''; and

(II) by inserting ''and'' after the semicolon; and

(3) in paragraph (1)(B), by striking ''each territory of the United States, as defined in paragraph (3),'' and inserting ''each territory other than Guam and the Virgin Islands'';

(4) in paragraph (2)(C)(i), by striking ''or territory''; and

(5) by striking paragraph (3).

SEC. 204. ADDITIONAL AMENDMENTS TO SUBPART I OF PART B.

(a) REFERENCES TO PART B.—Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-21 et seq.) is amended by striking ''this part'' each place such term appears and inserting ''section 2611''.

(b) HEPATITIS.—Section 2614(a)(3) of the Public Health Service Act (42 U.S.C. 300ff-24(a)(3)) is amended by inserting '', including specialty care and vaccinations for hepatitis co-infection,'' after ''health services''.

(c) APPLICATION FOR GRANT.—

(1) COORDINATION.—Section 2617(b) of the Public Health Service Act (42 U.S.C. 300ff-27(b)) is amended—

(A) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(B) by inserting after paragraph (3), the following:

''(4) the designation of a lead State agency that shall—

''(A) administer all assistance received under this part;

''(B) conduct the needs assessment and prepare the State plan under paragraph (3);

''(C) prepare all applications for assistance under this part;

''(D) receive notices with respect to programs under this title;

''(E) every 2 years, collect and submit to the Secretary all audits, consistent with Office of Management and Budget circular A133, from grantees within the State, including audits regarding funds expended in accordance with this part; and

''(F) carry out any other duties determined appropriate by the Secretary to facilitate the coordination of programs under this title.'';

(C) in paragraph (5) (as so redesignated)—

(i) in subparagraph (E), by striking ''and'' at the end; and

(ii) by inserting after subparagraph (F) the following:

''(G) includes key outcomes to be measured by all entities in the State receiving assistance under this title; and''; and

(D) in paragraph (7) (as so redesignated), in subparagraph (A)—

(i) by striking ''paragraph (5)'' and inserting ''paragraph (6)''; and

(ii) by striking ''paragraph (4)'' and inserting ''paragraph (5)''.

(2) NATIVE AMERICAN REPRESENTATION.—Section 2617(b)(6) of the Public Health Service Act, as redesignated by paragraph (1)(A) of this subsection, is amended by inserting before ''representatives of grantees'' the following: ''members of a Federally recognized Indian tribe as represented in the State,''.

(3) PAYER OF LAST RESORT.—Section 2617(b)(7)(F)(ii) of the Public Health Service Act, as redesignated by paragraph (1)(A) of this subsection, is amended by inserting before the semicolon the following: ''(except for a program administered by or providing the services of the Indian Health Service)''.

(d) MATCHING FUNDS; APPLICABILITY OF REQUIREMENT.—Section 2617(d)(3) of the Public Health Service Act (42 U.S.C. 300ff-27(d)(3)) is amended—

(1) in subparagraph (A), by striking ''acquired immune deficiency syndrome'' and inserting ''HIV/AIDS''; and

(2) in subparagraph (C), by striking ''acquired immune deficiency syndrome'' and inserting ''HIV/AIDS''.

SEC. 205. SUPPLEMENTAL GRANTS ON BASIS OF DEMONSTRATED NEED.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-21 et seq.) is amended—

(1) by redesignating section 2620 as section 2621; and

(2) by inserting after section 2619 the following:

''SEC. 2620. SUPPLEMENTAL GRANTS.

''(a) IN GENERAL.—For the purpose of providing services described in section 2612(a), the Secretary shall make grants to States—

''(1) whose applications under section 2617 have demonstrated the need in the State, on an objective and quantified basis, for supplemental financial assistance to provide such services; and

''(2) that did not, for the most recent grant year pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) for which data is available, have more than 2 percent of grant funds under such sections canceled or covered by any waivers under section 2622(c).

''(b) DEMONSTRATED NEED.—The factors considered by the Secretary in determining whether an eligible area has a demonstrated need for purposes of subsection (a)(1) may include any or all of the following:

''(1) The unmet need for such services, as determined under section 2617(b).

''(2) An increasing need for HIV/AIDS-related services, including relative rates of increase in the number of cases of HIV/AIDS.

''(3) The relative rates of increase in the number of cases of HIV/AIDS within new or emerging subpopulations.

''(4) The current prevalence of HIV/AIDS.

''(5) Relevant factors related to the cost and complexity of delivering health care to individuals with HIV/AIDS in the eligible area.

''(6) The impact of co-morbid factors, including co-occurring conditions, determined relevant by the Secretary.

''(7) The prevalence of homelessness.

''(8) The prevalence of individuals described under section 2602(b)(2)(M).

''(9) The relevant factors that limit access to health care, including geographic variation, adequacy of health insurance coverage, and language barriers.

''(10) The impact of a decline in the amount received pursuant to section 2618 on services available to all individuals with HIV/AIDS identified and eligible under this title.

''(c) PRIORITY IN MAKING GRANTS.—The Secretary shall provide funds under this section to a State to address the decline in services related to the decline in the amounts received pursuant to section 2618 consistent with the grant award to the State for fiscal year 2006, to the extent that the factor under subsection (b)(10) (relating to a decline in funding) applies to the State.

''(d) REPORT ON THE AWARDING OF SUPPLEMENTAL FUNDS.—Not later than 45 days after the awarding of supplemental funds under this section, the Secretary shall submit to Congress a report concerning such funds. Such report shall include information detailing—

''(1) the total amount of supplemental funds available under this section for the year involved;

''(2) the amount of supplemental funds used in accordance with the hold harmless provisions of section 2618(a)(2);

''(3) the amount of supplemental funds disbursed pursuant to subsection (c);

''(4) the disbursement of the remainder of the supplemental funds after taking into account the uses described in paragraphs (2) and (3); and

''(5) the rationale used for the amount of funds disbursed as described under paragraphs (2), (3), and (4).

''(e) CORE MEDICAL SERVICES.—The provisions of section 2612(b) apply with respect to a grant under this section to the same extent and in the same manner as such provisions apply with respect to a grant made pursuant to section 2618(a)(1).

''(f) APPLICABILITY OF GRANT AUTHORITY.—The authority to make grants under this section applies beginning with the first fiscal year for which amounts are made available for such grants under section 2623(b)(1).''.

SEC. 206. EMERGING COMMUNITIES.

Section 2621 of the Public Health Service Act, as redesignated by section 205(1) of this Act, is amended—

(1) in the heading for the section, by striking ''**SUPPLEMENTAL GRANTS**'' and inserting ''**EMERGING COMMUNITIES**'';

(2) in subsection (b)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

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

''(3) agree that the grant will be used to provide funds directly to emerging communities in the State, separately from other funds under this title that are provided by the State to such communities; and''.

(3) by striking subsections (d) and (e) and inserting the following:

''(d) DEFINITIONS OF EMERGING COMMUNITY.—For purposes of this section, the term 'emerging community' means a metropolitan area (as defined in section 2607) for which there has been reported to and confirmed by the Director of the Centers for Disease Control and Prevention a cumulative total of at least 500, but fewer than 1,000, cases of AIDS during the most recent period of 5 calendar years for which such data are available.

''(e) CONTINUED STATUS AS EMERGING COMMUNITY.—Notwithstanding any other provision of this section, a metropolitan area that is an emerging community for a fiscal year continues to be an emerging community until the metropolitan area fails, for three consecutive fiscal years—

''(1) to meet the requirements of subsection (d); and

''(2) to have a cumulative total of 750 or more living cases of AIDS (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) as of December 31 of the most recent calendar year for which such data is available.

''(f) DISTRIBUTION.—The amount of a grant under subsection (a) for a State for a fiscal year shall be an amount equal to the product of—

''(1) the amount available under section 2623(b)(1) for the fiscal year; and

''(2) a percentage equal to the ratio constituted by the number of living cases of HIV/AIDS in emerging communities in the State to the sum of the respective numbers of such cases in such communities for all States.''.

SEC. 207. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-21 et seq.), as amended by section 205, is further amended by adding at the end the following:

''SEC. 2622. TIMEFRAME FOR OBLIGATION AND EXPENDITURE OF GRANT FUNDS.

''(a) OBLIGATION BY END OF GRANT YEAR.—Effective for fiscal year 2007 and subsequent fiscal years, funds from a grant award made to a State for a fiscal year pursuant to section 2618(a)(1) or 2618(a)(2)(G), or under section 2620 or 2621, are available for obligation by the State through the end of the one-year period beginning on the date in such fiscal year on which funds from the award first become available to the State (referred to in this section as the 'grant year for the award'), except as provided in subsection (c)(1).

''(b) SUPPLEMENTAL GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made to a State for a fiscal year pursuant to section 2618(a)(2)(G)(ii), or under section 2620 or 2621, has an unobligated balance as of the end of the grant year for the award—

''(1) the Secretary shall cancel that unobligated balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State; and

''(2) the funds involved shall be made available by the Secretary as additional amounts for grants pursuant to section 2620 for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under paragraph (1) to be canceled, except that the availability of the funds for such grants is subject to section 2618(a)(2)(H) as applied for such year.

''(c) FORMULA GRANTS; CANCELLATION OF UNOBLIGATED BALANCE OF GRANT AWARD; WAIVER PERMITTING CARRYOVER.—

''(1) IN GENERAL.—Effective for fiscal year 2007 and subsequent fiscal years, if a grant award made to a State for a fiscal year pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) has an unobligated balance as of the end of the grant year for the award, the Secretary shall cancel that unobligated balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State, unless—

''(A) before the end of the grant year, the State submits to the Secretary a written application for a waiver of the cancellation, which application includes a description of the purposes for which the State intends to expend the funds involved; and

''(B) the Secretary approves the waiver.

''(2) EXPENDITURE BY END OF CARRYOVER YEAR.—With respect to a waiver under paragraph (1) that is approved for a balance that is unobligated as of the end of a grant year for an award:

''(A) The unobligated funds are available for expenditure by the State involved for the one-year period beginning upon the expiration of the grant year (referred to in this section as the 'carryover year').

''(B) If the funds are not expended by the end of the carryover year, the Secretary shall cancel that unexpended balance of the award, and shall require the State to return any amounts from such balance that have been disbursed to the State.

''(3) USE OF CANCELLED BALANCES.—In the case of any balance of a grant award that is cancelled under paragraph (1) or (2)(B), the grant funds involved shall be made available by the Secretary as additional amounts for grants under section 2620 for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that the balance is required under such paragraph to be canceled, except that the availability of the funds for such grants is subject to section 2618(a)(2)(H) as applied for such year.

''(4) CORRESPONDING REDUCTION IN FUTURE GRANT.—

''(A) IN GENERAL.—In the case of a State for which a balance from a grant award made pursuant to section 2618(a)(1) or 2618(a)(2)(G)(i) is unobligated as of the end of the grant year for the award—

''(i) the Secretary shall reduce, by the same amount as such unobligated balance, the amount of the grant under such section for the first fiscal year beginning after the fiscal year in which the Secretary obtains the information necessary for determining that such balance was unobligated as of the end of the grant year (which requirement for a reduction applies without regard to whether a waiver under paragraph (1) has been approved with respect to such balance); and

''(ii) the grant funds involved in such reduction shall be made available by the Secretary as additional funds for grants under section 2620 for such first fiscal year, subject to section 2618(a)(2)(H);

except that this subparagraph does not apply to the State if the amount of the unobligated balance was 2 percent or less.

''(B) RELATION TO INCREASES IN GRANT.—A reduction under subparagraph (A) for a State for a fiscal year may not be taken into account in applying section 2618(a)(2)(H) with respect to the State for the subsequent fiscal year.

''(d) TREATMENT OF DRUG REBATES.—For purposes of this section, funds that are drug rebates referred to in section 2616(g) may not be considered part of any grant award referred to in subsection (a).''.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS FOR SUBPART I OF PART B.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-21 et seq.), as amended by section 207, is further amended by adding at the end the following:

''SEC. 2623. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this subpart, there are authorized to be appropriated $1,195,500,000 for fiscal year 2007, $1,239,500,000 for fiscal year 2008, and $1,285,200,000 for fiscal year 2009. Amounts appropriated under the preceding sentence for a fiscal year are available for obligation by the Secretary until the end of the second succeeding fiscal year.

''(b) RESERVATION OF AMOUNTS.—

''(1) EMERGING COMMUNITIES.—Of the amount appropriated under subsection (a) for a fiscal year, the Secretary shall reserve $5,000,000 for grants under section 2621.

''(2) SUPPLEMENTAL GRANTS.—

''(A) IN GENERAL.—Of the amount appropriated under subsection (a) for a fiscal year in excess of the 2006 adjusted amount, the Secretary shall reserve ⅓ for grants under section 2620, except that the availability of the reserved funds for such grants is subject to section 2618(a)(2)(H) as applied for such year, and except that any amount appropriated exclusively for carrying out section 2616 (and, accordingly, distributed under section 2618(a)(2)(G)) is not subject to this subparagraph.

''(B) 2006 ADJUSTED AMOUNT.—For purposes of subparagraph (A), the term '2006 adjusted amount' means the amount appropriated for fiscal year 2006 under section 2677(b) (as such section was in effect for such fiscal year), excluding any amount appropriated for such year exclusively for carrying out section 2616 (and, accordingly, distributed under section 2618(a)(2)(I), as so in effect).''.

SEC. 209. EARLY DIAGNOSIS GRANT PROGRAM.

Section 2625 of the Public Health Service Act (42 U.S.C. 300ff-33) is amended to read as follows:

''SEC. 2625. EARLY DIAGNOSIS GRANT PROGRAM.

''(a) IN GENERAL.—In the case of States whose laws or regulations are in accordance with subsection (b), the Secretary, acting through the Centers for Disease Control and Prevention, shall make grants to such States for the purposes described in subsection (c).

''(b) DESCRIPTION OF COMPLIANT STATES.—For purposes of subsection (a), the laws or regulations of a State are in accordance with this subsection if, under such laws or regulations (including programs carried out pursuant to the discretion of State officials), both of the policies described in paragraph (1) are in effect, or both of the policies described in paragraph (2) are in effect, as follows:

''(1)(A) Voluntary opt-out testing of pregnant women.

''(B) Universal testing of newborns.

''(2)(A) Voluntary opt-out testing of clients at sexually transmitted disease clinics.

''(B) Voluntary opt-out testing of clients at substance abuse treatment centers.

The Secretary shall periodically ensure that the applicable policies are being carried out and recertify compliance.

''(c) USE OF FUNDS.—A State may use funds provided under subsection (a) for HIV/AIDS testing (including rapid testing), prevention counseling, treatment of newborns exposed to HIV/AIDS, treatment of mothers infected with HIV/AIDS, and costs associated with linking those diagnosed with HIV/AIDS to care and treatment for HIV/AIDS.

''(d) APPLICATION.—A State that is eligible for the grant under subsection (a) shall submit an application to the Secretary, in such form, in such manner, and containing such information as the Secretary may require.

''(e) LIMITATION ON AMOUNT OF GRANT.—A grant under subsection (a) to a State for a fiscal year may not be made in an amount exceeding $10,000,000.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to pre-empt State laws regarding HIV/AIDS counseling and testing.

''(g) DEFINITIONS.—In this section:

''(1) The term 'voluntary opt-out testing' means HIV/AIDS testing—

''(A) that is administered to an individual seeking other health care services; and

''(B) in which—

''(i) pre-test counseling is not required but the individual is informed that the individual will receive an HIV/AIDS test and the individual may opt out of such testing; and

''(ii) for those individuals with a positive test result, post-test counseling (including referrals for care) is provided and confidentiality is protected.

''(2) The term 'universal testing of newborns' means HIV/AIDS testing that is administered within 48 hours of delivery to—

''(A) all infants born in the State; or

''(B) all infants born in the State whose mother's HIV/AIDS status is unknown at the time of delivery.

''(h) AUTHORIZATION OF APPROPRIATIONS.—Of the funds appropriated annually to the Centers for Disease Control and Prevention for HIV/AIDS prevention activities, $30,000,000 shall be made available for each of the fiscal years 2007 through 2009 for grants under subsection (a), of which $20,000,000 shall be made available for grants to States with the policies described in subsection (b)(1), and $10,000,000 shall be made available for grants to States with the policies described in subsection (b)(2). Funds provided under this section are available until expended.''.

SEC. 210. CERTAIN PARTNER NOTIFICATION PROGRAMS; AUTHORIZATION OF APPROPRIATIONS.

Section 2631(d) of the Public Health Service Act (42 U.S.C. 300ff-38(d)) is amended by striking ''there are'' and all that follows and inserting the following: ''there is authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2009.''.

TITLE III—EARLY INTERVENTION SERVICES

SEC. 301. ESTABLISHMENT OF PROGRAM; CORE MEDICAL SERVICES.

(a) IN GENERAL.—Section 2651 of the Public Health Service Act (42 U.S.C. 300ff–51) is amended to read as follows:

''SEC. 2651. ESTABLISHMENT OF A PROGRAM.

''(a) IN GENERAL.—For the purposes described in subsection (b), the Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to public and nonprofit private entities specified in section 2652(a).

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to expend the grant only for—

''(A) core medical services described in subsection (c);

''(B) support services described in subsection (d); and

''(C) administrative expenses as described in section 2664(g)(3).

''(2) EARLY INTERVENTION SERVICES.—An applicant for a grant under subsection (a) shall expend not less than 50 percent of the amount received under the grant for the services described in subparagraphs (B) through (E) of subsection (e)(1) for individuals with HIV/AIDS.

''(c) REQUIRED FUNDING FOR CORE MEDICAL SERVICES.—

''(1) IN GENERAL.—With respect to a grant under subsection (a) to an applicant for a fiscal year, the applicant shall, of the portion of the grant remaining after reserving amounts for purposes of paragraphs (3) and (5) of section 2664(g), use not less than 75 percent to provide core medical services that are needed in the area involved for individuals with HIV/AIDS who are identified and eligible under this title (including services regarding the co-occurring conditions of the individuals).

''(2) WAIVER.—

''(A) The Secretary shall waive the application of paragraph (1) with respect to an applicant for a grant if the Secretary determines that, within the service area of the applicant—

''(i) there are no waiting lists for AIDS Drug Assistance Program services under section 2616; and

''(ii) core medical services are available to all individuals with HIV/AIDS identified and eligible under this title.

''(B) NOTIFICATION OF WAIVER STATUS.—When informing an applicant that a grant under subsection (a) is being made for a fiscal year, the Secretary shall inform the applicant whether a waiver under subparagraph (A) is in effect for the fiscal year.

''(3) CORE MEDICAL SERVICES.—For purposes of this subsection, the term 'core medical services', with respect to an individual with HIV/AIDS (including the co-occurring conditions of the individual) means the following services:

''(A) Outpatient and ambulatory health services.

''(B) AIDS Drug Assistance Program treatments under section 2616.

''(C) AIDS pharmaceutical assistance.

''(D) Oral health care.

''(E) Early intervention services described in subsection (e).

''(F) Health insurance premium and cost sharing assistance for low-income individuals in accordance with section 2615.

''(G) Home health care.

''(H) Medical nutrition therapy.

''(I) Hospice services.

''(J) Home and community-based health services as defined under section 2614(c).

''(K) Mental health services.

''(L) Substance abuse outpatient care.

''(M) Medical case management, including treatment adherence services.

''(d) SUPPORT SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'support services' means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

''(2) DEFINITION OF MEDICAL OUTCOMES.—In this section, the term 'medical outcomes' means those outcomes affecting the HIV-related clinical status of an individual with HIV/AIDS.

''(e) SPECIFICATION OF EARLY INTERVENTION SERVICES.—

''(1) IN GENERAL.—The early intervention services referred to in this section are—

''(A) counseling individuals with respect to HIV/AIDS in accordance with section 2662;

''(B) testing individuals with respect to HIV/AIDS, including tests to confirm the presence of the disease, tests to diagnose the extent of the deficiency in the immune system, and tests to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from HIV/AIDS;

''(C) referrals described in paragraph (2);

''(D) other clinical and diagnostic services regarding HIV/AIDS, and periodic medical evaluations of individuals with HIV/AIDS; and

''(E) providing the therapeutic measures described in subparagraph (B).

''(2) REFERRALS.—The services referred to in paragraph (1)(C) are referrals of individuals with HIV/AIDS to appropriate providers of health and support services, including, as appropriate—

''(A) to entities receiving amounts under part A or B for the provision of such services;

''(B) to biomedical research facilities of institutions of higher education that offer experimental treatment for such disease, or to community-based organizations or other entities that provide such treatment; or

''(C) to grantees under section 2671, in the case of a pregnant woman.

''(3) REQUIREMENT OF AVAILABILITY OF ALL EARLY INTERVENTION SERVICES THROUGH EACH GRANTEE.—

''(A) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees that each of

the early intervention services specified in paragraph (2) will be available through the grantee. With respect to compliance with such agreement, such a grantee may expend the grant to provide the early intervention services directly, and may expend the grant to enter into agreements with public or nonprofit private entities, or private for-profit entities if such entities are the only available provider of quality HIV care in the area, under which the entities provide the services.

''(B) OTHER REQUIREMENTS.—Grantees described in—

''(i) subparagraphs (A), (D), (E), and (F) of section 2652(a)(1) shall use not less than 50 percent of the amount of such a grant to provide the services described in subparagraphs (A), (B), (D), and (E) of paragraph (1) directly and on-site or at sites where other primary care services are rendered; and

''(ii) subparagraphs (B) and (C) of section 2652(a)(1) shall ensure the availability of early intervention services through a system of linkages to community-based primary care providers, and to establish mechanisms for the referrals described in paragraph (1)(C), and for follow-up concerning such referrals.''.

(b) ADMINISTRATIVE EXPENSES; CLINICAL QUALITY MANAGEMENT PROGRAM.—Section 2664(g) of the Public Health Service Act (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3), by amending the paragraph to read as follows:

''(3) the applicant will not expend more than 10 percent of the grant for administrative expenses with respect to the grant, including planning and evaluation, except that the costs of a clinical quality management program under paragraph (5) may not be considered administrative expenses for purposes of such limitation;''; and

(2) in paragraph (5), by inserting ''clinical'' before ''quality management''.

SEC. 302. ELIGIBLE ENTITIES; PREFERENCES; PLANNING AND DEVELOPMENT GRANTS.

(a) MINIMUM QUALIFICATION OF GRANTEES.—Section 2652(a) of the Public Health Service Act (42 U.S.C. 300ff–52(a)) is amended to read as follows:

''(a) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—The entities referred to in section 2651(a) are public entities and nonprofit private entities that are—

''(A) federally-qualified health centers under section 1905(l)(2)(B) of the Social Security Act;

''(B) grantees under section 1001 (regarding family planning) other than States;

''(C) comprehensive hemophilia diagnostic and treatment centers;

''(D) rural health clinics;

''(E) health facilities operated by or pursuant to a contract with the Indian Health Service;

''(F) community-based organizations, clinics, hospitals and other health facilities that provide early intervention services to those persons infected with HIV/AIDS through intravenous drug use; or

''(G) nonprofit private entities that provide comprehensive primary care services to populations at risk of HIV/AIDS, including faith-based and community-based organizations.

''(2) UNDERSERVED POPULATIONS.—Entities described in paragraph (1) shall serve underserved populations which may include minority populations and Native American populations, ex-offenders, individuals with comorbidities including hepatitis B or C, mental illness, or substance abuse, low-income populations, inner city populations, and rural populations.''.

(b) PREFERENCES IN MAKING GRANTS.—Section 2653 of the Public Health Service Act (42 U.S.C. 300ff–53) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''acquired immune deficiency syndrome'' and inserting ''HIV/AIDS''; and

(B) in subparagraph (D), by inserting before the semicolon the following: ''and the number of cases of individuals co-infected with HIV/AIDS and hepatitis B or C''; and

(2) in subsection (d)(2), by striking ''special consideration'' and inserting ''preference''.

(c) PLANNING AND DEVELOPMENT GRANTS.—Section 2654(c) of the Public Health Service Act (42 U.S.C. 300ff–54(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''HIV''; and

(B) in subparagraph (B), by striking ''HIV'' and inserting ''HIV/AIDS''; and

(2) in paragraph (3), by striking ''or underserved communities'' and inserting ''areas or to underserved populations''.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 2655 of the Public Health Service Act (42 U.S.C. 300ff–55) is amended by striking ''such sums'' and all that follows through ''2005''and inserting '', $218,600,000 for fiscal year 2007, $226,700,000 for fiscal year 2008, and $235,100,000 for fiscal year 2009''.

SEC. 304. CONFIDENTIALITY AND INFORMED CONSENT.

Section 2661 of the Public Health Service Act (42 U.S.C. 300ff–61) is amended to read as follows:

''SEC. 2661. CONFIDENTIALITY AND INFORMED CONSENT.

''(a) CONFIDENTIALITY.—The Secretary may not make a grant under this part unless, in the case of any entity applying for a grant under section 2651, the entity agrees to ensure that information regarding the receipt of early intervention services pursuant to the grant is maintained confidentially in a manner not inconsistent with applicable law.

''(b) INFORMED CONSENT.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, in testing an individual for HIV/AIDS, the applicant will test an individual only after the individual confirms that the decision of the individual with respect to undergoing such testing is voluntarily made.''.

SEC. 305. PROVISION OF CERTAIN COUNSELING SERVICES.

Section 2662 of the Public Health Service Act (42 U.S.C. 300ff–62) is amended to read as follows:

''SEC. 2662. PROVISION OF CERTAIN COUNSELING SERVICES.

''(a) COUNSELING OF INDIVIDUALS WITH NEGATIVE TEST RESULTS.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, if the results of testing conducted for HIV/AIDS indicate that an individual does not have such condition, the applicant will provide the individual information, including—

''(1) measures for prevention of, exposure to, and transmission of HIV/AIDS, hepatitis B, hepatitis C, and other sexually transmitted diseases;

''(2) the accuracy and reliability of results of testing for HIV/AIDS, hepatitis B, and hepatitis C;

''(3) the significance of the results of such testing, including the potential for developing AIDS, hepatitis B, or hepatitis C;

''(4) the appropriateness of further counseling, testing, and education of the individual regarding HIV/AIDS and other sexually transmitted diseases;

''(5) if diagnosed with chronic hepatitis B or hepatitis C co-infection, the potential of developing hepatitis-related liver disease and its impact on HIV/AIDS; and

''(6) information regarding the availability of hepatitis B vaccine and information about hepatitis treatments.

''(b) COUNSELING OF INDIVIDUALS WITH POSITIVE TEST RESULTS.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, if the results of testing for HIV/AIDS indicate that the individual has such condition, the applicant will provide to the individual appropriate counseling regarding the condition, including—

''(1) information regarding—

''(A) measures for prevention of, exposure to, and transmission of HIV/AIDS, hepatitis B, and hepatitis C;

''(B) the accuracy and reliability of results of testing for HIV/AIDS, hepatitis B, and hepatitis C; and

''(C) the significance of the results of such testing, including the potential for developing AIDS, hepatitis B, or hepatitis C;

''(2) reviewing the appropriateness of further counseling, testing, and education of the individual regarding HIV/AIDS and other sexually transmitted diseases; and

''(3) providing counseling—

''(A) on the availability, through the applicant, of early intervention services;

''(B) on the availability in the geographic area of appropriate health care, mental health care, and social and support services, including providing referrals for such services, as appropriate;

''(C)(i) that explains the benefits of locating and counseling any individual by whom the infected individual may have been exposed to HIV/AIDS, hepatitis B, or hepatitis C and any individual whom the infected individual may have exposed to HIV/AIDS, hepatitis B, or hepatitis C; and

''(ii) that emphasizes it is the duty of infected individuals to disclose their infected status to their sexual partners and their partners in the sharing of hypodermic needles; that provides advice to infected individuals on the manner in which such disclosures can be made; and that emphasizes that it is the continuing duty of the individuals to avoid any behaviors that will expose others to HIV/AIDS, hepatitis B, or hepatitis C; and

''(D) on the availability of the services of public health authorities with respect to locating and counseling any individual described in subparagraph (C);

''(4) if diagnosed with chronic hepatitis B or hepatitis C co-infection, the potential of developing hepatitis-related liver disease and its impact on HIV/AIDS; and

''(5) information regarding the availability of hepatitis B vaccine.

''(c) ADDITIONAL REQUIREMENTS REGARDING APPROPRIATE COUNSELING.—The Secretary may not make a grant under this part unless the applicant for the grant agrees that, in counseling individuals with respect to HIV/AIDS, the applicant will ensure that the counseling is provided under conditions appropriate to the needs of the individuals.

''(d) COUNSELING OF EMERGENCY RESPONSE EMPLOYEES.—The Secretary may not make a grant under this part to a State unless the State agrees that, in counseling individuals with respect to HIV/AIDS, the State will ensure that, in the case of emergency response employees, the counseling is provided to such employees under conditions appropriate to the needs of the employees regarding the counseling.

''(e) RULE OF CONSTRUCTION REGARDING COUNSELING WITHOUT TESTING.—Agreements made pursuant to this section may not be construed to prohibit any grantee under this part from expending the grant for the purpose of providing counseling services described in this section to an individual who does not undergo testing for HIV/AIDS as a

result of the grantee or the individual determining that such testing of the individual is not appropriate.''.

SEC. 306. GENERAL PROVISIONS.

(a) APPLICABILITY OF CERTAIN REQUIREMENTS.—Section 2663 of the Public Health Service Act (42 U.S.C. 300ff–63) is amended by striking ''will, without'' and all that follows through ''be carried'' and inserting ''with funds appropriated through this Act will be carried''.

(b) ADDITIONAL REQUIRED AGREEMENTS.—Section 2664(a) of the Public Health Service Act (42 U.S.C. 300ff–64(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking ''and'' at the end; and

(C) by adding at the end the following:

''(C) information regarding how the expected expenditures of the grant are related to the planning process for localities funded under part A (including the planning process described in section 2602) and for States funded under part B (including the planning process described in section 2617(b)); and

''(D) a specification of the expected expenditures and how those expenditures will improve overall client outcomes, as described in the State plan under section 2617(b);'';

(2) in paragraph (2), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(3) the applicant agrees to provide additional documentation to the Secretary regarding the process used to obtain community input into the design and implementation of activities related to such grant; and

''(4) the applicant agrees to submit, every 2 years, to the lead State agency under section 2617(b)(4) audits, consistent with Office of Management and Budget circular A133, regarding funds expended in accordance with this title and shall include necessary client level data to complete unmet need calculations and Statewide coordinated statements of need process.''.

(c) PAYER OF LAST RESORT.—Section 2664(f)(1)(A) of the Public Health Service Act (42 U.S.C. 300ff–64(f)(1)(A)) is amended by inserting ''(except for a program administered by or providing the services of the Indian Health Service)'' before the semicolon.

TITLE IV—WOMEN, INFANTS, CHILDREN, AND YOUTH

SEC. 401. WOMEN, INFANTS, CHILDREN, AND YOUTH.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71 et seq.) is amended to read as follows:

''PART D—WOMEN, INFANTS, CHILDREN, AND YOUTH

''SEC. 2671. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to public and nonprofit private entities (including a health facility operated by or pursuant to a contract with the Indian Health Service) for the purpose of providing family-centered care involving outpatient or ambulatory care (directly or through contracts) for women, infants, children, and youth with HIV/AIDS.

''(b) ADDITIONAL SERVICES FOR PATIENTS AND FAMILIES.—Funds provided under grants awarded under subsection (a) may be used for the following support services:

''(1) Family-centered care including case management.

''(2) Referrals for additional services including—

''(A) referrals for inpatient hospital services, treatment for substance abuse, and mental health services; and

''(B) referrals for other social and support services, as appropriate.

''(3) Additional services necessary to enable the patient and the family to participate in the program established by the applicant pursuant to such subsection including services designed to recruit and retain youth with HIV.

''(4) The provision of information and education on opportunities to participate in HIV/AIDS-related clinical research.

''(c) COORDINATION WITH OTHER ENTITIES.—A grant awarded under subsection (a) may be made only if the applicant provides an agreement that includes the following:

''(1) The applicant will coordinate activities under the grant with other providers of health care services under this Act, and under title V of the Social Security Act, including programs promoting the reduction and elimination of risk of HIV/AIDS for youth.

''(2) The applicant will participate in the statewide coordinated statement of need under part B (where it has been initiated by the public health agency responsible for administering grants under part B) and in revisions of such statement.

''(3) The applicant will every 2 years submit to the lead State agency under section 2617(b)(4) audits regarding funds expended in accordance with this title and shall include necessary client-level data to complete unmet need calculations and Statewide coordinated statements of need process.

''(d) ADMINISTRATION; APPLICATION.—A grant may only be awarded to an entity under subsection (a) if an application for the grant 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 this section. Such application shall include the following:

''(1) Information regarding how the expected expenditures of the grant are related to the planning process for localities funded under part A (including the planning process outlined in section 2602) and for States funded under part B (including the planning process outlined in section 2617(b)).

''(2) A specification of the expected expenditures and how those expenditures will improve overall patient outcomes, as outlined as part of the State plan (under section 2617(b)) or through additional outcome measures.

''(e) ANNUAL REVIEW OF PROGRAMS; EVALUATIONS.—

''(1) REVIEW REGARDING ACCESS TO AND PARTICIPATION IN PROGRAMS.—With respect to a grant under subsection (a) for an entity for a fiscal year, the Secretary shall, not later than 180 days after the end of the fiscal year, provide for the conduct and completion of a review of the operation during the year of the program carried out under such subsection by the entity. The purpose of such review shall be the development of recommendations, as appropriate, for improvements in the following:

''(A) Procedures used by the entity to allocate opportunities and services under subsection (a) among patients of the entity who are women, infants, children, or youth.

''(B) Other procedures or policies of the entity regarding the participation of such individuals in such program.

''(2) EVALUATIONS.——The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of programs carried out pursuant to subsection (a).

''(f) ADMINISTRATIVE EXPENSES.—

''(1) LIMITATION.—A grantee may not use more than 10 percent of amounts received under a grant awarded under this section for administrative expenses.

''(2) CLINICAL QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a clinical quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV/AIDS and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

''(g) TRAINING AND TECHNICAL ASSISTANCE.—From the amounts appropriated under subsection (i) for a fiscal year, the Secretary may use not more than 5 percent to provide, directly or through contracts with public and private entities (which may include grantees under subsection (a)), training and technical assistance to assist applicants and grantees under subsection (a) in complying with the requirements of this section.

''(h) DEFINITIONS.—In this section:

''(1) ADMINISTRATIVE EXPENSES.—The term 'administrative expenses' means funds that are to be used by grantees for grant management and monitoring activities, including costs related to any staff or activity unrelated to services or indirect costs.

''(2) INDIRECT COSTS.—The term 'indirect costs' means costs included in a Federally negotiated indirect rate.

''(3) SERVICES.—The term 'services' means—

''(A) services that are provided to clients to meet the goals and objectives of the program under this section, including the provision of professional, diagnostic, and therapeutic services by a primary care provider or a referral to and provision of specialty care; and

''(B) services that sustain program activity and contribute to or help improve services under subparagraph (A).

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated, $71,800,000 for each of the fiscal years 2007 through 2009.''.

SEC. 402. GAO REPORT.

Not later than 24 months after the date of enactment of this Act, the Comptroller General of the Government Accountability Office shall conduct an evaluation, and submit to Congress a report, concerning the funding provided for under part D of title XXVI of the Public Health Service Act to determine—

(1) how funds are used to provide the administrative expenses, indirect costs, and services, as defined in section 2671(h) of such title, for individuals with HIV/AIDS;

(2) how funds are used to provide the administrative expenses, indirect costs, and services, as defined in section 2671(h) of such title, to family members of women, infants, children, and youth infected with HIV/AIDS;

(3) how funds are used to provide family-centered care involving outpatient or ambulatory care authorized under section 2671(a) of such title;

(4) how funds are used to provide additional services authorized under section 2671(b) of such title; and

(5) how funds are used to help identify HIV-positive pregnant women and their children who are exposed to HIV and connect them with care that can improve their health and prevent perinatal transmission.

TITLE V—GENERAL PROVISIONS

SEC. 501. GENERAL PROVISIONS.

Part E of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–80 et seq.) is amended to read as follows:

"PART E—GENERAL PROVISIONS

"SEC. 2681. COORDINATION.

''(a) REQUIREMENT.—The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and the Centers for Medicare & Medicaid Services coordinate the planning, funding, and implementation of Federal HIV programs (including all minority AIDS initiatives of the Public Health Service, including under section 2693) to enhance the continuity of care and prevention services for individuals with HIV/AIDS or those at risk of such disease. The Secretary shall consult with other Federal agencies, including the Department of Veterans Affairs, as needed and utilize planning information submitted to such agencies by the States and entities eligible for assistance under this title.

''(b) REPORT.—The Secretary shall biennially prepare and submit to the appropriate committees of the Congress a report concerning the coordination efforts at the Federal, State, and local levels described in this section, including a description of Federal barriers to HIV program integration and a strategy for eliminating such barriers and enhancing the continuity of care and prevention services for individuals with HIV/AIDS or those at risk of such disease.

''(c) INTEGRATION BY STATE.—As a condition of receipt of funds under this title, a State shall provide assurances to the Secretary that health support services funded under this title will be integrated with other such services, that programs will be coordinated with other available programs (including Medicaid), and that the continuity of care and prevention services of individuals with HIV/AIDS is enhanced.

''(d) INTEGRATION BY LOCAL OR PRIVATE ENTITIES.—As a condition of receipt of funds under this title, a local government or private nonprofit entity shall provide assurances to the Secretary that services funded under this title will be integrated with other such services, that programs will be coordinated with other available programs (including Medicaid), and that the continuity of care and prevention services of individuals with HIV is enhanced.

"SEC. 2682. AUDITS.

''(a) IN GENERAL.—For fiscal year 2009, and each subsequent fiscal year, the Secretary may reduce the amounts of grants under this title to a State or political subdivision of a State for a fiscal year if, with respect to such grants for the second preceding fiscal year, the State or subdivision fails to prepare audits in accordance with the procedures of section 7502 of title 31, United States Code. The Secretary shall annually select representative samples of such audits, prepare summaries of the selected audits, and submit the summaries to the Congress.

''(b) POSTING ON THE INTERNET.—All audits that the Secretary receives from the State lead agency under section 2617(b)(4) shall be posted, in their entirety, on the Internet website of the Health Resources and Services Administration.

"SEC. 2683. PUBLIC HEALTH EMERGENCY.

''(a) IN GENERAL.—In an emergency area and during an emergency period, the Secretary shall have the authority to waive such requirements of this title to improve the health and safety of those receiving care under this title and the general public, except that the Secretary may not expend more than 5 percent of the funds allocated under this title for sections 2620 and section 2603(b).

''(b) EMERGENCY AREA AND EMERGENCY PERIOD.—In this section:

''(1) EMERGENCY AREA.—The term 'emergency area' means a geographic area in which there exists—

''(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or

''(B) a public health emergency declared by the Secretary pursuant to section 319.

''(2) EMERGENCY PERIOD.—The term 'emergency period' means the period in which there exists—

''(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or

''(B) a public health emergency declared by the Secretary pursuant to section 319.

''(c) UNOBLIGATED FUNDS.—If funds under a grant under this section are not expended for an emergency in the fiscal year in which the emergency is declared, such funds shall be returned to the Secretary for reallocation under sections 2603(b) and 2620.

"SEC. 2684. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

''None of the funds appropriated under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.

"SEC. 2685. PRIVACY PROTECTIONS.

''(a) IN GENERAL.—The Secretary shall ensure that any information submitted to, or collected by, the Secretary under this title excludes any personally identifiable information.

''(b) DEFINITION.—In this section, the term 'personally identifiable information' has the meaning given such term under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"SEC. 2686. GAO REPORT.

''The Comptroller General of the Government Accountability Office shall biennially submit to the appropriate committees of Congress a report that includes a description of Federal, State, and local barriers to HIV program integration, particularly for racial and ethnic minorities, including activities carried out under subpart III of part F, and recommendations for enhancing the continuity of care and the provision of prevention services for individuals with HIV/AIDS or those at risk for such disease. Such report shall include a demonstration of the manner in which funds under this subpart are being expended and to what extent the services provided with such funds increase access to prevention and care services for individuals with HIV/AIDS and build stronger community linkages to address HIV prevention and care for racial and ethnic minority communities.

"SEC. 2687. SEVERITY OF NEED INDEX.

''(a) DEVELOPMENT OF INDEX.—Not later than September 30, 2008, the Secretary shall develop and submit to the appropriate committees of Congress a severity of need index in accordance with subsection (c).

''(b) DEFINITION OF SEVERITY OF NEED INDEX.—In this section, the term 'severity of need index' means the index of the relative needs of individuals within a State or area, as identified by a number of different factors, and is a factor or set of factors that is multiplied by the number of living HIV/AIDS cases in a State or area, providing different weights to those cases based on needs. Such factors or set of factors may be different for different components of the provisions under this title.

''(c) REQUIREMENTS FOR SECRETARIAL SUBMISSION.—When the Secretary submits to the appropriate committees of Congress the severity of need index under subsection (a), the Secretary shall provide the following:

''(1) Methodology for and rationale behind developing the severity of need index, including information related to the field testing of the severity of need index.

''(2) An independent contractor analysis of activities carried out under paragraph (1).

''(3) Information regarding the process by which the Secretary received community input regarding the application and development of the severity of need index.

''(d) ANNUAL REPORTS.—If the Secretary fails to submit the severity of need index under subsection (a) in either of fiscal years 2007 or 2008, the Secretary shall prepare and submit to the appropriate committees of Congress a report for such fiscal year—

''(1) that updates progress toward having client level data;

''(2) that updates the progress toward having a severity of need index, including information related to the methodology and process for obtaining community input; and

''(3) that, as applicable, states whether the Secretary could develop a severity of need index before fiscal year 2009.

"SEC. 2688. DEFINITIONS.

''For purposes of this title:

''(1) AIDS.—The term 'AIDS' means acquired immune deficiency syndrome.

''(2) CO-OCCURRING CONDITIONS.—The term 'co-occurring conditions' means one or more adverse health conditions in an individual with HIV/AIDS, without regard to whether the individual has AIDS and without regard to whether the conditions arise from HIV.

''(3) COUNSELING.—The term 'counseling' means such counseling provided by an individual trained to provide such counseling.

''(4) FAMILY-CENTERED CARE.—The term 'family-centered care' means the system of services described in this title that is targeted specifically to the special needs of infants, children, women and families. Family-centered care shall be based on a partnership between parents, professionals, and the community designed to ensure an integrated, coordinated, culturally sensitive, and community-based continuum of care for children, women, and families with HIV/AIDS.

''(5) FAMILIES WITH HIV/AIDS.—The term 'families with HIV/AIDS' means families in which one or more members have HIV/AIDS.

''(6) HIV.—The term 'HIV' means infection with the human immunodeficiency virus.

''(7) HIV/AIDS.—

''(A) IN GENERAL.—The term 'HIV/AIDS' means HIV, and includes AIDS and any condition arising from AIDS.

''(B) COUNTING OF CASES.—The term 'living cases of HIV/AIDS', with respect to the counting of cases in a geographic area during a period of time, means the sum of—

''(i) the number of living non-AIDS cases of HIV in the area; and

''(ii) the number of living cases of AIDS in the area.

''(C) NON-AIDS CASES.—The term 'non-AIDS', with respect to a case of HIV, means that the individual involved has HIV but does not have AIDS.

''(8) HUMAN IMMUNODEFICIENCY VIRUS.—The term 'human immunodeficiency virus' means the etiologic agent for AIDS.

''(9) OFFICIAL POVERTY LINE.—The term 'official poverty line' means the poverty line

established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

''(10) PERSON.—The term 'person' includes one or more individuals, governments (including the Federal Government and the governments of the States), governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, receivers, trustees, and trustees in cases under title 11, United States Code.

''(11) STATE.—

''(A) IN GENERAL.—The term 'State' means each of the 50 States, the District of Columbia, and each of the territories.

''(B) TERRITORIES.—The term 'territory' means each of American Samoa, Guam, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

''(12) YOUTH WITH HIV.—The term 'youth with HIV' means individuals who are 13 through 24 years old and who have HIV/AIDS.''.

TITLE VI—DEMONSTRATION AND TRAINING

SEC. 601. DEMONSTRATION AND TRAINING.

Subpart I of part F of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–101 et seq.) is amended to read as follows:

"Subpart I—Special Projects of National Significance

"SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE.

''(a) IN GENERAL.—Of the amount appropriated under each of parts A, B, C, and D for each fiscal year, the Secretary shall use the greater of $20,000,000 or an amount equal to 3 percent of such amount appropriated under each such part, but not to exceed $25,000,000, to administer special projects of national significance to—

''(1) quickly respond to emerging needs of individuals receiving assistance under this title; and

''(2) to fund special programs to develop a standard electronic client information data system to improve the ability of grantees under this title to report client-level data to the Secretary.

''(b) GRANTS.—The Secretary shall award grants under subsection (a) to entities eligible for funding under parts A, B, C, and D based on—

''(1) whether the funding will promote obtaining client level data as it relates to the creation of a severity of need index, including funds to facilitate the purchase and enhance the utilization of qualified health information technology systems;

''(2) demonstrated ability to create and maintain a qualified health information technology system;

''(3) the potential replicability of the proposed activity in other similar localities or nationally;

''(4) the demonstrated reliability of the proposed qualified health information technology system across a variety of providers, geographic regions, and clients; and

''(5) the demonstrated ability to maintain a safe and secure qualified health information system; or

''(6) newly emerging needs of individuals receiving assistance under this title.

''(c) COORDINATION.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the statewide coordinated statement of need, and the applicant agrees to participate in the ongoing revision process of such statement of need.

''(d) PRIVACY PROTECTION.—The Secretary may not make a grant under this section for the development of a qualified health information technology system unless the applicant provides assurances to the Secretary that the system will, at a minimum, comply with the privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(e) REPLICATION.—The Secretary shall make information concerning successful models or programs developed under this part available to grantees under this title for the purpose of coordination, replication, and integration. To facilitate efforts under this subsection, the Secretary may provide for peer-based technical assistance for grantees funded under this part.''.

SEC. 602. AIDS EDUCATION AND TRAINING CENTERS.

(a) AMENDMENTS REGARDING SCHOOLS AND CENTERS.—Section 2692(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–111(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''and Native Americans'' after ''minority individuals''; and

(B) by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) train or result in the training of health professionals and allied health professionals to provide treatment for hepatitis B or C co-infected individuals.''.

(b) AUTHORIZATIONS OF APPROPRIATIONS FOR SCHOOLS, CENTERS, AND DENTAL PROGRAMS.—Section 2692(c) of the Public Health Service Act (42 U.S.C. 300ff–-111(c)) is amended to read as follows:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) SCHOOLS; CENTERS.—For the purpose of awarding grants under subsection (a), there is authorized to be appropriated $34,700,000 for each of the fiscal years 2007 through 2009.

''(2) DENTAL SCHOOLS.—For the purpose of awarding grants under subsection (b), there is authorized to be appropriated $13,000,000 for each of the fiscal years 2007 through 2009.''.

SEC. 603. CODIFICATION OF MINORITY AIDS INITIATIVE.

Part F of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–101 et seq.) is amended by adding at the end the following:

"Subpart III—Minority AIDS Initiative

"SEC. 2693. MINORITY AIDS INITIATIVE.

''(a) IN GENERAL.—For the purpose of carrying out activities under this section to evaluate and address the disproportionate impact of HIV/AIDS on, and the disparities in access, treatment, care, and outcomes for, racial and ethnic minorities (including African Americans, Alaska Natives, Latinos, American Indians, Asian Americans, Native Hawaiians, and Pacific Islanders), there are authorized to be appropriated $131,200,000 for fiscal year 2007, $135,100,000 for fiscal year 2008, and $139,100,000 for fiscal year 2009.

''(b) CERTAIN ACTIVITIES.—

''(1) IN GENERAL.—In carrying out the purpose described in subsection (a), the Secretary shall provide for—

''(A) emergency assistance under part A;

''(B) care grants under part B;

''(C) early intervention services under part C;

''(D) services through projects for HIV-related care under part D; and

''(E) activities through education and training centers under section 2692.

''(2) ALLOCATIONS AMONG ACTIVITIES.—Activities under paragraph (1) shall be carried out by the Secretary in accordance with the following:

''(A) For competitive, supplemental grants to improve HIV-related health outcomes to reduce existing racial and ethnic health disparities, the Secretary shall, of the amount appropriated under subsection (a) for a fiscal year, reserve the following, as applicable:

''(i) For fiscal year 2007, $43,800,000.

''(ii) For fiscal year 2008, $45,400,000.

''(iii) For fiscal year 2009, $47,100,000.

''(B) For competitive grants used for supplemental support education and outreach services to increase the number of eligible racial and ethnic minorities who have access to treatment through the program under section 2616 for therapeutics, the Secretary shall, of the amount appropriated for a fiscal year under subsection (a), reserve the following, as applicable:

''(i) For fiscal year 2007, $7,000,000.

''(ii) For fiscal year 2008, $7,300,000.

''(iii) For fiscal year 2009, $7,500,000.

''(C) For planning grants, capacity-building grants, and services grants to health care providers who have a history of providing culturally and linguistically appropriate care and services to racial and ethnic minorities, the Secretary shall, of the amount appropriated for a fiscal year under subsection (a), reserve the following, as applicable:

''(i) For fiscal year 2007, $53,400,000.

''(ii) For fiscal year 2008, $55,400,000.

''(iii) For fiscal year 2009, $57,400,000.

''(D) For eliminating racial and ethnic disparities in the delivery of comprehensive, culturally and linguistically appropriate care services for HIV disease for women, infants, children, and youth, the Secretary shall, of the amount appropriated under subsection (a), reserve $18,500,000 for each of the fiscal years 2007 through 2009.

''(E) For increasing the training capacity of centers to expand the number of health care professionals with treatment expertise and knowledge about the most appropriate standards of HIV disease-related treatments and medical care for racial and ethnic minority adults, adolescents, and children with HIV disease, the Secretary shall, of the amount appropriated under subsection (a), reserve $8,500,000 for each of the fiscal years 2007 through 2009.

''(c) CONSISTENCY WITH PRIOR PROGRAM.—With respect to the purpose described in subsection (a), the Secretary shall carry out this section consistent with the activities carried out under this title by the Secretary pursuant to the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002 (Public Law 107–116).''.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. HEPATITIS; USE OF FUNDS.

Section 2667 of the Public Health Service Act (42 U.S.C. 300ff–67) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) shall provide information on the transmission and prevention of hepatitis A, B, and C, including education about the availability of hepatitis A and B vaccines and assisting patients in identifying vaccination sites.''.

SEC. 702. CERTAIN REFERENCES.

Title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) is amended—

(1) by striking ''acquired immune deficiency syndrome'' each place such term appears, other than in section 2687(1) (as added by section 501 of this Act), and inserting ''AIDS'';

(2) by striking ''such syndrome'' and inserting ''AIDS''; and

(3) by striking ''HIV disease'' each place such term appears and inserting ''HIV/AIDS''.

SEC. 703. REPEAL.

Effective on October 1, 2009, title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) is repealed.

SA 5213. Mr. FRIST (for Mr. INHOFE (for himself, Mr. CHAFEE, and Mr. JEFFORDS)) proposed an amendment to bill H.R. 4588, to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984; as follows:

On page 2, strike line 6 and insert the following:

''(B) the exploration of new ideas that—

''(i) address water problems; or

''(ii) expand understanding of water and water-related phenomena;

On page 3, line 24, strike ''and''.

On page 4, strike lines 1 and 2 and insert the following:

''(C) advances in water infrastructure and water quality improvements; and

''(D) methods for identifying, and determining the effectiveness of, treatment technologies and efficiencies.''.

On page 4, line 5, strike ''5'' and insert ''7.5''.

SA 5214. Mr. FRIST (for Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND and Mr. BAUCUS)) proposed an amendment to bill S. 2735, to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DAM SAFETY.

(a) SHORT TITLE.—This section may be cited as the ''Dam Safety Act of 2006''.

(b) NATIONAL DAM INVENTORY.—Section 6 of the National Dam Safety Program Act (33 U.S.C. 467d) is amended to read as follows:

''SEC. 6. NATIONAL DAM INVENTORY.

''The Secretary of the Army shall maintain and update information on the inventory of dams in the United States. Such inventory of dams shall include any available information assessing each dam based on inspections completed by either a Federal agency or a State dam safety agency.''.

(c) NATIONAL DAM SAFETY PROGRAM.—

(1) DUTIES.—Section 8(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467f(b)(1)) is amended by striking ''and target dates to'' and inserting ''performance measures, and target dates toward effectively administering this Act in order to''.

(2) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—Section 8(e)(2)(A) of the National Dam Safety Program Act (33 U.S.C. 467f(e)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''substantially'';

(B) by redesignating clauses (iv) through (x) as clauses (v) through (xi), respectively;

(C) by inserting after clause (iii) the following:

''(iv) the authority to require or perform periodic evaluations of all dams and reservoirs to determine the extent of the threat to human life and property in case of failure;''; and

(D) in clause (vii) (as redesignated by subparagraph (B)), by inserting ''install and monitor instrumentation,'' after ''remedial work,''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by striking ''$6,000,000 for each of fiscal years 2003 through 2006'' and inserting ''$6,500,000 for fiscal year 2007, $7,100,000 for fiscal year 2008, $7,600,000 for fiscal year 2009, $8,300,000 for fiscal year 2010, and $9,200,000 for fiscal year 2011'';

(2) in subsection (b), by striking ''$500,000 for each fiscal year'' and inserting ''$650,000 for fiscal year 2007, $700,000 for fiscal year 2008, $750,000 for fiscal year 2009, $800,000 for fiscal year 2010, and $850,000 for fiscal year 2011'';

(3) in subsection (c), by striking ''$1,500,000 for each of fiscal years 2003 through 2006'' and inserting ''$1,600,000 for fiscal year 2007, $1,700,000 for fiscal year 2008, $1,800,000 for fiscal year 2009, $1,900,000 for fiscal year 2010, and $2,000,000 for fiscal year 2011'';

(4) in subsection (d), by striking ''$500,000 for each of fiscal years 2003 through 2006'' and inserting ''$550,000 for fiscal year 2007, $600,000 for fiscal year 2008, $650,000 for fiscal year 2009, $700,000 for fiscal year 2010, and $750,000 for fiscal year 2011''; and

(5) in subsection (e), by striking ''$600,000 for each of fiscal years 2003 through 2006'' and inserting ''$700,000 for fiscal year 2007, $800,000 for fiscal year 2008, $900,000 for fiscal year 2009, $1,000,000 for fiscal year 2010, and $1,100,000 for fiscal year 2011''.

SA 5215. Mr. FRIST proposed an amendment to the concurrent resolution H. Con. Res. 430, recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary; as follows:

On page 3, in the third whereas clause, strike ''during the hostilities'' and insert ''following the massacre''.

SA 5216. Mr. FRIST (for Mr. AKAKA) proposed an amendment to the bill S. 1876, to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code; as follows:

In section 1, strike subsection (a) and insert the following:

(a) IN GENERAL.—Attorneys employed by the Department of Justice (including assistant United States attorneys) shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code, without regard to any provision of section 115 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106-113 and reenacted by section 111 of the Department of Justice Appropriations Act, 2001 (as enacted into law by appendix B of Public Law 106-553)).

SA 5217. Mr. FRIST (for Mr. SPECTER (for himself, Mr. LEAHY, Mr. REID, Mr. CORNYN, and Mr. DURBIN)) proposed an amendment to the bill H.R. 1751, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Court Security Improvement Act of 2006''.

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

''The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

SEC. 102. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting ''or a family member of that individual'' after ''that individual''; and

(2) in subparagraph (B)(i), by inserting ''or a family member of that individual'' after ''the report''.

SEC. 103. FINANCIAL DISCLOSURE REPORTS.

(a) EXTENSION OF AUTHORITY.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking ''2005'' each place that term appears and inserting ''2009''.

(b) REPORT CONTENTS.—Section 105(b)(3)(C) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(iv) the nature or type of information redacted;

''(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

''(vi) principles used to guide implementation of redaction authority; and

''(vii) any public complaints received in regards to redaction.''.

SEC. 104. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking ''and the Court of International Trade'' and inserting '', the Court of International Trade, and any other court, as provided by law''.

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting ''and may otherwise provide for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened person in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.''.

SEC. 105. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2006 through 2010 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and assistant United States attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

''Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.''.

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 118. Protection of individuals performing certain official duties

''(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available—

''(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official; or

''(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official,

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) DEFINITIONS.—In this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

''(2) the term 'covered official' means—

''(A) an individual designated in section 1114; or

''(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

''(3) the term 'crime of violence' has the meaning given the term in section 16; and

''(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''118. Protection of individuals performing certain official duties.''.

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.''.

SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) so that subparagraph (A) of subsection (a)(3) reads as follows:

''(A) in the case of a killing, the punishment provided in sections 1111 and 1112;'';

(2) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking ''20 years'' and inserting ''30 years''; and

(B) in subparagraph (C), by striking ''10 years'' and inserting ''20 years'';

(3) in subsection (b), by striking ''ten years'' and inserting ''20 years''; and

(4) in subsection (d), by striking ''one year'' and inserting ''3 years''.

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after ''probation''; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking ''20 years'' and inserting ''30 years'';

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after ''probation''; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking ''ten years'' and inserting ''20 years''; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking ''ten years'' and inserting ''20 years''; and

(2) by striking ''six years'' and inserting ''10 years''.

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.''.

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) grants to State courts to improve security for State and local court systems.''; and

(2) in subsection (b), by inserting after the period the following:

''Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.''.

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(1) striking ''80'' and inserting ''70'';

(2) striking ''and 10'' and inserting ''10''; and

(3) inserting before the period the following: '', and 10 percent for section 515(a)(4)''.

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting ''and State and local court officers'' after ''tribal law enforcement officers''; and

(2) in subsection (b), by inserting ''State or local court,'' after ''government,''.

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

(a) IN GENERAL.—Section 926B of title 18, United States Code, is amended by adding at the end the following:

''(f) For purposes of this section, a law enforcement officer of the Amtrak Police Department or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.''.

(b) RETIRED LAW ENFORCEMENT OFFICERS.—Section 926C of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3)(A), by striking ''was regularly employed as a law enforcement officer for an aggregate of 15 years or more'' and inserting ''served as a law enforcement officer for an aggregate of 10 years or more'';

(B) by striking paragraphs (4) and (5) and inserting the following:

''(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers as set by the officer's former agency, the State in which the officer resides or a law enforcement agency within the State in which the officer resides;''; and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively;

(2) in subsection (d)—

(A) in paragraph (1), by striking ''to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or'' and inserting ''to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm or''; and

(B) in paragraph (2)(B), by striking ''otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.'' and inserting ''otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

''(i) the active duty standards for qualification in firearms training as established by the State to carry a firearm of the same type as the concealed firearm; or

''(ii) if the State has not established such standards, standards set by a law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.''; and

(3) by adding at the end the following:

''(f) In this section, the term 'service with a public agency as a law enforcement officer' includes service as a law enforcement officer of the Amtrak Police Department or as a law enforcement or police officer of the executive branch of the Federal Government.''.

SEC. 402. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) CONTENTS.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy .

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

SEC. 403. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF QUALIFIED ACTIVE AND RETIRED LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall begin a study of the number of active and retired law enforcement officers carrying concealed firearms pursuant to sections 926B and 926C of title 18, United States Code.

(b) CONTENTS.—The study shall determine and analyze the following:

(1) The number of qualified law enforcement officers in each State or any political subdivision thereof carrying a concealed firearm under section 926B of title 18, United States Code.

(2) The number of qualified retired law enforcement officers in each State or any political subdivision thereof carrying a concealed firearm under section 926C of title 18, United States Code.

(3) The number of qualified retired law enforcement officers with less than 15 years of service carrying a concealed firearm.

(4) The number of qualified retired law enforcement officers obtaining certification from a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met the active duty standards for qualification in firearms training as established by the State or, if the State has not established such standards, standards set by a law enforcement agency for training and qualification for active duty law enforcement officers within that State, to carry a firearm of the same type as the concealed firearm. The report shall also include detailed information on the differences between the certification requirements set forth by each State and each law enforcement agency within that State authorized to issue certifications for concealed weapons under sections 926B and 926C of title 18, United States Code.

(5) A detailed analysis and comparison of the criteria used in each State or any political subdivision thereof to determine whether an individual is qualified to carry a concealed weapon under section 926C(c)(5) of title 18, United States Code.

(c) OPPORTUNITY FOR PUBLIC COMMENT.—The Comptroller General shall provide an opportunity for public comment on the proposed scope and methodology for the report required by subsections (a) and (b), making such modifications in response to such comments as he deems appropriate.

(d) REPORT.—Not later than 15 months after the date of the enactment of this Act, the Comptroller General shall complete the study under this section and submit a report to the Committees on the Judiciary the Senate and the Committee on the Judiciary of the House of Representatives regarding the findings of the study.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

''(f) The Commission may—

''(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year

and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

''(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

''(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).''.

(b) SUNSET.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after ''hold office during good behavior,'' the following: ''bankruptcy judges appointed under section 152 of this title, magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: ''However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrates, rulemaking, governance, and administrative matters.''.

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGITRATES.

Section 631(a) of title 28, United States Code, is amended by striking ''Northern Mariana Islands'' the first place it appears and inserting ''Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)''.

SEC. 505. REAUTHORIZATION OF THE ETHICS IN GOVERNMENT ACT.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''2006'' and inserting ''2011''.

SEC. 506. ELDERLY NONVIOLENT OFFENDER PILOT PROGRAM.

(a) PROGRAM ESTABLISHED.—

(1) IN GENERAL.—Notwithstanding section 3624 of title 18, United States Code, or any other provision of law, the Director of the Bureau of Prisons shall conduct a pilot program to determine the effectiveness of removing each eligible elderly offender from a Bureau of Prison facility and placing such offender on home detention until the date on which the term of imprisonment to which the offender was sentenced expires.

(2) TIMING OF PLACEMENT IN HOME DETENTION.—

(A) IN GENERAL.—In carrying out the pilot program under paragraph (1), the Director of the Bureau of Prisons shall—

(i) in the case of an offender who is determined to be an eligible elderly offender on or before the date specified in subparagraph (B), place such offender on home detention not later than 180 days after the date of the enactment of this Act; and

(ii) in the case of an offender who is determined to be an eligible elderly offender after the date specified in subparagraph (B) and before the date that is 3 years and 91 days after the date of the enactment of this Act, place such offender on home detention not later than 90 days after the date of such determination.

(B) DATE SPECIFIED.—For purposes of subparagraph (A), the date specified in this subparagraph is the date that is 90 days after the date of the enactment of this Act.

(3) VIOLATION OF TERMS OF HOME DETENTION.—A violation by an eligible elderly offender of the terms of the home detention involved, including the commission of another Federal, State, or local crime, shall result in the removal of the offender from home detention and the return of the offender to the form of custody in which the offender was imprisoned immediately before placement on home detention under paragraph (1).

(b) SCOPE OF PILOT PROGRAM.—

(1) PARTICIPATING DESIGNATED FACILITIES.—The pilot program under subsection (a) shall be conducted through at least 1 Federal facility designated by the Director of the Bureau of Prisons as appropriate for the pilot program.

(2) DURATION.—The pilot program shall be conducted during each of fiscal years 2007 and 2008.

(c) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Director of the Bureau of Prisons shall contract with an independent organization to monitor and evaluate the progress of each eligible elderly offender placed on home detention under subsection (a)(1) for the period such offender is on home detention during the duration described in subsection (b)(2).

(2) ANNUAL REPORT.—The organization described in paragraph (1) shall annually submit to the Director and to Congress a report on the pilot program under subsection (a)(1), which shall include—

(A) an evaluation of the effectiveness of the pilot program in providing a successful transition to eligible elderly offenders from incarceration to the community, including data relating to the recidivism rates for those offenders; and

(B) the cost savings to the Federal Government resulting from the early removal of such offenders from incarceration.

(3) PROGRAM ADJUSTMENTS.—Upon review of the report submitted under paragraph (2), the Director shall submit recommendations to Congress for adjustments to the pilot program, including, its expansion to additional facilities.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ELDERLY OFFENDER.—The term ''eligible elderly offender'' means an offender in the custody of the Bureau of Prisons who—

(A) is not less than 60 years of age;

(B) is serving a term of imprisonment after conviction for an offense other than a crime of violence and has served the greater of 10 years or ½ of the term of imprisonment;

(C) has not been convicted in the past of any Federal or State crime of violence;

(D) has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence;

(E) has not escaped, or attempted to escape, from the Bureau of Prisons facility; and

(F) has not been determined by the Director, pursuant to the disciplinary system of the Bureau of Prisons, to have committed an infraction involving an act of violence.

(2) HOME DETENTION.—The term ''home detention'' has the same meaning given the term in the Federal Sentencing Guidelines, and includes detention in a nursing home or other residential long-term care facility.

(3) TERM OF IMPRISONMENT.—The term ''term of imprisonment'' includes multiple terms of imprisonment ordered to run consecutively or concurrently, which shall be treated as a single, aggregate term of imprisonment for purposes of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 and 2008.

SA 5218. Mr. FRIST (for Mr. STEVENS) proposed an amendment to the bill S. 2653, to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas; as follows:

At the appropriate place, insert the following:

SEC. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS.

Pursuant to section 3006 of Public Law 109–171 (47 U.S.C. 309 note), the Assistant Secretary for Communications and Information of the Department of Commerce, in consultation with the Secretary of the Department of Homeland Security, shall award no less than $1,000,000,000 for public safety interoperable communications grants no later than September 30, 2007 subject to the receipt of qualified applications as determined by the Assistant Secretary.

SA 5219. Mr. FRIST (for Mr. ENZI) proposed an amendment to the bill H.R. 864, to provide for programs and activities with respect to the prevention of underage drinking; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sober Truth on Preventing Underage Drinking Act'' or the ''STOP Act''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 519B of the Public Health Service Act (42 U.S.C. 290bb-25b) is amended by striking subsections (a) through (f) and inserting the following:

''(a) DEFINITIONS.—For purposes of this section:

''(1) The term 'alcohol beverage industry' means the brewers, vintners, distillers, importers, distributors, and retail or online outlets that sell or serve beer, wine, and distilled spirits.

''(2) The term 'school-based prevention' means programs, which are institutionalized, and run by staff members or school-designated persons or organizations in any grade of school, kindergarten through 12th grade.

''(3) The term 'youth' means persons under the age of 21.

''(4) The term 'IOM report' means the report released in September 2003 by the National Research Council, Institute of Medicine, and entitled 'Reducing Underage Drinking: A Collective Responsibility'.

''(b) SENSE OF CONGRESS.—It is the sense of the Congress that:

''(1) A multi-faceted effort is needed to more successfully address the problem of underage drinking in the United States. A coordinated approach to prevention, intervention, treatment, enforcement, and research is key to making progress. This Act recognizes the need for a focused national effort, and addresses particulars of the Federal portion of that effort, as well as Federal support for State activities.

''(2) The Secretary of Health and Human Services shall continue to conduct research and collect data on the short and long-range impact of alcohol use and abuse upon adolescent brain development and other organ systems.

''(3) States and communities, including colleges and universities, are encouraged to adopt comprehensive prevention approaches, including—

''(A) evidence-based screening, programs and curricula;

''(B) brief intervention strategies;

''(C) consistent policy enforcement; and

''(D) environmental changes that limit underage access to alcohol.

''(4) Public health groups, consumer groups, and the alcohol beverage industry should continue and expand evidence-based efforts to prevent and reduce underage drinking.

''(5) The entertainment industries have a powerful impact on youth, and they should use rating systems and marketing codes to reduce the likelihood that underage audiences will be exposed to movies, recordings, or television programs with unsuitable alcohol content.

''(6) The National Collegiate Athletic Association, its member colleges and universities, and athletic conferences should affirm a commitment to a policy of discouraging alcohol use among underage students and other young fans.

''(7) Alcohol is a unique product and should be regulated differently than other products by the States and Federal Government. States have primary authority to regulate alcohol distribution and sale, and the Federal Government should support and supplement these State efforts. States also have a responsibility to fight youth access to alcohol and reduce underage drinking. Continued State regulation and licensing of the manufacture, importation, sale, distribution, transportation and storage of alcoholic beverages are clearly in the public interest and are critical to promoting responsible consumption, preventing illegal access to alcohol by persons under 21 years of age from commercial and non-commercial sources, maintaining industry integrity and an orderly marketplace, and furthering effective State tax collection.

''(c) INTERAGENCY COORDINATING COMMITTEE; ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES.—

''(1) INTERAGENCY COORDINATING COMMITTEE ON THE PREVENTION OF UNDERAGE DRINKING.—

''(A) IN GENERAL.—The Secretary, in collaboration with the Federal officials specified in subparagraph (B), shall formally establish and enhance the efforts of the interagency coordinating committee, that began operating in 2004, focusing on underage drinking (referred to in this subsection as the 'Committee').

''(B) OTHER AGENCIES.—The officials referred to in paragraph (1) are the Secretary of Education, the Attorney General, the Secretary of Transportation, the Secretary of the Treasury, the Secretary of Defense, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Director of the National Institute on Alcohol Abuse and Alcoholism, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the National Institute on Drug Abuse, the Assistant Secretary for Children and Families, the Director of the Office of National Drug Control Policy, the Administrator of the National Highway Traffic Safety Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Chairman of the Federal Trade Commission, and such other Federal officials as the Secretary of Health and Human Services determines to be appropriate.

''(C) CHAIR.—The Secretary of Health and Human Services shall serve as the chair of the Committee.

''(D) DUTIES.—The Committee shall guide policy and program development across the Federal Government with respect to underage drinking, provided, however, that nothing in this section shall be construed as transferring regulatory or program authority from an Agency to the Coordinating Committee.

''(E) CONSULTATIONS.—The Committee shall actively seek the input of and shall consult with all appropriate and interested parties, including States, public health research and interest groups, foundations, and alcohol beverage industry trade associations and companies.

''(F) ANNUAL REPORT.—

''(i) IN GENERAL.—The Secretary, on behalf of the Committee, shall annually submit to the Congress a report that summarizes—

''(I) all programs and policies of Federal agencies designed to prevent and reduce underage drinking;

''(II) the extent of progress in preventing and reducing underage drinking nationally;

''(III) data that the Secretary shall collect with respect to the information specified in clause (ii); and

''(IV) such other information regarding underage drinking as the Secretary determines to be appropriate.

''(ii) CERTAIN INFORMATION.—The report under clause (i) shall include information on the following:

''(I) Patterns and consequences of underage drinking as reported in research and surveys such as, but not limited to Monitoring the Future, Youth Risk Behavior Surveillance System, the National Survey on Drug Use and Health, and the Fatality Analysis Reporting System.

''(II) Measures of the availability of alcohol from commercial and non-commercial sources to underage populations.

''(III) Measures of the exposure of underage populations to messages regarding alcohol in advertising and the entertainment media as reported by the Federal Trade Commission.

''(IV) Surveillance data, including information on the onset and prevalence of underage drinking, consumption patterns and the means of underage access. The Secretary shall develop a plan to improve the collection, measurement and consistency of reporting Federal underage alcohol data.

''(V) Any additional findings resulting from research conducted or supported under subsection (f).

''(VI) Evidence-based best practices to prevent and reduce underage drinking and provide treatment services to those youth who need them.

''(2) ANNUAL REPORT ON STATE UNDERAGE DRINKING PREVENTION AND ENFORCEMENT ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall, with input and collaboration from other appropriate Federal agencies, States, Indian tribes, territories, and public health, consumer, and alcohol beverage industry groups, annually issue a report on each State's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

''(B) STATE PERFORMANCE MEASURES.—

''(i) IN GENERAL.—The Secretary shall develop, in consultation with the Committee, a set of measures to be used in preparing the report on best practices.

''(ii) CATEGORIES.—In developing these measures, the Secretary shall consider categories including, but not limited to:

''(I) Whether or not the State has comprehensive anti-underage drinking laws such as for the illegal sale, purchase, attempt to purchase, consumption, or possession of alcohol; illegal use of fraudulent ID; illegal furnishing or obtaining of alcohol for an individual under 21 years; the degree of strictness of the penalties for such offenses; and the prevalence of the enforcement of each of these infractions.

''(II) Whether or not the State has comprehensive liability statutes pertaining to underage access to alcohol such as dram shop, social host, and house party laws, and the prevalence of enforcement of each of these laws.

''(III) Whether or not the State encourages and conducts comprehensive enforcement efforts to prevent underage access to alcohol at retail outlets, such as random compliance checks and shoulder tap programs, and the number of compliance checks within alcohol retail outlets measured against the number of total alcohol retail outlets in each State, and the result of such checks.

''(IV) Whether or not the State encourages training on the proper selling and serving of alcohol for all sellers and servers of alcohol as a condition of employment.

''(V) Whether or not the State has policies and regulations with regard to direct sales to consumers and home delivery of alcoholic beverages.

''(VI) Whether or not the State has programs or laws to deter adults from purchasing alcohol for minors; and the number of adults targeted by these programs.

''(VII) Whether or not the State has programs targeted to youths, parents, and caregivers to deter underage drinking; and the number of individuals served by these programs.

''(VIII) Whether or not the State has enacted graduated drivers licenses and the extent of those provisions.

''(IX) The amount that the State invests, per youth capita, on the prevention of underage drinking, further broken down by the amount spent on—

''(aa) compliance check programs in retail outlets, including providing technology to prevent and detect the use of false identification by minors to make alcohol purchases;

''(bb) checkpoints and saturation patrols that include the goal of reducing and deterring underage drinking;

''(cc) community-based, school-based, and higher-education-based programs to prevent underage drinking;

''(dd) underage drinking prevention programs that target youth within the juvenile justice and child welfare systems; and

''(ee) other State efforts or programs as deemed appropriate.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $1,000,000 for fiscal year 2007, and $1,000,000 for each of the fiscal years 2008 through 2010.

''(d) NATIONAL MEDIA CAMPAIGN TO PREVENT UNDERAGE DRINKING.—

''(1) SCOPE OF THE CAMPAIGN.—The Secretary shall continue to fund and oversee the production, broadcasting, and evaluation of the national adult-oriented media public service campaign if the Secretary determines that such campaign is effective in achieving the media campaign's measurable objectives.

''(2) REPORT.—The Secretary shall provide a report to the Congress annually detailing the production, broadcasting, and evaluation of the campaign referred to in paragraph (1), and to detail in the report the effectiveness of the campaign in reducing underage drinking, the need for and likely effectiveness of an expanded adult-oriented media campaign, and the feasibility and the likely effectiveness of a national youth-focused media campaign to combat underage drinking.

''(3) CONSULTATION REQUIREMENT.—In carrying out the media campaign, the Secretary shall direct the entity carrying out the national adult-oriented media public service campaign to consult with interested parties including both the alcohol beverage industry and public health and consumer groups. The progress of this consultative process is to be covered in the report under paragraph (2).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $1,000,000 for fiscal year 2007 and $1,000,000 for each of the fiscal years 2008 through 2010.

''(e) INTERVENTIONS.—

''(1) COMMUNITY-BASED COALITION ENHANCEMENT GRANTS TO PREVENT UNDERAGE DRINKING.—

''(A) AUTHORIZATION OF PROGRAM.—The Administrator of the Substance Abuse and Mental Health Services Administration, in consultation with the Director of the Office of National Drug Control Policy, shall award, if the Administrator determines that the Department of Health and Human Services is not currently conducting activities that duplicate activities of the type described in this subsection, 'enhancement grants' to eligible entities to design, test, evaluate and disseminate effective strategies to maximize the effectiveness of community-wide approaches to preventing and reducing underage drinking. This subsection is subject to the availability of appropriations.

''(B) PURPOSES.—The purposes of this paragraph are to—

''(i) prevent and reduce alcohol use among youth in communities throughout the United States;

''(ii) strengthen collaboration among communities, the Federal Government, and State, local, and tribal governments;

''(iii) enhance intergovernmental cooperation and coordination on the issue of alcohol use among youth;

''(iv) serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community that first demonstrates a long-term commitment to reducing alcohol use among youth;

''(v) disseminate to communities timely information regarding state-of-the-art practices and initiatives that have proven to be effective in preventing and reducing alcohol use among youth; and

''(vi) enhance, not supplant, effective local community initiatives for preventing and reducing alcohol use among youth.

''(C) APPLICATION.—An eligible entity desiring an enhancement grant under this paragraph shall submit an application to the Administrator at such time, and in such manner, and accompanied by such information as the Administrator may require. Each application shall include—

''(i) a complete description of the entity's current underage alcohol use prevention initiatives and how the grant will appropriately enhance the focus on underage drinking issues; or

''(ii) a complete description of the entity's current initiatives, and how it will use this grant to enhance those initiatives by adding a focus on underage drinking prevention.

''(D) USES OF FUNDS.—Each eligible entity that receives a grant under this paragraph shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to subparagraph (C). Grants under this paragraph shall not exceed $50,000 per year and may not exceed four years.

''(E) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this paragraph shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this paragraph.

''(F) EVALUATION.—Grants under this paragraph shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures imposed on recipients of drug free community grants.

''(G) DEFINITIONS.—For purposes of this paragraph, the term 'eligible entity' means an organization that is currently receiving or has received grant funds under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.).

''(H) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of a grant under this paragraph may be expended for administrative expenses.

''(I) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $5,000,000 for fiscal year 2007, and $5,000,000 for each of the fiscal years 2008 through 2010.

''(2) GRANTS DIRECTED AT PREVENTING AND REDUCING ALCOHOL ABUSE AT INSTITUTIONS OF HIGHER EDUCATION.—

''(A) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants to eligible entities to enable the entities to prevent and reduce the rate of underage alcohol consumption including binge drinking among students at institutions of higher education.

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

''(i) a description of how the eligible entity will work to enhance an existing, or where none exists to build a, statewide coalition;

''(ii) a description of how the eligible entity will target underage students in the State;

''(iii) a description of how the eligible entity intends to ensure that the statewide coalition is actually implementing the purpose of this section and moving toward indicators described in subparagraph (D);

''(iv) a list of the members of the statewide coalition or interested parties involved in the work of the eligible entity;

''(v) a description of how the eligible entity intends to work with State agencies on substance abuse prevention and education;

''(vi) the anticipated impact of funds provided under this paragraph in preventing and reducing the rates of underage alcohol use;

''(vii) outreach strategies, including ways in which the eligible entity proposes to—

''(I) reach out to students and community stakeholders;

''(II) promote the purpose of this paragraph;

''(III) address the range of needs of the students and the surrounding communities; and

''(IV) address community norms for underage students regarding alcohol use; and

''(viii) such additional information as required by the Secretary.

''(C) USES OF FUNDS.—Each eligible entity that receives a grant under this paragraph shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to subparagraph (B).

''(D) ACCOUNTABILITY.—On the date on which the Secretary first publishes a notice in the Federal Register soliciting applications for grants under this paragraph, the Secretary shall include in the notice achievement indicators for the program authorized under this paragraph. The achievement indicators shall be designed—

''(i) to measure the impact that the statewide coalitions assisted under this paragraph are having on the institutions of higher education and the surrounding communities, including changes in the number of incidents of any kind in which students have abused alcohol or consumed alcohol while under the age of 21 (including violations, physical assaults, sexual assaults, reports of intimidation, disruptions of school functions, disruptions of student studies, mental health referrals, illnesses, or deaths);

''(ii) to measure the quality and accessibility of the programs or information offered by the eligible entity; and

''(iii) to provide such other measures of program impact as the Secretary determines appropriate.

''(E) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this paragraph shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this paragraph.

''(F) DEFINITIONS.—For purposes of this paragraph:

''(i) ELIGIBLE ENTITY.—The term 'eligible entity' means a State, institution of higher education, or nonprofit entity.

''(ii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(iii) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(iv) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(v) STATEWIDE COALITION.—The term 'statewide coalition' means a coalition that—

''(I) includes, but is not limited to—

''(aa) institutions of higher education within a State; and

''(bb) a nonprofit group, a community underage drinking prevention coalition, or another substance abuse prevention group within a State; and

''(II) works toward lowering the alcohol abuse rate by targeting underage students at institutions of higher education throughout the State and in the surrounding communities.

''(vi) SURROUNDING COMMUNITY.—The term 'surrounding community' means the community—

''(I) that surrounds an institution of higher education participating in a statewide coalition;

''(II) where the students from the institution of higher education take part in the community; and

''(III) where students from the institution of higher education live in off-campus housing.

''(G) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of a grant under this paragraph may be expended for administrative expenses.

''(H) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $5,000,000 for fiscal year 2007, and $5,000,000 for each of the fiscal years 2008 through 2010.

''(f) ADDITIONAL RESEARCH.—

''(1) ADDITIONAL RESEARCH ON UNDERAGE DRINKING.—

''(A) IN GENERAL.—The Secretary shall, subject to the availability of appropriations,

collect data, and conduct or support research that is not duplicative of research currently being conducted or supported by the Department of Health and Human Services, on underage drinking, with respect to the following:

''(i) Comprehensive community-based programs or strategies and statewide systems to prevent and reduce underage drinking, across the underage years from early childhood to age 21, including programs funded and implemented by government entities, public health interest groups and foundations, and alcohol beverage companies and trade associations.

''(ii) Annually obtain and report more precise information than is currently collected on the scope of the underage drinking problem and patterns of underage alcohol consumption, including improved knowledge about the problem and progress in preventing, reducing and treating underage drinking; as well as information on the rate of exposure of youth to advertising and other media messages encouraging and discouraging alcohol consumption.

''(iii) Compiling information on the involvement of alcohol in unnatural deaths of persons ages 12 to 20 in the United States, including suicides, homicides, and unintentional injuries such as falls, drownings, burns, poisonings, and motor vehicle crash deaths.

''(B) CERTAIN MATTERS.—The Secretary shall carry out activities toward the following objectives with respect to underage drinking:

''(i) Obtaining new epidemiological data within the national or targeted surveys that identify alcohol use and attitudes about alcohol use during pre- and early adolescence, including harm caused to self or others as a result of adolescent alcohol use such as violence, date rape, risky sexual behavior, and prenatal alcohol exposure.

''(ii) Developing or identifying successful clinical treatments for youth with alcohol problems.

''(C) PEER REVIEW.—Research under subparagraph (A) shall meet current Federal standards for scientific peer review.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $6,000,000 for fiscal year 2007, and $6,000,000 for each of the fiscal years 2008 through 2010.''.

SA 5220. Mr. FRIST (for Mr. STEVENS) proposed an amendment to the bill H.R. 4075, to amend the Marine Mammal Protection Act of 1972 to provide for better understanding and protection of marine mammals, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States-Russia Polar Bear Conservation and Management Act of 2006''.

SEC. 2. AMENDMENT OF MARINE MAMMAL PROTECTION ACT OF 1972.

(a) IN GENERAL.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end thereof the following:

''TITLE V—POLAR BEARS

''SEC. 501. DEFINITIONS.

''In this title:

''(1) AGREEMENT.—The term ''Agreement'' means the Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population, signed at Washington, D.C., on October 16, 2000.

''(2) ALASKA NANUUQ COMMISSION.—The term ''Alaska Nanuuq Commission'' means the Alaska Native entity, in existence on the date of enactment of the United States-Russia Polar Bear Conservation and Management Act of 2006, that represents all villages in the State of Alaska that engage in the annual subsistence taking of polar bears from the Alaska-Chukotka population and any successor entity.

''(3) IMPORT.—The term ''import'' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, without regard to whether the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

''(4) POLAR BEAR PART OR PRODUCT.—The term ''part or product of a polar bear'' means any polar bear part or product, including the gall bile and gall bladder.

''(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

''(6) TAKING.—The term ''taking'' has the meaning given the term in the Agreement.

''(7) COMMISSION.—The term ''Commission'' means the commission established under article 8 of the Agreement.

''SEC. 502. PROHIBITIONS.

''(a) IN GENERAL.—It is unlawful for any person who is subject to the jurisdiction of the United States or any person in waters or on lands under the jurisdiction of the United States—

''(1) to take any polar bear in violation of the Agreement;

''(2) to take any polar bear in violation of the Agreement or any annual taking limit or other restriction on the taking of polar bears that is adopted by the Commission pursuant to the Agreement;

''(3) to import, export, possess, transport, sell, receive, acquire, or purchase, exchange, barter, or offer to sell, purchase, exchange, or barter any polar bear, or any part or product of a polar bear, that is taken in violation of paragraph (2);

''(4) to import, export, sell, purchase, exchange, barter, or offer to sell, purchase, exchange, or barter, any polar bear gall bile or polar bear gall bladder;

''(5) to attempt to commit, solicit another person to commit, or cause to be committed, any offense under this subsection; or

''(6) to violate any regulation promulgated by the Secretary to implement any of the prohibitions established in this subsection.

''(b) EXCEPTIONS.—For the purpose of forensic testing or any other law enforcement purpose, the Secretary, and Federal law enforcement officials, and any State or local law enforcement official authorized by the Secretary, may import a polar bear or any part or product of a polar bear.

''SEC. 503. ADMINISTRATION.

''(a) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall do all things necessary and appropriate, including the promulgation of regulations, to implement, enforce, and administer the provisions of the Agreement on behalf of the United States. The Secretary shall consult with the Secretary of State and the Alaska Nanuuq Commission on matters involving the implementation of the Agreement.

''(b) UTILIZATION OF OTHER GOVERNMENT RESOURCES AND AUTHORITIES.—

''(1) OTHER GOVERNMENT RESOURCES.—The Secretary may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency, any State agency, or the Alaska Nanuuq Commission for purposes of carrying out this title or the Agreement.

''(2) OTHER POWERS AND AUTHORITIES.—Any person authorized by the Secretary under this subsection to enforce this title or the Agreement shall have the authorities that are enumerated in section 6(b) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(b)).

''(c) ENSURING COMPLIANCE.—

''(1) TITLE I AUTHORITIES.—The Secretary may use authorities granted under title I for enforcement, imposition of penalties, and the seizure of cargo for violations under this title, provided that any polar bear or any part or product of a polar bear taken, imported, exported, possessed, transported, sold, received, acquired, purchased, exchanged, or bartered, or offered for sale, purchase, exchange, or barter in violation of this title, shall be subject to seizure and forfeiture to the United States without any showing that may be required for assessment of a civil penalty or for criminal prosecution under this Act.

''(2) ADDITIONAL AUTHORITIES.—Any gun, trap, net, or other equipment used, and any vessel, aircraft, or other means of transportation used, to aid in the violation or attempted violation of this title shall be subject to seizure and forfeiture under section 106.

''(d) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to carry out this title and the Agreement.

''(2) ORDINANCES AND REGULATIONS.—If necessary to carry out this title and the Agreement, and to improve compliance with any annual taking limit or other restriction on taking adopted by the Commission and implemented by the Secretary in accordance with this title, the Secretary may promulgate regulations that adopt any ordinance or regulation that restricts the taking of polar bears for subsistence purposes if the ordinance or regulation has been promulgated by the Alaska Nanuuq Commission.

''SEC. 504. COOPERATIVE MANAGEMENT AGREEMENT; AUTHORITY TO DELEGATE ENFORCEMENT AUTHORITY.

''(a) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, may share authority under this title for the management of the taking of polar bears for subsistence purposes with the Alaska Nanuuq Commission if such commission is eligible under subsection (b).

''(b) DELEGATION.—To be eligible for the management authority described in subsection (a), the Alaska Nanuuq Commission shall—

''(1) enter into a cooperative agreement with the Secretary under section 119 for the conservation of polar bears;

''(2) meaningfully monitor compliance with this title and the Agreement by Alaska Natives; and

''(3) administer its co-management program for polar bears in accordance with—

''(A) this title; and

''(B) the Agreement.

''SEC. 505. COMMISSION APPOINTMENTS; COMPENSATION, TRAVEL EXPENSES, AND CLAIMS.

''(a) APPOINTMENT OF U.S. COMMISSIONERS.—

''(1) APPOINTMENT.—The United States commissioners on the Commission shall be appointed by the President, in accordance with paragraph 2 of article 8 of the Agreement, after taking into consideration the recommendations of—

''(A) the Secretary;

''(B) the Secretary of State; and

''(C) the Alaska Nanuuq Commission.

''(2) QUALIFICATIONS.—With respect to the United States commissioners appointed under this subsection, in accordance with paragraph 2 of article 8 of the Agreement—

''(A) 1 United States commissioner shall be an official of the Federal Government;

''(B) 1 United States commissioner shall be a representative of the Native people of Alaska, and, in particular, the Native people for whom polar bears are an integral part of their culture; and

''(C) both commissioners shall be knowledgeable of, or have expertise in, polar bears.

''(3) SERVICE AND TERM.—Each United States commissioner shall serve—

''(A) at the pleasure of the President; and

''(B) for an initial 4-year term and such additional terms as the President shall determine.

''(4) VACANCIES.—

''(A) IN GENERAL.—Any individual appointed to fill a vacancy occurring before the expiration of any term of office of a United States commissioner shall be appointed for the remainder of that term.

''(B) MANNER.—Any vacancy on the Commission shall be filled in the same manner as the original appointment.

''(b) ALTERNATE COMMISSIONERS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State and the Alaska Nanuuq Commission, shall designate an alternate commissioner for each member of the United States section.

''(2) DUTIES.—In the absence of a United States commissioner, an alternate commissioner may exercise all functions of the United States commissioner at any meetings of the Commission or of the United States section.

''(3) REAPPOINTMENT.—An alternate commissioner—

''(A) shall be eligible for reappointment by the President; and

''(B) may attend all meetings of the United States section.

''(c) DUTIES.—The members of the United States section may carry out the functions and responsibilities described in article 8 of the Agreement in accordance with this title and the Agreement.

''(d) COMPENSATION AND EXPENSES.—

''(1) COMPENSATION.—A member of the United States section shall serve without compensation.

''(2) TRAVEL EXPENSES.—A member of the United States section shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the United States-Russia Polar Bear Commission.

''(e) AGENCY DESIGNATION.—The United States section shall, for the purpose of title 28, United States Code, relating to claims against the United States and tort claims procedure, be considered to be a Federal agency.

''SEC. 506. VOTES TAKEN BY THE UNITED STATES SECTION ON MATTERS BEFORE THE COMMISSION.

''In accordance with paragraph 3 of article 8 of the Agreement, the United States section, made up of commissioners appointed by the President, shall vote on any issue before the United States-Russia Polar Bear Commission only if there is no disagreement between the United States commissioners regarding the vote.

''SEC. 507. IMPLEMENTATION OF ACTIONS TAKEN BY THE COMMISSION.

''(a) IN GENERAL.—The Secretary shall take all necessary actions to implement the decisions and determinations of the Commission under paragraph 7 of article 8 of the Agreement.

''(b) TAKING LIMITATION.—Not later than 60 days after the date on which the Secretary receives notice of the determination of the Commission of an annual taking limit, or of the adoption by the Commission of other restriction on the taking of polar bears for subsistence purposes, the Secretary shall publish a notice in the Federal Register announcing the determination or restriction.

''SEC. 508. APPLICATION WITH OTHER TITLES OF ACT.

''(a) IN GENERAL.—The authority of the Secretary under this title is in addition to, and shall not affect—

''(1) the authority of the Secretary under the other titles of this Act or the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) or the exemption for Alaskan natives under section 101(b) of this Act as applied to other marine mammal populations; or

''(2) the authorities provided under title II of this Act.

''(b) CERTAIN PROVISIONS INAPPLICABLE.—The provisions of titles I through IV of this Act do not apply with respect to the implementation or administration of this title, except as specified in section 503.

''SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out the functions and responsibilities of the Secretary under this title and the Agreement $1,000,000 for each of fiscal years 2006 through 2010.

''(b) COMMISSION.—There are authorized to be appropriated to the Secretary to carry out functions and responsibilities of the United States Section $150,000 for each of fiscal years 2006 through 2010.

''(c) ALASKAN COOPERATIVE MANAGEMENT PROGRAM.—There are authorized to be appropriated to the Secretary to carry out this title and the Agreement in Alaska $150,000 for each of fiscal years 2006 through 2010.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end the following:

''TITLE V—POLAR BEARS

''Sec. 501. Definitions.
''Sec. 502. Prohibitions.
''Sec. 503. Administration.
''Sec. 504. Cooperative management agreement; authority to delegate enforcement authority.
''Sec. 505. Commission appointments; compensation, travel expenses, and claims.
''Sec. 506. Votes taken by the United States Section on matters before the Commission.
''Sec. 507. Implementation of actions taken by the Commission.
''Sec. 508. Application with other titles of Act.
''Sec. 509. Authorization of appropriations.''.

(c) TREATMENT OF CONTAINERS.—Section 107(d)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1377(d)(2)) is amended by striking ''vessel or other conveyance'' each place it appears and inserting ''vessel, other conveyance, or container''.

SA 5221. Mr. FRIST (for Mr. STEVENS) proposed an amendment to the bill H.R. 4075, to amend the Marine Mammal Protection Act of 1972 to provide for better understanding and protection of marine mammals, and for other purposes; as follows:

Amend the title so as to read ''An Act to amend the Marine Mammal Protection Act of 1972 in order to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population.''.

SA 5222. Mr. WYDEN (for himself, Ms. CANTWELL, Mr. SMITH, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4388, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. FUNDING SOURCE FOR RURAL SCHOOLS AND COMMUNITIES PAYMENTS.

(a) RURAL SCHOOLS AND COMMUNITIES TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 9511. RURAL SCHOOLS AND COMMUNITIES TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Rural Schools and Communities Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Rural Schools and Communities Trust Fund amounts equivalent to the amounts estimated by the Secretary by which Federal revenues are increased, before January 1, 2011, as a result of the provisions of section 3402(t).

''(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Rural Schools and Communities Trust Fund shall be available only for—

''(1) payments to eligible States under section 102(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000; and

''(2) payments to eligible counties under section 103(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000.''.

(2) CONFORMING AMENDMENTS.—

(A) PAYMENTS TO STATES.—Paragraph (3) of section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended by striking ''out of any funds in the Treasury not otherwise appropriated'' and inserting ''out of the Rural Schools and Communities Trust Fund under section 9511 of the Internal Revenue Code of 1986''.

(B) PAYMENTS TO COUNTIES.—Paragraph (2) of section 103(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended by striking ''out of any funds in the Treasury not otherwise appropriated'' and inserting ''out of the Rural Schools and Communities Trust Fund under section 9511 of the Internal Revenue Code of 1986''.

(3) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 9511. Rural Schools and Communities Trust Fund.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2007.

(b) IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

(1) ACCELERATION OF EFFECTIVE DATE.—Section 511(b) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''December 31, 2010'' and inserting ''December 31, 2006''.

(2) EXCLUSION FOR PAYMENTS TO SMALL BUSINESSES BEFORE 2011.—Paragraph (2) of section 3402(t) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the

end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting ''; and'', and by adding at the end the following :

''(J) made before January 1, 2011, to any business which employed fewer than 50 employees during the preceding taxable year.

For purposes of subparagraph (J), rules similar to the rules of paragraphs (2)(A) and (6) of section 44(d) shall apply.''.

(3) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the Tax Increase Prevention and Reconciliation Act of 2005.

(c) EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT.—The Secure Rural Schools and Community Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended—

(1) in sections 208 and 303, by striking ''2007'' both places it appears and inserting ''2008''; and

(2) in sections 101(a), 102(b)(2), 103(b)(1), 203(a)(1), 207(a), 208, 303, and 401, by striking ''2006'' each place it appears and inserting ''2007''.

SA 5223. Mr. FRIST (for Ms. COLLINS) proposed an amendment to the bill S. 3821, to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as either the ''Creating Opportunities for Minor League Professionals, Entertainers, and Teams through Legal Entry Act of 2006'' or the ''COMPETE Act of 2006''.

SEC. 2. NONIMMIGRANT ALIEN STATUS FOR CERTAIN ATHLETES.

(a) IN GENERAL.—Section 214(c)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)(A)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i)(I) performs as an athlete, individually or as part of a group or team, at an internationally recognized level of performance;

''(II) is a professional athlete, as defined in section 204(i)(2);

''(III) performs as an athlete, or as a coach, as part of a team or franchise that is located in the United States and a member of a foreign league or association of 15 or more amateur sports teams, if—

''(aa) the foreign league or association is the highest level of amateur performance of that sport in the relevant foreign country;

''(bb) participation in such league or association renders players ineligible, whether on a temporary or permanent basis, to earn a scholarship in, or participate in, that sport at a college or university in the United States under the rules of the National Collegiate Athletic Association; and

''(cc) a significant number of the individuals who play in such league or association are drafted by a major sports league or a minor league affiliate of such a sports league; or

''(IV) is a professional athlete or amateur athlete who performs individually or as part of a group in a theatrical ice skating production; and

''(ii) seeks to enter the United States temporarily and solely for the purpose of performing—

''(I) as such an athlete with respect to a specific athletic competition; or

''(II) in the case of an individual described in clause (i)(IV), in a specific theatrical ice skating production or tour.''.

(b) LIMITATION.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following:

''(F)(i) No nonimmigrant visa under section 101(a)(15)(P)(i)(a) shall be issued to any alien who is a national of a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety, national security, or national interest of the United States. In making a determination under this subparagraph, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Secretary of Homeland Security and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

''(ii) In this subparagraph, the term 'state sponsor of international terrorism' means any country the government of which has been determined by the Secretary of State under any of the laws specified in clause (iii) to have repeatedly provided support for acts of international terrorism.

''(iii) The laws specified in this clause are the following:

''(I) Section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or successor statute).

''(II) Section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

''(III) Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).''.

(c) PETITIONS FOR MULTIPLE ALIENS.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsection (b), is further amended by adding at the end the following:

''(G) The Secretary of Homeland Security shall permit a petition under this subsection to seek classification of more than 1 alien as a nonimmigrant under section 101(a)(15)(P)(i)(a).''.

(d) RELATIONSHIP TO OTHER PROVISIONS OF THE IMMIGRATION AND NATIONALITY ACT.—Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)), as amended by subsections (b) and (c), is further amended by adding at the end the following:

''(H) The Secretary of Homeland Security shall permit an athlete, or the employer of an athlete, to seek admission to the United States for such athlete under a provision of this Act other than section 101(a)(15)(P)(i) if the athlete is eligible under such other provision.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, December 6, 2006 at 9:30 a.m. in SR–328A, Russell Senate Office Building. The purpose of this hearing will be to consider the following nominations: Leland A. Strom, of Illinois, to be a member of the Farm Credit Administration Board; Jill E. Sommers, of Kansas, to be a Commissioner on the Commodity Futures Trading Commission; and Mark Everett Keenum, of Mississippi, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services and a member of the Board of Directors of the Commodity Credit Corporation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WARNER. Mr. President, I ask unanimous consent that on Wednesday, December 6, 2006, at 9:15 a.m. the Committee on Environment and Public Works be authorized to hold a Business Meeting to consider the following agenda: Alex Beehler to be Inspector General of the Environmental Protection Agency; Eric D. Eberhard to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Poilcy Foundation; Diane Humetewa to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WARNER. Mr. President, I ask unanimous consent that on December 6, 2006, at 9:30 a.m. the Committee on Environment and Public Works be authorized to hold a hearing on Climate Change and the Media.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, December 6, 2006, at 10 a.m. for a hearing titled, ''Hurricane Katrina: Stopping the Flood of Fraud, Waste, and Abuse.''

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

COMMITEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, December 6, 2006, at 3 p.m. to consider the nomination of Paul A. Schneider to be Under Secretary for Management, U.S. Department of Homeland Security.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''FBI Oversight'' for Wednesday, December 6, 2006 at 9:30 a.m. in Dirksen Senate Office Building room 226.

Witness List

Panel I: The Honorable Robert S. Mueller III, Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, ''The Nomination of Jovita Carranza to be Deputy Administrator of the Small Business Administration'' on Wednesday, December 6, 2006, beginning at 2:30 p.m. in room 428A of the Russell Senate Office Building.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on ''Oversight of the Implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act'' on Wednesday, December 6, 2006 at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building. The witness:

Panel I: Cliff White, Acting Director, Executive Office of the U.S. Trustees [EOUST], Washington, DC.

Panel II: Todd Zywicki, Professor, George Mason University School of Law, Washington, DC; Steve Bartlett, President; CEO, Financial Services Roundtable, Washington, DC; David Jones, President, Association of Independent Consumer Credit Counseling Agencies, Poinciana, FL; The Honorable Randall J. Newsome, Chief Judge, U.S. Bankruptcy Court for the Northern District of California, Oakland, CA; Robert Lawless, Professor, University of Illinois College of Law, Champaign, IL; Henry E. Hildebrand, III, Chapter 13 Standing Trustee, Middle District of Tennessee, Nashville, TN.

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

PRIVILEGES OF THE FLOOR

Mr. REED. I ask unanimous consent a fellow from my office, Kenyon Kilber, be granted the privilege of the floor for the remainder of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

N O T I C E

Incomplete record of Senate proceedings.

Today's Senate proceedings will be continued in the next issue of the Record.

Daily Digest

HIGHLIGHTS:

Senate confirmed the nomination of Robert M. Gates, of Texas, to be Secretary of Defense.

Senate

Chamber Action

Routine Proceedings, pages S11239–S11373

Measures Introduced: Sixteen bills and two resolutions were introduced, as follows: S. 4083–4098, and S. Res. 624–625. **Page S11325**

Measures Reported:

Report to accompany S. 2803, to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining. (S. Rept. No. 109–365)

Report to accompany S. 3570, to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011. (S. Rept. No. 109–366) **Page S11324**

Measures Passed:

HIV/AIDS Program: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 6143, to amend title XXVI of the Public Health Service Act to revise and extend the program for providing lifesaving care for those with HIV/AIDS, and the bill was then passed, after agreeing to the following amendment: **Pages S11240–43**

Ensign (for Enzi/Kennedy) Amendment No. 5212, in the nature of a substitute. **Pages S11242–43**

Sojourner Truth Bust: Committee on Rules and Administration was discharged from further consideration of H.R. 4510, to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol, and the bill was then passed, clearing the measure for the President. **Page S11243**

Sober Truth on Preventing Underage Drinking Act: Senate passed H.R. 864, to provide for programs and activities with respect to the prevention of underage drinking, after taking action on the following amendment proposed thereto: **(See next issue.)**

Frist (for Enzi) Amendment No. 5219, in the nature of a substitute. **(See next issue.)**

Sgt. First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 4050, to designate the facility of the United States Postal Service located at 103 East Thompson Street in Thomaston, Georgia, as the "Sergeant First Class Robert Lee 'Bobby' Hollar, Jr. Post Office Building", and the bill was then passed. **(See next issue.)**

Tito Puente Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 1472, to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building", and the measure was then passed, clearing the measure for the President. **(See next issue.)**

Dr. Robert E. Price Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 4246, to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building", and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Beverly J. Wilson Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 4720, to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the "Beverly J. Wilson Post Office Building", and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Lance Corporal Robert A. Martinez Post Office Building:Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5108, to designate the facility

of the United States Postal Service located at 1213 East Houston Street in Cleveland, Texas, as the ''Lance Corporal Robert A. Martinez Post Office Building'', and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Vincent J. Whibbs, Sr. Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5736, to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the ''Vincent J. Whibbs, Sr. Post Office Building'', and the bill was then passed, clearing the measure for the President.

(See next issue.)

Morris K. ''Mo'' Udall Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5857, to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the ''Morris K. 'Mo' Udall Post Office Building'', and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Dr. Leonard Price Stavisky Post Office:Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5923, to designate the facility of the United States Postal Service located at 29–50 Union Street in Flushing, New York, as the ''Dr. Leonard Price Stavisky Post Office'', and the bill was then passed, clearing the measure for the President.

(See next issue.)

John J. Sinde Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5989, to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the 'John J. Sinde Post Office Building', and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Wallace W. Sykes Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5990, to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the ''Wallace W. Sykes Post Office Building'',and the bill was then passed, clearing the measure for the President.

(See next issue.)

Chuck Fortenberry Post Office Building:Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 6078, to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the ''Chuck Fortenberry Post Office Building'', and the bill was then passed, clearing the measure for the President.

(See next issue.)

Captain Christopher Petty Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 6102, to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the ''Captain Christopher Petty Post Office Building'', and the bill was then passed, clearing the measure for the President.

(See next issue.)

Hamilton H. Judson Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 6151, to designate the facility of the United States Postal Service located at 216 Oak Street in Farmington, Minnesota, as the ''Hamilton H. Judson Post Office'', and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Dietary Supplement and Nonprescription Drug Consumer Protection Act: Senate passed S. 3546, to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, after agreeing to the committee amendment in the nature of a substitute. **(See next issue.)**

Utu Utu Gwaitu Paiute Tribe Land: Senate passed H.R. 854, to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe, clearing the measure for the President.

(See next issue.)

Water Resources Research Act Amendments: Senate passed H.R. 4588, to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984, after agreeing to the following amendment:

(See next issue.)

Frist (for Inhofe) Amendment No. 5213, to modify provisions relating to scope of research, other activities, and cooperation and coordination.

(See next issue.)

Jefferson County, Colorado Land Use: Senate passed S. 4092, to clarify certain land use in Jefferson County, Colorado. **(See next issue.)**

Farm Security and Rural Investment Act Amendment: Senate passed S. 4093, to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance. **(See next issue.)**

Senate National Security Working Group Extension: Senate agreed to S. Res. 625, extending the authority for the Senate National Security Working Group. **(See next issue.)**

Dam Safety Act: Senate passed S. 2735, to amend the National Dam Safety Program Act to reauthorize the national dam safety program, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **(See next issue.)**

Frist (for Inhofe) Amendment No. 5214, in the nature of a substitute. **(See next issue.)**

Pool and Spa Safety Act: Senate passed S. 3718, to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, after agreeing to the committee amendment in the nature of a substitute. **(See next issue.)**

Iraq Reconstruction Accountability Act: Senate passed S. 4046, to extend oversight and accountability related to United States reconstruction funds and efforts in Iraq by extending the termination date of the Office of the Special Inspector General for Iraq Reconstruction. **(See next issue.)**

Honoring William Wilberforce: Committee on the Judiciary was discharged from further consideration of S. Res. 613, honoring the life and work of William Wilberforce and commemorating the 200th anniversary of the abolition of the slave trade in Great Britain, and the resolution was then agreed to. **(See next issue.)**

National Purple Heart Hall of Honor: Committee on Armed Services was discharged from further consideration of H. Con. Res. 419, recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and the resolution was then agreed to. **(See next issue.)**

Recognizing American Council of Young Political Leaders: Committee on Foreign Relations was discharged from further consideration of H. Con. Res. 430, recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Frist Amendment No. 5215, to amend the preamble. **(See next issue.)**

Wool Suit Fabric Labeling Fairness and International Standards Conforming Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 4583, to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products, and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Aerospace Revitalization Task Force: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 758, to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation, and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Nursing Relief for Disadvantaged Areas Reauthorization Act: Committee on the Judiciary was discharged from further consideration of H.R. 1285, to extend for 3 years changes to requirements for admission of non-immigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantage Areas Act of 1999, and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Department of Justice Attorneys Travel Time: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 1876, to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code, and the bill was then passed, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Frist (for Akaka) Amendment No. 5216, to revise the description of a certain citation. **(See next issue.)**

Department of Justice Attorneys Travel Time: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 4057, to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code, and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Secure Access to Justice and Court Protection Act: Committee on the Judiciary was discharged from further consideration of H.R. 1751, to amend

title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and the bill was then passed, after agreeing to the following amendment proposed thereto:

(See next issue.)

Frist (for Specter) Amendment No. 5217, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members. **(See next issue.)**

Native American Languages Preservation Act: Committee on Indian Affairs was discharged from further consideration of H.R. 4766, to amend the Native American Programs Act of 1974 to provide for the revitalization of Native American languages through Native American language immersion programs, and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Call Home Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. 2653, to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas, and the bill was then passed, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Frist (for Stevens) Amendment No. 5218, to enhance public safety. **(See next issue.)**

Marine Mammal Protection Act Amendments Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 4075, to amend the Marine Mammal Protection Act of 1972 in order to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population, after agreeing to the following amendments proposed thereto: **(See next issue.)**

Frist (for Stevens) Amendment No. 5220, in the nature of a substitute. **(See next issue.)**

Frist (for Stevens) Amendment No. 5221, to amend the title.

Secretary of the Army Authority Extension: Senate passed H.R. 6316, to extend through December 31, 2008, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits, clearing the measure for the President.

(See next issue.)

Creating Opportunities for Minor League Professional, Entertainers, and Teams Through Legal Entry Act: Committee on the Judiciary was discharged from further consideration of S. 3821, to authorize certain athletes to be admitted temporarily into the United States to compete or perform in an athletic league, competition, or performance, and the bill was then passed, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Frist (for Collins) Amendment No. 5223, in the nature of a substitute. **(See next issue.)**

Admonishing President Hugo Chavez Statements: Committee on Foreign Relations was discharged from further consideration of S. Res. 607, admonishing the statements made by President Hugo Chavez at the United Nations General Assembly on September 20, 2006, and the undemocratic actions of President Chavez, and the resolution was then agreed to. **(See next issue.)**

Living Resources of the High Seas Protection: Committee on Foreign Relations was discharged from further consideration of S. Res. 610, expressing the sense of the Senate that the United States should promote the adoption of, and the United Nations should adopt, a resolution at its October meeting to protect the living resources of the high seas from destructive, illegal, unreported, and unregulated fishing practices, and the resolution was then agreed to.

(See next issue.)

Consumer Assurance of Radiologic Excellence Act: Senate passed S. 2322, to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly, after agreeing to the committee amendment in the nature of a substitute.

(See next issue.)

National Integrated Drought Information System Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 5136, to establish a National Integrated Drought Information System within the National Oceanic and Atmospheric Administration to improve drought monitoring and forecasting capabilities, and the bill was then passed, clearing the measure for the President. **(See next issue.)**

Military Construction/VA Appropriations—Conferees: Senate insisted on its amendment to H.R. 5385, making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007 (passed the Senate on November 14, 2006), requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Hutchison, Burns, Craig, DeWine, Brownback, Allard, McConnell, Cochran, Stevens, Feinstein, Inouye, Johnson, Landrieu, Byrd, Murray, Leahy, and Harkin. **(See next issue.)**

Agriculture Appropriations—Vote Change: A unanimous-consent request was granted permitting Senator Stevens to change his yea vote to a nay vote

on Vote No. 271 on the motion to waive relative to Conrad Amendment No. 5205, rejected on Tuesday, December 5, 2006, to H.R. 5384, making appropriations for Agriculture, Rural Development Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007.

Page S11274

Export-Import Bank Reauthorization House Message: Senate concurred in the amendment of the House to S. 3938, to reauthorize the Export-Import Bank of the United States, clearing the measure for the President. **(See next issue.)**

Nomination: Senate began consideration of the nomination of Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit.

(See next issue.)

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture may occur on Friday, December 8, 2006. **(See next issue.)**

Nomination Agreement: A unanimous-consent agreement was reached providing for further consideration of the nomination of Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services, with 60 minutes of debate equally divided, followed by a vote on the motion to invoke cloture on the nomination. **(See next issue.)**

Nomination Confirmed: Senate confirmed the following nomination:

By 95 yeas 2 nays (Vote No. EX. 272), Robert M. Gates, of Texas, to be Secretary of Defense.

Pages S11259–93

Nominations Received: Senate received the following nominations:

Michael J. Burns, of New Mexico, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

Beryl A. Howell, of the District of Columbia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2011.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2011.

Rosemary E. Rodriguez, of Colorado, to be a Member of the Election Assistance Commission for the remainder of the term expiring December 12, 2007. **(See next issue.)**

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

David H. Laufman, of Texas, to be Inspector General, Department of Defense, which was sent to the Senate on June 5, 2006.

Tracy A. Henke, of Missouri, to be Executive Director of the Office of State and Local Government Coordination and Preparedness, Department of Homeland Security, which was sent to the Senate on September 5, 2006. **(See next issue.)**

Messages From the House: **Pages S11321–22**

Measures Placed on Calendar: **Page S11322**

Executive Communications: **Pages S11322–24**

Executive Reports of Committees: **Pages S11324–25**

Additional Cosponsors: **Pages S11325–26**

Statements on Introduced Bills/Resolutions: **Pages S11326–49**

Additional Statements: **Pages S11320–21**

Amendments Submitted: **Pages S11349–72**

Authorities for Committees to Meet: **Pages S11372–73**

Privileges of the Floor: **Page S11372**

Record Votes: One record vote was taken today. (Total—272) **Pages S11292–93**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 9:30 p.m., until 9:30 a.m., on Thursday, December 7, 2006. (For Senate's program, see the remarks of the Majority Leader in the next issue of the Record.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the nominations of Leland A. Strom, of Illinois, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, Mark Everett Keenum, of Mississippi, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services, and to be a Member of the Board of Directors of the Commodity Credit Corporation, who was introduced by Senator Cochran, and Jill E. Sommers, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission, after the nominees testified and answered questions in their own behalf.

CLIMATE CHANGE

Committee on Environment and Public Works: Committee concluded a hearing to examine issues relating to climate change and the media's treatment of the issue, after receiving testimony from David Deming, University of Oklahoma, Norman; Daniel P. Schrag, Harvard University, Cambridge, Massachusetts; Robert M. Carter, James Cook University,

Townsville, Australia; Naomi Oreskes, University of California, San Diego; and Dan Gainor, Business and Media Institute, Alexandria, Virginia.

NOMINATIONS

Committee on Environment and Public Works: Committee ordered favorably reported the nominations of Alex A. Beehler, of Maryland, to be Inspector General, Environmental Protection Agency, and Eric D. Eberhard, of Washington, and Diane Humetewa, of Arizona, each to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

NOMINATIONS

Committee on Finance: Committee ordered favorably reported the nominations of Robert F. Hoyt, of Maryland, to be General Counsel, Michele A. Davis, of Virginia, Anthony W. Ryan, of Massachusetts, and Phillip L. Swagel, of Maryland, each to be an Assistant Secretary, Paul Cherecwich, Jr., of Utah, and Deborah L. Wince-Smith, of Virginia, both to be a Member of the Internal Revenue Service Oversight Board, all of the Department of the Treasury, Dean A. Pinkert, of Virginia, and Irving A. Williamson, of New York, both to be a Member of the United States International Trade Commission, and Dana K. Bilyeu, of Nevada, Mark J. Warshawsky, of Maryland, and Jeffrey Robert Brown, of Illinois, each to be a Member of the Social Security Advisory Board.

HURRICANE DISASTER

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the extent of fraud, waste, and abuse relating to Hurricanes Katrina and Rita disaster relief efforts, after receiving testimony from Gregory D. Kutz, Managing Director, and John J. Ryan, Assistant Director, both of the Forensic Audits and Special Investigations, Government Accountability Office.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Paul A. Schneider, of Maryland, to be Under Secretary of Homeland Security for Management, after the nominee testified and answered questions in his own behalf.

NOMINATIONS

Committee on Health, Education, Labor, and Pensions: Committee approved for reporting the nominations of Terry L. Cline, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, Foreststorn Hamilton, Benjamin Donenberg, Joan Israelite, Charlotte P. Kessler, Robert Bretley Lott, William Francis Price, Jr., each to be a Member of the National Council of the Arts, and Dana Gioia, to be Chairperson of the National Endowment for the Arts, all of the National Foundation on the Arts and the Humanities, John Peyton, to be Member of the Board of Trustees of the Harry S Truman Scholarship Foundation, Sara Alicia Tucker, to be Under Secretary of Education, Department of Education, Gerald Walpin, to be Inspector General, Corporation for National and Community Service, Blanca E. Enriquez, to be Member of the National Institute for Literacy Advisory Board, National Institute For Literacy, Elizabeth Dougherty, to be Member of the National Mediation Board, Leon R. Sequeira, to be Assistant Secretary of Policy, Department of Labor, and sundry nominations in the Public Service.

FBI

Committee on the Judiciary: Committee concluded oversight hearings to examine activities of the Federal Bureau of Investigation, Department of Justice, focusing on national security, criminal investigations, and science and technology, after receiving testimony from Robert S. Mueller III, Director, Federal Bureau of Investigation, Department of Justice.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded oversight hearings to examine oversight hearings to examine implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act (Public Law 109–8), after receiving testimony from Clifford J. White III, Director, Executive Office for United States Trustees, Department of Justice; Randall J. Newsome, Chief Judge, Bankruptcy Court for the Northern District of California; Henry E. Hildebrand III, Chapter 13 Standing Trustee, Middle District of Tennessee, Nashville; Todd Zywicki, George Mason University School of Law, Arlington, Virginia; Steve Bartlett, Financial Services Roundtable, Washington, D.C.; David C. Jones, Association of Independent Consumer Credit Counseling Agencies, Poinciana, Florida; and Robert Lawless, University of Illinois College of Law, Champaign.

NOMINATION

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine the nomination of Jovita Carranza, of Illinois, to be Deputy Administrator of the Small Business Administration, after the nominee, who was introduced by Senator McConnell, testified and answered questions in her own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 29 public bills, H.R. 6377–6405; and 6 resolutions, H. Con. Res. 499–500; and H. Res. 1094–1095, 1097–1098, were introduced. **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Reports Filed: A report was filed today as follows:

H. Res. 1096, waiving a requirement of clause 6(a) with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules (H. Rept. 109–720). **(See next issue.)**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Export-Import Bank Reauthorization Act of 2006: S. 3938, amended, to reauthorize the Export-Import Bank of the United States; **Pages H8750–58**

Congressional Tribute to Dr. Norman E. Borlaug Act of 2006: S. 2250, to award a congressional gold medal to Dr. Norman E. Borlaug—c1earing the measure for the President; **Pages H8758–61**

Dextromethorphan Distribution Act of 2006: H.R. 5280, amended, to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan; **Pages H8761–62**

Lifespan Respite Care Act of 2006: H.R. 3248, amended, to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care; **(See next issue.)**

Amending the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes: H.R. 5798, to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes; **(See next issue.)**

Combating Autism Act of 2006: S. 843, amended, to amend the Public Health Service Act to combat autism through research, screening, intervention and education; **(See next issue.)**

United States Tsunami Warning and Education Act: H.R. 1674, amended, to authorize and strengthen the tsunami detection, forecast, warning, and mitigation program of the National Oceanic and Atmospheric Administration, to be carried out by the National Weather Service; **(See next issue.)**

Honoring the life of Milton Friedman: H. Res. 1089, to honor the life of Milton Friedman; **(See next issue.)**

Designating the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the 'Dewey F. Bartlett Post Office': S. 1820, to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the 'Dewey F. Bartlett Post Office'—clearing the measure for the President; **(See next issue.)**

Honoring the contributions and life of Edward R. Bradley: H. Res. 1084, amended, to honor the contributions and life of Edward R. Bradley; **(See next issue.)**

Expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige: S. Con. Res. 91, to express the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige; **(See next issue.)**

Honoring the memory of Arnold "Red" Auerbach: H. Con. Res. 497, honoring the memory of Arnold "Red" Auerbach; **(See next issue.)**

Condemning the decision by the city of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Danny Faulkner: H. Res. 1082, to condemn the decision by the city of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Danny Faulkner, by a ⅔ yea-and-nay vote of 368 yeas to 31 nays with 8 voting "present", Roll No. 527; **(See next issue.)**

Requiring any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce: H.R. 1458, amended, to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce; **(See next issue.)**

Physicians for Underserved Areas Act: H.R. 4997, amended, to permanently authorize amendments made by the Immigration and Nationality Technical Corrections Act of 1994 for the purpose of permitting waivers of the foreign country residence requirement with respect to certain international medical graduates; **(See next issue.)**

Agreed to amend the title so as to read: ''To extend for 2 years the authority to grant waivers of the foreign country residence requirement with respect to certain international medical graduates.''. **(See next issue.)**

Religious Liberty and Charitable Donation Clarification Act of 2006: S. 4044, to clarify the treatment of certain charitable contributions under title 11, United States Code—clearing the measure for the President; **(See next issue.)**

Vessel Hull Design Protection Amendments of 2005: S. 1785, amended, to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity; **(See next issue.)**

Agreed to amend the title so as to read: ''To make certain improvements relating to intellectual property, and for other purposes.''. **(See next issue.)**

Honoring the life of Ruth Brown and her copyright royalty reform efforts on behalf of rhythm and blues recording artists: H. Res. 1090, to honor the life of Ruth Brown and her copyright royalty reform efforts on behalf of rhythm and blues recording artists; **(See next issue.)**

Stolen Valor Act of 2005: S. 1998, to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards—clearing the measure for the President; **(See next issue.)**

Veterans Programs Extension Act of 2006: H.R. 6342, to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program; **(See next issue.)**

Designating the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the "Robert Silvey Department of Veterans Affairs Outpatient Clinic": S. 4073, to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the ''Robert Silvey Department of Veterans Affairs Outpatient Clinic''—clearing the measure for the President; **(See next issue.)**

National Transportation Safety Board Amendments Act of 2006: H.R. 5076, amended, to amend title 49, United States Code, to authorize appropriations for fiscal years 2007, 2008, and 2009; **(See next issue.)**

Agreed to amend the title so as to read: ''To amend title 49, United States Code, to authorize appropriations for fiscal years 2007 and 2008, and for other purposes.''. **(See next issue.)**

Pipeline Safety Improvement Act of 2006: H.R. 5782, amended, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline; **(See next issue.)**

Commending The New York Institute for Special Education for providing excellent education for students with blindness and visual disabilities for 175 years, and for broadening its mission to provide the same quality education to students with emotional and learning disabilities: H. Con. Res. 484, to commend The New York Institute for Special Education for providing excellent education for students with blindness and visual disabilities for 175 years, and for broadening its mission to provide the same quality education to students with emotional and learning disabilities; **(See next issue.)**

Rural Water Supply Act of 2005: S. 895, amended, to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe affordable, and reliable water supply to rural residents; **(See next issue.)**

Agreed to amend the title so as to read: ''To authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.''. **(See next issue.)**

Repealing certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands: S. 1829, amended, to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; **(See next issue.)**

Agreed to amend the title so as to read: ''To repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, and for other purposes.''. **(See next issue.)**

United States-Mexico Transboundary Aquifer Assessment Act: S. 214, amended, to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization,

mapping, and modeling program for priority transboundary aquifers; **(See next issue.)**

Michigan Lighthouse and Maritime Heritage Act: S. 1346, to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan—clearing the measure for the President; **(See next issue.)**

Expressing support for democracy in Nepal that will require the full participation of the people of Nepal in the political process to hold elections for a constituent assembly and draft a new constitution and calling upon the Communist Party of Nepal-Maoist to adhere to commitments it has made and to respect human rights: H. Res. 1051, amended, to express support for democracy in Nepal that will require the full participation of the people of Nepal in the political process to hold elections for a constituent assembly and draft a new constitution and calling upon the Communist Party of Nepal-Maoist to adhere to commitments it has made and to respect human rights; and **(See next issue.)**

Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006: S. 2125, amended, to promote relief, security, and democracy in the Democratic Republic of the Congo. **(See next issue.)**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

Unborn Child Pain Awareness Act of 2006: H.R. 6099, to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child, by less than a ⅔ yea-and-nay vote of 250 yeas to 162 nays, Roll No. 526. **Pages H8762–71 (continued next issue)**

Suspensions—Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Further consideration of the measures is expected to resume tomorrow, Thursday, December 7th:

Expressing support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese parliamentarian and Industry Minister Pierre Amin Gemayel: H. Res. 1088, amended, to express support for Lebanon's democratic institutions and condemning the recent terrorist assassination of Lebanese parliamentarian and Industry Minister Pierre Amin Gemayel; and **(See next issue.)**

Condemning in the strongest terms Iran's commitment to hold an international Holocaust denial conference on December 11–12, 2006: H. Res. 1091, amended, to condemn in the strongest terms Iran's commitment to hold an international Holocaust denial conference on December 11–12, 2006. **(See next issue.)**

Senate Message: Message received from the Senate today appears on page H8748.

Senate Referral: S. 3678 was held at the desk; S. 4050 was referred to the Committee on Government Reform. **(See next issue.)**

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and will appear in the next issue. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:59 p.m.

Committee Meetings

MILITARY AWARDS—DECORATIONS CRITERIA

Committee on Armed Services: Subcommittee on Military Personnel held a hearing to examine criteria for awards and decorations. Testimony was heard from the following officials of the Department of Defense: Michael L. Dominguez, Principal Deputy Under Secretary, Personnel and Readiness; LTG Michael D. Rochelle, USA, Deputy Chief of Staff, G–1, U.S. Army; VADM John C. Harvey, Jr., USN, Chief of Naval Personnel, Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education), U.S. Navy; LTG Roger A. Brady, USAF, Deputy Chief of Staff, Manpower and Personnel, Headquarters, U.S. Air Force; and BG Richard P. Mills, USMC, Director, Personnel Management Division, Manpower and Reserve Affairs, Headquarters U.S. Marine Corps; and public witnesses.

SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of December 7, 2006. The rule provides that suspensions will be in order at any time on the legislative day of December 7, 2006. The rule further provides that the Speaker or his designee shall consult with the Minority Leader or her designee on any suspension considered under the rule. The rule provides that House Resolutions 810, 939, 951, and 1047 are laid upon the table.

PATIENT SAFETY AND QUALITY ISSUES IN END STAGE RENAL DISEASE TREATMENT

Committee on Ways and Means: Held a hearing on Patient Safety and Quality Issues in End Stage Renal Disease Treatment. Testimony was heard from David M. Walker, Comptroller General, GAO; Leslie V. Norwalk, Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 7, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the report of the Iraq Study Group, 9:30 a.m., SH–216.

Committee on Homeland Security and Governmental Affairs: business meeting to consider the nomination of Paul A. Schneider, of Maryland, to be Under Secretary of Homeland Security for Management, Time to be announced, Room to be announced.

Committee on the Judiciary: to hold hearings to examine vertically integrated sports programming, focusing on whether cable companies are excluding competition, 10 a.m., SD–226.

Select Committee on Intelligence: to hold a closed briefing on intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services, hearing on U.S. military transition teams in Iraq and Afghanistan, 10 a.m., 2167 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to consider a motion to Approve the Interim Report on the Administrative Law, Process and Procedure Project for the 21st Century; followed by an oversight hearing on The Arbitration Process of the National Football League Players Association, 10:00 a.m., 2237 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, oversight hearing to review Departments' actions regarding the recommendations of the 1999 Transition Commission Report, 2 p.m., 334 Cannon.

Next Meeting of the SENATE

9:30 a.m., Thursday, December 7

Senate Chamber

Program for Thursday: Senate will resume consideration of the nomination of Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services, with 60 minutes of debate equally divided, followed by a vote on the motion to invoke cloture on the nomination. Also, at 2:30 p.m., the Majority Leader will be recognized.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, December 7

House Chamber

Program for Thursday: To be announced.

(Senate and House proceedings for today will be continued in the next issue of the Record.)

Congressional Record

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