

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, APRIL 26, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 31

SENATE

WEDNESDAY, April 26, 2006

The Senate met at 11 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the Chair.

PRAYER

The Chaplain, Bishop ROBERTA L. THOMAS, of Fountain Gate Ministries, Harrisburg, offered the following prayer:

Shall we pray.

O God, our help from ages past, our hope for years to come, our shelter from life's stormy blast, and our eternal home. Father, You made us in Your own image and redeemed us through Jesus, Your son.

As we open this Session today, we invoke Your presence. Look with compassion on the Commonwealth of Pennsylvania, take away the arrogance and hatred which infects our hearts, break down the walls that separate us, and unite us in bonds of love and work through our struggles and confusion to accomplish Your purpose in Pennsylvania. Father, You are the fountain of wisdom, Your will is good and gracious, Your law is truth.

I ask You to guide and bless the Senators of this Commonwealth and their staff assembled, that they may enact such laws as pleases You to the glory of Your name, for the welfare of the people of the Commonwealth of Pennsylvania. Father, for these Senators who make our laws, give courage, wisdom, and foresight to provide for the needs of all our people and to fulfill their obligation in the community. Pour out, I pray, the spirit of wisdom, charity, and justice, that with steadfast purpose they may faithfully serve in office to promote the well-being of all people.

Finally, grant, I pray, these Senators and all who serve in government within the United States of America, wisdom and strength to know and to do Your will. Fill them with the love of truth and righteousness, and make them ever mindful of their calling to serve the people of this Commonwealth, always remembering that You are near and listening. In the precious name of Jesus, my Lord. Amen.

The PRESIDENT. The Chair thanks Bishop Thomas and her family, who are the guests today of Senator Piccola. Thank you for your prayer. It was very meaningful.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 25, 2006.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator CONTI, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 723**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

April 26, 2006

Senators FUMO, RHOADES, LOGAN, BROWNE, KITCHEN, CONTI, MUSTO, PICCOLA, FONTANA, EARLL, TARTAGLIONE, GREENLEAF, BOSCOLA, COSTA, O'PAKE, LAVALLE, KASUNIC, STACK, WASHINGTON, C. WILLIAMS, WOZNIAK, FERLO, MELLOW, A. WILLIAMS, HUGHES and STOUT presented to the Chair **SB 102**, entitled:

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, providing for a statutory database and for legislative process.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 26, 2006.

Senators FUMO, RHOADES, LOGAN, BROWNE, KITCHEN, CONTI, MUSTO, EARLL, FONTANA, TARTAGLIONE, BOSCOLA, COSTA, O'PAKE, LAVALLE, KASUNIC, STACK, WASHINGTON, C. WILLIAMS, WOZNIAK, FERLO, MELLOW, A. WILLIAMS, HUGHES and STOUT presented to the Chair **SB 103**, entitled:

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, providing for legislative process.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 26, 2006.

Senators FUMO, RHOADES, LOGAN, BROWNE, KITCHEN, CONTI, MUSTO, GREENLEAF, FONTANA, TARTAGLIONE, BOSCOLA, COSTA, O'PAKE, LAVALLE, KASUNIC, STACK, WASHINGTON, C. WILLIAMS, WOZNAK, FERLO, MELLOW, A. WILLIAMS, HUGHES and STOUT presented to the Chair **SB 104**, entitled:

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, providing for legislative process.

Which was committed to the Committee on JUDICIARY, April 26, 2006.

Senators C. WILLIAMS, MUSTO, RHOADES, MELLOW, STOUT, BOSCOLA, FONTANA, M. WHITE, COSTA, STACK, KITCHEN, LOGAN, WASHINGTON, BROWNE, O'PAKE and WONDERLING presented to the Chair **SB 1204**, entitled:

An Act amending the act of June 23, 1999 (P.L.159, No.22), known as the New Economy Technology Scholarship Act, further providing for grants for persons entering the field of science and technology.

Which was committed to the Committee on EDUCATION, April 26, 2006.

Senator SCARNATI presented to the Chair **SB 1206**, entitled:

An Act designating an access road from Interstate 80 to the DuBois-Jefferson County Airport in Washington Township, Jefferson County, as the Francis H. "Bud" Scherer Memorial Highway.

Which was committed to the Committee on TRANSPORTATION, April 26, 2006.

BILLS REPORTED FROM COMMITTEES

Senator ORIE, from the Committee on Aging and Youth, reported the following bills:

SB 1188 (Pr. No. 1704)

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for definitions, for physician, certified registered nurse practitioner and pharmacy participation, for reduced assistance, for program generally, for restricted formulary, for reimbursement, for income verification, for contracts and for the pharmaceutical assistance contract for the elderly needs enhancement tier, for pharmacy best practices and cost controls review; further providing for penalties; establishing the coordination of Federal and State benefits; and making editorial changes.

HB 348 (Pr. No. 3976) (Amended)

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for multidisciplinary team; establishing the Child Abuse Multidisciplinary Response Account; providing for additional duties of the Department of Public Welfare and for distribution of funds; and further providing for deposits into account.

HB 1559 (Pr. No. 2110)

An Act providing for unannounced inspections of certain facilities and persons that provide child day care; and conferring powers and duties on the Department of Public Welfare.

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

SB 959 (Pr. No. 1755) (Amended)

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for definitions; and providing for registration, qualifications and supervision of pharmacy technicians and pharmacy technician trainees.

HB 617 (Pr. No. 3975) (Amended)

An Act relating to crane operator licensure; establishing the State Board of Crane Operators; conferring powers and imposing duties; making an appropriation; and imposing penalties.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Madam President, I request a temporary Capitol leave for Senator Armstrong.

The PRESIDENT. Senator Conti requests a temporary Capitol leave for Senator Armstrong.

The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Madam President, I request temporary Capitol leaves for Senator Anthony Williams and Senator Connie Williams.

The PRESIDENT. Senator O'Pake requests temporary Capitol leaves for Senator Anthony Williams and Senator Connie Williams.

Without objection, the leaves will be granted.

LEAVE OF ABSENCE

Senator CONTI asked and obtained a leave of absence for Senator ROBBINS, for today's Session, for personal reasons.

CALENDAR

SENATE RESOLUTION No. 266, CALLED UP

Senator CONTI, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 266**, entitled:

A Resolution recognizing May 4, 2006, as the "National Day of Prayer" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The yeas and nays were required by Senator CONTI and were as follows, viz:

YEA-48

Armstrong	Gordner	O'Pake	Tartaglione
Boscola	Greenleaf	Orie	Tomlinson
Brightbill	Hughes	Piccola	Vance
Browne	Jubelirer	Pileggi	Washington
Conti	Kasunic	Pippy	Waugh
Corman	Kitchen	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Earll	Lemmond	Regola	White, Mary Jo
Erickson	Logan	Rhoades	Williams, Anthony H.
Ferlo	Madigan	Scarnati	Williams, Constance
Fontana	Mellow	Stack	Wonderling
Fumo	Musto	Stout	Wozniak

NAY-0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR MARY JO WHITE
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I represent a very rural district, the 21st district in western Pennsylvania, that is all or part of six counties, and a big part of the life of those counties are county fairs, which have become part of the fabric of the way we live out there. They are wonderful events.

Today I am here to introduce a constituent of mine from Butler County, Rebekah Dunn, who is the Pennsylvania State Fair Queen. She is a sophomore at Penn State and majors in accounting, and is active in 4-H, representing agriculture as the Blue and White secretary. She won this honor over 50 other young women at an event in Hershey, and she is here today with her mother, Connie Dunn, and Sarah Long, coordinator of the State Fair Queen program. I would like to welcome them to the State of Pennsylvania.

The PRESIDENT. Would Rebekah Dunn, Pennsylvania State Fair Queen, please rise, along with her mother and guest.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 15 -- Without objection, the bill was passed over in its order at the request of Senator CONTI.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 137 (Pr. No. 2311) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for lighted lamp requirements for motorcycles and for restrictions on highway and bridge use.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-47

Armstrong	Gordner	O'Pake	Tartaglione
Boscola	Greenleaf	Orie	Tomlinson
Brightbill	Hughes	Piccola	Vance
Browne	Jubelirer	Pileggi	Washington
Conti	Kasunic	Pippy	Waugh
Corman	Kitchen	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Earll	Lemmond	Regola	Williams, Anthony H.
Erickson	Logan	Rhoades	Williams, Constance
Ferlo	Madigan	Scarnati	Wonderling
Fontana	Mellow	Stack	Wozniak
Fumo	Musto	Stout	

NAY-1

White, Mary Jo

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 218 (Pr. No. 3877) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 22, 2000 (P.L.318, No.32), known as the Downtown Location Law, further providing for definitions.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-48

Armstrong	Gordner	O'Pake	Tartaglione
Boscola	Greenleaf	Orie	Tomlinson
Brightbill	Hughes	Piccola	Vance
Browne	Jubelirer	Pileggi	Washington
Conti	Kasunic	Pippy	Waugh
Corman	Kitchen	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Earll	Lemmond	Regola	White, Mary Jo
Erickson	Logan	Rhoades	Williams, Anthony H.
Ferlo	Madigan	Scarnati	Williams, Constance
Fontana	Mellow	Stack	Wonderling
Fumo	Musto	Stout	Wozniak

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Armstrong and Senator Anthony Williams have returned, and their temporary Capitol leaves will be cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL LAID ON THE TABLE

SB 691 (Pr. No. 1675) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for credit against tax and, in gross receipts tax, for the phaseout of mobile telecommunications and certain telephone taxes; and making a related repeal.

Upon motion of Senator CONTI, and agreed to by voice vote, the bill was laid on the table.

SB 691 TAKEN FROM THE TABLE

Senator CONTI. Madam President, I move that Senate Bill No. 691, Printer's No. 1675, be taken from the table and placed on the Calendar.

A voice vote having been taken, the question was determined in the affirmative.

The PRESIDENT. The bill will be placed on the Calendar.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Connie Williams has returned, and her temporary Capitol leave will be cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 1000 -- Without objection, the bill was passed over in its order at the request of Senator CONTI.

BILL OVER IN ORDER TEMPORARILY

SB 1050 -- Without objection, the bill was passed over in its order temporarily at the request of Senator CONTI.

BILLS OVER IN ORDER

SB 1153 and HB 2443 -- Without objection, the bills were passed over in their order at the request of Senator CONTI.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 255 (Pr. No. 1737) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for county advisory committees in first and second class counties; abolishing county boards of assistance; and making conforming amendments.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER

HB 249 -- Without objection, the bill was passed over in its order at the request of Senator CONTI.

BILLS ON SECOND CONSIDERATION

SB 261 (Pr. No. 265) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 27, 1996 (P.L.403, No.58), known as the Community and Economic Development Enhancement Act, providing for a Deputy Secretary for Local Government Services in the Department of Community and Economic Development.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

SB 809 (Pr. No. 1020) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for the duties of township supervisors.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

SB 810 (Pr. No. 1021) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further regulating duties of Department of Community and Economic Development.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 1046 and **SB 1114** -- Without objection, the bills were passed over in their order at the request of Senator CONTI.

BILL ON SECOND CONSIDERATION

HB 1580 (Pr. No. 3765) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for the regulation of Cervidae livestock operations.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER

HB 1834 -- Without objection, the bill was passed over in its order at the request of Senator CONTI.

BILL REREFERRED

HB 1992 (Pr. No. 2733) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in the Local Government Capital Project Loan Fund provisions, for assistance to municipalities.

Upon motion of Senator CONTI, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

SENATE RESOLUTION No. 272, ADOPTED

Senator CONTI, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 272**, entitled:

A Resolution memorializing the President and Congress of the United States and the Department of Defense to oppose any increases in the cost of enrollment in health care programs for members of the United States military.

On the question,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

SB 1050 CALLED UP

SB 1050 (Pr. No. 1750) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator CONTI.

BILL OVER IN ORDER

SB 1050 -- Without objection, the bill was passed over in its order at the request of Senator CONTI.

UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED

Senators STACK, C. WILLIAMS, BOSCOLA, STOUT, TARTAGLIONE, FERLO, PIPPY, WONDERLING, WENGER, COSTA, LOGAN, KASUNIC, BRIGHTBILL, RAFFERTY, MELLOW, EARLL, O'PAKE, FONTANA, CONTI, ERICKSON, ORIE, GREENLEAF MUSTO, D. WHITE, RHOADES, BROWNE, LaVALLE, WASHINGTON, LEMMOND and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 295**, entitled:

A Resolution recognizing the period from May 6 through 13, 2006, as "SAFE KIDS Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Madam President, I am introducing a resolution recognizing May 6 through 13 as "Safe Kids Week" in Pennsylvania. Safe Kids is a worldwide organization dedicated to reducing unintentional childhood injuries and deaths. During "Safe Kids Week," Safe Kids Pennsylvania will hold community outreach events to promote their new initiative called Safe Pools for Safe Kids. The initiative will focus on use of fences, doors, alarms, pool alarms, and drain covers to prevent pool, hot tub, and spa injuries and drownings.

This is a serious problem for children. Drowning is the second leading cause for unintentional injury-related deaths among children ages 1 through 14. In 2002, drowning was the cause of death for 838 children under 14 years of age, and 2,400 children were treated in emergency rooms for drowning-related incidents. These incidents can cause severe, permanent neurological disability. In addition to drownings, children face the risk of body entrapment, hair entanglement, and evisceration. We can prevent childhood aquatic injuries and deaths by using fences, barriers, alarms, and drain covers. We could also help this cause by passing Senator Mellow's Senate Bill No. 1046.

These measures will save lives, Madam President. The PA Safe Kids Coalition will promote pool, hot tub, and spa safety measures next week. I ask my Senate colleagues to join me in passing this resolution to do our part to promote these important safety measures.

Thank you, Madam President.

And the question recurring,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Congratulations of the Senate were extended to Courtlyn Mummers by Senator Armstrong.

Congratulations of the Senate were extended to Tiffany Good by Senator Boscola.

Congratulations of the Senate were extended to Dr. Ethel Drayton-Craig by Senators Boscola, Browne, and Wonderling.

Congratulations of the Senate were extended to the Lehigh Valley Industrial Park of Bethlehem by Senators Boscola and Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. John Rhen, Mr. and Mrs. Walter J. Quigley and to T. Grace Ziegler by Senator Brightbill.

Congratulations of the Senate were extended to the Honorable Patricia H. Vance by Senator Corman.

Congratulations of the Senate were extended to Thomas Marshall, Paul Grigione and to David Osciak by Senator Erickson.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Socha, Mr. and Mrs. Ronald Imboden, Mr. and Mrs. Donald Rishe, Daniel Dale Wargo and to the Reverend Charles R. Slough by Senator Gordner.

Congratulations of the Senate were extended to Joseph L. Hagy III by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Saylor and to the Reverend Dr. Calvin C. Edmonds by Senator Jubelirer.

Congratulations of the Senate were extended to Donnie Ament, Jenna Knopsnyder, Megan Lamens, 2006 National Road Festival and to the Mount Pleasant Area Junior/Senior High School Wrestling Team by Senator Kasunic.

Congratulations of the Senate were extended to Boy Scout Troop 16 of Scranton by Senator Mellow.

Congratulations of the Senate were extended to LeRoy R. Gensemer by Senator O'Pake.

Congratulations of the Senate were extended to Alexander David Thompson and to Margaret K. Pinkerton by Senator Pileggi.

Congratulations of the Senate were extended to Mt. Lebanon High School Ice Hockey Team of Pittsburgh by Senator Pippy.

Congratulations of the Senate were extended to Cancer Treatment Centers of America by Senator Tartaglione.

Congratulations of the Senate were extended to Ruth Green, Queen E. Sumbler, Dr. Lehien T. Bui, Linda N. Salley, Marguerite Powers and to the Sisters of St. Francis of Philadelphia by Senator Tomlinson.

Congratulations of the Senate were extended to Cumberland Valley Pony Eagle Cheerleading Squad of Mechanicsburg, Cumberland Valley High School Junior Varsity Cheerleading Squad of Mechanicsburg, Cumberland Valley High School Varsity Cheerleading Squad of Mechanicsburg, Cumberland Valley Midget Eagle Cheerleading Squad of Mechanicsburg and to the Cumberland Valley Pee Wee Eagle Cheerleading Squad of Mechanicsburg by Senator Vance.

Congratulations of the Senate were extended to Clarence March by Senator Waugh.

Congratulations of the Senate were extended to the Blairsville High School Boys' Basketball Team by Senator D. White.

Congratulations of the Senate were extended to W. David Loughlin and to Bonnie Squires by Senator C. Williams.

Congratulations of the Senate were extended to Pat Flynn by Senator Wonderling.

Congratulations of the Senate were extended to Dr. Ferdinand Soisson, Jr., Abe Beerman and to the Very Reverend Dr. Christian R. Oravec by Senator Wozniak.

CONDOLENCE RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Condolences of the Senate were extended to the family of the late Joan M. Sherman by Senator Browne.

Condolences of the Senate were extended to the family of the late Rotan E. Lee by Senator Hughes and others.

Condolences of the Senate were extended to the family of the late Mark W. Melcher by Senator Orié.

POSTHUMOUS CITATION

The PRESIDENT laid before the Senate the following citation, which was read, considered, and adopted by voice vote:

A posthumous citation honoring the late Robert A. Gleason, Sr., was extended to the family by Senator Wozniak.

BILLS ON FIRST CONSIDERATION

Senator MADIGAN. Madam President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

SB 959, SB 1188, HB 348, HB 617 and HB 1559.

And said bills having been considered for the first time,
Ordered, To be printed on the Calendar for second consideration.

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Madam President, when people criticize the War in Iraq, we often hear George W. Bush, Dick Cheney, or some other members of this administration accuse those critics of not realizing that the world changed on September 11, 2001. They imply, or occasionally state outright, that the critics have an obsolete, conventional view of the war, and that they are ill-equipped, therefore, to manage or even to understand the modern war against terror. Unfortunately for America, the opposite is true. Evidence mounts that the people now running our government and who hold civilian authority over the military today are the same ones who do not understand how the world changed on 9-11. The ill-advised invasion of Iraq and the mismanagement of the early days of the occupation, when we could have kept the insurgency from taking hold, demonstrates that the Bush administration lacks any comprehension of post-9-11 strategic concepts or geopolitical reality.

This is not just my view, it is the view of James Webb, who was Secretary of the Navy in the administration of Ronald

Reagan. Webb is a Naval Academy graduate and a decorated combat Marine officer in Vietnam. Among the awards he earned there are the Navy Cross, the Silver Star Medal, two Bronze Stars, and two Purple Hearts. He later served as an instructor at the Marine Corps Officer Candidates School, so he is a man with decent credentials on the subject. In an interview last month on a national television show, he pointed out to Chris Matthews that we have squandered an historic opportunity after 9-11 to bring most of the nations of the world with us in the war against international terrorism. Instead, we went off on our own, with just Britain and a few small countries supporting us, to attack a dictator who had nothing to do with 9-11, but who Cheney and Rumsfeld and that gang wanted to finish off in what they considered unfinished business from the first Gulf War a decade earlier.

In Webb's words, not mine, quote, "We alienated allies almost deliberately, and we went after a situation that had existed pre-9-11. There is a lot of talk among the people who brought us into this war saying that the world changed after 9-11. My view is that it changed in a way differently than they are saying, that the problem of international terrorism grew from regional to international, rather than vice versa. And the worst thing that we could have done strategically would have been to go into one country that was not directly threatening us, and occupy it," end quote. That was Ronald Reagan's Secretary of the Navy. Of course, George Bush first argued that we had to go into Iraq because they had weapons of mass destruction. When the world found out that was not true, he flip-flopped and said it was a good thing that we went into Iraq because Saddam was a brutal dictator who had to be removed. Webb, however, disputes this, saying that removing Saddam was not essential. He also believes that we would have been better off using our military mainly to go after al-Qaeda, and that would have kept Iraq in check. Webb said, "We could have contained Saddam Hussein. The greatest military victory of the last 80 years was the Cold War, where we contained an expansionist nation, wore them down, without a large loss of life...I mean, Saddam was approaching 70 at the time we went in, and he was pretty well beaten down. We could have done that--focused on international terrorism. I wrote a piece on this very early on, right after 9-11, about how to fight international terrorism and one of the paragraphs in there was, do not occupy territory, do not allow yourself to become a target rather than a mobile apparatus for going over them."

Instead, the Bush administration has made our soldiers exactly that, a target, bogged down and trapped in a war that has no end in sight. Instead of using our military to go after al-Qaeda and destroy terrorists, we sent our soldiers into Iraq, where we have created a climate that is breeding terrorism. All this because Bush and Cheney failed to understand how the world is changing in another important aspect. These two old oil men are trapped in an outdated way of thinking about energy, and we are now paying the price in lives in Iraq and dollars here at home. They invaded Iraq because they thought it would help us secure our future oil supply in the Middle East, one of the most ridiculous miscalculations in an administration that has gotten almost nothing right. They even told us that the oil from Iraq would help pay for the war. Instead, the war costs are rising into the hundreds of billions of dollars, and Americans are paying higher

and higher prices for gasoline. Bush did not understand then that Middle East oil is not the answer to our problem; Middle East oil is part of the problem, a big part.

I know he said in his State of the Union Address that we have to end our addiction to oil, but after he spent 5 years in denial about everything from global warming to the impact of international oil markets on our foreign policy, such statements are too little, too late, and they are nothing more than lip service anyway. While saying that we must end our oil addiction, he has proposed exactly zero policy initiatives to realize that goal. Instead, he keeps pushing nonsolutions, like drilling in the Arctic National Wildlife Reserve, where the estimated supply of oil would not be enough to offset even 1 year, or 2 at most, of the additional worldwide demand for oil that is being driven higher by India and China. Fighting for oil in the Middle East, which is what the Iraq War is really about, serves only to trap our nation's economy in a game that we cannot win, and it makes the continual increase of gas prices inevitable in the long term, which we are already beginning to see this very month. It forebodes bad times, not only for drivers at the gas pump, but for our foreign policy as well.

As Tom Friedman wrote earlier this year in his New York Times column, quote, "...there's another Sputnik that just went up: Iran. It's going to make a nuclear bomb no matter what the United Nations or the United States say, because at \$60-a-barrel for oil,"--which is what it was then, now it is \$75--"Tehran's mullahs are rich enough to buy off, or tell off, the rest of the world."

Friedman pointed out that we are in a war with a radical faction of Islam, whose agenda is actually being funded by our own energy purchases in this country. Friedman added, "If we continue to depend on oil, we are going to undermine the whole democratic trend that was unleashed by the fall of the Berlin Wall. Because oil will remain at \$60 a barrel and will fuel the worst regimes in the world--like Iran--to do the worst things." So not only in terms of military strategy, but also in terms of world economic trends, the Bush administration does not understand how the world has changed or how it will continue to change.

We are continuing to lose young American men and women in Iraq week after week, 2,391 U.S. dead so far, because Bush and his key advisors were intent on fighting the last war, rather than understanding the post-9-11 future. Another 17,648 have been wounded, because the Bush administration does not understand how the world changed after 9-11. Their losses are more profoundly sad because they have come in a war that was unnecessary, and even counterproductive. By taking us into it, Bush has not only ignored the new realities of the war on terror, he has destroyed much of the goodwill that the rest of the world felt toward us after the terrorists attacked, and he has weakened our economic future.

In this tragic effort, Pennsylvania lost two more of its native sons, and I ask you to honor them today and honor the sacrifices that they have made.

Lance Corporal Jacob W. Beisel, 21, of Lackawaxen, Pennsylvania, died March 31, from wounds he received while conducting combat operations in Al Anbar Province.

Staff Sergeant Eric A. McIntosh, 29, of Trafford, Pennsylvania, died April 2, while conducting combat operations

in Al Anbar Province.

Both Marines were assigned to the 3rd Battalion, 8th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force.

Thank you, Madam President.

The PRESIDENT. Please rise in homage to Lance Corporal Beisel and Staff Sergeant McIntosh.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Lance Corporal JACOB W. BEISEL and the memory of Staff Sergeant ERIC A. McINTOSH.)

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Madam President, I move that the Senate do now recess until Monday, May 1, 2006, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 12:07 p.m., Eastern Daylight Saving Time.