Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

S. 2734

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 2734, a bill to implement the recommendations of the Inspector General of the Department of the Interior regarding Indian Tribal detention facilities.

S. 2789

At the request of Mr. BROWNBACK, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2789, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2807

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2807, a bill to amend the Internal Revenue Code of 1986 to exempt containers used primarily in potato farming from the excise tax on heavy trucks and trailers.

S. 2860

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2860, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 2869

At the request of Mr. TALENT, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2869, a bill to respond to the illegal production, distribution, and use of methamphetamines in the United States, and for other purposes.

S. 2889

At the request of Mr. ALEXANDER, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Tennessee (Mr. FRIST), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. MILLER), the Senator from South Carolina (Mr. GRAHAM), the Senator from New York (Mr. SCHUMER), the Senator from Colorado (Mr. CAMPBELL), the Senator from Florida (Mr. NELSON), the Senator from Mississippi (Mr. LOTT), the Senator from Nevada (Mr. ENSIGN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2889, a bill to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an endangered species under the Endangered Species Act of 1973, and for other purposes.

S. 2900

At the request of Ms. MURKOWSKI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2900, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Elizabeth Wanamaker Peratrovich and Roy Peratrovich in recognition of their outstanding and enduring contributions to civil rights and dignity of the Native peoples of Alaska and the Nation.

S. 2905

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 2905, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 2909

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2909, a bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area.

S. 2923

At the request of Mr. BIDEN, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2923, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2939

At the request of Mr. LUGAR, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2939, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 2942

At the request of Mr. PRYOR, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oregon (Mr. WYDEN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2942, a bill to amend the Internal Revenue Code of 1986 to provide that combat pay be treated as earned income for purposes of the earned income credit.

S. CON. RES. 8

At the request of Ms. COLLINS, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Con. Res. 8, a concurrent resolution designating the second week in may each year as ''National Visiting Nurse Association Week''.

S. CON. RES. 33

At the request of Mr. CRAIG, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Utah (Mr. BENNETT) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. CON. RES. 136

At the request of Mr. CONRAD, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Indiana (Mr. LUGAR) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 408

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 408, a resolution supporting the construction by Israel of a security fence to prevent Palestinian terrorist attacks, condemning the decision of the International Court of Justice on the legality of the security fence, and urging no further action by the United Nations to delay or prevent the construction of the security fence.

S. RES. 453

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 453, a resolution expressing the sense of the Senate that the United States should prepare a comprehensive strategy for advancing and entering into international negotiations on a binding agreement that would swiftly reduce global mercury use and pollution to levels sufficient to protect public health and the environment.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 2944. A bill to provide that no funds may be expended by the United States Trade Representative to negotiate data exclusivity provisions for certain pharmaceutical products; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am introducing legislation regarding the way the trade policies of the United States affect the ability of developing countries to access to generic drugs.

The bill addresses concerns that this Administration, through the United States Trade Representative, is pursuing policies that will make it even more difficult for developing countries to gain access to the drugs they need, particularly generics, to treat their public health problems like TB, HIV/AIDS and malaria. This is just wrong.

The policies the Administration seeks to put in place are data exclusivity provisions. Such provisions tend to benefit drug manufacturers. As reported in The Wall Street Journal and elsewhere, when these provisions are included trade agreements they essentially bar countries from being able to get more affordable generic drugs for a period of time, usually five years.

Trade agreements should be about promoting trade. People in developing

nations who are suffering from such epidemic diseases should not be denied access to affordable medicines because of trade agreements.

The purpose of what is known as the Doha Declaration was to clarify that trade rules on intellectual property would not interfere with the ability of developing countries to take measures to protect public health. The legislation I am introducing today would prohibit USTR from spending any funds in order to impose data exclusivity for drugs used to treat HIV/AIDS, tuberculosis, or other epidemics, or needed in circumstances of extreme urgency, or national emergency.

I am not one to trample on the need to protect trade secrets, but I cannot condone policies that inhibit developing countries from being able to address their own public health needs. In today's world, it is shortsighted to think that infectious diseases cannot cross borders. By allowing developing countries access to generic drugs, we not only help improve health in those nations, we also help ourselves control these debilitating and often deadly diseases.

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

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

S. 2944

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

SECTION 1. LIMITATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, funds appropriated or otherwise obligated to the United States Trade Representative may not be expended to negotiate data exclusivity provisions with any country with respect to public health pharmaceutical products or to require actions of another country which interfere with a country's access to public health pharmaceutical products.

(b) DEFINITIONS.—In this section:

(1) DATA EXCLUSIVITY PROVISION.—The term ''data exclusivity provision'' means a provision that restricts for a set period of time a country from approving for sale generic public health pharmaceutical products based on original clinical data of public health pharmaceutical products previously approved for sale.

(2) PUBLIC HEALTH PHARMACEUTICAL PRODUCTS.—The term ''public health pharmaceutical products'' means any patented pharmaceutical product, or pharmaceutical product manufactured through a patented process, needed to treat HIV/AIDS, tuberculosis, malaria, or other epidemics, or needed in circumstances of extreme urgency or national emergency in accordance with the Decision of the General Council of 30 August 2003 on the Implementation of Paragraph Six of the DOHA Declaration on the TRIPS Agreement and Public Health and the WTO General Council Chairman's statement accompanying the Decision (JOB(03)/177, WT/GC/M/82) (collectively known as the ''TRIPS/health solution'').

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 2945. A bill to permanently eliminate a procedure under which the Bureau of Alcohol, Tobacco, Firearms, and Explosives can waive prohibitions on the possession of firearms by convicted felons, drug offenders, and other disqualified individuals; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, I rise today, along with Senator LAUTENBERG, to introduce legislation to help ensure that convicted felons are not permitted to legally possess dangerous weapons. The bill would eliminate a discredited program under which convicted felons can apply to the Bureau of Alcohol, Tobacco and Firearms, ATF, to seek a waiver that allows them to possess firearms or explosives.

Under Federal law, those convicted of felonies generally are prohibited from possessing firearms. However, ATF is authorized to grant a waiver from this prohibition if it believes that an individual is not likely to act in a manner that threatens public safety.

Interestingly, this waiver authority was enacted not to permit common criminals to obtain guns, but to assist a company called Winchester, which manufactures firearms. Winchester's parent company, Olin Mathieson Chemical Corporation, had been convicted of a felony involving a kickback scheme. As a result, Winchester was legally prohibited from shipping firearms in interstate commerce. The provision was approved to allow Winchester to stay in business.

Because the provision was drafted broadly, however, the waiver provision applied to common criminals. Originally, waivers could not be granted to those convicted of firearms offenses. But in 1986, Congress expanded the law to allow even persons convicted of firearms offenses, and those involuntarily committed to a mental institution, to apply for a waiver.

Between 1981 and 1991, ATF processed more than 13,000 applications. These applications required some of ATF's best agents to abandon their law enforcement responsibilities and instead conduct extensive investigations on behalf of convicted felons. In the late 1980's, the cost of handling these petitions worked out to about $10,000 for each waiver granted—costs borne by ordinary taxpayers.

The Violence Policy Center investigated 100 cases in which a convicted felon had been allowed to legally possess firearms. In 41 percent of those cases, the felon had been convicted of a crime of violence, or a drug or firearms offense. The crimes of violence included several homicides, sexual assaults and armed robberies.

Between 1981 and 1991, 5600 waivers were granted. In many cases, those who regained their gun privileges later used their guns to commit serious crimes, such as attempted murder, rape, kidnapping, and child molestation.

This program makes no sense. It is not fair to taxpayers, who must foot the bill for ATF investigations. It is not fair to ATF agents, who have much more important things to do. And, most importantly, it is not fair to the public, whose safety is put at risk when convicted felons are allowed to carry guns.

Fortunately, there has long been bipartisan support for blocking the program. Since 1992, Congress has prohibited the use of appropriated funds to implement it, and President Bush's budget proposes that the prohibition be retained. Yet funding bans in appropriations bills are stopgap measures that are effective for only a single fiscal year. It is time to eliminate the waiver program permanently.

I urge my colleagues to support the legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2945

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 ''No Guns for Felons Act''.

SEC. 2. ADMINISTRATIVE RELIEF FROM CERTAIN FIREARMS PROHIBITIONS.

(a) IN GENERAL.—Section 925(c) of title 18, United States Code, is amended—

(1) in the first sentence by inserting ''(other than a natural person)'' before ''who is prohibited'';

(2) in the fourth sentence—

(A) by inserting ''person (other than a natural person) who is a'' before ''licensed importer''; and

(B) by striking ''his'' and inserting ''the person's''; and

(3) in the fifth sentence, by inserting ''(1) the name of the person, (2) the disability with respect to which the relief is granted, (3) if the disability was imposed by reason of a criminal conviction of the person, the crime for which and the court in which the person was convicted, and (4)'' before ''the reasons therefor''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to—

(1) applications for administrative relief and actions for judicial review that are pending on the date of enactment of this Act; and

(2) applications for administrative relief filed, and actions for judicial review brought, after the date of enactment of this Act.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Mr. DURBIN):

S. 2947. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

Mr. AKAKA. Mr. President, I rise to introduce the Taxpayer Abuse Prevention Act. Earned income tax credit (EITC) benefits intended for working families are increasingly being reduced by the growing use of refund anticipation loans, which typically carry triple digit interest rates. According to the Brookings Institution, an estimated $1.9 billion intended to assist low-income families was received by commercial tax preparers and affiliated national banks to pay for tax assistance, electronic filing of returns, and high-cost refund loans in 2002. The interest rates and fees charged on refund anticipation loans (RALs) are not justified

for the short length of time that these loans cover and the minimal risk they present. These loans carry little risk because of the Debt Indicator program. The Debt Indicator (DI) is a service provided by the Internal Revenue Service that informs the lender whether or not an applicant owes Federal or State taxes, child support, student loans, or other government obligations, which assists the tax preparer in ascertaining the applicant's ability to obtain their full refund so that the RAL is repaid. The Department of the Treasury should not be facilitating these predatory loans that allow tax preparers to reap outrageous profits by exploiting working families.

Unfortunately too many working families are susceptible to predatory lending because they are left out of the financial mainstream. Between 25 and 56 million adults are unbanked, or not using mainstream, insured financial institutions. The unbanked rely on alternative financial service providers to obtain cash from checks, pay bills, send remittances, utilize payday loans, and obtain credit. Many of the unbanked are low- and moderate-income families that can ill afford to have their earnings unnecessarily diminished by their reliance on these high-cost and often predatory financial services. In addition, the unbanked are unable to save securely to prepare for the loss of a job, a family illness, a down payment on a first home, or education expenses.

My bill will protect consumers against predatory loans, reduce the involvement of the Department of the Treasury in facilitating the exploitation of taxpayers, and expand access to opportunities for saving and lending at mainstream financial services.

My bill prohibits refund anticipation loans that utilize EITC benefits. Other Federal benefits, such as Social Security, have similar restrictions to ensure that the beneficiaries receive the intended benefit.

My bill also limits several of the objectionable practices of RAL providers. My legislation will prohibit lenders from using tax refunds to collect outstanding obligations for previous RALs. In addition, mandatory arbitration clauses for RALs that utilize federal tax refunds would be prohibited to ensure that consumers have the ability to take future legal action if necessary in the future.

I am deeply troubled that the Department of the Treasury plays such a prominent role in the facilitation and subsequent promotion of refund anticipation loans. In 1995, the use of the DI was suspended because of massive fraud in e-filed returns with RALs. After the program was discontinued, RAL participation declined. The use of the DI was reinstated in 1999, according to H&R Block, to ''assist with screening for electronic filing fraud and is also expected to substantially reduce refund anticipation loan pricing.'' Although RAL prices were expected go down as a result of the reinstatement of the DI, this has not occurred. The Debt Indicator should once again be stopped. The DI is helping tax preparers make excessive profits of low- and moderate-income taxpayers who utilize the service. If the Debt Indicator is removed, then the loans become riskier and the tax preparers may not aggressively market them among EITC filers. The IRS should not be aiding efforts that take the earned benefit away from low-income families and allow unscrupulous preparers to take advantage of low-income taxpayers. My bill terminates the DI program. In addition, my bill removes the incentive to meet Congressionally mandated electronic filing goals by facilitating the exploitation of taxpayers. My bill would prevent any electronically filed tax returns that resulted in tax refunds that were distributed by refund anticipation loans from being counted towards the goal established by the IRS Restructuring and Reform Act of 1998 that the IRS have at least 80 percent of all returns filed electronically by 2007.

My bill also expands access to mainstream financial services. Electronic Transfer Accounts (ETA) are low-cost accounts at banks and credit unions that are intended for recipients of certain Federal benefit payments. Currently, ETAs are provided for recipients of other federal benefits such as Social Security payments. My bill expands the eligibility for ETAs to include EITC benefits. These accounts will allow taxpayers to receive direct deposit refunds into an account without the need for a RAL.

Furthermore, my bill would mandate that low- and moderate-income taxpayers be provided opportunities to open low-cost accounts at federally insured banks or credit unions via appropriate tax forms. Providing taxpayers with the option of opening a bank or credit union account through the use of tax forms provides an alternative to RALs and provides immediate access to the opportunities found at banks and credit unions.

I want to thank my colleagues, Senator BINGAMAN and Senator DURBIN for cosponsoring the legislation. I also thank Representative JAN SCHAKOWSKY for introducing the companion legislation in the other body. I ask unanimous consent that the text of the Taxpayer Abuse Prevention Act be printed following my remarks. I also ask unanimous consent that the text of a support letter from the Association of Community Organizations for Reform Now, the Children's Defense Fund, the Consumer Federation of America, Consumers Union, and the National Consumer Law Center, be printed in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill and a letter be printed in the RECORD.

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

S. 2947

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 ''Taxpayer Abuse Prevention Act''.

SEC. 2. PREVENTION OF DIVERSION OF EARNED INCOME TAX CREDIT BENEFITS.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) is amended by adding at the end the following new subsection:

''(n) PREVENTION OF DIVERSION OF CREDIT BENEFITS.—The right of any individual to any future payment of the credit under this section shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or right shall be subject to any execution, levy, attachment, garnishment, offset, or other legal process except for any outstanding Federal obligation. Any waiver of the protections of this subsection shall be deemed null, void, and of no effect.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. PROHIBITION ON DEBT COLLECTION OFFSET.

(a) IN GENERAL.—No person shall, directly or indirectly, individually or in conjunction or in cooperation with another person, engage in the collection of an outstanding or delinquent debt for any creditor or assignee by means of soliciting the execution of, processing, receiving, or accepting an application or agreement for a refund anticipation loan or refund anticipation check that contains a provision permitting the creditor to repay, by offset or other means, an outstanding or delinquent debt for that creditor from the proceeds of the debtor's Federal tax refund.

(b) REFUND ANTICIPATION LOAN.—For purposes of subsection (a), the term ''refund anticipation loan'' means a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 4. PROHIBITION OF MANDATORY ARBITRATION.

(a) IN GENERAL.—Any person that provides a loan to a taxpayer that is linked to or in anticipation of a Federal tax refund for the taxpayer may not include mandatory arbitration of disputes as a condition for providing such a loan.

(b) EFFECTIVE DATE.—This section shall apply to loans made after the date of the enactment of this Act.

SEC. 5. TERMINATION OF DEBT INDICATOR PROGRAM.

The Secretary of the Treasury shall terminate the Debt Indicator program announced in Internal Revenue Service Notice 99–58.

SEC. 6. DETERMINATION OF ELECTRONIC FILING GOALS.

(a) IN GENERAL.—Any electronically filed Federal tax returns, that result in Federal tax refunds that are distributed by refund anticipation loans, shall not be taken into account in determining if the goals required under section 2001(a)(2) of the Restructuring and Reform Act of 1998 that the Internal Revenue Service have at least 80 percent of all such returns filed electronically by 2007 are achieved.

(b) REFUND ANTICIPATION LOAN.—For purposes of subsection (a), the term ''refund anticipation loan'' means a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

SEC. 7. EXPANSION OF ELIGIBILITY FOR ELECTRONIC TRANSFER ACCOUNTS.

(a) IN GENERAL.—The last sentence of section 3332(j) of title 31, United States Code, is amended by inserting ''other than any payment under section 32 of such Code'' after ''1986''.

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

SEC. 8. PROGRAM TO ENCOURAGE THE USE OF THE ADVANCE EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall, after consultation with such private, nonprofit, and governmental entities as the Secretary determines appropriate, develop and implement a program to encourage the greater utilization of the advance earned income tax credit.

(b) REPORTS.—Not later than the date of the implementation of the program described in subsection (a), and annually thereafter, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the elements of such program and progress achieved under such program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

SEC. 9. PROGRAM TO LINK TAXPAYERS WITH DIRECT DEPOSIT ACCOUNTS AT FEDERALLY INSURED DEPOSITORY INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall enter into cooperative agreements with federally insured depository institutions to provide low- and moderate-income taxpayers with the option of establishing low-cost direct deposit accounts through the use of appropriate tax forms.

(b) FEDERALLY INSURED DEPOSITORY INSTITUTION.—For purposes of this section, the term ''federally insured depository institution'' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(c) OPERATION OF PROGRAM.—In providing for the operation of the program described in subsection (a), the Secretary of the Treasury is authorized—

(1) to consult with such private and nonprofit organizations and Federal, State, and local agencies as determined appropriate by the Secretary, and

(2) to promulgate such regulations as necessary to administer such program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

NATIONAL CONSUMER LAW CENTER INC,
Washington, DC, July 12, 2004.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The Association of Community Organizations for Reform Now (ACORN), Children's Defense Fund, Consumer Federation of America, Consumers Union, and National Consumer Law Center (on behalf of its low-income clients), write to support your bill, the ''Taxpayer Abuse Prevention Act.'' By prohibiting lenders from making loans against the Earned Income Tax Credit, this bill would greatly reduce the scope of abuses caused by refund anticipation loans (RALs), which carry effective annualized interest rates of about 70% to over 700%.

As you know, over 55% of consumers who receive RALs are beneficiaries of the Earned Income Tax Credit. In 2002, EITC recipients paid about $749 million in loan and ''administrative'' fees for RALs. These fees divert hundreds of millions of EITC dollars, paid out of the U.S. Treasury, into the coffers of multimillion dollar commercial preparation chains and big banks. It's time to stop lenders from making high cost, abusive loans using the precious dollars intended to support working poor families.

Furthermore, we support the ''Taxpayer Abuse Prevention Act'' for its provisions that halt several of the most egregious practices of RAL lenders, such as seizing taxpayers' tax refunds as a form of debt collection and slipping in mandatory arbitration clauses, which leave RAL consumers without their day in court. Moreover, we appreciate the termination of the IRS Debt Indicator program, which would stop the IRS's practice of sharing taxpayer's personal financial information in order to make RALs more profitable for lenders. Finally, we applaud the provisions of the bill that support linking unbanked taxpayers with bank accounts, such as the provision to permit them to open Electronic Transaction Accounts to receive federal tax refunds.

Thank you again for all your efforts to combat taxpayer abuse by the RAL industry.

Sincerely,

MAUDE HURD,
National President, Association of Community Organizations for Reform Now.

JEAN ANN FOX,
Director of Consumer Protection, Consumer Federation of America.

CHI CHI WU,
Staff Attorney, National Consumer Law Center.

DEBORAH CUTLER-ORTIZ,
Director of Family Income, Children's Defense Fund.

SHELLEY CURRAN,
Policy Analyst, Consumers Union.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 2950. A bill to amend title XIX of the Social Security Act to prohibit payments to States under the medicaid program for redispensing prescription drugs; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today to introduce legislation to close a gaping loophole in the Medicaid law that allows pharmacies to double bill the Medicaid program for prescription drugs.

As you may know, many States are now encouraging or requiring health care facilities to return unused prescription drugs for Medicaid patients to pharmacies for re-dispensing as a way to save money. These drugs go unused because a nursing home patient has died, the prescription was incorrect, or the patient no longer needs the drugs.

Certainly, we should encourage states and pharmacies to re-dispense rather than simply discard these prescription drugs. However, while some States, including Connecticut, Missouri, and Texas, have laws that require pharmacies that re-stock drugs for re-dispensing to credit the State Medicaid program, many, including New Jersey, do not. This has resulted in pharmacy companies double charging Medicaid—for the sale and resale—of the restocked drugs.

We have an obligation to close this loophole. At a time in which all 50 States are proposing cuts to their Medicaid programs because of skyrocketing costs and the burden of these costs on the Federal Government continues to grow, we must eliminate such wasteful spending.

The absence of any Federal or State law or regulation prohibiting this practice has left our courts with no option but to allow this practice to continue. For example, a recent Third Circuit Court of Appeals decision found that a New Jersey pharmacy company, Omnicare, had indeed double charged the State's Medicaid program when it charged Medicaid twice for the sale and resale of restocked drugs. Because there was no State or Federal law prohibiting such double charges, however, the court could not assess penalties against the company. Writing for the court, Judge Jane Roth said, ''We are constrained by a lack of a regulation. We believe that Congress and/or the New Jersey legislature might serve Medicaid well if this lack of regulation were corrected.''

My legislation will close this loophole by prohibiting federal reimbursement for any prescription drugs that have been re-stocked. Recognizing that pharmacies that restock prescription drugs incur costs in verifying the integrity of the drugs and placing them back into the pharmacy's inventory, my legislation allows states to provide reasonable reimbursements to pharmacies for these costs.

In closing, I want to state that I am open to working with the Administration to close this loophole. I think that the Centers for Medicare and Medicaid have the authority to close this loophole and I hope that they will take immediate action to address this problem. This practice of double billing is nothing short of fraud. Congress and the Administration have a duty to safeguard the Medicaid program from such fraud, waste, and abuse. I urge my colleagues to join me in the effort to do just that.

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

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

S. 2950

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

SECTION 1. PROHIBITION ON PAYMENT FOR REDISPENSING PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(1) in paragraph (20), by striking the period at the end and inserting ''; or''; and

(2) by adding at the end the following:

''(21) with respect to any amount expended for redispensing a prescribed drug, other than in accordance with guidance of the Secretary that—

''(A) specifies the circumstances under which redispensing of a prescribed drug shall be permissible; and

''(B) allows for a reasonable restocking fee that takes into account the costs of inspection and inventory processes for redispensing.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the first day of the first fiscal year quarter that begins after the date of enactment of this Act.

Mr. HATCH. Mr. President, I rise today to introduce the Paiute Land Adjustments Act. This bill would authorize the Secretary of the Interior to convey or transfer four small Paiute trust land parcels totaling about five acres. My introduction of this bill at the closing of the 108th Congress is to show my support to the Paiute Tribe, the city of Richfield, UT and to Congressman CHRIS CANNON's companion measure, H.R. 3982, which has passed the House and has been held at the desk in the Senate.

There are, however, some minor aspects of H.R. 3982 which I believe merit some clarification and may even require future technical amendments. The bill I am introducing today reflects some of the minor changes that have been requested by the Senate Indian Affairs Committee, and my introduction of the bill is also an effort to get those clarifications on record.

I do strongly support the passage of H.R. 3982, and I am working with Chairman BEN NIGHTHORSE CAMPBELL of the Senate Indian Affairs Committee and Senate leadership to secure its final passage before the close of this Congress.

The Paiute Land Adjustments Act would allow the Paiute Indian Tribe of Utah to convey at fair market value three acres of trust land to the city of Richfield, UT. This land transfer would allow expansion of the Richfield Municipal Airport and provide the Tribe with proceeds to purchase land that has economic development potential.

The city of Richfield approached the tribe about acquiring this parcel of land adjacent to the airport runway. The tribe agreed and the Paiute Tribal Council passed Resolution 01–36, unanimously agreeing to the conveyance of this parcel of land to the city. In 1974, the private nonprofit Utah Paiute Tribal Corporation acquired the three-acre parcel of land in fee for the purpose of economic development. With the passage of the Paiute Indian Tribe Restoration Act in 1980, the land was placed into trust. The land has not been used by the tribe for more than 20 years. It is not contiguous to the Paiute's Reservation and for nearly 30 years now has had no economic development potential. The tribal resolution expresses the Paiute's desire to accept the city's offer to purchase the land at fair market value and serves as the request to the Secretary of the Interior to convey the trust land. However, only an act of Congress may authorize this land conveyance.

The Paiute Land Adjustments Act would also transfer three trust land parcels, each an acre or less in size, from the tribe to its Kanosh and Shivwits Bands. All parcels would remain in trust status. The first parcel of one acre would be transferred from land held in trust by the United States for the Paiute Tribe to land held in trust for the Kanosh Band. This parcel is surrounded by 279 acres of land that is either owned by the Konosh Band or held in trust for the Konosh Band. For more than 20 years, the sole use of this land has been for the Kanosh Band Community Center. The second parcel, two-thirds of an acre in size, would also be transferred from the tribe to the Kanosh Band. The land has been used exclusively by the Kanosh Band. It was originally intended that the land be taken in trust for the Kanosh Band in 1981 under the Paiute Indian Tribe of Utah Restoration Act. However, through an administrative error, the land was mistakenly placed in trust for the tribe. By way of several Band resolutions, the Kanosh Band has formally requested correction of this error.

The third parcel of land, less than an acre in size, would be transferred from the tribe to be held in trust for the Shivwits Band. The land already is surrounded by several thousand acres of land held in trust for the Shivwits Band, and its sole use has been for the Shivwits Band Community Center.

Finally, the bill would eliminate the word ''city'' from the current official name of the ''Cedar City Band of Paiute Indians,'' a name which has never been used by the Band or residents of southwestern Utah. Thus, the bill makes clear that any reference in a law, map, regulation, document, paper, or other record of the United States to the ''Cedar City Band of Paiute Indians'' shall be deemed to be a reference to the ''Cedar Band of Paiute Indians.''

I would like to make part of the record some clarifications with regard to this bill. This bill has language that would allow the city of Richfield to purchase land from the tribe and direct the payment directly to the tribe without the funds being funneled through the Department of the Interior. I support that provision. The bill also has a provision that would make land acquired by the tribe after February 17, 1984, be made part of the reservation. This is an effort to clarify that lands already in possession of the tribe should be part of the reservation. It is not an effort to ensure that every parcel of land purchased by the tribe in the future be made part of the reservation without regard to the parcel's location or proximity to the existing reservation. I would also like to clarify that nothing in this legislation authorizes the Secretary of the Interior to make land conveyances for any tribe or band without their official consent to such a conveyance.

This bill will cost U.S. taxpayers nothing, but it will solve the dilemma that the City of Richfield faces as it works to make its airport meet the needs of the citizens of southwestern Utah. Equally important is the fact that this bill will allow the Paiute Tribe to use the proceeds from the land sale to acquire land with economic development potential to facilitate the self-determination of the tribe. The bill also takes care of non-controversial land adjustments and technical corrections. The bill is supported by the Paiute Tribe, its Bands, and the people of southwestern Utah residing nearby. That is why I am introducing this legislation that would convey or transfer these four small Paiute trust land parcels.

Finally, I offer my congratulations and best wishes to the Paiute Indian Tribe of Utah. At the tribe's Annual Restoration Gathering over the weekend of June 12, the Paiutes celebrated the 24th anniversary of their restoration as a tribe. The Federal trust relationship with the tribe was restored in 1980 upon enaction of the Paiute Indian Tribe Restoration Act, which I sponsored.

I thank the Senate for the opportunity to address this issue today, and I urge my colleagues to support the passage of H.R. 3982 during the 108th Congress.

By Mrs. CLINTON (for herself, Mr. CHAFEE, and Mr. REID):

S. 2953. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Health Network, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise to introduce today a bill to authorize the development of the Coordinated Environmental Health Network. I am pleased to have Senators CHAFEE and REID as cosponsors.

Environmental public health tracking of chronic diseases began in FY 2002 when the CDC awarded $17 million to 17 states and 3 local health departments to develop the Program and establish 3 Centers of Excellence. These funds were for capacity building and demonstration projects over 3 years. Efforts included correlation of asthma in young adults to air pollution from traffic exhaust or indoor air quality in schools, correlation of adverse pregnancy outcomes and air pollution measurements, PCBs in water supplies, etc and biomonitoring for blood lead and hair mercury with exposure databases. In FY 2003, CDC awarded $18.5 million to continue this program and expand to three additional states as in Florida to link statewide surveillance systems for asthma, autism, mental retardation, cancers, and birth defects

with EPA's Toxic Release Inventory, statewide air monitoring data, and data from the statewide well water surveillance program. 24 states now have efforts to track asthma. FY 2004 funding reached $27 million, and an additional $28 million pending in the Fiscal Year 2005 Labor-Health and Human Services-Education Appropriations bill.

Our bill would build on these efforts, and would eventually cover all priority chronic conditions including birth defects, developmental disabilities (such as cerebral palsy, autism, and mental retardation), asthma and chronic respiratory diseases, neurological diseases, such as Parkinson's disease, multiple sclerosis, and Alzheimer's disease, and autoimmune diseases such as Lupus. It would also eventually reach as many of the States as possible; already the EPA and DHHS (CDC) have signed a Memorandum of Understanding to coordinate exposure databases with the CDC's nationwide chronic disease tracking network and the State grantees.

Our current public health surveillance systems were developed when the major threats to health were infectious agents. Currently, 50 infectious diseases are tracked on a national basis. However, chronic diseases, such as cancer and cardiovascular disease are now the nation's number one killers, and there is evidence that rates of some chronic diseases and conditions are rising. More than 1.3 million new cancer cases were diagnosed in 2003. One in 33 U.S. babies born has a birth defect, and about 17 percent of children under 18 years of age have a developmental disability. In 2001, an estimated 31.3 million Americans reported having been diagnosed with asthma during their lifetime, and 14 million adults reported physician-diagnosed chronic obstructive pulmonary disease. Chronic diseases cost Americans $750,000,000,000 in health care expenses and lost productivity and affect 100 million Americans. Yet our systems for tracking chronic diseases are woefully underdeveloped.

All across our nation are communities where disease clusters such as birth defects, cancers and asthma raise questions about the role of environmental factors in chronic diseases. In order to improve the health of our nation and lower health care costs, we need to develop the infrastructure to study the relationship between environment and chronic disease.

The Coordinated Environmental Health Network Act would create the infrastructure necessary to collect, analyze, and report data on the rate of disease and the presence of relevant environmental factors and exposures. The Network would also coordinate national, State, and local efforts to bolster our public health system's capacity to investigate and respond aggressively to environmental exposures that threaten health. In addition, the Coordinated Environmental Health Network will alert health officials when there is a sudden increase in any disease or condition, including those associated with a biological or chemical attack.

Once fully operational, the network will coordinate national, state, and local efforts to inform communities, public health officials, researchers, and policymakers of potential environmental health risks, and to integrate this information with other parts of the public health system.

The Coordinated Environmental Health Network Act is supported by the Trust for America's Health, American Public Health Association, Citizens for a Cleaner Environment, March of Dimes, American Lung Association, U.S. Public Interest Research Group, The Breast Cancer Fund, Physicians for Social Responsibility, and many others.

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

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

S. 2953

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 ''Coordinated Environmental Health Network Act of 2004''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) approximately 7 out of every 10 deaths in the United States are attributable to chronic diseases;

(2) with 100,000,000 people suffering from chronic diseases each year, and $750,000,000,000 lost in health care costs as a result, the national cost of chronic disease is extremely high and must be appropriately addressed;

(3) the rates of many chronic diseases, including asthma, some birth defects, cancers, and autism, appear to be increasing;

(4) there is a growing amount of evidence that environmental factors are strongly linked with specific chronic disease;

(5) a major gap in critical knowledge exists regarding the prevalence and incidence of chronic diseases;

(6) States, local communities, territories, and Indian tribes need assistance with public health efforts that would lead to prevention of chronic disease, including the establishment and maintenance of necessary infrastructure for disease and environmental hazard exposure surveillance; and

(7) a Coordinated Environmental Health Network will help target resources to areas of chronic disease prevention most in need.

(b) PURPOSES.—It is the purpose of this Act to—

(1) develop, operate, and maintain a Coordinated Environmental Health Network, State Environmental Health Networks, and rapid response capabilities so that the Federal Government, States, local governments, territories, and Indian tribes can more effectively monitor, investigate, respond to, research, and prevent increases in the incidence and prevalence of certain chronic diseases and relevant environmental and other risk factors;

(2) provide information collected through the Coordinated and State Environmental Health Networks to government agencies, public health practitioners and researchers, policy makers, and the public;

(3) expand and coordinate among existing surveillance and data collection systems and other infrastructure for chronic diseases and relevant environmental, and other risk factors, including those relevant to bioterrorism;

(4) improve coordination between the areas of public health, environmental protection, and chemical, radiological and biological terrorism; and

(5) provide necessary support to ensure the availability of a sufficient number of well-trained environmental health and public health personnel to participate and provide leadership in the development and maintenance of the Coordinated and State Environmental Health Networks.

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—COORDINATED ENVIRONMENTAL HEALTH NETWORK

"SEC. 2900. DEFINITIONS.

''In this title:

''(1) ADMINISTRATORS.—The term 'Administrators' means the Director of the Centers for Disease Control and Prevention Coordinating Center for Environmental Health, Injury Prevention, and Occupational Health, and the Administrator of the Environmental Protection Agency.

''(2) COMMITTEE.—The term 'Committee' means the Advisory Committee established under section 2901(d).

''(3) DIRECTOR.—The term 'Director' means the Director of the Centers for Disease Control and Prevention.

''(4) MEDICAL PRIVACY REGULATIONS.—The term 'medical privacy regulations' means the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(5) COORDINATED NETWORK.—The term 'Coordinated Network' means the Coordinated Environmental Health Network established under section 2901(a).

''(6) PRIORITY CHRONIC CONDITION.—The term 'priority chronic condition' means a condition to be tracked in the Coordinated Network and the State Networks, including birth defects, developmental disabilities (such as cerebral palsy, autism, and mental retardation), asthma and chronic respiratory diseases, neurological diseases (such as Parkinson's disease, multiple sclerosis, Alzheimer's disease, and amyotrophic lateral sclerosis), autoimmune diseases (such as lupus), cancer, juvenile diabetes, and such other priority chronic conditions as the Secretary may specify.

''(7) STATE NETWORK.—The term 'State Network' means a State Environmental Health Network established under section 2901(b).

''(8) STATE.—The term 'State' means a State, territory, or Indian tribe that is eligible to receive a health tracking grant under section 2901(b).

"SEC. 2901. ESTABLISHMENT OF COORDINATED AND STATE ENVIRONMENTAL HEALTH NETWORKS.

''(a) COORDINATED ENVIRONMENTAL HEALTH NETWORK.—

''(1) ESTABLISHMENT.—Not later than 36 months after the date of the enactment of this title, the Secretary, acting through the Director and in consultation with the Administrators, State and local health departments, and the Committee, shall establish and operate a Coordinated Environmental Health Network. In establishing and operating the Coordinated Network, the Secretary shall—

''(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other

Federal public health and environmental infrastructure wherever possible, including—

''(i) the National Electronic Disease Surveillance System;

''(ii) State birth defects surveillance systems as supported under section 317C;

''(iii) State cancer registries as supported under part M of title III;

''(iv) State asthma surveillance systems as supported under section 317I;

''(v) the National Health and Nutrition Examination Survey;

''(vi) the Behavioral Risk Factor Surveillance System;

''(vii) the Hazardous Substance Release/Health Effects Database;

''(viii) the Hazardous Substances Emergency Events Surveillance System;

''(ix) the National Exposure Registry;

''(x) the Health Alert Network; and

''(xi) the State vital statistics systems as supported under section 306;

''(B) provide for public access to an electronic national database that accepts data from the State Networks on the incidence and prevalence of priority chronic conditions and relevant environmental and other factors, in a manner which protects personal privacy consistent with the medical privacy regulations;

''(C) not later than 36 months after the date of the enactment of this title, and annually thereafter, prepare and publish, in accordance with paragraph (2), a Coordinated Environmental Health Network Report to provide the public with the findings of the Coordinated Network;

''(D) operate and maintain a National Environmental Health Rapid Response Service within the Epidemic Intelligence Service to carry out the activities described in paragraph (3);

''(E) provide for the establishment of State Networks, and coordinate the State Networks as provided for under subsection (b);

''(F) provide technical assistance to support the State Networks, including providing—

''(i) training for environmental health investigators appointed or hired under subsection (b)(3)(D);

''(ii) technical assistance as needed to States to build necessary capacity and infrastructure for the establishment of a State Network, including a computerized data collection, reporting, and processing system, and additional assistance identified by the States under subsection (b)(5)(C) as necessary for infrastructure development; and

''(iii) such other technical assistance as the Secretary, in consultation with the Administrators, determines to be necessary;

''(G) not later than 12 months after the date of the enactment of this title, acting through the Director and consulting with the Administrators, the Surgeon General, the Director of the National Institutes of Health, and States, develop minimum standards and procedures in accordance with paragraph (4) for data collection and reporting for the State Networks, to be updated not less than annually thereafter; and

''(H) in developing the minimum standards and procedures under subparagraph (G), include mechanisms for allowing the States to set priorities, and allocate resources accordingly, among the factors described in subparagraphs (A), (B), and (C) of paragraph (4).

''(2) COORDINATED ENVIRONMENTAL HEALTH NETWORK REPORT.—Each Coordinated Environmental Health Network Report prepared under paragraph (1)(C) shall include—

''(A) a statement of the activities carried out under this title;

''(B) an analysis of the incidence, prevalence, and trends of priority chronic conditions and potentially relevant environmental and other factors by State and census tract (or other political or administrative subdivision determined appropriate by the Secretary in consultation with the Administrator of the Environmental Protection Agency) for the calendar year preceding the year for which the report is prepared;

''(C) the identification of gaps in the data of the Coordinated Network, including diseases of concern and environmental exposures not tracked; and

''(D) recommendations regarding high risk populations, public health concerns, response and prevention strategies, and additional tracking needs;

''(3) NATIONAL ENVIRONMENTAL HEALTH RAPID RESPONSE SERVICE.—The National Environmental Health Rapid Response Service operated under paragraph (1)(D) shall—

''(A) work with environmental health investigators appointed or hired under subsection (b)(3)(D) to develop and implement strategies, protocols, and guidelines for the coordinated, rapid responses to actual and perceived higher than expected incidence and prevalence rates of priority chronic conditions and to acute and potential environmental hazards and exposures;

''(B) conduct investigations into higher than expected incidence and prevalence rates of priority chronic conditions or environmental exposures after an individual requests, through a process established by the Secretary, the intervention of the Service;

''(C) coordinate activities carried out under this title with activities carried out under sections 319 through 319G; and

''(D) coordinate activities carried out under this title with the Administrators, the Surgeon General, and the Director of the National Institutes of Health.

''(4) DATA COLLECTION AND REPORTING BY STATE NETWORKS.—The minimum standards and procedures referred to in paragraph (1)(G) shall include—

''(A) a list and definitions of the priority chronic conditions to be tracked through the State Networks;

''(B) a list and definitions of relevant environmental exposures of concern to be tracked, to the extent practicable, through the State Networks, including—

''(i) hazardous air pollutants (as defined in section 302(g) of the Clean Air Act);

''(ii) air pollutants for which national primary ambient air quality standards have been promulgated under section 109 of the Clean Air Act;

''(iii) pollutants or contaminants (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980);

''(iv) toxic chemicals (as described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986);

''(v) substances reported under the Toxic Substances Control Act Inventory Update Rule as provided for in part 710 of title 40, Code of Federal Regulations, or successor regulations;

''(vi) pesticides (as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act); and

''(vii) such other potentially relevant environmental factors as the Secretary may specify;

''(C) a list and definitions of potentially relevant behavioral, socioeconomic, demographic, and other risk factors, including race, ethnic status, gender, age, occupation, and primary language, to be tracked through the State Networks;

''(D) procedures for the complete and timely collection and reporting of data to the Coordinated Network by census tract, or other political subdivision determined appropriate by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, regarding the factors described in subparagraphs (A), (B), and (C);

''(E) procedures for making data available to the public and researchers, and for reporting to the Coordinated Network, while protecting the confidentiality of all personal data reported, in accordance with medical privacy regulations;

''(F) standards and procedures for the establishment and maintenance of at least 7 regional biomonitoring laboratories, including providing for an equitable geographic distribution, by entering into cooperative agreements with States, groups of States, and academic institutions or consortia of academic institutions, in order to expand the scope and amount of biomonitoring data collected by the Centers for Disease Control and Prevention;

''(G) criteria for the environmental health investigators as required under subsection (b)(3)(D); and

''(H) procedures for record and data maintenance and verification.

''(b) STATE ENVIRONMENTAL HEALTH NETWORKS.—

''(1) GRANTS.—Not later than 24 months after the date of the enactment of this title, the Secretary, acting through the Director, in consultation with the Administrators, and taking into consideration the findings of the Committee, shall award grants to States, local governments, territories, and Indian tribes for the establishment, maintenance, and operation of State Environmental Health Networks in accordance with the minimum standards and procedures established by the Secretary under subsection (a)(4).

''(2) SPECIALIZED ASSISTANCE.—The Coordinated Network shall provide specialized assistance to grantees in the establishment, maintenance, and operation of State Networks.

''(3) REQUIREMENTS.—A State, local government, territory, or Indian tribe receiving a grant under this subsection shall use the grant—

''(A) to establish an environmental health network that will provide—

''(i) for the complete tracking of the incidence, prevalence, and trends of priority chronic conditions and potentially relevant environmental and other factors as set forth in subsection (a), as well as any additional priority chronic conditions and potentially related environmental exposures of concern to that State, local government, territory, or Indian tribe;

''(ii) for identification of priority chronic conditions and potentially relevant environmental and other factors that disproportionately impact low income and minority communities;

''(iii) for the protection of the confidentiality of all personal data reported, in accordance with the medical privacy regulations;

''(iv) a means by which confidential data may, in accordance with Federal and State law, be disclosed to researchers for the purposes of public health research;

''(v) the fullest possible public access to data collected by the State Network or through the Coordinated Network, while ensuring that individual privacy is protected in accordance with subsection (a)(1)(B); and

''(vi) for the collection of exposure data through biomonitoring and other methods, including the entering into of cooperative agreements with the Coordinated Network in the establishment of the regional biomonitoring laboratories;

''(B) to develop a publicly available plan for establishing the State Network in order to meet minimum standards and procedures as developed by the Coordinated Network under subsection (a)(4), including the State's

priorities within the minimum standards, a timeline by which all the standards will be met, and a plan for coordinating and expanding existing data and surveillance systems within the State including any pilot projects established through the Centers for Disease Control and Prevention prior to the date of the enactment of this title;

''(C) to appoint a lead environmental health department or agency that will be responsible for the development, operation, and maintenance of the State Network, and ensure the appropriate coordination among State and local agencies regarding the development, operation, and maintenance of the State Network;

''(D) to appoint or hire an environmental health investigator who meets criteria established by the Secretary under subsection (a)(4)(G) and who will coordinate the development and maintenance of the rapid response protocol established under subparagraph (E);

''(E) to establish a rapid response protocol, coordinated by the grantee's environmental health investigator, in order to respond in a timely manner to actual and perceived incidence and prevalence rates of priority chronic diseases that are higher than expected, acute and potential environmental hazards and exposures, and other environmental health concerns, including warning the public when emergent public health concerns are detected through the State Network, and concerns regarding vulnerable subpopulations and disproportionately impacted subpopulations;

''(F) to establish an advisory committee to ensure local community input to the State Network; and

''(G) to recruit and train public health officials to continue to expand the State Network.

''(4) LIMITATION.—A State, local government, territory, or Indian tribe that receives a grant under this section may not use more than 10 percent of the funds made available through the grant for administrative costs.

''(5) APPLICATION.—To seek a grant under this section, a State, local government, territory, or Indian tribe shall submit to the Secretary an application at such time, in such form and manner, and accompanied by such information as the Secretary may specify. The Secretary may not approve an application for a grant under this subsection unless the application—

''(A) contains assurances that the State, local government, territory, or tribe will—

''(i) use the grant only in compliance with the requirements of this title; and

''(ii) establish such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement and accounting of Federal funds paid to the State, local government, territory, or tribe under the grant;

''(B) contains the assurance that the State, local government, territory, or tribe will establish a State Network as required by this subsection; and

''(C) contains assurances that if the State, local government, territory, or tribe is unable to meet all of the requirements described in this subsection within the prescribed time period, the State, local government, territory, or tribe will use grant funds to increase the public health infrastructure of the State, local government, territory, or tribe, acting in cooperation with the Coordinated Network, in order to implement and maintain a State Network within 24 months of the receipt of such grant.

''(c) PILOT PROJECTS.—

''(1) IN GENERAL.—Beginning in fiscal year 2005, a State, local government, territory, or Indian tribe may apply for a grant under this subsection to implement a pilot project that is approved by the Secretary, acting through the Director and in consultation with the Administrators and the Committee.

''(2) ACTIVITIES.—A State, local government, territory, or Indian tribe shall use amounts received under a grant under this subsection to carry out a pilot project designed to develop State Network enhancements and to develop programs to address specific local and regional concerns, including—

''(A) the expansion of the State Network to include additional chronic diseases or environmental exposures;

''(B) the conduct of investigations of local concerns of increased incidence or prevalence of priority chronic conditions and environmental exposures; and

''(C) the carrying out of other activities as determined to be a priority by the State or consortium of regional States, local government, territory, or tribe and the Secretary.

''(3) RESULTS.—The Secretary may consider the results of the pilot projects under this subsection for inclusion into the Coordinated Network.

''(d) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 3 months after the date of the enactment of this title, the Secretary acting jointly with the Administrators, shall establish an Advisory Committee in accordance with the Federal Advisory Committee Act.

''(2) COMPOSITION.—The Advisory Committee shall be composed of 16 members to be appointed by the Secretary. Each member of the Advisory Committee shall serve a 3-year term, except that the Secretary may appoint the initial members of the Advisory Committee for lesser terms in order to comply with the following sentence. In appointing the members of the Advisory Committee, the Secretary shall ensure that the terms of 5 or 6 members expire each year. The Advisory Committee shall include at least 9 members that have experience in the areas of—

''(A) public health;

''(B) the environment, especially toxic chemicals and human exposure;

''(C) epidemiology; and

''(D) biomonitoring and other relevant exposure technologies.

''(3) REPORTING.—The Advisory Committee shall not later than 12 months after the date of the enactment of this title, and at least once every 12 months thereafter, report to Congress on the progress of the Coordinated Network.

''(4) HEARINGS.—The Advisory Committee shall hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers appropriate to carry out the objectives of the Coordinated Network.

''(5) DUTIES.—The Advisory Committee shall—

''(A) review and provide input for the Coordinated Environmental Health Network Report prior to publication, and make recommendations as to the progress of the Coordinated Network, including identifying information gaps in the network;

''(B) assist in developing the minimum standards and procedures for the State Networks under subsection (a)(4); and

''(C) provide ongoing public input to the Coordinated Network.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2005 and such sums as may be necessary for each of fiscal years 2006 through 2009.

''SEC. 2902. INCREASING PUBLIC HEALTH PERSONNEL CAPACITY.

''(a) SCHOOLS OR PROGRAMS OF PUBLIC HEALTH CENTERS OF EXCELLENCE.—

''(1) GRANTS.—Beginning in fiscal year 2005, the Secretary may award grants to at least 5 accredited schools or programs of public health for the establishment, maintenance, and operation of Centers of Excellence for research and demonstration with respect to chronic conditions and relevant environmental factors.

''(2) ACTIVITIES.—A Center of Excellence established or operated under paragraph (1) shall undertake research and development projects in at least 1 of the following areas:

''(A) Investigating causal connections between chronic conditions and environmental factors.

''(B) Increasing the understanding of the causes of higher than expected incidence and prevalence rates of priority chronic conditions and developing more effective intervention methods for when such elevated rates occur.

''(C) Identifying additional chronic conditions and environmental factors that could be tracked by the Coordinated Network.

''(D) Improving translation of Coordinated Network tracking results into effective prevention activities.

''(E) Improving the training of public health workforce in environmental epidemiology.

''(F) Establishing links to the Coordinated Network and the State Networks to identify associations that warrant further study.

''(3) REQUIREMENTS FOR CENTERS OF EXCELLENCE.—To be eligible to receive a grant under paragraph (1), a school or program of public health shall provide assurances that the school or program—

''(A) meets the minimum requirements as established by the Secretary in consultation with the Director;

''(B) maintains privacy for public health information if appropriate to the project; and

''(C) makes public information regarding the findings and results of the programs.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2005 through 2009.

''(b) JOHN H. CHAFEE PUBLIC HEALTH SCHOLAR PROGRAM.—

''(1) IN GENERAL.—The Secretary shall award scholarships, to be known as John H. Chafee Public Health Scholarships, to eligible students who are enrolled in an accredited school of public health or medicine. The Secretary shall determine both the criteria and eligibility requirements for such scholarships, after consultation with the Committee.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,500,000 for each of fiscal years 2005 through 2009.

''(c) APPLIED EPIDEMIOLOGY FELLOWSHIP PROGRAMS.—

''(1) IN GENERAL.—Beginning in fiscal year 2005, the Secretary, acting through the Director, shall enter into a cooperative agreement with the Council of State and Territorial Epidemiologists to train and place, in State and local health departments, applied epidemiology fellows to enhance State and local epidemiology capacity in the areas of environmental health, chronic disease, and birth defects and development disabilities.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,500,000 for fiscal year 2005, and such sums as may be necessary in each of fiscal years 2006 through 2009.

''SEC. 2903. GENERAL PROVISIONS.

''(a) INTERNAL MONITORING AND COORDINATION REGARDING CDC.—The Secretary, acting

through the Director, shall place primary responsibility for the coordination of the programs established under this title in the Office of the Director. The officers or employees of the Centers for Disease Control and Prevention who are assigned responsibility for monitoring and coordinating the activities carried out under this title by the Director shall include officers or employees within the Office of the Director.

''(b) FUNDING THROUGH APPROPRIATIONS ACCOUNT FOR PUBLIC HEALTH IMPROVEMENT.—All authorizations of appropriations established in this title are authorizations exclusively for appropriations to the account that, among appropriations accounts for the Centers for Disease Control and Prevention, is designated 'Public Health Improvement'.

''(c) DATE CERTAIN FOR OBLIGATION OF APPROPRIATIONS.—With respect to the process of receiving applications for and making awards of grants, cooperative agreements, and contracts under this title, the Secretary, acting through the Director, shall to the extent practicable design the process to ensure that amounts appropriated under this title for such awards for a fiscal year are obligated not later than the beginning of the fourth quarter of the fiscal year, subject to compliance with section 1512 of title 31, United States Code (relating to deficiency or supplemental appropriations), and other applicable law regarding appropriations accounting.

''(d) COORDINATION WITH AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.—In carrying out this title, the Secretary, acting through the Director, shall coordinate activities and responses with the Agency for Toxic Substances and Disease Registry.

''(e) COORDINATION WITH EXISTING PILOT PROJECTS THROUGH CDC.—The Secretary shall integrate the enactment of this title with all environmental health tracking pilot projects funded prior to the date of enactment of this title.''.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2954. A bill to authorize the exchange of certain land in Grand and Uintah Counties, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I am proud to introduce the Utah Recreational Land Exchange Act of 2004, together with my colleague Senator Hatch. This legislation will ensure the protection of critical lands along the Colorado River corridor in southeastern Utah and will help provide important funding for Utah's school children. In Utah we treasure the education of our children. A key component of our education system is the 3.5 million acres of school trust lands scattered throughout the State. These lands are dedicated to the support of public education. Revenue from Utah school trust lands, whether from grazing, forestry, surface leasing or mineral development, is placed in the State School Fund. This fund is a permanent income producing endowment created by Congress upon statehood to fund public education. Unfortunately, the majority of these lands are trapped within federal ownership patterns that make it impossible for responsible development. It is critical to both the state of Utah and the Bureau of Land Management (BLM) that we consolidate their respective lands to ensure that both public agencies are permitted to fulfill their mandates.

The legislation we are introducing today is yet another chapter in our State's long history of consolidating these State lands for the financial well being of our education system. These efforts serve a dual purpose as they help the Federal land management agencies to consolidate federal lands in environmentally sensitive areas that can then be reasonably managed. We see this exchange as a win-win solution for the State of Utah and its school children, as well as the Department of the Interior as the caretaker of our public lands.

Beginning in 1998 Congress passed the first major Utah school trust land exchange which consolidated hundreds of thousands of acres. Again in 2000, Congress enacted an exchange consolidating another 100,000 acres. I was proud to be instrumental in those efforts, and the bill we are introducing today is yet another step in the long journey toward giving the school children the deal they were promised in 1896 when Utah was admitted to the Union.

The School Trust of Utah currently owns some of the most spectacular lands in America, located along the Colorado River in southeastern Utah. This legislation will ensure that places like Westwater Canyon of the Colorado River, the world famous Kokopelli and Slickrock biking trails, some of the largest natural rock arches in the United States, wilderness study areas, and viewsheds for Arches National Park will be traded into Federal ownership and for the benefit of future generations. At the same time, the school children of Utah will receive mineral and development lands that are not environmentally sensitive, in locations where responsible development makes sense. This will be an equal value exchange, with approximately 40,000 acres exchanged on either side, with both taxpayers and the school children of Utah receiving a fair deal. Moreover, the legislation establishes a valuation process that is transparent to the public, yet will ensure the exchange process occurs in a timely manner.

This legislation represents a truly collaborative process. We have convened all of the players to give us input into this legislation: local government, the State, the recreation community, the environmental community and other interested parties. At the same time we are working closely with the Department of Interior. We introduce this bill at this late date in this Congress to begin the legislative portion of our efforts. The state has been working with all of these groups over the past year at a grass-roots level to address concerns. As with all legislation this will be a perfecting process and introduction today marks the beginning of our efforts to work with the appropriate committees and the Department of Interior to craft a product over the next few months that will be ready to move at the beginning of the next Congress.

I urge all of my colleagues to support our efforts to fund the education of our children in Utah and to protect some of this Nation's truly great lands. I urge support of the Utah Recreational Land Exchange Act of 2004.

By Mr. BOND:

S. 2956. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a program to provide a support system for members of the Armed Forces who incur severe disabilities; to the Committee on Armed Services.

Mr. BOND. Mr. President, I rise today to introduce a bill of great importance to our most severely injured troops who are carrying the battle to the terrorists. This legislation will assist the Department of Defense by granting reprogramming authority to the Army to transfer funds to the Army's Disabled Soldier Support System (DS3) and by expanding the program to cover all the Armed Services.

The Disabled Soldier Support System this legislation will support was established just this year by the former Vice Chief of Staff of the Army, General George W. Casey, who realized after visiting severely wounded soldiers at Walter Reed Army Hospital that more support was needed to help these soldiers make the transition from military to civilian life.

The program the Army currently has in place is budgeted for $ one million and has a staff of less than 10 people. It is reported to have helped over 200 soldiers but we have a much larger group of seriously wounded troops that need our help. Of the nearly 7,000 troops who have been wounded approximately 57 percent were so severely injured that they will not be able to return to active duty.

The Administration is doing all it can but we know that the bureaucracy is sometimes slow to respond and react rapidly to changing conditions. The Army is not the only Service Component with a growing patient load. That is why this legislation will expand this worthy program to all branches of the Armed Services.

The patriots who are wounded while serving in support of our defense deserve the best care and assistance this Nation can deliver. That is why I am honored to submit this legislation today. It is my hope that my colleagues will put their full support behind this legislation and find a way to get it passed when we return later this year.

I thank my co-sponsors Senator's KENNEDY, BURNS and NELSON of Florida along with Congressman ''DUTCH'' RUPPERSBERGER who introduced this legislation in the House in early September and Steve Robinson, National Gulf War Resource Center, who referred Congressman RUPPERSBERGER to my office.

While the current debate continues regarding U.S. foreign policy there is no debate about doing all that is necessary to help our troops prevail on the battlefield—or to help those who are severely wounded on the field of battle to recover and make the transition from military to civilian life.

As the Chairman of VA–HUD I continue to work with my distinguished colleague Senator MIKULSKI to make the transition from the military support system to the VA support system as seamless as possible. This legislation will help improve the support system in the Department of Defense and make the work we are doing with the VA that much easier.

This legislation is vital for the welfare of our troops, their loved ones and families, and for the Department of Defense and the Department of Veterans Affairs. That is why I hope my colleagues will support this bill and work to get it passed before years end.

By Mr. KYL (for himself, Mr. SMITH, and Mr. DOMENICI):

S. 2957. A bill to encourage the promotion of democracy, free, fair, and transparent elections, and respect for human rights and the rule of law in Ukraine, and for other purposes; to the Committee on Foreign Relations.

Mr. KYL. Mr. President, I rise today to introduce legislation, the Ukraine Democracy and Fair Elections Act of 2004, designed to promote free, fair and transparent elections in Ukraine. Like the United States, Ukraine is currently in the midst of a presidential election campaign. There is, however, one glaring contrast—all indications are that the campaign in Ukraine is not fair, not free and not transparent.

The U.S. government has sent a number of high level officials to Ukraine to tell retiring President Kuchma and Ukraine's Prime Minister Viktor Yanukovych—who is Kuchma's endorsed presidential candidate—that free and fair elections are essential to Ukraine's standing with the United States. Similarly, European governments have called upon Ukraine to hold free and fair elections. But, unfortunately, it appears that abuses of Ukraine's campaign laws are rapidly escalating.

Ukrainian government officials have continued, without pause, an aggressive offensive against their opposition. Together with oligarch beneficiaries of the Kuchma-Yanukovych government they have denied the opposition access to national media, they have intimidated campaign workers and opposition supporters at work and at home, they have tried to prohibit opposition assemblies, and have stopped buses on the way to opposition rallies. They make a mockery of Ukrainian laws by using government resources to promote the Yanukovych candidacy, and they are aggressively manipulating Ukrainian election laws to ensure that they control the election commission at each of the 40,000 polling place in the country.

What is at stake here is the future of democracy and perhaps independence in Ukraine as well as significant United States national interests in a region that we helped liberate from Communist tyranny just 15 years ago.

The legislation that I am introducing would prevent senior government officials, who are personally involved in suppressing free and fair elections in Ukraine, from obtaining visas to the United States, and would seize the assets of these corrupt officials, unless the U.S. President certifies the elections as free and fair. The objective is to target directly those individuals responsible for the corruption, not the Ukrainian people as a whole. I would note that similar legislation has been introduced in the House of Representatives by Representative DANA ROHRABACHER of California.

I hope this will send a clear message that we stand with the free and democratic people of Ukraine, but not with those who would pervert democracy.

By Mr. GRAHAM of Florida:

S. 2960. A bill to amend title 23, United States Code, to establish a traffic incident management program; to the Committee on Environment and Public Works.

Mr. GRAHAM of Florida. Mr. President, I rise today to introduce legislation that calls for a small Federal commitment that would make a huge impact on the daily lives of all Americans. This legislation, the Rush Hour Congestion Relief Act, authorizes $1 billion per year over the next 6 years, which can make a major dent in the amount of time we sit in traffic everyday.

In February, the Senate approved a six-year highway reauthorization bill, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2004, SAFETEA, which authorized $318 billion through 2009 for the Federal highway and transit program. I voted against the bill for many reasons, but the main reason I could not support the legislation is that the bill did not meet the funding levels identified by the U.S. Department of Transportation's needs assessment. The USDOT identified a $375 billion Federal commitment as necessary to maintain the current condition and level of congestion on our highways. Just maintain, not improve.

Additionally, SAFETEA did not contain any specific programs to target congestion relief. SAFETEA targets funding to construction to add highway capacity. Although adding capacity to our highway and transit system is very important, we will never build our way out of congestion. We must also look at ways to operate and manage the current system and use resources more efficiently. We must focus on managing the demand on our road network, especially in larger urban areas, through innovative approaches and use of new technology. A combination of operational improvements, including freeway ramp metering, traffic signal coordination, traveler information and incident management can accomplish major improvements in daily travel with a small price tag.

Now it looks as though a 6-year highway bill reauthorization will not be completed this year and the 109th Congress will have to start the process from scratch. This is a golden opportunity for the Senate to review the SAFETEA bill and support positive changes to target more funds to congestion relief.

Mr. President, according to the Texas Transportation Institute, TTI, at Texas A&M University, which conducts an annual Urban Mobility Report to study the state of America's urban transportation networks, gridlock cost Americans $63 billion in 2002 in wasted fuel and lost time. This is a significant loss that burdens families, individuals, and businesses. More than 2 in 5 adults report that congestion is a problem in their community. This number is even higher in major cities.

Such concern is not surprising, considering that the average resident of many cities in my state experience some of the worst congestion. Every year a typical resident of Miami and Orlando will lose over 51 hours stuck in traffic. Lost time and wasted fuel will cost each of these Floridians over $900. In 1982, only 11 hours were lost. This is not only a Florida problem. Nor is it only a problem here in Washington DC, or in New York City or Chicago. Even in small urban areas, delay during peak traveling hours grew 200 percent in the past 20 years. Across the country, residents of smaller cities like Pensacola, Charleston, and Colorado Springs could save hundreds of dollars by making our current road system more efficient.

The Rush Hour Congestion Relief Act of 2004 would establish a Federal incident management program to provide funding to states for regional projects to mitigate the effects of traffic congestion on our roads.

Incident management programs would save taxpayers money by allowing our roadways to operate at a more optimal level. When a stalled vehicle or traffic accident blocks a lane of traffic, our roads are not operating efficiently. The Federal Highway Administration estimates that every blocked lane creates an average of four minutes of traffic delay. Furthermore, up to one-third of traffic accidents are secondary to earlier incidents. What this means is that incidents that are not cleared quickly run a higher risk of causing more accidents and increasing delay even further. Results find that 55 percent of congestion in urban areas and 100 percent of congestion in rural areas are caused by incidents such as traffic accidents and stalled vehicles.

Incident management programs vary across the country, but include the cooperative effort of multiple agencies, such as city and county governments, regional planning councils, local police and firefighters, HAZMAT teams and

emergency medical services to detect and verify incidents, manage the scene, and clear the obstruction in a safe manner. In many cases the incident management patrols are the first to arrive on the scene of an accident, and they coordinate Emergency Medical Services, tow trucks, law enforcement and other service providers. Additionally, they are able to funnel information to a central traffic command, which can provide important real-time information to the traveling public.

Some incident management programs offer needed assistance to travelers by providing services such as a free gallon of gas, changing a flat tire, a cell phone call, water for an overheated radiator, and charging a dead battery. In Florida, one way that we have addressed incident management is through a program called Road Rangers. Road Ranger trucks continuously rove the expressways looking for stranded motorists, debris, traffic accidents or other incidents. In 2002, this program utilized 83 vehicles and performed 279,525 service assists.

This bill would authorize $1 billion per year through 2010, from the Highway Trust Fund to create and improve programs like Road Rangers. The funds would be distributed to the states based on their amount of urbanized areas with greater than 300,000 people. The state would then be required to allocate the funds to those targeted urban areas. There are roughly 100 urbanized areas with a population of 300,000 or higher in 42 states. Urban areas would be required to develop an incident management plan before receiving direct funding for their program. This way, all of the stakeholders in a region will have an opportunity to participate in the design and operation of the incident management program. The only way it can work is with regional cooperation. The Rush Hour Congestion Relief Act of 2004 would fund initiatives like the current pilot program in Orlando to provide radio and telecommunications equipment to enhance coordination between Florida Highway Patrol and Road Rangers. It will also provide needed funding for incident management training. In 2001, 59 percent of all police casualties occurred during a response to a traffic incident. Funding under this bill would give first responders the tools and training necessary to reduce that risk.

I am proud to introduce this bill today because incident management works. According to the TTI, incident management has already reduced delay on our roads by 170 million hours. Had we employed these programs to all of our congested highways, American would have spent 239 million less hours on the road. To put this into perspective, it would take the construction of over 200 miles of a six-lane highway to achieve the same level of time savings.

Not only are these programs effective, they save far more than they cost. In States like Minnesota, annual savings from incident management was estimated at $1.4 million, while program operations amounted to only $600,000. In Denver, their Courtesy Patrol program has been estimated to save 10.5 to 16.9 times more than it cost. Although adding capacity to our highway and transit network is important, it is very expensive and takes many years to complete. This approach provides a real solution, which will make a huge impact on congestion in a short amount of time.

Finally, the Rush Hour congestion Relief Act is supported by our nation's local governments, Metropolitan Planning Organizations, and transit providers, who are on the front lines of the daily congestion battle. The act has been endorsed by the National Association of Counties, National League of Cities, National Association of Regional Councils, Association for Commuter Transportation, and the Surface Transportation Policy Project.

I urge my colleagues to join us in this effort to ensure safe and open roads.

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

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

S. 2960

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 ''Rush Hour Congestion Relief Act of 2004''.

SEC. 2. TRAFFIC INCIDENT MANAGEMENT PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after section 138 the following:

''§ 139. Traffic incident management program

''(a) IN GENERAL.—The Secretary shall establish and implement a traffic incident management program in accordance with this section to assist States and localities in—

''(1) regional traffic incident management program planning; and

''(2) carrying out projects to mitigate the effects of traffic delays resulting from accidents, breakdowns, and other non-recurring incidents on highways.

''(b) USE OF FUNDS.—Funds apportioned to a State under this section may be used for—

''(1) regional collaboration and coordination activities that lead to regional traffic incident management policies, programs, plans, procedures, and agreements;

''(2) purchase or lease of telecommunications equipment for first responders as part of the development of a regional traffic incident management program;

''(3) purchase or lease of equipment to support the clearance of traffic incidents;

''(4) payments to contractors for towing and recovery services as part of a regional traffic incident management program;

''(5) rental of vehicle storage or staging areas immediately adjacent to roadways as part of a regional traffic incident management program;

''(6) traffic service patrols as part of a regional traffic incident management program;

''(7) enhanced hazardous materials incident response;

''(8) traffic management systems in support of traffic incident management;

''(9) traffic incident management training;

''(10) crash investigation equipment;

''(11) other activities under a regional traffic incident management plan; and

''(12) statewide incident reporting systems.

''(c) REGIONAL TRAFFIC INCIDENT MANAGEMENT PLAN.—

''(1) PLAN.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), funds apportioned under this section may not be obligated for an urbanized area with a population greater than 300,000 until such time as a regional traffic incident management plan is developed for the urbanized area.

''(B) FUNDS FOR PLAN.—An urbanized area described in subparagraph (A) may use funds apportioned under this section to develop the regional traffic incident management plan in accordance with this subsection.

''(2) PLAN DEVELOPMENT.—

''(A) COLLABORATION.—Any urbanized area described in paragraph (1) that receives funds apportioned under this section shall engage in regional collaboration and coordination activities to develop the regional traffic incident management plan required for the urbanized area under that paragraph.

''(B) PLAN ELEMENTS.—The regional traffic incident management plan for an urbanized area under paragraph (1) shall include—

''(i) a strategy, adopted by transportation, public safety, and appropriate private sector participants, for funding, implementing, managing, operating, and evaluating the traffic incident management program initiatives and activities for the urbanized area in a manner that ensures regional coordination of those initiatives and activities;

''(ii) an estimate of the impact of the plan on traffic delays; and

''(iii) a description of the means by which traffic incident management information will be shared among operators, service providers, public safety officials, and the general public.

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,000,000,000 for each of fiscal years 2005 through 2010.

''(2) APPORTIONMENT AMONG STATES.—Funds made available under paragraph (1) shall be apportioned among the States in the proportion that—

''(A) the aggregate population of the State, or part of the State, in urbanized areas with a population greater than 300,000; bears to

''(B) the total population of all States, or parts of all States, in those urbanized areas.

''(3) DISTRIBUTION WITHIN STATES.—Funds apportioned to a State under paragraph (2) shall be made available to carry out projects and activities under regional traffic incident management plans in each urbanized area in the State with a population greater than 300,000 in the proportion that—

''(A) the population of the urbanized area, or part of the urbanized area, in the State; bears to

''(B) the total population of all urbanized areas in the State.

''(e) DETERMINATION OF POPULATIONS.—For the purpose of determining populations of areas under this section, the Secretary shall use information from the most current decennial census, as supplied by the Secretary of Commerce.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 138 the following:

''139. Traffic incident management program.''.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mr. DODD):

S. 2963. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of broadcast transmission facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mr. DODD):

2964. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of personal wireless services facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LEAHY. Mr. President, as in years past, I am offering today two pieces of legislation that would close a loophole in the 1996 Telecommunications Act, and as in years past I am pleased that I am joined by Senators JEFFORDS and DODD.

The catalog of complaints about the 1996 act continues to grow, and as it becomes more apparent that this flawed statute is in need of repair, I grow ever more proud that I was one of five Senators to have voted against that law.

In the coming Congress, we will be revisiting the 1996 Act. While we should rightly examine the various provisions related to telephone competition, broadband, and subscriber television rates, there are other important issues that we need to address.

The 1996 Telecommunications Act contained a provision that allowed the Federal Communications Commission to preempt the decisions of local authorities as to the placement of cell phone towers. In 1997, the Federal Communications Commission seized on the legislative loophole, proposing an expansive new rule that prevented State and local zoning laws from regulating the placement of cellular and broadcast towers based on environmental considerations, aviation safety, or other locally determined matters. Local and State governments were no longer empowered to shape the appearance of their communities.

I fought this proposed rule and was joined by many Vermonters, including former-Governor Dean, the Vermont Environmental Board, mayors, zoning officials, and numerous others. We took our case to the Supreme Court and filed an amicus brief, arguing that the preemption of that local power to regulate land use was a clear violation of the U.S. Constitution. It is unfortunate that the Court would not hear that case. It is time to give that control back to the local governments by enacting my legislation.

The two bills that we are reintroducing today will not tip the scales, but they will even them out a bit. They will allow local officials to use State and local regulations to work with the Federal Government in order to develop the best solutions for the placement of cell phone and broadcast towers.

Communities across the country understand the growing demand for cellular services will result in new towers, and they welcome the improvement in service that this increased infrastructure will bring. However, they also want to make sure that their towns do not become little more than pincushions for new cellular towers. These goals are not mutually exclusive.

I thank again Senator JEFFORDS and Senator DODD, and I urge my colleagues to join us in supporting this legislation. I ask unanimous consent that the text of these two bills be printed in the RECORD.

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

S. 2963

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 ''Local Control of Broadcast Towers Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The placement, construction, and modification of broadcast transmission facilities near residential communities and facilities such as schools can greatly reduce the value of residential properties, destroy the views from properties, produce radio frequency interference, raise concerns about potential long-term health effects of such facilities, and reduce substantially the desire to live in the areas of such facilities.

(2) States and local governments have traditionally regulated development and should be able to exercise control over the placement, construction, and modification of broadcast transmission facilities through the use of zoning and other land use regulations relating to the protection of the environment, public health and safety, and the general welfare of the community and the public.

(3) The Federal Communications Commission establishes policies to govern interstate and international communications by television, radio, wire, satellite, and cable. The Commission ensures compliance of such activities with applicable Federal laws, including the National Environmental Policy Act of 1969 and the National Historic Preservation Act, in its decision-making on such activities.

(4) The Commission defers to State and local authorities which regulate the placement, construction, and modification of broadcast transmission facilities through the use of zoning, construction and building, and environmental and safety regulations in order to protect the environment and the health, safety, and general welfare of communities and the public.

(5) On August 19, 1997, the Commission issued a proposed rule, MM Docket No. 97–182, which would preempt the application of most State and local zoning, environmental, construction and building, and other regulations affecting the placement, construction, and modification of broadcast transmission facilities.

(6) The telecommunications industry and its experts should be expected to have access to the best and most recent technical information and should therefore be held to the highest standards in terms of their representations, assertions, and promises to governmental authorities.

(b) PURPOSE.—The purpose of this Act is to confirm that State and local governments are the appropriate entities—

(1) to regulate the placement, construction, and modification of broadcast transmission facilities consistent with State and local zoning, construction and building, environmental, and land use regulations;

(2) to regulate the placement, construction, and modification of broadcast transmission facilities so that their placement, construction, or modification will not interfere with the safe and efficient use of public airspace or otherwise compromise or endanger the health, safety, and general welfare of the public; and

(3) to hold accountable applicants for permits for the placement, construction, or modification of broadcast transmission facilities, and providers of services using such facilities, for the truthfulness and accuracy of representations and statements placed in the record of hearings for such permits, licenses, or approvals.

SEC. 3. PROHIBITION ON ADOPTION OF RULE REGARDING PREEMPTION OF STATE AND LOCAL AUTHORITY OVER BROADCAST TRANSMISSION FACILITIES.

Notwithstanding any other provision of law, the Federal Communications Commission shall not adopt as a final rule or otherwise directly or indirectly implement any portion of the proposed rule set forth in ''Preemption of State and Local Zoning and Land Use Restrictions on Siting, Placement and Construction of Broadcast Station Transmission Facilities'', MM Docket No. 97–182, released August 19, 1997.

SEC. 4. AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF BROADCAST TRANSMISSION FACILITIES.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

''SEC. 340. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF BROADCAST TRANSMISSION FACILITIES.

''(a) AUTHORITY TO REQUIRE LEAST INTRUSIVE FACILITIES.—

''(1) IN GENERAL.—A State or local government may deny an application to place, construct, or modify broadcast transmission facilities on the basis that alternative technologies, delivery systems, or structures are capable of delivering broadcast signals comparable to that proposed to be delivered by such facilities in a manner that is less intrusive to the community concerned than such facilities.

''(2) CONSIDERATIONS.—In determining under paragraph (1) the intrusiveness of technologies, delivery systems, or structures for the transmission of broadcast signals, a State or local government may consider the aesthetics of such technologies, systems, or structures, the environmental impact of such technologies, systems, or structures, and the radio frequency interference or radiation emitted by such technologies, systems, or structures.

''(3) BURDEN OF PROOF.—In any hearing for purposes of the exercise of the authority in paragraph (1), the burden shall be on the applicant.

''(b) RADIO INTERFERENCE.—A State or local government may regulate the location, height, or modification of broadcast transmission facilities in order to address the effects of radio frequency interference caused by such facilities on local communities and the public.

''(c) AUTHORITY TO REQUIRE STUDIES AND DOCUMENTATION.—No provision of this Act

may be interpreted to prohibit a State or local government from—

''(1) requiring a person seeking authority to place, construct, or modify broadcast transmission facilities to produce—

''(A) environmental, biological, and health studies, engineering reports, or other documentation of the compliance of such facilities with radio frequency exposure limits, radio frequency interference impacts, and compliance with applicable laws, rules, and regulations governing the effects of such facilities on the environment, public health and safety, and the general welfare of the community and the public; and

''(B) documentation of the compliance of such facilities with applicable Federal, State, and local aviation safety standards or aviation obstruction standards regarding objects effecting navigable airspace; or

''(2) refusing to grant authority to such person to place, construct, or modify such facilities within the jurisdiction of such government if such person fails to produce studies, reports, or documentation required under paragraph (1).

''(d) CONSTRUCTION.—Nothing in this section may be construed to prohibit or otherwise limit the authority of a State or local government to ensure compliance with or otherwise enforce any statements, assertions, or representations filed or submitted by or on behalf of an applicant with the State or local government for authority to place, construct, or modify broadcast transmission facilities within the jurisdiction of the State or local government.

''(e) BROADCAST TRANSMISSION FACILITY DEFINED.—In this section, the term 'broadcast transmission facility' means the equipment, or any portion thereof, with which a broadcaster transmits and receives the radiofrequency waves that carry the services of the broadcaster, regardless of whether the equipment is sited on one or more towers or other structures owned by a person or entity other than the broadcaster, and includes the location of such equipment.''.

S. 2964

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 ''Local Control of Cellular Towers Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The placement, construction, and modification of personal wireless services facilities (also known as wireless facilities) near residential communities and facilities such as schools can greatly reduce the value of residential properties, destroy the views from properties, produce radio frequency interference, raise concerns about potential long-term health effects of such facilities, and reduce substantially the desire to live in the areas of such facilities.

(2) States and local governments have traditionally regulated development and should be able to exercise control over the placement, construction, and modification of wireless facilities through the use of zoning and other land use regulations relating to the protection of the environment, public health and safety, and the general welfare of the community and the public.

(3) The Federal Communications Commission establishes policies to govern interstate and international communications by television, radio, wire, satellite, and cable. The Commission ensures the compliance of such activities with a variety of Federal laws, including the National Environmental Policy Act of 1969 and the National Historic Preservation Act, in its decision-making on such activities.

(4) Under section 332(c)(7)(A) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(A)), the Commission defers to State and local authorities that regulate the placement, construction, and modification of wireless facilities through the use of zoning and other land use regulations.

(5) Alternative technologies for the placement, construction, and modification of wireless facilities may meet the needs of a wireless services provider in a less intrusive manner than the technologies proposed by the wireless services provider, including the use of small towers that do not require blinking aircraft safety lights, break skylines, or protrude above tree canopies.

(6) It is in the interest of the Nation that the requirements of the Commission with respect to the application of State and local ordinances to the placement, construction and modification of wireless facilities (for example WT Docket No. 97–192, ET Docket No. 93–62, RM–8577, and FCC 97–303, 62 FR 47960) be modified so as—

(A) to permit State and local governments to exercise their zoning and other land use authorities to regulate the placement, construction, and modification of such facilities; and

(B) to place the burden of proof in civil actions, and in actions before the Commission and State and local authorities relating to the placement, construction, and modification of such facilities, on the person that seeks to place, construct, or modify such facilities.

(7) PCS-Over-Cable, PCS-Over-Fiber Optic, and satellite telecommunications systems, including Low-Earth Orbit satellites, offer a significant opportunity to provide so-called ''911'' emergency telephone service throughout much of the United States without unduly intruding into or effecting the environment, public health and safety, and the general welfare of the community and the public.

(8) The Federal Aviation Administration must rely upon State and local governments to regulate the placement, construction, and modification of telecommunications facilities near airports or high-volume air traffic areas such as corridors of airspace or commonly used flyways. The proposed rules of the Commission to preempt State and local zoning and other land-use regulations for the siting of such facilities will have a serious negative impact on aviation safety, airport capacity and investment, the efficient use of navigable airspace, public health and safety, and the general welfare of the community and the public.

(9) The telecommunications industry and its experts should be expected to have access to the best and most recent technical information and should therefore be held to the highest standards in terms of their representations, assertions, and promises to governmental authorities.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To repeal certain limitations on State and local authority regarding the placement, construction, and modification of personal wireless services facilities under section 332(c)(7) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)).

(2) To permit State and local governments—

(A) to regulate the placement, construction, or modification of personal wireless services facilities with respect to their impacts on land use, including radio frequency interference and radio frequency radiation, in order to protect the environment, public health and safety, and the general welfare of the community and the public;

(B) to regulate the placement, construction, and modification of personal wireless services facilities so that they will not interfere with the safe and efficient use of public airspace or otherwise compromise or endanger the public health and safety and the general welfare of the community and the public; and

(C) to hold accountable applicants for permits for the placement, construction, or modification of personal wireless services facilities, and providers of services using such facilities, for the truthfulness and accuracy of representations and statements placed in the record of hearings for permits, licenses, or approvals for such facilities.

SEC. 3. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF PERSONAL WIRELESS SERVICES FACILITIES.

(a) LIMITATIONS ON STATE AND LOCAL REGULATION OF FACILITIES.—Subparagraph (B) of section 332(c)(7) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)) is amended—

(1) by striking clause (iv);

(2) by redesignating clause (v) as clause (iv); and

(3) in clause (iv), as so redesignated—

(A) in the first sentence, by striking ''may, within 30 days'' and all that follows through the end of the sentence and inserting ''may commence an action in any court of competent jurisdiction. Such action shall be commenced within 30 days after such action or failure to act unless the State concerned has established a different period for the commencement of such action.''; and

(B) by striking the third sentence and inserting the following: ''In any such action in which a person seeking to place, construct, or modify a personal wireless services facility is a party, such person shall bear the burden of proof, regardless of who commences such action.''.

(b) PROHIBITION ON ADOPTION OF RULE REGARDING RELIEF FROM STATE AND LOCAL REGULATION OF FACILITIES.—Notwithstanding any other provision of law, the Federal Communications Commission shall not adopt as a final rule or otherwise directly or indirectly implement any portion of the proposed rule set forth in ''Procedures for Reviewing Requests for Relief From State and Local Regulation Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934'', WT Docket No. 97–192, released August 25, 1997.

(c) AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF FACILITIES.—Such section 332(c)(7) is further amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

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

''(C) ADDITIONAL LIMITATIONS.—

''(i) AUTHORITY TO REQUIRE LEAST INTRUSIVE FACILITIES.—

''(I) IN GENERAL.—A State or local government may deny an application to place, construct, or modify personal wireless services facilities on the basis that alternative technologies, delivery systems, or structures are capable of delivering a personal wireless services signal comparable to that proposed to be delivered by such facilities in a manner that is less intrusive to the community concerned than such facilities.

''(II) CONSIDERATIONS.—In determining under subclause (I) the intrusiveness of technologies, delivery systems, or structures for personal wireless services facilities, a State or local government may consider the aesthetics of such technologies, systems, or structures, the environmental impact of such technologies, systems, or structures, and the radio frequency interference or radiation emitted by such technologies, systems, or structures.

''(III) BURDEN OF PROOF.—In any hearing for purposes of the exercise of the authority

in subclause (I), the burden shall be on the applicant.

''(ii) RADIO INTERFERENCE.—A State or local government may regulate the location, height, or modification of personal wireless services facilities in order to address the effects of radio frequency interference caused by such facilities on local communities and the public.

''(iii) AUTHORITY TO REQUIRE STUDIES AND DOCUMENTATION.—No provision of this Act may be interpreted to prohibit a State or local government from—

''(I) requiring a person seeking authority to place, construct, or modify personal wireless services facilities to produce—

''(aa) environmental, biological, and health studies, engineering reports, or other documentation of the compliance of such facilities with radio frequency exposure limits, radio frequency interference impacts, and compliance with applicable laws, rules, and regulations governing the effects of such facilities on the environment, public health and safety, and the general welfare of the community and the public; and

''(bb) documentation of the compliance of such facilities with applicable Federal, State, and local aviation safety standards or aviation obstruction standards regarding objects effecting navigable airspace; or

''(II) refusing to grant authority to such person to place, construct, or modify such facilities within the jurisdiction of such government if such person fails to produce studies, reports, or documentation required under subclause (I).

''(iv) CONSTRUCTION.—Nothing in this subparagraph may be construed to prohibit or otherwise limit the authority of a State or local government to ensure compliance with or otherwise enforce any statements, assertions, or representations filed or submitted by or on behalf of an applicant with the State or local government for authority to place, construct, or modify personal wireless services facilities within the jurisdiction of the State or local government.''.

By Mr. CRAIG (for himself, Mr. DASCHLE, and Mr. SCHUMER):

S. 2966. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage of firearms; to the Committee on Finance.

Mr. CRAIG. Mr. President, I rise to introduce the Child Safety and Home Protection Act of 2004, to provide a limited tax credit for individuals who purchase a gun safe to store firearms in their homes. Under this legislation, taxpayers would receive a 25 percent credit up to $250 for the cost of purchasing, shipping, and installing a gun safe.

We have seen passionate debates in the Senate on political issues involving guns, but there is no dispute about the importance of preventing firearms accidents and theft. We all want to make sure guns do not fall into the hands of people who would mishandle them and cause accidental harm, or who intend to abuse them for criminal purposes. Responsible gun owners share those concerns and take safety issues seriously.

The firearms industry has responded by offering a variety of devices designed to enhance secure storage and safe use of firearms. Gun safes have demonstrated their effectiveness in stopping unauthorized access to their contents, not only protecting valuable guns but also preventing their accidental or criminal misuse.

With more than 200 million privately-owned firearms in the United States, this Nation clearly has an interest in encouraging safe gun storage. The Child Safety and Home Protection Act of 2004 serves that goal by allowing individuals to keep a little bit of their own hard-earned dollars to make a key investment in gun safety through the purchase and installation of a gun safe.

I say to all my colleagues: If you believe, as I do, that the right to keep and bear arms carries with it a responsibility to use firearms safely and lawfully, I hope you will join me in supporting this important measure to promote secure gun storage.

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

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

S. 2966

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 ''Child Protection and Home Safety Act of 2004''.

SEC. 2. CREDIT FOR RESIDENTIAL GUN SAFE PURCHASES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. PURCHASE OF RESIDENTIAL GUN SAFES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 percent of the amount paid or incurred by the taxpayer during such taxable year for the purchase of a qualified residential gun safe.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) with respect to any qualified residential gun safe shall not exceed $250.

''(2) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and section 23), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year. No credit may be carried forward under this subsection to any taxable year following the third taxable year after the taxable year in which the purchase or purchases are made. For purposes of the preceding sentence, credits shall be treated as used on a first-in first-out basis.

''(c) QUALIFIED RESIDENTIAL GUN SAFE.—For purposes of this section, the term 'qualified residential gun safe' means any container not intended for the display of firearms which is specifically designed to store or safeguard firearms from unauthorized access and which meets a performance standard for an adequate security level. For purposes of the preceding sentence, compliance with such performance standard must be established by objective testing.

''(d) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter with respect to any expense which is taken into account in determining the credit under this section.

''(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and taxpayer's spouse file a joint return for the taxable year.

''(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.

''(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that residential gun safes qualifying for the credit meet design and performance standards sufficient to ensure the provisions of this section are carried out.

''(g) STATUTORY CONSTRUCTION; EVIDENCE; USE OF INFORMATION.—

''(1) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

''(A) as creating a cause of action against any firearms dealer or any other person for any civil liability, or

''(B) as establishing any standard of care.

''(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding the use or nonuse by a taxpayer of the tax credit under this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a civil action brought on any theory for harm caused by a product or by negligence, or for purposes of drawing an inference that the taxpayer owns a firearm.

''(3) USE OF INFORMATION.—No database identifying gun owners may be created using information from tax returns on which the credit under this section is claimed.''.

(b) CONFORMING AMENDMENT.—Section 6501(m) of the Internal Revenue Code of 1986 is amended by inserting ''25C(e),'' before ''30(d)(4),''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter I of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25B the following new item:

''25C. Purchase of residential gun safes.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 2967. A bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce bipartisan legislation, ''The Green Chemistry Research and Development Act,'' with Senator ROCKEFELLER. Green chemistry is a science-based approach to pollution prevention, seeking to reduce the chemical impact on the environment by developing non-toxic technology. The American chemical, pharmaceutical and biotechnology industries, as well as the American Chemical Society, support this legislation, which

promises to speed the development of environmentally benign chemical technology. I would like to request that a letter in support of this legislation from Dr. Michael J. Eckardt, Vice President for Research at the University of Maine, be printed in the RECORD

Green chemistry research and development improves technology used in industrial procedures and promotes the design of safer chemicals, the use of sustainable resources, the use of biotechnology alternatives to chemistry-based solutions, and an understanding of the chemical aspects of renewable energy. Clearly, there is a need to promote this emerging field, still relatively unknown, which furnishes both economic and environmental rewards—proving that the two are not, in fact, mutually exclusive.

The legislation establishes a Green Chemistry Research and Development Program to promote and coordinate Federal green chemistry research, development, demonstration, education, and technology transfer activities, through an interagency working group consisting of the National Science Foundation, the National Institute of Standards and Technology, the Department of Energy, and the Environmental Protection Agency. The program would provide sustained support through merit-based competitive research grants, research and development partnerships between universities, industry and nonprofit organizations, and research and development conducted at federal laboratories.

Green chemistry R&D benefits all regions of our country, but let me share with you an example of how one company, Correct Deck, located in Biddeford, Maine, has successfully used green chemistry technology to grow its business. As you may know, the Environmental Protection Agency has issued a stricter arsenic regulation due to concerns about the public health effects posed by the chemical, which is commonly found in wood that has been treated to repel insects before being used for constructing outdoor decks and playground equipment. These EPA regulations will take effect in 2006. Correct Deck, taking advantage of a technology brought about through green chemistry research and development, manufactures a wood composite—a blend of sawdust and plastic—that closely resembles the boarding used on wood decks. Yet this composite does not splinter, requires less maintenance than wood, is not susceptible to termites, and most importantly, contains no harmful chemicals. By staying ahead of the curve, Correct Deck has seen sales of its wood composite skyrocket, and has since been striving to meet the ballooning demand for non-arsenic treated products for decks. Thus an environmental benefit also proves profitable.

The breadth of green chemistry's positive impact on our lives extends far beyond decks. Also in the process of development are next-generation pesticides that target specific insects while avoiding harm to other species, and, through steadfast commitment to avoiding environmental harm, are designed to degrade into harmless materials after serving their purpose, rather than dangerously persisting in the environment. Green chemistry R&D is also discovering methods for using carbon dioxide as a feedstock for industrial processes, rather than as a harmful byproduct, thus reducing greenhouse gas emissions.

I could continue, but the windfalls are just too many to enumerate here. From removing public health threats, to enhancing worker safety, to contributing to the battle against human-induced global warming, the multiple benefits of green chemistry research and development are truly exciting, which is why this legislation has strong support from both environmentalists and the chemical industry. One of many chemical company executives singing the praises of green chemistry R&D, David Buzzelli of Dow Chemical Company aptly stated, ''Green chemistry technology is testament that when we merge our environmental commitment with innovative chemistry, we can create results that benefit our customers and society.''

My colleagues, by passing this bipartisan legislation and thereby coordinating and supporting ongoing green chemistry research and development, we speed these benefits along to all Americans by acting both as stalwart environmental stewards and innovative supporters of environmentally friendly industrial processes. I strongly urge you to support this legislation—and to consider the business opportunities and environmental benefits that the promising field of green chemistry could bring to your respective states.

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

THE UNIVERSITY OF MAINE,
Orono, ME, September 13, 2004.

Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: We request your support for legislation pending in the Senate to provide for the implementation of a green chemistry research and development program. The University of Maine is a member of the New England Green Chemistry Consortium and we are working with several businesses in Maine to introduce green chemistry manufacturing techniques and processes to improve manufacturing productivity and help the environment. Federal investments in green chemistry research and development would support the University's efforts to advance green chemistry practices in Maine and the New England states.

As you may know, on April 21, 2004 the House of Representatives passed HR 3970, the Great Chemistry Research and Development Act. The bill was referred to the Senate Commerce Committee on April 22. We request your support for this legislation in the Senate.

Federally funded research at the University of Maine on green chemistry technologies would enhance our work in the area of natural resource processing. Specifically, UM would expand work on interfacial aspects of polymeric based composite materials, including primarily paper, and wood composites. The paper industry would benefit from development of solvent free release coatings, coatings for solvent free inks, and water based gravure printing. UM would also expand its work to help Maine's emerging extruded wood/thermoplastic composites industry develop new water based coatings and adhesive systems to replace current solvent based methods and chemistries that involve formaldehyde.

Thank you for considering this request and for your continued support for research at the University of Maine.

Sincerely yours,
MICHAEL J. ECKARDT, Ph.D.,
Vice President for Research.

By Mr. REED (for himself, Mr. KENNEDY, Mr. WARNER, Mr. DASCHLE, Ms. SNOWE, Mr. DODD, Mrs. CLINTON, Mr. DORGAN, Mr. BAYH, Mr. SCHUMER, Mr. JOHNSON, and Mr. DAYTON):

S. 2968. A bill to amend the Public Health Service Act to address the shortage of influenza vaccine, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

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

S. 2968

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 ''Emergency Flu Response Act of 2004''.

SEC. 2. EMERGENCY FLU RESPONSE.

Title XXI of the Public Health Service Act (42 U.S.C. 300aa–1 et seq.) is amended by adding at the end the following:

''Subtitle 3—Influenza Vaccine

"SEC. 2141. DEFINITION.

''In this subtitle, the term 'priority group' means a group described as a priority group for vaccination with influenza vaccine in recommendations entitled 'Interim Influenza Vaccination Recommendations - 2004-2005 Influenza Season', dated October 5, 2004, or any successor to such recommendations issued by the Secretary.

"SEC. 2142. EMERGENCY ACCESS TO INFLUENZA VACCINE.

''(a) DECLARATION OF EMERGENCY.—

''(1) IN GENERAL.—Under section 564(b)(1)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3(b)(1)(C)), the Secretary shall immediately declare the shortage of influenza vaccine in the United States for the 2004-2005 influenza season to be an emergency justifying an authorization for a product under section 564 of such Act (21 U.S.C. 360bbb).

''(2) DETERMINATION.—For the purpose of making determinations under section 564(b)(1)(C) of such Act to carry out paragraph (1), the Secretary—

''(A) shall deem the shortage to be a public health emergency described in such section; and

''(B) shall deem influenza virus to be a biological agent.

''(3) CONSTRUCTION.—Nothing in this subsection shall be considered to invoke the authorities described in section 319, or to limit the ability of the Secretary to invoke such authorities.

''(b) SEEKING INFLUENZA VACCINE.—The Secretary shall promptly consult with the health ministries of Canada, countries that are members of the European Union as of January 1, 2003, Japan, and Switzerland to assess the availability of influenza vaccine for the 2004-2005 influenza season that—

''(1) has been approved, licensed, or otherwise cleared for marketing by the relevant regulatory agency in such a country; and

''(2) is in excess of the needs in such country for the vaccination of persons at high risk for complications from influenza.

''(c) ISSUANCE OF AUTHORIZATION.—

''(1) IN GENERAL.—The Secretary shall promptly evaluate available influenza vaccine (as identified under subsection (b)) to determine whether the vaccine meets the criteria for issuance of an authorization under section 564(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3(c)).

''(2) CRITERIA.—For the purpose of making determinations under section 564(c) of such Act to carry out paragraph (1), the Secretary—

''(A) shall deem influenza virus to be an agent that can cause a serious or life-threatening disease or condition; and

''(B) shall deem the shortage described in subsection (a)(1) to be sufficient evidence that there is no alternative described in section 564(c)(3).

''(d) VACCINE PURCHASE.—Not later than 30 days after the date of enactment of the Emergency Flu Response Act of 2004, the Secretary shall purchase, at a reasonable price, available influenza vaccine identified under subsection (b) for which the Secretary has issued an authorization under section 564(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3(c)).

''(e) VACCINE DISTRIBUTION.—Notwithstanding any other provision of law, the Secretary shall promptly import and distribute any influenza vaccine purchased under subsection (d), giving first priority to persons in priority groups.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2005.

''SEC. 2143. EFFECTIVE RESPONSES TO VACCINE SHORTAGES.

''(a) IN GENERAL.—The Secretary shall award a grant to each State to allow such State to develop and implement a plan to respond to the shortage of influenza vaccine in the United States for the 2004-2005 influenza season.

''(b) USE OF FUNDS.—A State that receives a grant under this section shall use the funds made available through a grant under subsection (a) to develop—

''(1) a voluntary plan to ensure that the influenza vaccine is, to the maximum extent possible, administered to priority groups;

''(2) a system to notify health care providers about revisions in guidelines for administering influenza vaccine;

''(3) an awareness campaign to inform the public about recommendations concerning groups that are priority groups for vaccination with influenza vaccine; and

''(4) procedures to allow for the voluntary donation of vaccine as described in section 2145.

''(c) AMOUNT.—The amount of a grant under subsection (a) shall be proportional to the population of the State and the severity of the shortage of influenza vaccine in such State, as determined by the Secretary.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2005.

''SEC. 2144. EFFECTIVE MONITORING OF THE NATION'S INFLUENZA VACCINE SUPPLY.

''(a) MANUFACTURERS.—Not later than 15 days after the date of enactment of the Emergency Flu Response Act of 2004 and every 30 days thereafter, any person who manufactures influenza vaccine for introduction into interstate commerce shall prepare and submit to the Secretary a summary report that lists—

''(1) each client, both public and private, who purchased influenza vaccine from the manufacturer during the period covered by the report; and

''(2) the number of doses of influenza vaccine sold to each client during the period.

''(b) STATE PUBLIC HEALTH AGENCIES.—To be eligible to receive a grant under section 2143(a), a State through its public health agency shall, not later than 15 days after the date of enactment of the Emergency Flu Response Act of 2004 and every 30 days thereafter, prepare and submit to the Secretary a summary report describing—

''(1) the number of doses of influenza vaccine available in the State during the period covered by the report;

''(2) the number of such doses that were given to each priority group during that period; and

''(3) to the extent that such information is readily obtainable by the State, the manner in which such doses were distributed to consumers during such period, such as by distribution through public health agencies or private health care providers.

''SEC. 2145. CLEARINGHOUSES FOR VOLUNTARY DONATION OF INFLUENZA VACCINE.

''The Centers for Disease Control and Prevention, and each State public health agency described in section 2144(b), shall establish a clearinghouse to—

''(1) enable persons to voluntarily donate influenza vaccine doses; and

''(2) distribute the doses for administration to individuals in priority groups.

''SEC. 2146. PURCHASES OF INFLUENZA VACCINE.

''(a) IN GENERAL.—The Secretary shall establish a program through which the Secretary may—

''(1) purchase from private employers, vaccine wholesalers, and other appropriate individuals and entities, doses of influenza vaccine that are not needed for the vaccination of priority groups; and

''(2) distribute the doses purchased under paragraph (1) for administration to individuals in priority areas.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2005.

''SEC. 2147. USE OF INFLUENZA VACCINE.

''(a) EXECUTIVE BRANCH.—The head of each Executive agency (as defined in section 105 of title 5, United States Code) shall ensure that any influenza vaccine in the possession of the head of the agency shall—

''(1) be administered only to employees of the agency who are in priority groups; and

''(2) provide to the Secretary any doses of the vaccine that are not needed for the vaccination of individuals in priority groups, so that the Secretary can distribute the doses for administration to individuals in the priority groups.

''(b) LEGISLATIVE BRANCH.—The Attending Physician of the Capitol shall ensure that any influenza vaccine in the possession of the Attending Physician shall—

''(1) be administered only to employees of the legislative branch of the Federal Government who are in priority groups; and

''(2) provide to the Secretary any doses of the vaccine that are not needed for the vaccination of individuals in priority groups, so that the Secretary can distribute the doses for administration to individuals in the priority groups.

''SEC. 2148. ENHANCING EXISTING COUNTERMEASURES AGAINST INFLUENZA.

''(a) AUTHORIZATION TO PURCHASE.—The Secretary may, subject to amounts appropriated under subsection (d), purchase at a reasonable price, such additional amounts of any drug approved by the Commissioner of Food and Drugs to treat influenza as are determined necessary by the Secretary.

''(b) ADDITION TO STOCKPILE.—The Secretary shall include any drug purchased under subsection (a) in the stockpile established under section 121 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.

''(c) INCREASING THE EFFECTIVENESS OF EXISTING VACCINE SUPPLIES.—The Secretary, acting through the Director of the National Institutes of Health, shall conduct a clinical trial or trials to determine whether influenza vaccine can be diluted and continue to retain its effectiveness in preventing influenza in individuals in priority groups.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2005.

''SEC. 2149. NATIONAL QUARANTINE COMPENSATION PROGRAM.

''(a) IN GENERAL.—There is established the National Quarantine Compensation Program to be administered by the Secretary under which compensation shall be paid to individuals who are subjected to an order of quarantine issued by a Federal or State health agency.

''(b) AMOUNT.—An individual's compensation under the National Quarantine Compensation Program shall be equal to wages lost as a result of such individual being subjected to the quarantine.

''(c) APPROPRIATIONS.—There are authorized to be appropriated and there are hereby appropriated to carry out subsections (a) and (b) such sums as may be necessary.

''SEC. 2150. EMPLOYMENT RIGHTS AND PROTECTIONS RELATING TO FEDERALLY MANDATED HEALTH-RELATED QUARANTINE.

''(a) DEFINITIONS.—In this section:

''(1) EMPLOYER.—The term 'employer'—

''(A) means any person engaged in commerce or in any industry or activity affecting commerce; and

''(B) includes—

''(i)(I) any person who acts, directly or indirectly, in the interest of a person described in subparagraph (A) to any of the employees of such person; or

''(II) any successor in interest of a person described in subparagraph (A);

''(ii) any public agency, as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x));

''(iii) the Government Accountability Office, the Government Printing Office, and the Library of Congress; and

''(iv) all other legislative branch entities identified as employing offices in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

''(2) EMPLOYMENT BENEFITS.—The term 'employment benefits' means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an employee benefit plan, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

''(3) SECRETARY.—

''(A) IN GENERAL.—Except as otherwise provided in subparagraph (B), the term 'Secretary' means the Secretary of Labor.

''(B) EXCEPTIONS.—In the case of actions brought regarding employees—

''(i) of the Government Accountability Office, the term 'Secretary' means the Comptroller General of the United States;

''(ii) of the Government Printing Office, the term 'Secretary' means the Public Printer;

''(iii) of the Library of Congress, the term 'Secretary' means the Librarian of Congress; and

''(iv) of any other legislative branch employer, the term 'Secretary' means the Office of Compliance.

''(b) EMPLOYMENT RIGHTS, BENEFITS, AND PROTECTION FROM DISCRIMINATION.—

''(1) RESTORATION TO POSITION.—Any individual subjected to an order of quarantine issued by a Federal or State health agency shall be entitled, on return from such quarantine—

''(A) to be restored by the employer of such individual to the position of employment held by the individual when the quarantine of such individual commenced; or

''(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

''(2) BENEFITS.—An individual restored to such individual's position, or equivalent position, pursuant to paragraph (1) shall be entitled to the seniority and other rights and benefits that the individual had on the date when the quarantine of such individual commenced, plus the additional seniority and rights and benefits that the individual would have attained had the individual not been subjected to a federally mandated health-related quarantine.

''(3) PROTECTION FROM DISCRIMINATION.—It shall be unlawful for an employer to discharge or in any other manner discriminate against any individual on the basis of such individual's being, or having been, subjected to a federally mandated health-related quarantine.

''(c) INVESTIGATIVE AUTHORITY; ENFORCEMENT.—

''(1) IN GENERAL.—The Secretary shall ensure compliance with the provisions of subsection (b) and enforce violations of subsection (b).

''(2) SAME AUTHORITIES.—In order to carry out paragraph (1), the Secretary shall have the same authorities as provided to the Secretary under sections 106 and 107 of the Family and Medical Leave Act of 1993 (29 U.S.C. 209 and 210) to ensure compliance with and enforce violations of the Family and Medical Leave Act of 1993.

''(d) STATE AND LOCAL LAWS.—Nothing in this section shall be construed to supersede any provision of any State or local law that provides greater rights than the rights established under this section.''.

''SEC. 2151. ASSURING THAT INDIVIDUALS IN PRIORITY GROUPS RECEIVE VACCINES.

''(a) DETERMINATIONS.—Not later than 30 days after the date of enactment of the Emergency Flu Response Act of 2004, and every 30 days thereafter, the Secretary shall review the effectiveness of measures taken under sections 2142 through 2147 and determine whether the measures have ensured the distribution of influenza vaccine for administration to individuals in priority groups. If the Secretary determines that the measures have not ensured that distribution, the Secretary—

''(1) may take the actions described in subsection (b) if the Secretary determines that such actions are needed to protect the public health; and

''(2) shall notify the appropriate committees of Congress of such determination.

''(b) ASSURING THE INDIVIDUALS IN PRIORITY GROUPS RECEIVE VACCINES.—On making the determination described in subsection (a), the Secretary may require that a person, not including a person that is a manufacturer of influenza vaccine, who possesses influenza vaccine sell such person's supply of the influenza vaccine to the Federal Government, as an exercise of the Federal Government's power to take private property for public use, for just compensation.

''(c) PRIORITIZATION.—The Secretary shall distribute the doses of influenza vaccine obtained under subsection (b) in a manner determined appropriate by the Secretary to ensure that such vaccine is administered to individual in priority groups.''.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator JACK REED in introducing the ''Emergency Flu Response Act of 2004.'' I commend him for his leadership on this important issue. I also commend our colleagues, Senator BAYH and Senator CRAIG, for their thoughtful proposal.

The Emergency Flu Response Act gives the nation's health agencies the tools they need to respond to the current shortage of flu vaccine, to protect the public health from the danger of influenza and to maximize the value of our reduced vaccine stocks.

During last year's flu season, we experienced unprecedented public demand for the flu vaccine. Fears that last year's flu strain was more virulent than those of previous years fueled the public's demand and resulted in the administration of all 87 million doses produced. Anticipating a similar demand for this upcoming flu season, the two companies that manufacture the flu vaccine planned to produce 100 million doses for the United States.

On Tuesday, one of those companies lost its license due to manufacturing concerns and is unable to ship approximately 48 million doses. In one day, America lost about half the country's supply of the flu vaccine—and fifteen States have lost their entire supply of influenza vaccine for adults.

Clearly, Congress should take action to strengthen the Nation's supply of flu vaccine. My colleagues, Senator BAYH and Senator CRAIG, have offered thoughtful proposals on strengthening the flu vaccine supply in future years, and these proposals merit careful consideration by Congress. Many members of our Health committee have also shown great leadership on vaccine issues.

Due to the long period of time necessary to produce more vaccine, however, measures to increase the supply of new vaccine will have little effect on the current shortage.

We must make every effort to see whether additional flu vaccine can be found. The bill requires the Secretary of Health and Human Services to seek to purchase additional vaccines available in Europe, Canada or Japan, and directs the FDA to review those vaccines using the flexible and expedited review process provided under the Project BioShield legislation. We should also provide NIH with the resources and the clear direction to determine whether existing flu vaccine stocks can be diluted and still retain their effectiveness. NIH provided a valuable service to the nation by conducting similar studies with smallpox vaccine.

These measures may increase the effective supply of vaccine available to the nation, but even these measures may not be sufficient to meet the nation's needs. With flu season imminent, Congress must take steps immediately to give our health agencies the resources and authority they need to make best use of the supply currently available.

Our health professionals should make sure that those most at risk for complications from flu get vaccinated first. We must learn from the lessons from last year's flu season and use that knowledge to ensure that at Americans at highest risk have priority access to the flu shot.

We must act quickly. We know that there are 54 million doses available and we need to ensure that every one of them reaches those at highest risk of complications from flu. The bill provides funding for states to develop plans to effectively distribute vaccines to high priority groups. It also requires the tracking of available vaccines, so that doses can be directed to those who need it most.

Many employers contract directly with vaccine manufacturers to provide a supply of vaccines for their workforce. Our bill establishes a vaccine clearinghouse to facilitate the voluntary donation of vaccine from individuals or companies with employees at low risk of infection to individuals at high risk. Further, this bill gives HHS the ability to purchase vaccine back from employers and wholesalers for redistribution.

The Federal government should set an example of good vaccination practices. Our bill requires Federal Departments and the Attending Physician of the Capitol to abide by CDC recommendations on who should receive vaccine. If Members of Congress and their staffs cannot reserve flu vaccine for those most in need, how can we ask the American public to do so?

We must also learn from Canada's experience with the SARS outbreak in Toronto last year. During that outbreak, many people were forced to remain home from work to prevent the spread of SARS. Some lost their wages during that time, and some even lost their jobs. Even more worrisome is that some people ignored the quarantine orders out of fear of repercussions at work. Our bill will assure that those who lose wages in complying with a Federal or State quarantine order will be fully compensated, and will be protected from losing their employment or related benefits.

Finally, we must recognize that voluntary measures may not be enough to

avert a crisis. For this reason, the legislation gives HHS emergency authority to require that vaccine supplies be administered to those in highest need if it determines that voluntary measures have failed, and that to do otherwise would pose a significant danger to the public health.

Let's not let history repeat itself. We need to be prepared for flu vaccine shortages and influenza pandemics in the future, and we need to respond effectively to the current shortage. I urge my colleagues to support the ''Emergency Flu Response Act of 2004.'' We face a crisis, and Congress should not delay in enacting this needed legislation.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 142—RECOGNIZING THE SIGNIFICANT ACHIEVEMENTS OF THE PEOPLE AND GOVERNMENT OF AFGHANISTAN SINCE THE EMERGENCY LOYA JIRGA WAS HELD IN JUNE 2002 IN ESTABLISHING THE FOUNDATION AND MEANS TO HOLD PRESIDENTIAL ELECTIONS ON OCTOBER 9, 2004

Mr. HAGEL (for himself, Mr. LUGAR, Mr. BIDEN, Mr. LEAHY, Mr. MCCAIN, Mr. SUNUNU, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 142

Whereas section 101(1) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7511(1)) declares that the ''United States and the international community should support efforts that advance the development of democratic civil authorities and institutions in Afghanistan and the establishment of a new broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan'';

Whereas on January 4, 2004, the Constitutional Loya Jirga of Afghanistan adopted a constitution that promises free elections with full participation by women and establishes a legislative foundation for democracy in Afghanistan;

Whereas on June 15, 2004, President Bush stated that ''Afghanistan's journey to democracy and peace deserves the support and respect of every nation. . . .The world and the United States stand with [the people of Afghanistan] as partners in their quest for peace and prosperity and stability and democracy.'';

Whereas the independent Joint Electoral Management Body in Afghanistan and thousands of its staff throughout Afghanistan have worked to register voters and organize a fair and transparent election process despite violent and deadly attacks on them and on the purpose of their work;

Whereas more than 10,500,000 Afghans have been reported registered to vote, demonstrating great courage and a deep desire to have a voice in the future of Afghanistan, and more than 40 percent of those reported registered to vote are women;

Whereas the presidential election campaign in Afghanistan officially began on September 7, 2004 and 18 candidates, including one woman, are seeking the presidency;

Whereas on October 9, 2004, the people of Afghanistan will vote in the first direct presidential election, at the national level, in Afghanistan's history at 5,000 polling centers located throughout Afghanistan, as well as polling centers in Pakistan and Iran;

Whereas the United States, the European Union, the Organization for Security and Cooperation in Europe, and the Asian Network for Free Elections will send monitors and support teams to join the more than 4,000 domestic election observers in Afghanistan for the presidential election;

Whereas the United States and many international partners have provided technical assistance and financial support for elections in Afghanistan; and

Whereas the International Security Assistance Force (ISAF), led by the North Atlantic Treaty Organization (NATO), and coalition forces will join the Afghan National Army and police in Afghanistan to help provide security during the presidential election: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the United States applauds the steadfast commitment of the people of Afghanistan to achieve responsive and responsible government through democracy;

(2) the United States strongly supports self-government and the protection of human rights and freedom of conscience for all men and women in Afghanistan; and

(3) the United States remains committed to a long-term partnership with the people of Afghanistan and to a peaceful future for Afghanistan.

Mr. HAGEL. Mr. President, I rise today to submit a resolution recognizing the landmark Presidential elections that will take place in Afghanistan this Saturday, October 9, 2004.

My colleagues Senators LUGAR, R-IN, BIDEN, D-DE, LEAHY, D-VT, MCCAIN, R-AZ, SUNUNU, R-NH and DODD, D-CT, join me as original co-sponsors of this resolution.

The Government and people of Afghanistan deserve our praise and recognition for their achievements since the emergency Loya Jirga of June 2002. The process leading to this historic election has not always been easy. Warlords and Taliban members have sought to intimidate voters and disrupt the process. But the government of President Hamid Karzai and the people of Afghanistan have not been deterred. More than 10.5 million Afghan citizens have been reported registered to vote, reflecting the courage and commitment of Afghans to a democratic future. Over forty per cent of those registered are women.

The Afghanistan Freedom Support Act of 2002, PL 107–327, authorized the United States Government to provide $3.3 billion in political, economic and security assistance to Afghanistan. It also expressed the U.S. Congress's support for the development of democratic institutions and a fully representative government in Afghanistan that respects religious freedom and the rights of women. The presidential election this week is a critical benchmark for America's commitment to a long-term partnership with Afghanistan for responsible governance and a more peaceful future.

America's interests in Afghanistan are linked to our wider regional objectives in the war on terrorism, and in promoting security and more open political and economic systems throughout the Greater Middle East and Central Asia.

President Bush said on June 15, 2004, that ''the world and the United States stand with [the people of Afghanistan] as partners in their quest for peace and prosperity and stability and democracy.''

I ask the Senate to recognize the historic achievement of the Afghan people in holding presidential elections this week, and to join the co-sponsors of this resolution and me in expressing our continued support for the people of Afghanistan.

SENATE CONCURRENT RESOLUTION 143—RECOGNIZING COMMUNITY ORGANIZATION OF PUBLIC ACCESS DEFIBRILLATION PROGRAMS

Mr. DEWINE (for himself, Mrs. MURRAY, Mr. FRIST, and Ms. COLLINS) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 143

Whereas coronary heart disease is the single leading cause of death in the United States;

Whereas every two minutes, an individual suffers from cardiac arrest in the United States, and 250,000 Americans die each year from cardiac arrest out of hospital;

Whereas the chance of survival for a victim of cardiac arrest diminishes by ten percent each minute following sudden cardiac arrest;

Whereas 80 percent of cardiac arrests are caused by ventricular fibrillation, for which defibrillation is the only effective treatment;

Whereas 60 percent of all cardiac arrests occur outside the hospital, and the average national survival rate for an out-of-hospital victim of cardiac arrest is only five percent;

Whereas automated external defibrillators (AEDs) make it possible for trained non-medical rescuers to deliver potentially life-saving defibrillation to victims of cardiac arrest;

Whereas public access defibrillation (PAD) programs train non-medical individuals to use AEDs;

Whereas communities that have established and implemented PAD programs that make use of AEDs have achieved average survival rates as high as 50 percent for those individuals who have suffered an out-of-hospital cardiac arrest;

Whereas successful PAD programs ensure that cardiac arrest victims have access to early 911 notification, early cardiopulmonary resuscitation, early defibrillation, and advanced care;

Whereas schools, sports arenas, large hotels, concert halls, high-rise buildings, gated communities, buildings subject to high-security, and similar facilities can benefit greatly from the use of AEDs as part of a PAD program, since it often takes additional and therefore critical time for emergency medical personnel to respond to victims of cardiac arrest in these areas;

Whereas widespread use of defibrillators could save as many as 50,000 lives nationally each year;

Whereas the Aviation Medical Assistance Act of 1998 (Public Law 105–170; 49 U.S.C. 44701 note) authorized AEDs to be carried and used aboard commercial airliners;

Whereas the Cardiac Arrest Survival Act of 2000 (Public Law 106–505; 42 U.S.C. 238p–238q)