The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.
How great You are, O God, and how much we should praise You. Your greatness is beyond discovery. Each day, we meditate on Your unfailing love, for Your right hand is filled with victory. You guide us throughout the days of our lives, for Your salvation is near to those who honor You. Forgive us when we have sought fulfillment in the idols of our world. Help us to trust only in You, our helper and shield.
Today, strengthen our lawmakers in their work. Help them to faithfully follow Your wisdom. May they strive to help the fallen and to lift those bent beneath the loads of life. Bless the Iraqi people as they accept the challenges of freedom. Be with our military and protect all who defend our freedoms. We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE
The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:
I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER
The PRESIDENT pro tempore. The majority leader is recognized.

HISTORIC DAY IN IRAQ
Mr. Frist. Mr. President, very briefly I will comment on what has been a very historic occasion in Iraq, something that has been symbolized on television and by pictures so vividly by the image of that blue ink-stained index finger which is being held up in triumph. Two days ago, people did not even think of that image and today it symbolizes freedom and liberty, those basic elements of democracy that we all cherish.
Yesterday, the Iraqi people, 8 million strong, went to the polls to participate in the first free Iraqi election in decades. We were in Iraq 3 weeks ago, and before we went to Iraq even at that time people were saying there is no way these elections are going to be successful, nobody is going to show up for these elections, and to jump 3 weeks ahead to today and yesterday and to see those ink-stained fingers in the air and the fact that approximately 8 million voted is truly spectacular. I think all of us should feel real pride for the courageous men and women who risked their lives for freedom. Those pictures on the news really captured it.
The people who voted came by foot, bus, van. They were old and they were young. They were men and women. It was all in defiance of the intimidation by terrorists, thugs, and assassins. In spite of the critics and the doubters,
millions of Iraqis stood in line and cast their vote. As they came out, we saw those pictures of those ink-stained index fingers, the symbol of the power that is captured in that vote of freedom and democracy.

The Iraqi people yesterday showed their bravery, their boldness, their courage, and their heart. They showed the world that Iraqis, like all people, do yearn to be free, Baghdad’s mayor was so overcome with emotion that he told reporters: "I cannot describe what I am seeing. It is incredible. This is a vote for the future, for the children, for the rule of law, for humanity, for love.

This morning, and over the course of yesterday, I received numerous e-mails, letters, and written communications. The following letter from an Iraqi voter describing his elation at participating in this historic moment for his country really captures the essence of what the elections were all about. He writes:

Allow me on this historical opportunity to tell you how happy I am, and all those who I know, that we are finally free of the United States and all freedom-loving people in the world. This is the event that children of future generations will read about in history books with great pride and appreciation to all who made it happen.

Today a new Iraq was born. This is the first seed of true democracy and freedom in our country and indeed the whole Arab world. Thanks to all who participated in, contributed to, protected and supported this historic event.

I also want to applaud President Bush and the American people for their steadfast commitment, support, and encouragement of freedom in Iraq. Peace has not come and is not coming easily. We have suffered tough days and we all know there will be tough days ahead. We know the terrorists are committed to their violent campaign, but they will not succeed.

As we saw yesterday, Iraq is moving forward with the heartfelt support of free people around the world. One of the people who will be instrumental in helping Iraq secure its freedom is our new Secretary of State, Dr. Condoleezza Rice. Last week, this Senate voted overwhelmingly to support her confirmation, and that was a proud and, indeed, historic moment. We are all fortunate to have a leader of her talent and intellect helping Iraq take each momentous step toward democracy.

It was a meaningful and productive week, as I look over the last several days. The Senate also confirmed former RNC Chairman Jim Nicholson to lead the Department of Veterans Affairs, and Michael Leavitt to lead Health and Human Services. Both the talented, gifted, and highly qualified men, and I know we all look forward to working with them.

Great tasks indeed are before us. We have much to accomplish, including, as I mentioned earlier, the confirmation of Judge Alberto Gonzales.

As we think about the week ahead on this Monday, it is appropriate to pause and take note of yesterday’s historic achievement for the Iraqi people and for the cause of democracy. As the President said in his inaugural address: The survival of liberty in our land increasingly depends on the success of liberty in Iraq. The benign hope for peace in our world is the expansion of freedom in all the world.

Yesterday, we did come one step closer to realizing this great vision. Yesterday in Iraq we saw that liberty can light even the darkest corners and inspire great acts of bravery. We saw the proof of our deepest held principle: That all people do aspire to be free.

RESERVATION OF LEADER TIME

The President pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The President pro tempore. Under the previous order, there will be a period of 45 minutes for the morning business with Senators permitted to speak therein for 10 minutes.

The Senator from Mississippi.

PROUD OF OUR NEW SECRETARY OF STATE

Mr. LOTT. Mr. President, I, too, feel inspired and in fact moved to comment on the elections in Iraq and also some other things that I have witnessed during the last 2 days. I felt very emotional as I watched Secretary of State Condoleezza Rice yesterday morning, during one of several interviews on television.

Specifically, I am speaking of Chris Wallace’s interview of our new Secretary of State. It was one of the most impressive interviews I believe I have ever seen in my life. This is obviously a highly talented, qualified, thoughtful, articulate person who has been sworn in to be Secretary of State. I have never seen a more moving interview in my many years in Washington, in fact over 30 years, than I witnessed during the interchange between Secretary of State Condoleezza Rice and Chris Wallace.

Actually, I found myself to the point of tears as I listened to what she had to say, and how she said it. I was captivated by how she responded not only to the world given the very important position that she holds in answering those questions, but also on a personal basis by representing what is good in America. This is a lady who came from Birmingham, AL, an African-American, who grew up at a time when Birmingham was segregated and it was difficult for her to get the education, the experience, and the opportunities that she needed for life.

She married, did her family, friends, and neighbors, and she has now risen to one of the most important positions in the world that anybody could have. She will be the face of America to the leaders of all of the rest of the world, and it is one that I believe they, as I, will be impressed with.

I will read one part of what she had to say in that interview. Interviewer Chris Wallace noted to play a clip from earlier this week at the White House when Condoleezza Rice was sworn in as Secretary of State and she referred to her relatives from Alabama who were there in the audience, and he asked his viewers to take a look. Secretary Rice remarked:

They represent generations of Rices and Rays who believed that a day like this might somehow be possible.

And then Wallace continued:

You have gone from a little girl in the segregated South to being the chief representative of this country to the world. What does that say about the United States?

At that point I felt sure that tears would well up in her eyes and she would have difficulty responding, but she kept her composure while she said this:

It says that the United States is a place that is living up to its principles, that has had a struggle to do that. It also said in this country, it was Secretary Rice who said that the God who gave us life gave us liberty at the same time and, of course, didn’t himself personally carry that out perfectly.

It just shows that democracy, if you have the right principles in place, if you have the right institutions in place, it may take a long time, but eventually the aspirations for one society unified despite race and gender and religion can start to come into being.

We still have a lot of work to do in America. I look out and I see that work. But I do believe that in a world where difference is a license to kill, to look across and see people like me or Al Gonzales or others say that America is trying desperately and, in some sense, succeeding, in living up to those principles.

I thought that was a magnificent testament to her life, what she experienced, what others do with, but also what it means about our country and the hope for a lot of young boys and girls who see Condoleezza Rice in the position she is in and recognize that they can succeed, too, in the American dream.

I continued to watch television, many different networks, and I started seeing the results of the Iraqi elections. It appears that it was a good election with a good turnout. I don’t know what the exact turnout percentages are. Reuters reported it as being perhaps as much as 72 percent, I believe. In some parts of the country it was more than that, I would presume, and in others much less than that, but still an incredible turnout. Maybe it will be 60 percent, maybe it will be 58, maybe it will be 62, but the people of Iraq, under the threat of intimidation or death or future abuse, went into those polling places in huge numbers, stuck their finger in that little bottle of dye, and came out and showed it off proudly.

By the way, they are going to have to come to live with their dyed finger the
next couple of days. There will not be any hiding. If you voted in Iraq today, your finger will be stained today and tomorrow, but your life will be changed henceforth.

Maybe we can learn from them. We didn’t have a 60- or 70-percent turnout in our election. I don’t know exactly what the turnout was, but I am sure it is much less than that in America where we don’t vote if the weather is not good. And the people won’t show up if the traffic is too bad. But in Iraq they walked to the polling places, they put their lives on the line, and they were thrilled to be able to be a part of a historic event, of democracy in action, and they came out and danced in the streets. They said: We are very happy. They also said: Thank you, America.

A lot of credit can be passed out. It begins with the people of Iraq for what they did yesterday, to the men and women in uniform and those supporting them, to the people of the United States who have come forward with their money and their lives for showing patience and for going in cultivating their democracy. I don’t believe democracy is something that is going to happen overnight. It is a very complicated process. They had to figure out who to vote for or what list they were going to be. They do not fully understand the American political system, but they were very happy about their democracy.

Beyond the private account issue, it is unclear what the other details of the program will be. Even yesterday, they saw this begin to go in. It may not be perfect, it may not be everything the American people need, but they are the ones that are going to have to make it work. We have to work with them and work with the American people. But we will not have to worry about the future of Social Security, one thing must be protected now—the guarantee to retirees that they do not have to worry about living in poverty in old age, no matter what they made during their working years or if they lived long enough. They must be given the security to know to the dime what they will receive under this program, rather than having to worry about the climate on Wall Street.

Since President Bush began his campaign for private accounts under Social Security, he has tried to convince the American people that the program is in crisis. This manufactured crisis is merely fiction and when you begin to look at the real numbers, you learn very quickly that his numbers just do not add up.

The administration has been trying to tell an alarming story in which the program is broke in 2008. Reality tells us that in 2019 we will just begin to dip into the $3.7 trillion dollar trust fund to pay the Social Security bills and we will be able to draw on that fund for a long time—until 2052 according to the Congressional Budget Office.

At that point in time, seniors will still receive 80 percent of projected benefits, and still more in dollars adjusted for inflation than what beneficiaries get today.

The real fiscal crisis facing our Government today is not in the Social Security program, but rather in the Federal budget, which the administration will reach a deficit of $427 billion dollars in 2005. This is the result of the irresponsible decisions of the administration that has pushed tax cuts for the wealthy during time of war and continued to fight for those tax cuts permanent. I was alarmed to learn that in fact the entire Social Security shortfall over the next 75 years is about one-fifth the cost of the Bush tax cuts if made permanent. Beyond these problems, the rising costs of our health care programs will threaten our budget stability. This is the real crisis we are facing right now.

Social Security is not in crisis and private accounts will do nothing to help with the program’s solvency. Yes, we do need to think about the future of this program. I am willing to work with the President and Members of Congress to improve the long-term outlook of this program, but the American people need to be clear in their understanding of the facts. The fact is, Social Security is not in crisis and private accounts will do nothing to help with the program’s solvency. Yes, we do need to think about the future of this program. I am willing to work with the President’s thoughts and work with him on this. But I will not support any efforts to dismantle a program that has protected millions in this country from poverty, and provided a guaranteed benefit for our most vulnerable citizens in their time of need.

Social Security is the most important social insurance program ever created by this great nation, and it has provided seniors with the assurances they need in old age.

In South Dakota, in five people count on this program to put food on their table, buy their prescription drugs, and keep the heat running during the long cold winters. The program protects millions from poverty, and without it, the number of seniors living in poverty would rise from 10 percent to 50 percent. This is the mark of a strong safety net program and we must fight to ensure its longevity.

While in the long-term we do need to find a sound solution to protect the future of the Social Security program, one thing must be protected now—the guarantee to retirees that they do not have to worry about living in poverty in old age, no matter what they made during their working years or if they lived long enough. They must be given the security to know to the dime what they will receive under this program, rather than having to worry about the climate on Wall Street.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

SOCIAL SECURITY

Mr. JOHNSON. Mr. President, I rise today to discuss the future of Social Security. In recent weeks we have heard a lot about the President’s intention to establish private accounts under the program. While no details have been shared with Members of Congress regarding his proposal, the limited information we have does indicate that the administration will only push and support a long-term solvency fix if it is married with a plan to divert payroll taxes to individual private accounts.

Beyond the private account issue, it is unclear what the other details of the Bush plan will include. I am willing to work with the President and Members of Congress to improve the long-term outlook of this program, but the American people need to be clear in their understanding of the facts. The fact is, Social Security is not in crisis and private accounts will do nothing to help with the program’s solvency. Yes, we do need to think about the future of this program. I am willing to hear the President’s thoughts and work with him on this. But I will not support any efforts to dismantle a program that has protected millions in this country from poverty, and provided a guaranteed benefit for our most vulnerable citizens in their time of need.

The odds of having an attack from people in a country where there is a democracy are much less than those who come from places where there is an oppressive government, dictatorship, or authoritarianism. Democracy is not perfect; it is evolutionary. We know that from what we experienced. But yesterday was a special moment. I hope the American people saw it, felt proud of what they were witnessing and the part we have played in making that day possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

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At the end of the day, when you look at the numbers and the financial outlook for Social Security, we are in good shape for at least the next 50 years if not longer. When I look at the budget deficit today and a potential crisis 50 years from now, I am more concerned about ensuring that our Government can continue to pay its bills now and restore fiscal sanity to the Federal Government so we can honor our commitments in the near term—for soldiers in Iraq, for insurance coverage for the poor and for prescription drugs for seniors.
I believe people ought to be saving more; that they ought to be provided better mechanisms to set aside money which they can count on that will be over and above Social Security, that will augment Social Security. I think we need to have a good discussion about whether those pensions and other kinds of pension mechanisms that will allow for private savings to augment Social Security.

But at the end of the day, the best thing this Government can do for the long-term solvency of Social Security is to get our annual budget into equilibrium so we can get back to where we were only 4 years ago—with budget surpluses rather than utilizing Social Security surplus dollars for the ordinary expenses of Government; and, that we put ourselves in a still stronger position midway through this century to make sure every American gets the benefits to which they are entitled and which they expect to have.

I look forward to working with President Bush and with my colleagues on both sides of the aisle on ways in which we can assist with the near-term crisis in Medicare, Medicaid, health care, the near-term crisis in terms of the budget deficit. We have to address this very real longer term problem that we have with Social Security, but in so doing I will not abandon the underlying philosophy of every American having a defined benefit program that will be the foundation of their retirement plan and on which they can count.

I look forward to a constructive and positive debate. Doing nothing is not a solution. But concocting false cries with remedies which actually make a situation worse than it is now cannot possibly be the road that this Congress, this Senate wants to go down.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Wyoming.

Mr. THOMAS. Thank you, Mr. President.

CHALLENGES BEFORE CONGRESS

Mr. THOMAS. Mr. President, it is again time, as we begin this session of Congress, when challenges are before us—the opportunity to work on programs, some of which we worked on before and did not complete, some of which need to be worked on and changed, to put our economy, to our policy, on the right path so that we have a framework that is how we can move on for some time. We are becoming more and more dependent as time goes by and as our consumption increases and our production does not.

The highway bill we talked about for a good long time. It is most important for our economy, for our jobs, for our transportation, and we haven’t been able to handle it in the last couple of years; to move into something such as the class action activity that we are committed to and not moving the liability claims around to different States to find a jurisdiction that is most favorable; and to do something about tax simplification. We always talk about that. The Tax Code is that thick, and yet we continue to have it.

We have a real opportunity to do a number of things, and I hope we are able to do that. I hope we are able to have a good discussion on the honest deficit and spending. We did have different points of view, obviously, but I hope we move towards finding solutions to coming together better than perhaps we have in the past.

In the long run, there are many long-term savings the administration plan might create will be at the expense of providing seniors and all Americans a guaranteed benefit.

I do believe that we should at least start a discussion about the long-term solvency of Social Security and should explore all options for addressing this issue. I support encouraging Americans to establish private accounts only that are above and beyond what we do in Social Security right now. All of our citizens deserve a shot at a comfortable life in their old age.

To get there we need to create a sturdy stool—a retirement security stool that provides a solid leg through a secure, guaranteed Social Security benefit; another leg helps protect the health and long-term health care needs of all people; and a third encourages individuals to save money for their retirement years, through private accounts, pensions and other programs. These are the things we should be thinking about as we look to the future.

So what we have is a Social Security program right now that is solid, according to Social Security actuaries, and a Social Security benefit; another leg helps protect the health and long-term health care needs of all people; and a third encourages individuals to save money for their retirement years, through private accounts, pensions and other programs. These are the things we should be thinking about as we look to the future.

What concerns me is that I think some of the proposals I am hearing about have more to do with ideology, more to do with trying to move the Government away from providing that safety net that it does to actually solving what may exist.

I believe our seniors in South Dakota and across this country deserve to have a Social Security program with a defined benefit, that they will know to the dime what it is they are going to get when they retire, and that it involves a gamble in the stock market.
all and will continue to go on as they have. Furthermore, those who aren’t—the younger people—it is a choice they will make. Those are some of the things that need to be looked at to go forward.

I am personally very much in favor of encouraging people to have savings benefits of their own. After all, Social Security was designed to be a retirement supplement. In order to make it work really well, we have to have a program that is cost effective.

Medicare and Medicaid are in real financial difficulty—not only some of the Government programs themselves as they go forward but, because the impact of the cost of health care is not always fully paid by Medicaid and Medicare, the costs are shifted to people who have private insurance. That the entire cost is going up, the entire program—a great health care program in this country—becomes limited in access because of the costs. We have to do something about that.

As I mentioned, we have literally thousands of programs that are in place. I am not suggesting they are not useful. I am suggesting, however, that there needs to be some kind of a process. I am suggesting that Congress is talking about something that has some kind of a commission which would review the programs from time to time. I think that is a great idea. I don’t know whether those programs are the ones we ought to have and whether the Congress ought to appoint a commission, but there ought to be a way of evaluating. No. 1, how appropriate it is to continue those programs the same as we did 10 or 20 years ago, and whether those programs are being as effectively operated as they could be.

Sometimes when we talk about efficiency, we get a lot of feedback from people. But why shouldn’t there be more efficient Government programs? We ought to ensure that, indeed, they are.

I think that is something we ought to take a look at to see if we can’t have some kind of evaluation. I know it could be very time consuming. On the other hand, I think we could find ways to take a look periodically at the programs.

I wish we had some kind of a criteria for what kinds of programs are appropriate for the Federal Government. There are so many things that could be done much better by State and local governments or by the private sector, but if it has some political appeal, we want to hop in there and do that.

I don’t know exactly what it would be, but it would seem to me it would make sense if we had some criteria to say these are the kinds of conditions that would justify Federal involvement, not only because of the cost but most of us would like to see some control.

We talk about deficits, but we never seem to talk about holding down the activity and the size of the Federal Government. I know these are easy things to talk about but difficult things to resolve.

I guess the President is suggesting that as we go about our work we hopefully will bring a couple of a couple of thoughts. One is periodic evaluation of programs to make sure they are, in fact, efficient, effective, and still necessary. The other is that we take a look at some of the various prospects which are brought up.

For example, I chair a subcommittee which deals with national historic sites. We have a long list of national historic sites. Some of them, quite frankly, you would have a hard time justifying in terms of any national significance. There are very likely to be some things which are good for the main street of someone’s hometown. Of course, we all want to do that. But there needs to be some criteria so it fits into this program.

These are some of the things I hope we can take a look at and make the Federal involvement a little less widespread and make sure what we are doing is done efficiently.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I look forward to working with my good friend and colleague from my neighboring State of Wyoming.

There are common grounds on issues that he has raised. I certainly agree that we need to always be on the alert for ways to find efficiencies in our Federal budget. However, I think we also need to keep in mind the reality that the cost to the Treasury of the Federal budget is now about 16 percent of that budget.

As we look at ways to get our Federal budget back into equilibrium, one of the best solutions I believe would be to return to the budget rules which existed throughout the 1990s—the so-called budget rules which require a Congress any time it attempts to raise the spending above a certain baseline or cut taxes simultaneously to explain how the deficit will be paid for. The end result is budget neutrality, allowing the Government to grow its way out of budget deficits. That is the reason we had three consecutive years of budget surpluses in the 1990s. I believe we need to return to that kind of budget discipline. Regrettably, the administration opposes that discipline. But I believe, given the massive size of today’s budget deficit, we need to create that structure once again.

I concentrate what I believe allude to the Social Security Trust fund as though it were some fictitious entity. The Federal Government borrows the money currently out of surplus dollars that come in through Social Security taxes—FICA taxes—and then uses the trust fund a Treasury bond. It is no different than all the other borrowing the Federal Government does. The Federal Government has never in our entire Nation’s history reneged on its bonded indebtedness. We would never dream of doing that and destroying our creditworthiness internationally. It would be, I believe, an immoral act to do so.

The only reason there could be a long-term crisis in Social Security is if this administration and future administrations determine not to pay back its bonded indebtedness to the Social Security trust fund. It would be an unprecedented step. We need to make sure that is a step that is not taken. One of the best ways of doing that is to get our overall Federal budget back into equilibrium.

ELECTION IN IRAQ

Mr. JOHNSON. Another issue about which I will share some thoughts with colleagues today and I think it is shared by our entire Nation—that this election in Iraq is the beginning of a new era, beginning of a greater era of stability and opportunity for the United States to diminish its presence in that very troubled place.

My own oldest son served in combat in Iraq, and I appreciate profoundly the sacrifices and the risks and the courage of so many who have served our Nation there and in other dangerous places around the world.

We have this hope while at the same time recognizing that one election does not a democracy make; that the potential for ongoing violence, for chaos in many parts of that difficult country remains, and the election will be viewed more credibly by some than by others. I am pleased the turnout seems to be significant, seems to be supportive, certainly in the Baghdad region; less so in the Sunni areas where most of the violence has centered. Nonetheless, it is our hope this is a beginning, a start, at least, to the point where we can begin to take troops at some near rather than later time back home to the United States.

We have paid a dear price. We are expending in the range of $2 billion per week in Iraq, in a country that was a regional threat, was not involved in international terrorism, was a regional threat to its neighbors at one time. It certainly is our hope the efforts that are ongoing there will lead to the “Iraqification” what we have done. If that country and the development of some self-governance in Iraq, that expenditure has been immense. We have not seen President Bush’s budget for the next fiscal year yet. I am told to anticipate we will be spending $1 billion per minute on defense. This is a reminder we need to take a look at some of the things we are doing and perhaps a way to get our overall Federal budget back into equilibrium.
Mr. DURBIN. Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, let me express gratitude to our troops, their families, and caution that we still have a long way to go. The administration has indicated we may have troops in Iraq for another 5 years. I hope it is not that long. I hope we can see progress that will allow us to get every single one of our troops home sooner, so many families, so many spouses, so many children. We should never look lightly on the contributions, the courage, the distinction, the professionalism exhibited by these troops, and let us, as a Senate, do still more to see to it that to the degree we put these young men and women in harm’s way we do so selectively where no other recourse is realistic and that when they are in harm’s way they have the equipment, the ammunition, the body armor, the other resources they need to minimize what is already an enormous risk to each and every one of them each day they serve in that country.

I express gratitude to our troops, their families, and caution that we still have a long way to go. The administration has indicated we may have troops in Iraq for another 5 years. I hope it is not that long. I hope we can see progress that will allow us to get every single one of our troops home sooner rather than later; that we can get this massive expenditure off the shoulders of America’s taxpayers and be able to devote more of those dollars to the domestic needs we have in the United States, but at the same time recognizing yesterday was a day of some hope and expectation that perhaps better times will come in Iraq.

Mr. DURBIN. Mr. President, let me acknowledge my colleague from the State of South Dakota, who is unique in this Chamber. Those who voted on the question of whether America should go to war in Iraq were certainly representing their constituents in thinking of the American people in that historic and tremendous decision. My colleague from South Dakota, TIM JOHN-

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I read the stories in the paper about the two young men. They were excellent people. I am sorry I did not get to know them. I dropped notes to their families expressing my sorrow about their loss, and I am sure everyone in America will feel the sorrow for the loss of some 1,400 now. American soldiers, who have made the supreme sacrifice in this war in Iraq.

What it leads to is this: If yesterday was a turning point in terms of Iraq’s security in its future? We have been trying for almost 2 years to train Iraqis to take responsibility for guarding their own country, and we have had a terrible time of it. The administration gives us inflated numbers, 120,000 Iraqis in their army and security force, and yet other military experts say no, only 4,000 will be willing to stand and fight. Many more have gone through the training, but they are not willing to defend their country.

So what happens? One hundred fifty thousand Americans risk their lives just like the marines who went down in that helicopter last week and the others who have died since.

My question to this administration in the White House here, as well as the new government in Baghdad, is this: Now that you have reached this new point in your history of self-governance, of the responsibility of controlling your own future and your own fate, will you now step up and meet with our President and our leaders and discuss the day and how soon it will come when Iraq can defend itself? How soon can we expect Iraqis, trained, well-equipped, to stand in and take the place of American soldiers to come home?

Illinois is not unlike a lot of other States. Seventy percent of our National Guard have been activated or have already served in Iraq. I have attended sendoffs and welcome home ceremonies. They are emotional times. I went a few weeks ago to Litchfield, IL, and saw 80 of our National Guardsmen who were activated in an infantry unit off for 5 months training in Ft. Stewart, GA, and for a 12-month deployment in Iraq. Emotions ran high in the Litchfield High School gymnasium that Saturday afternoon as the troops stood at attention and the families faced them and we all wished them the very best and told them they should be in our prayers, as they should be.

I would like to be able to say to the families who are waiting anxiously back in the United States that the election yesterday meant something. It means that we have reached a turning point. It meant that Iraq is now going to take responsibility for its own future. We have been talking about it for a long time, for over a year and a half, and have little to show for it. Now is the time for concrete results, for this administration to meet with the new Government of Iraq and to start moving in a specific pattern, in a definable
schedule, toward a real goal of starting to bring American troops home.

When I hear that, then I will be ready to stand up and applaud what happened yesterday; not just for the courage of the voters but the courage and leadership. Tragedies that we have seen involving Americans, I hope, will diminish now. This administration has to move us beyond the promise to the reality of the Iraqis defending themselves.

**ENERGY**

Mr. DURBIN. In the New York Times yesterday, Thomas Friedman, their foreign correspondent, made a valuable suggestion that relates both to the Energy Department, which Dr. Bodman will be heading, as well as our challenge in the Middle East. It is a point I have made but not as eloquently as Thomas Friedman in his article.

He said he is now part of what he calls “a green movement,” and he defined it as follows: The United States of America should be moving toward energy conservation and new renewable sources of energy to lessen our dependence on foreign oil.

The vast majority of Americans believe that is a good thing. I certainly do. You would believe that most people in this Chamber would. But not when it comes to the actual votes on better fuel economy and better fuel efficiency for America’s trucks and cars. I have tried several times unsuccessfully to pass this.

How can we honestly talk about reducing our dependence on foreign oil when we continue to drive these SUVs and trucks with more gas mileage every year? Almost 50 percent of the oil we import goes into refineries in indoor gasoline tanks. And unless or until we use less of that oil, we cannot reduce our dependence on foreign oil.

The point being made by Mr. Friedman in his article is that when America needs less foreign oil, and the price of a barrel of oil comes down, then a lot of these countries in the Middle East that supply us with oil will no longer subsidize the traditional styles of monarchical and governments of inequity. They will be forced to open and diversify their economy.

Women will go to school. You will have more training of people in the workforce.

But as long as we have an inflated cost for a barrel of oil, and they are bringing millions if not billions of dollars from the United States into these Middle Eastern countries, there is no impetus or force for change in that society or lifestyle.

So Mr. Friedman challenges us in Congress and in this Government to move toward more fuel efficiency and more fuel economy, to lower the price of oil and to create another force toward democratization, toward opening the societies and governments of the Middle East. It is hard to do. It is hard to do without Government action.

My wife and I were recently looking for a new car, so we kind of laid down some rules: We wanted to buy American. We did not need a big car like that. And we wanted something that is fuel efficient. People today are getting tired of there being no choices. We kept reading about the Ford Escape hybrid. As we read about this possibility of 35, 36 miles a gallon in the city, we went out and put in an application for one. Do you know it took 5 months to get it? Those cars are in such high demand now you cannot buy them.

So there is a market out there, and we need to encourage that market for fuel efficient technology. It is not only good for reducing our dependence on foreign oil; it is good for the environment to burn less gasoline.

I gave a speech 2 weeks ago in Chicago to a group of professional engineers and talked about energy and about the need for conservation. They stood up and said: We can’t understand why the Senate doesn’t get it. Why aren’t we moving toward more fuel efficiency and more fuel economy?

Well, the honest answer is this: The Big Three in Detroit have been slow to this issue. Once again, they were scooped by the Japanese who offered hybrid automobiles long before Detroit offered them.

Why, with all of our great engineering schools, with all of the great scientists and departments of science in our major universities, do we always run a distant second when it comes to this new technology in automobiles and trucks? I do not understand it. Detroit seems to be a year behind consumer needs and appetites. I hope that changes, and changes soon.

I spoke to Dr. Bodman about this, and he reminded me it is more the Department of Transportation than the Department of Energy. But when we consider an energy bill Senator Domenici will bring to the floor soon, look closely to see if there will be one word in there about fuel efficiency in cars and trucks. The last time there was scant reference to this challenge we face.

Well, we have to look at that from a new perspective—our honest perspective that will not only help us and our environment and lessen our dependence on foreign oil but force some changes in the countries in the Middle East which, sadly, will not change unless there is some outside force.

**DARFUR**

Mr. DURBIN. Mr. President, I would like to talk to an unrelated issue but one which has been of great concern to me for some time and to many of my colleagues on both sides of the aisle; that is, the situation in Darfur.

Last week, the United Nations Commission on Inquiry was expected to issue its report on the Darfur situation in Sudan. Public releases have now been delayed until the beginning of February.

It is unfortunate given the urgency of the crisis on the ground. It is one more delay among so many that have cost lives and delayed justice.

What media attention the Commission’s report receives may focus on the issue of genocide. That question revolves around whether the tens of thousands of killings, the systematic rapes, the destruction and bombing of villages, the burning of fields, and the poisoning of wells in Darfur constitutes genocide.

I believe it does. Congress has called it genocide in a resolution which we passed on a bipartisan basis last year. President Bush has called it genocide.

The use of that word is significant. President Clinton and I supported so many parts of his administration—made a serious mistake in foreign policy in not referring to Rwanda as a genocide. Many Americans now are seeing through the movies what happened in Rwanda. They read about it, but it was never driven home. "Hotel Rwanda," talks about one man who tried to save so many innocent people during the course of what was clearly a genocide. For reasons I cannot explain, the Clinton administration was reluctant to use the word.

Now comes the situation in Darfur in Sudan. And this administration, to their credit, has used the word “genocide.” Why is that important? It is important because civilized countries of the world agreed, decades ago, that if a genocide should occur, we will not stand idly by. Now, why? Because we remember what happened in the holocaust in World War II.

You probably saw the references over the weekend to the 60th anniversary celebration of Auschwitz and some of the surviving prisoners who went back, Jewish survivors who came to that same place where so many lost their lives, remembering what happened 60 years ago, and how they were finally liberated by the Russian soldiers who came to cut the barbed wire and free them. That was a genocide of the Jewish people and others.

We decided after the knowledge of that incident that we would stand as civilized nations and say: Never again. If there is a systematic attempt to kill off a people or a population, we will respond. That is why the use of the word “genocide” by Secretary of State Colin Powell, by the Congress, and by the President has such historic significance—not that we are just acknowledging the problem, but we are acknowledging a responsibility to do something about it.

Think about that. If we accept the moral responsibility of recognizing the problem, do we not have an equally great if not greater moral responsibility to do something about it?
That word, “genocide,” was invented in the killing fields of the 20th century, but it certainly describes Darfur.

The use of the word matters. It carries the weight of history in a way that no other word can.

But calling it genocide by our Government has not stopped the killing in Darfur. It has not triggered a meaningful international response because words, no matter how much they matter, are not actions.

The discussion that emerges from this report should not be about words; it should be about action and what we can do to stop the killing.

A few weeks ago, Sudan reached a landmark peace agreement. You see, this poor country was driven by two conflicts, one in the south and one in the west. Sudan reached a landmark peace agreement relative to the north-south conflict, the conflict that has racked their country for decades.

The Naivasha agreement should be celebrated. But this peace agreement does not include Darfur, a separate region that is facing its own genocidal conflict.

In the last 10 days, over 100 people have been killed and more than 9,000 were injured by Janjaweed rebels, according to the United Nations. Reports from the BBC indicate that the Sudanese Air Force may have bombed a Darfur town, killing another 100 people.

Today, there are approximately 1,400 African Union troops in Darfur, a region the size of France or Iraq—1,400 peacekeepers from the African Union. They cannot stop the killing. In fact, that is not even their mission. They are supposed to be monitors of the cease-fire that has badly broken down. Their mission is just too limited, and their resources and numbers are too few.

Eleven years ago, we failed to act when the machetes came out in Rwanda. Eight hundred thousand people paid for our inaction with their lives in that African nation.

We cannot make the same mistake in Darfur. Americans understand that. When Americans were asked in a recent poll whether they thought the United Nations should step in with military force and stop the genocide in Darfur, three out of four Americans said yes. The support is bipartisan. In fact, Republicans favor intervention even more wholeheartedly than Democrats in this poll.

Almost two-thirds of those surveyed believe the United States should be willing to contribute troops to an international effort to stop the genocide.

Let me just say a word about that. As I would have the troops, 150,000, start coming home from Iraq, and it would take a small fraction of that number to create a presence in the Sudan to make a difference, President Bush, who was in Liberia last year, just the mere presence of some marines on the ground stopped the killing.

When they come to understand—these African rebels, these killers—that the United States will stand up to them, they back off. African Union troops, 1,400 of them, have not been able to convey that message. Americans believe the world should act, but they don’t think we will, according to the same poll. I hope our actions prove their pessimism wrong.

In Sudan, we have seen violence carried out by the Government, in some cases by antigovernment rebels and by the Janjaweed-supported militia whose name translates roughly as “evil horsemen.”

Now, the Book of Revelations in the Bible reads as follows:

I looked, and there before me was a pale horse. Its rider was named Death, and Hades was following close behind him. They were given power over a fourth of the earth to kill by sword, famine and plague, and by the wild beasts of the earth.

That must be what it feels like to be the people of the Sudan when the Janjaweed ride in.

In the New Yorker this summer, Samantha Power, who has written so forcefully about genocide in the history of her country—especially in Rwanda, described a woman named Amina. This 26-year-old mother found the wells of her village stuffed with corpses. One of them might have been the body of her 10-year-old son. She is not sure. She only found his decapitated head. That is one story among 70,000 in Darfur—70,000 stories of men, women, and children who have been killed. And their numbers grow every day.

We have to help stop this. The people of Darfur have borne witness to all four horsemen of the Apocalypse—conquest, war, famine, and death.

The United States needs to forge a long-term strategy toward Sudan that helps that nation build on its north-south peace agreement. It is our responsibility, based on international law, strategic interests, and moral values.

The Convention against genocide spells out our legal obligations. Strategically, Sudan is the largest country in Africa. Its influence extends well beyond its borders. And from a moral perspective, the victims of conflict in that nation demand mechanisms for justice, peace, and reconciliation. We must be our brother’s keeper.

Darfur represents a turning point for Sudan, for Africa, and, yes, for the world. If we can collectively respond, however belatedly, we set a new benchmark, not for death and destruction but for conflict resolution and accountability.

President Bush, in his inaugural address, said that our freedom in America is attached to the freedom of other peoples. Some said he went too far, that he was too broad a mandate. The United States cannot, in fact, police the world. And the President answered by saying that is our aspiration, our ideal, our goal. It is not a commitment we will do in every country where freedom is being lost every day. I think that is a reasonable response from the President. But certainly in this Darfur region we understand the lack of freedom relates directly not just to tyranny but to death.

There are a series of concrete steps we ought to take. First, I believe the President should name a new special envoy for peace in Sudan. John Danforth, our former Ambassador to the United Nations, showed us how important that position can be. My hope is the President will name another individual of similar stature and ability to direct our efforts.

Second, the African Union has undertaken a noble mission, but it is underfunded and understaffed. We have to work with the African Union to provide whatever logistical or technical assistance is needed to speed up this deployment.

The African Union represents the vanguard of conflict resolution on the continent of Africa. Anything we can offer to help expand its peacekeeping capabilities will have repercussions and benefits far beyond the nation of Sudan.

Third, the people of Darfur deserve justice. It took too long for the world to pay attention, but the fact is, we have finally awakened.

There is no accountability in Darfur, what hope is there elsewhere? Otherwise, the message we send is that one may kill, rape, and terrorize with impunity because while the world may call this genocide, it does not act.

The International Criminal Court was founded to address “the most serious crimes of concern to the international community.” What can be more serious, more heinous, than the genocide that has taken place in Darfur, that is still taking place in Darfur?

The International Criminal Court was designed just for this terrible moment, and I believe the United Nations Security Council should refer this case to the ICC.

In a recent editorial in the Washington Post, former Bush administration official Jack Smith argued that support for the ICC in inconsistent with U.S. law and administration policy. Smith wrote:

The Darfur case allows the United States to argue that Security Council referrals are the only valid route to the ICC prosecutions of individuals from countries that reject the jurisdiction of the ICC (such as the United States) remain immune from ICC control in the absence of such a referral.

An ICC referral has the advantages of speed and structure, but it is not the only path to justice. The Security Council could instead authorize the creation of an independent tribunal on human rights and crimes in Darfur as it has for Rwanda and other cases. This will cost more money, and it will probably take more time, but it is an option.

What is more important is that the international community pursues accountability in one form or another.
The United States should also share its evidence of genocide with whatever body is named to seek accountability for the terrible crimes in Darfur.

President Bush spoke last week in soaring, inspiring rhetoric about liberty—our liberty, the world's liberty. But there is no liberty without basic human security. There is no freedom when armed men sweep down upon your village, raping and murdering its inhabitants. And there is no justice when the world recognizes all these terrible things but does nothing about it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Thomas). Without objection, it is so ordered.

Mr. DOMENICI. I ask unanimous consent that I be permitted to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator has that right.

FREEDOM RINGS IN IRAQ

Mr. DOMENICI. Mr. President, this is a very pleasant and happy day for the Senator from New Mexico, and I hope for many Senators, Americans, and people who like freedom around the world.

I congratulate the President of the United States. He has had a very powerful commitment to freedom and democracy in Iraq. There has been discussion for many months about whether our mission in Iraq would work and about why we are there, but I think today we have seen the first giant step toward freedom for the wonderful Iraqi people who have suffered so long under tyranny and were made slaves, whose loved ones suffered, were enslaved, murdered, entombed, and killed. Thousands emigrated from that country. This is a great day for them, and I think they showed us that it was a real issue.

I am sure many did not believe these people would risk anything serious, including their lives, to have a chance at freedom. The President, by his strength of character and commitment against many odds, carried this issue forward to an electorate and an election, and has stayed with it until this great day when we saw grassroots freedom come alive.

This is an occasion when some might wonder whether we ought to have a free press over there observing things, especially in a war zone so to speak, but this is an occasion when it is obvious that it worked. Even skeptics who were there could not deny reality. The reality was that people, young and old, were not afraid of the threats of terrorism and risked everything for that little idea of exercising their franchise.
Social Security is a social insurance program that embraces almost the entire American family. It is the highest expression of our connection and commitment to one another. It reflects our core values, our compassion, our decency, our bedrock belief that no senior, no person facing a disability, or no member of our American family will be left behind.

I talk about it in terms of our American family because I make the analogy with our own private individual families and our families in normal times, the individuals in our own families are independent, self-sustaining, going their separate ways, building their individual good futures. But in our own families in times of misfortune, financial crisis, old age, or death that is when individuals in the family pull together. We come together, sacrificing, if necessary, to give aid, comfort, and support to the family member who is in need.

As Americans, we all value the benefits of the free marketplace. We all believe in individual responsibility. However, we also know that sometimes markets fail. We also know sometimes people fail on hard times, through no fault of their own. Sometimes people get disabled. That is exactly why we have a social security insurance program, to provide a basic safety net for the elderly, for survivors, and for Americans with disabilities.

Social Security has come of deep meaning for me and my family, and it is a story I will be telling a little bit today, and I will be enlarging upon it later, but it has to do with my family when I was young, but as it relates to a lot of families today.

I was born in 1939. My father was 54 years old when I was born. My mother was 44. When I was 10, my mother died. My father had three kids under the age of 18. My father had only an eighth grade education. Half of his life he worked in the coal mines in Iowa. Not too many people know we had coal mines in Iowa. During the Depression, he worked on WPA programs. In fact, on the wall of my office I still have his WPA card to remind me from where I come.

Then during World War II, when my father was in his fifties—those coal mines pretty much shut down—he was able to work in an ordinance plant and had paid in the requisite quarters to qualify for Social Security.

So when my father reached the age of 65, which was in 1951—and I was now 11 years old—he was in bad health. He suffered from what we called miner’s lung in those days. We did not call it black lung in Canada. It’s called miner’s lung. Basically, the most he could do was to work odd jobs, painting houses, fixing things up, and other jobs such as that.

His total Social Security check at that time was about $120 a month. That was the whole sum of his income for our family. We had no outside income. He had no savings. We owned no land. We owned no stocks. We owned no bonds.

We owned nothing except the little house we had. So that $120 a month was our total family income. We lived on that.

I relate that story because when we were young and growing up, Social Security was the only thing between us and poverty. We all worked as kids, even at 12, 13, 14, 15. We all had jobs, whether it was working on farms or whatever it might have been. But the fact that my father was able to get Social Security when he was 65 and he was unable to work—most people in those days were unable to work because they worked pretty hard all their lives—was what kept us together as a family.

One might say that was then and today is different. Things have not changed all that much since the 1950s. Today one out of every five seniors, 20 percent, rely on Social Security for 100 percent of their income. For two-thirds of our seniors, Social Security is the main source of income. There may be a little bit of something else. In fact, according to the publication of the Social Security Administration, in the year 2000, nearly 48 percent of American seniors would have fallen below the poverty line if they had not received Social Security. In other words, take away Social Security and we are right back to where we were in the 1940s or 1950s with nearly half of America’s seniors living in poverty.

I talk about it in terms of our American family because I make the analogy with our own private individual families and our families in normal times, the individuals in our own families are independent, self-sustaining, going their separate ways, building their individual good futures. But in our own families in times of misfortune, financial crisis, old age, or death that is when individuals in the family pull together. We come together, sacrificing, if necessary, to give aid, comfort, and support to the family member who is in need.

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and says: We have to change Social Security; it will not be there for me when I retire. 
I say: Let me ask you this. Do you believe the U.S. Government, the United States of America will still exist after you retire? Of course, the body says yes. Of course, the United States of America is going to exist for a long time.

Well, then, I say your Social Security is going to be secure, too, because it is backed by the full faith and credit of the U.S. Government. The United States has never defaulted on a bond, and we never will.

So to those who say that somehow Social Security will not be there, the Government is going to default and not pay the bonds, right now China is buying U.S. bonds, loaning us money every year to finance our deficit. Are we telling them, Hey, guess what, China, those bonds may not be any good; we may default on those?

Does the private sector that is buying a lot of Government bonds for their portfolios, Hey, guess what, it might not be there? The reason Government bonds are so good is because it is backed by the U.S. Government. That is why Social Security will be there. That is the truth that those who want to privatize Social Security are not telling us.

Does Social Security face a challenge nearly half a century from now? Yes, it does. According to the Congressional Budget Office, in the year 2060 the huge surpluses in the Social Security trust fund will have been used up. But payroll taxes will continue to roll in, allowing about 73 percent of scheduled benefits to be paid indefinitely. Clearly, the 27-percent shortfall will be a challenge. That is about 45 to 47 years from now, and for that reason I welcome the current discussion of ways to address the current challenge. Now, since the time in Congress—and that has been now 30 years—we have adjusted Social Security twice. Since 1935, we have adjusted it several times. With changing times and circumstances, as we look ahead we make changes, and we are going to have to make some changes now, but not as drastic as some people are saying.

I am interested in hearing the details of the President’s plan in his State of the Union speech on Wednesday. Reportedly, at least from what I read in the paper, he would propose a partial privatization of Social Security. Guess how it is going to be financed. By up to $2 trillion in new borrowing over the next decade. Where are we going to borrow that money? We will have to float bonds.

Who is going to buy the bonds? Well, right now the biggest buyer of our bonds is China and Japan. Are we going to tell them we may default on those bonds? No. We are telling them that those bonds are good. 

According to other reports, the President plans to follow the advice of his 2001 Commission on Privatization, which recommended that future Social Security benefits be cut by 40 to 50 percent. Well, with good reason Senators from both parties have been very skeptical and critical of these approaches. As even conservatives acknowledge, private accounts have nothing to do with ensuring the long-term financial health of Social Security. One person even described private accounts as “a solution in search of a problem.”

What is more, the proposal to cut benefits by 40 to 50 percent is not just Draconian, it is unnecessary. It feeds the suspicion that the President’s real aim is not to save Social Security but to drastically shrink it as the first step toward eventually ending it, like Grover Norquist wants to do.

I will focus the remainder of my remarks today on one part of Social Security that is not being talked about. I have one big overriding concern. I am concerned that those who want to privatize Social Security have almost totally ignored the fate of about 62 million Americans with disabilities, people who in many cases desperately depend on Social Security disability benefits.

President Bush says he has no current plans to cut disability benefits. But unfortunately the President seems not to understand that in our Social Security system both the retirement and disability programs are closely linked.

They use the same formula for determining benefits. In an interview with The Washington Post published on January 16, the President acknowledged that:

Frankly, our discussions in terms of reform have not centered on the survivor/disability aspect of Social Security.

Meanwhile, the President’s Commission on Social Security devoted a mere two pages out of its 256-page report on the fate of people with disabilities. Many advocates of privatization simply assume that disability rates will also be slashed in the same across-the-board fashion with catastrophic consequences. Everyone appreciates that the Social Security payroll tax purchases a very good defined benefit upon retirement. What is not fully appreciated is that the payroll tax also purchases an excellent disability insurance policy, one that would be difficult, if not impossible, to purchase on the private market.

I am going to repeat that. What is not appreciated is that our payroll taxes buy an excellent disability insurance policy, which would be difficult, if not impossible, for you to buy in the private market.

Here are the facts. For the average wage earner with a family, Social Security benefits are equivalent to a $322,000 life insurance policy or a $233,000 disability insurance policy. I had my staff look into how much it would cost to replace those benefits in the private market. The cost of the life insurance alone could be substantial. For instance, the cost of a modest $100,000 term life insurance policy—that is just a term policy—varies from $140 a year for a healthy 25-year-old to $3,815 a year for a not-so-healthy 45-year-old.

The more shocking news is that you cannot accurately price a policy that would make up for disability. The vast majority of currently available disability policies are group policies. Right now, the only people who buy personal disability insurance are members of small, self-selected groups of people who are at risk of becoming disabled, and these group policies are not stand-alone policies; they are supplemental policies. They just
replace a percentage of income beyond what Social Security disability pays. So any change that lowers Social Security disability payments would actually raise the price of private disability insurance, because there would be a larger gap up between what people get from Social Security and a minimum replacement level.

More to the point, this kind of disability policy would not be available to just anyone. For instance, according to Patricia Owen, the former Associate Commissioner of the Social Security Administration:

> Private insurance generally will not cover the blue-collar occupations. And long-term disability insurance for workers is the least offered. With Social Security disability insurance, all are covered. I would guess that the price of private long-term disability insurance would be at least 5 times higher than the percent of FICA that goes to disability insurance.

Young people better start thinking about this. They better start thinking about what the privatization means in terms of disability.

Any one of us on the floor today, anyone watching us—an accident could happen tomorrow and you could be disabled. I am concerned that in the rush to privatize Social Security we are going to consider unintended consequences. Americans with disabilities are at risk under the privatization plans now being discussed. I think what we have here is a crisis of mass destruction. Because we don’t depend on whether we had the weapons of mass destruction. We found out they didn’t exist. The President now says there is a crisis in Social Security that justifies slashing benefits by up to 50 percent, that justifies borrowing up to $2 trillion to partially privatize Social Security.

Just as there were no weapons of mass destruction in Iraq, there is no crisis in Social Security. But if we go down this path of privatizing Social Security, the benefits, making it harder to get disability coverage, we will have mass destruction all right, we will have mass destruction of the American family, our American family, pulling together, helping each other in time of need by putting us all in this great big pool called Social Security insurance.

If the President and Mr. Norquist and those privatizers get their way, we will have mass destruction all right, here in our country—not in ways of life of lives of the American family. We will have mass destruction to a future that people can look forward to knowing that if they become disabled, they are going to have a safety net to look forward to. If the major breadwinner in the family, he or she, gets killed, dies unexpectedly, that the survivors will have a safety net to get them through school; looking forward to a future when you retire you will have some golden years and you will know that your future retirement will depend on whether the stock market goes up or the stock market goes down, that it only depends on one thing, the survival of the United States of America. That is what Social Security is.

I can tell you that in recent weeks my office has been flooded with letters and e-mails from my fellow Iowans who are deeply worried about the reports that are being put out about the President’s 2001 privatization commission. Many of them know that the calculations assume disability benefits will be slashed. They have heard the proposals that we will just take people with disabilities and put them into SSI. This is deeply disturbing for people with disabilities who rely on Social Security, not just for income but for their dignity.

Social Security disability insurance has been a lifesaver for countless Americans. I think of Steven Cook, a former truck driver from Iowa City, IA. After a lifetime of working hard, playing by the rules, he found himself unemployed, sleeping in his car, and diagnosed with renal failure. After qualifying for disability insurance and corollary health benefits, he was able to receive a kidney transplant and begin to put his life back together.

I don’t want to add to the worries and fears of people with disabilities, people such as Steven Cook who rely on Social Security, but we have an obligation to raise these issues now, to discuss them, and to find out what those unintended consequences might be of the privatization of Social Security. As I said, the calculations and projections of the President’s Commission on Privatization assume that disability benefits will be cut along with retirement benefits. The Commission recommended that “the President address the disability insurance program through a separate policy development process.”

That recommendation was made 3 years ago, but, to my knowledge, they are not doing anything to develop any policy to safeguard the disability insurance program. In the absence of any reassurance from the administration, Americans with disabilities—widows and their survivors and orphans—have been left with the worst: Their benefits are going to be slashed in a draconian fashion. This is not compassion, and it is not acceptable.

I have come to the Senate floor today to raise these profound issues. It is time we speak about the fate of millions of Americans with disabilities who rely on Social Security benefits. Is the administration developing a plan to protect these people? Does the administration intend to take its cue from the Privatization Commission and propose such cuts in disability benefits? Americans need answers. More than 6 million Americans who rely on disability benefits need answers, as we all do. Any one of us could become disabled and face a dire need of this safety net. I urge the President to consider this issue. If the plan is to privatize Social Security on the backs of our most vulnerable people, that is profoundly a moral mistake. Such a plan I hope will be unacceptable to Members of this body. I urge the President and his advisers to give very careful consideration to this issue.

Yes, we need to address long-term challenges to Social Security. However, Social Security is sound. It is as sound as the United States of America. Will it need changes 50 years from now? Yes. Minor changes can fix it. Does it need to be privatized? No. Do we need to protect the social insurance program for people like you and me who are not right now disabled but may be tomorrow? The answer is yes. We can only do it if we have one national social insurance program. It has served us well.

Not all old things are bad. The older I get, the more I think about that. Not all old things are bad. Sometimes I see people wanting to change this or change that. For what reason? They say: Well, it is old. So what? The Ten Commandments are pretty old. I don’t think they need to be changed.

Social Security insurance has served us well. It will serve these young people here today well. It will serve all young Americans well as long as we think about it in terms of the American family. We are all in this together. We will all go our separate ways and do our separate things in life, but if trouble falls, if one person becomes disabled, if one person dies and the widow or widower and the kids need help, we are all part of a family. You will not get that if you privatize Social Security.

We will fix the long-term balance sheet on Social Security. But we should always keep in mind that Social Security is as strong as the United States of America. If you do not believe in America, you don’t believe in Social Security. If you do not believe in the future of our country, you don’t believe in the future of Social Security. But if you believe in America and if you believe in the future of our country, you believe we can come together to truly protect Social Security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak in morning business for such time as I may require.

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

Mr. ALEXANDER. Thank you, Mr. President.

ELECTIONS IN IRAQ

Mr. ALEXANDER. Mr. President, some of my colleagues are suggesting that as a result of yesterday’s election in Iraq, the United States needs an exit strategy, that we should begin to withdraw our troops, and set a timetable for bringing the rest of our military men and women home. That is a very appealing thought.
I can think of about 3,000 families in Tennessee of the 278th Cavalry of the National Guard whose husbands and wives and sons and daughters have interrupted their lives for up to 18 months. And they are now in northern Iraq. Their families would like to have them home. I think of thousands of families around Fort Campbell and Nashville. They would like to have their loved ones home. I think of the $80 billion the President is going to ask us to spend, and I can think of 80 billion ways to spend it—education and improving our competitiveness. It is a very appealing thought—to bring the troops home.

But we don’t need an exit strategy in Iraq. The United States needs a success strategy in Iraq. If we are to succeed in Iraq, I am afraid that means those troops are likely to have to stay there for a while longer.

Yesterday, the Iraqis did for themselves what we haven’t been able to do for the past two months: they isolated the terrorists. The count was about 7 million or 8 million to 5,000 or 10,000—voting Iraqis versus terrorists.

In October of 2003, Secretary Donald Rumsfeld wrote a memorandum which was declassified around Washington. He said:

"It is pretty clear that the coalition can win in Afghanistan and Iraq in one way or another, but it will be long, hard slog."

Concerning the general war on terror, Secretary Rumsfeld went on to ask:

"Is our current situation such that “the harder we work the behider we get?”

"The Rumsfeld memorandum leaked, and some accused the Secretary of not having all the answers. I am glad we had a Secretary who is willing to ask the questions that he didn’t know the answers to. He was worried that our actions in Iraq and being successful in the war were, in the postwar time, inflaming Arab opinion in such a way that it would bring more terrorists than we were destroying."

I know a lot of wise people around Washington, DC, who have been thinking about Secretary Rumsfeld’s question since October of 2003. I have yet to hear one of them come up with a very good answer to his question.

"How do we in the postwar conflict keep from creating more terrorists than we are destroying? The answers to the question come from all sides.

"We at Congress have discussed, for example, more public relations, more television, more radio programming, more cultural exchanges. Those are all good ideas. They are important parts of effective public diplomacy. I hope we do them. But yesterday we witnessed a much better answer to Secretary Rumsfeld’s question: elections. Elections giving people a voice and a stake in the future of their own country. Those elections yesterday isolated the terrorists. That is the most important answer yesterday. It was 7 million or 8 million for democracy and 5,000 or 10,000 for the terrorists. It wasn’t the Americans who were in the"
to continue? Those are the questions we should be asking, and the answers to those questions will produce a success strategy.

At some point, one thing we can do to isolate terrorists in the Middle East is to leave Iraq. Then Iraqis are defending Iraq. All of us want that as soon as possible. But to abandon Iraq before we have implemented a success strategy is abandoning a country we have led to risk its lives in order to vote, and abandoning Americans and those from other countries who have fought, bled, and died to give Iraqis their freedom and to give them an opportunity to govern themselves.

In 1994, I met a man named Larry Joyce in Chicago. He worked for the American Heart Association. Larry Joyce had been in Vietnam. He was about my age. He sought me out because he wanted anyone who might be in public life to learn the lessons he and his family had learned in Somalia. Larry Joyce’s son, Casey Joyce, had been killed in Somalia. The lesson Larry Joyce wanted me to know and wanted every Member of this Senate to know and every policymaker to know was that we engage in a military mission, we should do three things: One, we should have a specific mission; two, we should have more than sufficient force to complete the job; and he said, three, most importantly, we should have the stomach to see that mission through all the way to the end.

His greatest complaint about the American Government in Somalia was not the mission, not the force, but that we did not have the stomach to see all the way through to the end the mission in which his son was killed.

Larry Joyce himself has now died, but I remember that conversation. I think of his son. When I think about this, I am thinking of American men and women to Iraq or any other place in the world. I think about seeing that mission all the way through to the end.

That is why I react badly to the talk of my colleagues who suggest an exit strategy based on some artificial date. Leaving Iraq prematurely would undermine every objective we have in the war on terror and in the Middle East. I am disappointed to hear talk of an exit approach. I would like to hear more in this chamber about not only our new administration and more in this country about a success strategy in Iraq.

Yesterday’s election was a thrilling event. For the first time in 22 months it answered Secretary Rumsfeld’s question of October 2003. How do we isolate the terrorists? If we do not do it, the Iraqi people do it, 7 or 8 million of them, versus 5,000 to 10,000 terrorists. They isolated the terrorists.

We should not be talking about leaving Iraq as long as these elections are finished. We should be talking today about those October elections, about those December elections, and what we can do in our country and in Iraq to help the Iraqis have the opportunity to build a constitutional government and to be in a position in October and December to once again send a message to the world that they prefer democracy to terrorism and that they, the Iraqis, are isolating the terrorists by a vote of millions of Iraqis to a few thousand terrorists.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. McCONNELL. Mr. President, yesterday freedom took a giant step forward.

History will rank January 30, 2005, alongside November 9, 1989, the day the Berlin Wall fell, as a day when man’s innate desire to be free broke the shackles of tyranny.

Millions of Iraqis stood up to the terrorists and told them: We reject your creed of violence. We reject your claim that Iraq cannot join the democratic family of nations. We reject your belief that Iraqis deserve nothing more than to live in fear of oppression.

One Iraqi, a businesswoman named Samir Sabih, put it better than any of us could. Of yesterday he said: Fear has no place in our hearts anymore.

We became free.

The Iraqi elections for the National Assembly must be heralded as a major success. Turnout has been reported as anywhere from 60 to 70 percent, defying all expectations. Thanks to the dedication and bravery of our troops, and the Iraqi police that we have trained, there was much less violence than expected. We were all moved by the courage of so many ordinary Iraqi citizens, each one risking their life to proudly display a purple ink-stained finger.

While we do not yet know the results of the election, we can name the winners—the people of Iraq—for enthusiastically embracing democracy; the nations of the Middle East, that can now look to Iraq as a model; and the people of every country, who now live in a world more favored toward freedom.

Some cynics have missed the point of this election. For instance, some say the vote is illegitimate if not enough Sunnis chose to participate. But by all reports, the Shiite majority will not let this stop Sunnis from having a voice. There will be a place for all religions and ethnicities in the government. Interim Prime Minister Iyad Allawi, himself a Shifte, has said:

Let us work together toward a bright future—Sunnis, Shia, Muslims and Christians, Arabs, Kurds and Turkmen.

I also heard a news reporter ask yesterday whether the election results were good for President Bush. In case this reporter missed it, President Bush was not on the ballot. Yesterday’s historic achievement was not about which party can collect political points. It was about the march of freedom.

There is still a lot of hard work ahead before Iraq becomes a stable democracy. America must stay committed. The Iraqis are counting on us to help them in their quest for freedom and we cannot, and we will not, let them down. We must do what it takes for our security’s sake, so that Iraq never again becomes a cauldron of terrorism.

Many Americans and Iraqis risked everything to help realize the first free vote in Iraq since 1953. Some gave their lives. We should offer our thanks and our prayers to those who valiantly sacrificed. We can honor their deeds by completing our task in Iraq.

Amidst the joy and celebrations yesterday, one Iraqi woman actually gave birth at her polling station. She gave birth at her polling station. Despite her pregnancy, she was determined that nothing would deter her from casting her ballot. She named the child after the word “election” in her native language.

Mindful of the hard work still ahead, I hope and believe this baby will grow up never knowing tyranny and oppression, never living under totalitarian fear, never seeing a family member spirited away to be murdered.

I hope and believe this child will grow up in a free society, with the power to make his own destiny. Let’s finish the job and ensure that is so.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 7, the nomination of Samuel Bodman to be Secretary of Energy, that the nomination be confirmed, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate’s action, and that the Senate then resume legislative session. Finally, I ask that any statements relating to the nomination be printed in the Record.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF ENERGY

Samuel W. Bodman, of Massachusetts, to be Secretary of Energy.
Mr. DURBIN. Mr. President, I rise to share some brief comments concerning the nomination of a fellow Illinoisan, Dr. Samuel Bodman, for Secretary of the United States Department of Energy.

Last week I had the opportunity to meet Secretary-designee Bodman. I learned he was born in Wheaton, IL, his mother was raised in Coffeen and his father grew up in Bement, IL, where main street is actually named Bodman Street.

I expressed to Secretary-designate Bodman a few of my concerns about national energy policy. I stressed my belief that one of our most urgent national energy priorities is increasing fuel efficiency standards. This is a critical issue and one that has been visibly absent from the administration’s national energy policy. How can we claim to be serious about reducing America’s dangerous dependence on foreign oil if we don’t even think seriously about encouraging greater fuel efficiency?

We hear the same excuses all the time for failing to act: Cars will be unsafe. The technology isn’t available. The truth is, the technology is available and the higher fuel efficient cars are on the road. The majority of them, however, are Japanese.

I’m lucky. Fortunately, after 6 months of waiting, we recently purchased a Ford Escape hybrid. This car achieves anywhere from 31 to 36 miles per gallon of gasoline. Clearly, the technology is there.

What is needed, I stress again, is comprehensive energy policy that places greater emphasis on conserving energy and promoting fuel efficiency rather than simply drilling more oil wells in ever more fragile wilderness areas.

I also expressed to Dr. Bodman my strong support for the energy department’s FutureGen development programs, for advancing energy technology, and for helping to maintain our Nation’s leadership in advanced science.

One project I support strongly is the DOE Science Advisory Committee’s highest priority recommendation, the construction of a rare isotope accelerator. This project is critically important in maintaining our Nation’s position as a leader in nuclear research.

The Energy of Isotopes is in the process now of finalizing its decision on where to place the rare isotope accelerator. Among the contenders is Argonne National Laboratory at the University of Chicago.

I am working closely with my colleagues Speaker DENNIS HASTERT and Congresswoman JUDY BIGGERT to try to bring the rare isotope accelerator to Argonne.

First, Argonne has already built a major isotope accelerator and the only facility in America with the experience and management already in place to get this project up and running.

Second, Argonne has the necessary infrastructure to support the project. Argonne’s existing infrastructure would save the Federal Government approximately $100 million in project costs. At a time of tight budgets and spending constraints, this alone is an appealing reason.

Finally, Argonne is located just 25 miles southwest of the Chicago Loop, close to both Midway and O’Hare International Airport, making it readily accessible to researchers around the world.

The rare isotope accelerator will allow researchers to delve into the origin of elements that make up the world. The research at this facility will provide us the opportunity to advance the application of nuclear medicine and enhance our understanding of environmental science and the biology of the Earth. This project would be an extraordinary asset to Illinois. With an initial investment of $1 billion in Illinois, Argonne’s accelerator would bring 1,750 permanent jobs and 16,000 temporary construction jobs to Illinois. It would make Illinois a hub for scientific research, discovery and collaboration.

I also expressed to Secretary-designate Bodman to give a good look to Argonne’s application. I believe strongly that he will find Argonne’s expertise, success and cost-saving efforts make it the best site for this facility.

Finally, I appreciated the opportunity to discuss with Dr. Bodman my interest and strong support for the Energy Department’s FutureGen project.

In the 1970’s there were 71 operating coal mines in Illinois. Today, there are only 21 active mines. Over the past 30 years the economy in Southern Illinois has slowly collapsed, leaving thousands of people unemployed.

The FutureGen project will advance energy production into the future by transforming our current coal plants to burn hydrogen and hydrogen production zero-emission fossil plant.

Southern Illinois is the perfect location for such a facility. Illinois contains more than 25 percent of the Nation’s total recoverable bituminous coal reserves, and it also contains deep saline aquifers, available for the sequestration of carbon dioxide. While creating a use for the high sulfur content coal in the State, the FutureGen plant would revitalized the Southern Illinois coal industry.

I am pleased to support Dr. Bodman to be America’s next Energy Secretary and I look forward to working with him and the Illinois delegation to bring this project to our State and to decrease America’s dependence on foreign oil.

Ms. CANTWELL. Mr. President, today, the Senate is considering the nomination of Dr. Samuel Bodman to be the next Secretary of Energy. I understand that Dr. Bodman is likely to be confirmed. Though I will support his nomination, I want to review my understanding of Dr. Bodman’s commitment to several issues that are critical to our Nation and specifically to my State of Washington, so that he can begin his tenure with a clear understanding of this Senator’s expectations.

During his confirmation process, I had the opportunity to meet with Dr. Bodman personally and to engage him and seek his views on the policies of the Department of Energy. Among the issues I raised were several of critical importance to the people of Washington, such as maintaining the Federal Government’s commitment to clean up the Hanford Nuclear Reservation, considering carefully any changes to Federal policies regarding the Bonneville Power Administration, BPA, and advancing the Federal role in research and development at institutions such as the Pacific Northwest National Laboratory. On some of these issues, Dr. Bodman stated he needs time to review them early in his tenure at DOE, and other issues he committed to do so. In other cases, he was able to make a more explicit commitment on the issue’s merits, such as the enforcement of the Triparty Agreement on cleanup of the Hanford Nuclear reservation.

I also expressed to Dr. Bodman my strong support for the Energy Department’s FutureGen project.

The Energy Department has a major responsibility to lead in the development of advanced energy technology. Instead, we need to seize the opportunity before us and recognize that it is the key to securing our Nation’s long-term energy independence.

As I have expressed to Dr. Bodman, the Western electricity market meltdown of 2000–2001 has had a profound effect on my State and how we plan our future. And when confirmed as Secretary of Energy, Dr. Bodman will have a very important, defining role in guiding overall electric regulatory policy.
The incoming DOE Secretary will need to provide strong leadership and condemn the types of schemes used by Enron traders—manipulation tactics with infamous nicknames like Get Shorty, Death Star, and Ricochet. These are more than just "theoretical" concerns for me and my constituents. Not only are Western ratepayers trying to recover some small fraction of the money they lost to Enron as a result of its unscrupulous trading practices, they are trying to avoid paying even more. Right now, Enron is claiming utilities in Washington State and Nevada alone owe about a half billion dollars more—for power Enron never even delivered. You can understand just how outrageous this seems to my constituents, who are already struggling to pay their power bills.

I am pleased that Dr. Bodman provided assurances that market manipulation cannot be tolerated and pledged to ensure the Federal government is ready to act. We need to send a strong and unambiguous message that these practices will not be tolerated in our Nation's electricity markets.

Unfortunately, justice delayed is justice denied for Enron's victims. It has literally been years now, in which the ratepayers of my State—who have already suffered enough—have been waiting for the other shoe to drop. I look forward to working with Dr. Bodman in righting past wrongs done to consumers—including those in the State of Washington—and putting in place safeguards to prevent future victimization of electric ratepayers.

As I mentioned earlier in my remarks, I have emphasized to Dr. Bodman the importance of Hanford cleanup to the residents of Washington and the Pacific Northwest as a whole. It has been my experience that achieving our mutual goal of an effective and efficient cleanup solution will require hard work on the part of many stakeholders. I have been particularly pleased with Dr. Bodman's responses to my questions and look forward to ensuring that the Department of Energy and the policies that the incoming Secretary supports will ensure economic stability and growth for Washington residents specifically and the Pacific Northwest in general.

In order to meet these goals, the Department of Energy should be engaged in four broad activities. They include providing some regulatory certainty to the electric industry, focusing on ensuring a reliable and cost-effective hydropower. The pits of being 80-percent dependent on one particular source for electric generation—subject to the whims of Mother Nature—have been made all too apparent in the past few years.

I look forward to ensuring that the Department of Energy and the policies that the incoming Secretary supports will ensure economic stability and growth for Washington residents specifically and the Pacific Northwest in general. In the interest of good government, I have emphasized to Dr. Bodman the importance of Hanford cleanup to the residents of Washington State. Again, it is in the best interest of the residents of Washington to continue the Department of Energy's support of the cleanup at Hanford. This legislation was done behind closed doors, in a congressional delegation on any administrative or legislative proposals regarding tank waste stored at the Hanford Nuclear Reservation. We will not tolerate the same situation that happened last year—when DOE-authored language related to the reclassification of high-level nuclear waste was inserted into the fiscal year 2005 Defense authorization bill. This negotiation that was done behind closed doors, in a committee that is not the rightful forum for determining the fate of highly-enriched clear waste and how it should be treated and disposed of. This legislative end run was viewed by me and the senior Senator from Washington, Mrs. Murray, as well as the State of Washington and many of our constituents, as an ill-considered attempt to take short cuts at Hanford. I hope Dr. Bodman's commitment to consult with me will further ensure that the continued cleanup will ultimately lead to an agreement that these bad faith maneuvers will not be continued by the Department of Energy under his leadership.

Washington is blessed with an incredible and unique resource—the Puget Sound and the Columbia and Snake rivers. Washington is blessed with an abundance of hydroelectric energy—electricity that is critical to addressing some of these important challenges.

I believe that we are using unique Federal resources towards contributing greatly to addressing some of these important challenges. Among its diverse missions within the Department of Energy, the Pacific Northwest National Lab has been a national leader in the development of "smart-grid" R&D. This "smart-grid" technology, due to be deployed throughout the Pacific Northwest, will allow a reliable response to energy demand and the propagation of a more diverse energy infrastructure. These types of programs allow us to make our energy grid more reliable, help train and grow our workforce for the 21st century, and sustain and grow our economy. These programs should serve as a model for others to emulate. The investment of Federal resources yielding incredible results. I look forward to working with Dr. Bodman to ensuring the future growth of these programs.

Dr. Bodman also will be responsible for furthering the investments that incentivize the long-term production of alternative energy resources, including wind and biomass. I know that many of these have strong bipartisan support in the Congress and can play a critical role in sustainable economic development in the Pacific Northwest, a part of our Nation, like most of the Eastern part of Washington State. Again, it is investments like these that can ensure a more reliable and distributive grid that will ultimately lessen our long term reliance on fossil fuels.

Finally, I look forward to educating Dr. Bodman on the importance of the long-term stability of the Bonneville Power Administration. The incoming Secretary should note that decisions about the future operation of the BPA system, including any decision to join a regional transmission organization, or RTO, should be left to stakeholders in the Pacific Northwest. The fact that Bonneville be allowed to continue making important investments in upgrading its transmission infrastructure. Last year's budget called for legislation that would have effectively ended critical transmission upgrades already underway in the Pacific Northwest by effectively exhausting BPA's borrowing authority in 2008. I hope that Dr. Bodman's further education on these matters will yield his commitment to ensure that these transmission upgrades can be completed—a key piece in making our energy system more reliable.

Again, I am supporting Dr. Bodman's nomination. As the next Secretary of Energy, he will be our Nation's chief energy policymaker. I look forward to further educating Dr. Bodman on these issues that are so important to my State and working with him to address these important challenges. I ask him to ensure that the Northwest is far from out of the woods on the rates crisis.

Obviously, the Western market meltdown had a profound impact on my State's economy, the pocketbooks and economic well-being of my constituents—too many of whom have had to make the choice between keeping their heat and lights on and buying food, paying rent, and purchasing prescription drugs. In some parts of Washington State, utility disconnection rates have risen more than 40 percent.

People just can't pay their utility bills. So you can imagine, what we've seen and heard in the wake of the crisis—as we've learned about the market manipulation and fraud that took place in the Western market, while Enron energy traders laughed about the plight of "Grandma Millie," we have added tremendous insult to substantial economic injury.

Moreover, the Western crisis has brought to the forefront a number of very important policy questions about the kind of behavior that will be tolerated in our nation's electricity markets, as the Federal Energy Regulatory Commission (FERC) has continued to pursue its "restructuring" agenda. As the Secretary of Energy, you would have a very important, leading role—defined in 1977 Department of Energy Organization Act—in guiding overall electric regulatory policy.
As such, before I get into some of the specifics, I want to make sure we are on the same page when it comes to these broader principles and policies:

First, I want to make sure that the types of schemes used by Enron—manipulation tactics with famous nicknames like Get Shorty, Death Star and Ricochet, many of which were facilitated by the unification of bodies that had been deemed illegal by the Federal Energy Regulatory Commission (FERC)—are practices that must not be tolerated in our nation's electricity markets.

Answer: Senator Cantwell, illegal market manipulation certainly cannot be tolerated, and we should vigorously enforce the relevant laws.

Question No. 181: Do you also agree that, as a matter of common-sense policy, the victims of Enron should not have to pay for the inflated power prices resulting from market manipulation?

Answer: We must take appropriate action to protect consumers against the effects of illegal market manipulation.

Question No. 182: Do you also agree that this principle is even more important in instances in which the company perpetrating these schemes has done so while providing false information to federal regulators, making it impossible for those regulators to ensure non-misleading proposals?

Answer: Any form of market manipulation, including providing false information to regulators as you have described, is intolerable and will be vigorously enforced by the relevant laws. As you know, FERC and the courts have the authority to review such cases and make appropriate judgments.

Question No. 183: I particularly want to ask you about your views on the role of the company perpetrating these schemes has had on the three trial attorneys who have represented three of the parties trying to find the truth about the depth of its deceptions, failing to turn over relevant evidence in a timely fashion. Do you believe that, as a matter of national energy policy, a company like that should still be able to reap the profits of its market manipulation schemes?

Answer: As I am not aware of all the details of current allegations, I cannot comment at this time but I would reassert that I agree that regulatory authorities should act appropriately to protect consumers against unscrupulous or illegal conduct.

Question No. 184: Sadly, the theoretical situation I outlined in my first question is not theoretical. It's the situation that has been unfolding at FERC for the past few years. Not only are Western parties trying to recover some small fraction of the money they lost to Enron as a result of its unscrupulous trading practices, they are trying to avoid paying even more. Right now, Enron is claiming utilities in Washington State and New Mexico owe it almost a half billion dollars more—for power Enron never even delivered.

You can understand just how outrageous this seems to my constituents, who are already struggling to pay their power bills.

Unfortunately, justice delayed is justice denied for Enron's victims. It has literally been years now, in which the ratepayers of my state—who have already suffered enough—have been waiting for the other shoe to drop.

My understanding is that the Secretary of Energy has, under the DOE Organization Act, substantial discretion to intervene in matters pending before the Commission. There have been precedents in which Secretaries Richardson and Abraham have involved themselves in various ways in matters before FERC. I can understand why. I imagine there is a considerable interest in doing so, in ensuring that regulatory matters are being handled in a manner consistent with national energy policy. I hope that you agree that what I've outlined above—the scenario in which Enron is allowed to collect money for power never delivered, and to engage in the type of market manipulation—is not in the public interest, and is not the energy policy endorsed by this Administration.

Question No. 185: In our previous meeting, we asked you about the importance of the Hanford cleanup to the people of Washington State and the Pacific Northwest as a whole. It's also my belief that cleanup efforts must be high on our list of national priorities. Cleanup suffers, however, when relationships between the states and DOE, the Congress and the affected parties are so severed that stakeholders are damaged by the bad faith actions of one of the parties.

I know you are aware of what happened last year when DOE-authored language was inserted into the Fiscal Year 2005 Defense Authorization bill, behind closed doors, in a Committee that is not the rightful forum for discussion of the nuclear waste and how it should be treated and disposed of.

This legislative end-run was viewed by myself and Sen. Murray, as well as the State of Washington and many of our constituents, as an ill-considered attempt to take short-cuts at Hanford.

Question No. 186: As Secretary of Energy, will you commit to protect consumers against unscrupulous or illegal conduct.

Answer: Senator, I am unaware of the situation you describe. If confirmed, I intend to review the accelerated cleanup program and I would be happy to meet with you and discuss this further.

Question No. 187: As you may know, this Administration's previous budgets have proposed withholding certain cleanup funds until DOE has secured what it views to be favorable outcomes in pending litigation or arbitration. This has been referred to by many as blackmail, with the purpose of getting the State of Washington to back-down on cleanup requirements.

Answer: Senator Cantwell, under section 405 of the DOE Organization Act, the Secretary has the discretion to intervene, as of right, in proceedings before FERC. It is my understanding that there currently are matters pending before FERC, as well as in the courts, relating to Enron, and that some of those matters have been going on for several months or years. If confirmed, I will look into the matter and evaluate whether it would be appropriate for DOE to intervene at this point in those proceedings at FERC.

Answer: The safety of the Department's installations is not the Department's prerogative, and we will adhere to the judgment of the courts in this matter.

As Secretary of Energy, will you commit to abide by the requirements of the TriParty Agreement?

Answer: The Department will abide by the terms of the TriParty Agreement.

Question No. 188: More generally, are you committed to working collaboratively with Washington State regulators, the affected communities, and Washington State legislators and the members of the Washington State Congressional delegation to ensure that the cleanup is fully funded and completed as soon as possible—without the equal protection of the workers, the public, and the environment?

Answer: Senator, I believe that it is important for the Department to work cooperatively with the congressional delegations that represent the DOE sites, as well as with the State regulators, the local community and the workers' representatives. If confirmed, I would expect this practice to be carried out.

Answer: The Department will abide by the judgment of the courts in this matter.

As Secretary, what procedures will you put in place to assure that DOE, and other Department's workers will be a top priority for me if confirmed. I will review the safety procedures and determine whether additional measures are needed.

Question No. 189: Last year, the National Institute of Occupational Safety and Health (NIOSH) and DOE conducted audits at the Hanford nuclear site on the issue of worker health and safety. Both NIOSH and DOE came up with a long list of recommendations and corrective actions. Many improvements have been made. But I also want to ensure that DOE, as a matter of policy, is doing its job in ensuring adequate health and safety protections on an ongoing basis.

As Secretary, what procedures will you put in place to assure that DOE continues to improve its health and safety protections for workers at sites like Hanford?

Answer: Senator, I am unaware of the situation you describe. If confirmed, I intend to review the safety procedures and determine whether additional measures are needed.

Question No. 190: Many major DOE procurement decisions are being challenged and overturned. What will you do to improve the Department's procurement process and ensure that its procurement decisions are being challenged and overturned?

Answer: Offerors that are not awarded contracts have the right to protest the contract award and other decisions to the Government Accountability Office. It is my understanding that, on a relative basis, very few protests of DOE's procurement decisions are being challenged and overturned. As Secretary of Energy, I will ensure that DOE has appropriate standards, systems and quality controls in place to guard against irregularities in the contracting process.

Question No. 191: As Majority Leader, you have a major concern on the part of many of my constituents is whether DOE is implementing the Presidential Directive to remove government procurements with small business.

What will you do to improve and expand DOE procurements that benefit small business? As Majority Leader, I am particularly concerned about the impact of DOE procurements on local communities most affected by contamination and which will suffer severe economic
impacts when cleanup is done if local, sus-
20taintable businesses are not developed?
Answer: If confirmed, I would fully support
the President’s policy of increasing govern-
ment’s role in helping small businesses, partic-
ularly those that are especially harmful to small companies that don’t have the re-
sources to keep teams mobilized?
Answer: I would do my best to ensure, if con-
R4 affirmed, to review all of the issues sur-
rrounding small business procurement and I
would be happy at the appropriate time to meet with you to discuss these matters.
Question 192: Will you support efforts to
expedite evaluations of procurement in-
volved local small businesses—particularly
those that are especially harmful to small
businesses that don’t have the resources to
keep teams mobilized?
Answer: I would do my best to ensure, if con-
R4 affirmed, to review all of the issues sur-
rrounding small business procurement and I
would be happy at the appropriate time to meet with you to discuss these matters.

Question 193: DOE has made a major
commitment to the Hanford Vitrification
Project. The Defense Board and others have
raised questions about the safety of the de-
sign and prospect for cost increases and
schedule slippage. Given the supreme impor-
tance of this project to the future of Hanford
cleanup, what do you propose to ensure that
this facility stays on track? Is there some
value in an independent review?
Answer: Senator, I appreciated the oppor-
tunity to work with you during our recent meeting. I understand the impor-
tance of the Hanford cleanup and I share
your view that the cleanup must proceed in a timely manner that is consistent with the
health of human health and the environment. If
confirmed, I will review the Hanford Vitrifi-
cation Project and would welcome an oppor-
tunity to work with you again to discuss this
project further.

Question 194: The Volpentest HAMMER
Training and Education Center at Hanford
was built by DOE to ensure the health and
safety of Hanford cleanup workers and emer-
gency responders. HAMMER’s unique hands-
on “They Get It” is essential to the safe, cost effective, and successful
completion of Hanford cleanup. Further, as
the cleanup workforce decreases, more of
HAMMER’s capabilities will become avail-
able for other DOE missions, such as energy
assurance and hydrogen safety, and for
training law enforcement, security, emer-
gency response, and other homeland security-
related personnel.
Will you ensure that DOE continues to
fully utilize HAMMER to protect the safety and health of cleanup workers and
emergency responders? Will you support the development of new DOE
training missions at HAMMER? Will you
help with the Department of Homeland Secu-

20rty and at the same time protects our
energy independence and energy secu-

Answer: I appreciate your support for the
efforts of the Office of Electric Transmission
and Distribution and if confirmed, look for-
ward to working with you and my colleagues
like the GridWise and GridWorks programs.

Question 200: As you may know, I spon-
sored legislation in the last Congress to sup-
port the Genomes to Life program at the De-
partment of Energy. I strongly support an
expanded program and development of re-
search centers to support this goal. Last
year’s Office of Science Twenty-Year Fac-
ty Outlook that included four Genomes to Life centers. The FY06 Energy
and Water Development appropriation in-
cluded the funding to begin the construction
of the first facility. Are you committed to ful-
filling the implementation of the 20-year strategy, including the Genomes to Life
program?
Answer: I will need to familiarize myself
with this 20-year strategy for science facili-
ties, if I am confirmed as Secretary. But, I
can assure you that if confirmed, maintain-

20ing a robust scientific infrastructure will be an
important priority for me.

Question 201: Last week, the Wash-
ington Post reported that the Department of
Energy’s budget request would freeze most
spending, including science, and slash or
discontinue dozens of federal programs. In my
view, this is a very short-sighted approach to
ensuring the economic future of this coun-
try. In my state, for example, the DOE’s Of-


30ce of Science invests more than $340 mil-

20lion a year in university grants and in sup-
port of the Pacific Northwest National Lab-

20ratory. Can you share with us your commit-
tment to science and R&D investments being
made at the Department?
Answer: The Department of Energy has a
responsibility to maintain America’s world
leadership in science. The Pacific Northwest
National Laboratory certainly plays a key
role in the Department’s and the Nation’s
scientific enterprise and, if confirmed, I will
continue to pay close attention to the support
of that important asset in your state. While we
pursue the President’s commitment to def-
icit reduction, I can assure you that I will
also work to maintain and improve upon
America’s scientific infrastructure that is the
envy of the world.

Mr. SALAZAR. Mr. President, I am
in support of the nomination of Dr.
Samuel W. Bodman to be Secretary of
Energy.
I look forward to working closely
with Dr. Bodman as we tackle the im-
portant task of crafting a national en-
ergy policy that assures our Nation’s
energy independence and homeland secu-

20rity and at the same time protects our
air, land, and water for future genera-

20tions.
Colorado is blessed with an abun-
dance of natural energy resources, and
the oil and gas industry is a significant part
of our state economy. As long as America is dependent on foreign oil for
a significant part of our energy needs,
however, our economy and our national security are at risk. We need to move rapidly toward energy independence. Renewable energy and conservation must also play a significant role as, together, we look for ways to diversify our energy sources and reduce our dependence on fossil fuels. As we work to attain energy independence, we can also strengthen our economy, increase our national security, and protect our air, land, and water.

Dr. Bodman’s confirmation hearing before the Energy and Natural Resources Committee, I had the opportunity to discuss with Dr. Bodman a few of the many issues affecting Colorado, to which I hope Dr. Bodman will immediately turn his attention upon being confirmed today.

First, Dr. Bodman understands the importance of DOE’s environmental cleanup at Rocky Flats, and he assures me that he intends to make this a priority for the Department until the site is cleaned up and a large portion of it converted to a national wildlife refuge.

The cleanup of Rocky Flats serves as a model for the cleanup of DOE facilities nationwide, and it is therefore important to the people of my State and to the country as a whole for DOE to make its plant closure mission at Rocky Flats a priority and to complete expeditiously cleanup, waste management, and decommissioning by December 2006.

Second, I specifically requested that Dr. Bodman look into the Department’s policy of compliance with the State of Colorado’s institutional control laws, which were passed unani-mously by the Colorado legislature and signed into law by our Governor. DOE has refused to put those restrictions in an environmental cleanup, waste management, and decommissioning bill again this year. I look forward to working with my colleagues on the Energy and Natural Resources Committee and with Dr. Bodman to do everything we can to help develop a comprehensive and sustainable energy strategy that is also protective of a healthy environment in the West and across the country.

Thank you, Mr. President.

Dr. Conrad. Mr. President, today the Senate is expected to confirm the nomination of Samuel Bodman to be the next Secretary of Energy.

As Secretary of Energy, Mr. Bodman will face challenges that are critically important to our economy and our national security. We depend on a stable supply of energy to keep our economy moving. Yet, the United States continues to rely too heavily on oil imports from other parts of the world, especially the Middle East. We import about 55 percent of the oil we consume, and that percentage is expected to increase to 70 percent by 2025. Similarly, we are relying more and more on imports of natural gas. This dependency puts us at a strategic and economic disadvantage. The Secretary of Energy must work with the diverse energy interests, the administration, and the Congress to develop a comprehensive Energy bill that will move us toward energy independence.

The Secretary of Energy position is especially important for North Dakota’s energy producers and economy. North Dakota can be a significant supplier of electricity to the rest of the country. My State is blessed with an 800-year supply of lignite coal and the potential to be the biggest wind energy producer in the country.

The main challenge we face is developing a transmission grid that will allow our electricity producers to fully utilize these resources and send power to the rest of the country. We need to invest in new resources and in finding new ways to upgrade and expand our transmission capacity and reliability.

We also need to increase investment in, and more aggressively pursue, the development of clean coal technology. By reducing pollution from coal-burning power plants, clean coal technology will ensure that this plentiful, domestic source of energy remains a vital part of our national energy portfolio.

The nomination of Samuel Bodman is encouraging. Mr. Bodman has proven himself to be an effective manager as Deputy Secretary of the Treasury and Deputy Secretary of Commerce. In addition to his exemplary managerial skills, Mr. Bodman has the background knowledge and intellect to understand the importance of research on, and development of, advanced energy technologies. These technologies, including clean coal technology, will help us meet our country’s energy challenges. I look forward to working with Mr. Bodman on the funding and development of grant programs to bring advanced technology to North Dakota’s power producers and consumers.

Today I offer my support for Senate confirmation of Mr. Samuel Bodman as our next Secretary of Energy.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

DEATH OF REUBEN LAW

Mr. REID. Mr. President, my native State of Nevada has always honored the brave men and women who fight to defend our Nation’s freedom.

We have in Nevada a higher percentage of veterans than any other State except Alaska. We are fiercely proud of them, and we recognize that we owe them a tremendous debt.

So today, on behalf of all Nevadans, I rise to honor the life and memory of Reuben Law, who died on New Year’s Day in Carson City at the age of 106.

He was a veteran of the First World War . . . one of 4.7 million who served in that conflict.

Reuben Law grew up in Minnesota. He was working at a Ford plant in Minneapolis assembling Model-T Fords, when he as a teenager enlisted in the Army.

He almost died before he ever set foot in Europe. The great influenza epidemic of 1918 was raging, and the flu claimed the lives of more than 60 soldiers on the transport ship that carried him to France.

But Reuben survived, and he served as an Army sergeant in eastern France in 1918 and 1919, transporting supplies and wounded soldiers to a military hospital.

Reuben and some of his buddies celebrated the end of the war by piling into
a truck and riding to the nearby town of Alleroy. He would later recall that every girl they passed gave them a kiss, because everyone was so elated.

World War I was a horrible, bloody conflict. It was supposed to be ‘the war to end all wars’; but only two decades later, the Second World War broke out.

Once again, Reuben Law stepped forward. He tried to re-enlist in the Army, but he was in his early 40s, and officers told him he was too old. So he spent World War II as a member of the U.S. Coast Guard Auxiliary, piloting patrol boats on the Mississippi River.

Between the wars, and after World War II, he had returned to live in his native Minnesota. He moved to Nevada in 1993.

Even then, Reuben Law wasn’t through living. In his mid 90s, he went for rides in a hot air balloon, and he drove a car until he was 101.

Reuben Law spent most of his career working in the Minnesota parks department and a landscape architecture firm. In both jobs, he was able to spend a lot of time outdoors, which he cited as one reason for his longevity and good health.

He also claimed that he had good genes—and I suppose he was right, since his mother and one of his aunts lived to be 109.

Reuben was married twice... and he was twice a widower. He was the father of four children.

In my home State, we celebrate each Nevada Day in Carson City.

Not too long ago, when he was asked about his remarkable life, Reuben quoted a saying from his favorite coffee cup:

I guess I’ve seen it all, I’ve heard it all, I’ve done it all I just can’t remember it all.

Reuben Law couldn’t remember everything he did in his long, storied life... but the people of Nevada will never forget his bravery.

In remembering him, we renew our commitment to honor each one of the brave men and women who put our Nation’s security and freedom above their personal interests.

ENSURING COLLEGE ACCESS FOR ALL AMERICANS ACT

Mr. DURBIN. Mr. President, I rise to speak on the Enacting College Access for All Americans Act. I am pleased to join Senators CORZINE and KENNEDY as a cosponsor.

This legislation would restore cuts to Pell grants, the principle Federal financial aid program for lower income college students. Although the President recently announced his intention to incremental increase the maximum grants available over the next 5 years, his administration has changed the formula for eligibility in a way that pushes thousands of American young people out of the program.

In Illinois, 48,600 students will be affected by this change. That’s a lot of students who are trying to piece together the financial aid package they need to go to school next year. Of those, close to 1,500 young people will entirely lose eligibility for the program. Thanks to the changes made by this legislation, Illinois will lose $5.5 million in direct Federal grants for college costs.

I urge my colleagues to keep in mind that 90 percent of Pell Grant recipients are considered low-income. Nearly 14 million people will see a reduction or total loss of their Pell grants. The Department’s new tax tables will eliminate or reduce aid for 26 percent of all Pell grant recipients. These are kids—students—who with their families are working hard to finance a college education.

The students most affected by these changes are likely to work longer hours, borrow more money, or reduce their academic course load in order to balance any loss of funds. Without grant assistance, low-income students have to rely more heavily on student loans. Pell grant recipients are already four times more likely than all other students to take out loans, and they will graduate with twice as much debt as their peers.

Why is this happening? It has been 17 years since the tax tables were last updated. Yes, we need timely updates, greater accuracy and alignment with current state tax policy, but the administration’s proposal does not even reflect current tax levels. Under the updated calculation, families are getting less credit for their state and local taxes at levels at which they are actually paying more taxes. The administration’s new tax tables are based on Fiscal Year 2002 State tax information. According to the National Association of State Budget Officers, though, since FY 2000, the states have added $4.1 billion in tax and fee increases. Because the administration’s proposal is still based on outdated tax information, it does not take into account these substantial increases in what families are actually paying in State taxes.

The legislation we introduce today restores fairness to the eligibility process. It restores opportunity for the 1.4 million low- and middle-income young people who are registering for classes, paying tuition and buying books at a time when tuition costs are rising exponentially. Let’s make sense of the Pell grant eligibility process, protect the modest grant levels available for students and extend the opportunity that higher education in America provides.

RULES OF PROCEDURE—SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, paragraph 2 of Senate rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each standing Committee shall be published in the RECORD. In compliance with this provision, I ask unanimous consent that the Rules of the Select Committee on Intelligence be printed in the RECORD.

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

RULE 1. CONVENING OF MEETINGS

1.1 The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2 The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as he deems necessary to conduct business, and may delegate such authority to any other member of the Committee.

1.3 A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

2.1 Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2 It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3 The Chairman of the Committee, or if the Chairman is not present, the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman or the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present the ranking minority member present, shall preside.

2.4 Except as otherwise provided in these Rules, decisions of the Committee shall be by majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one-third of the Committee members, including the member of the Committee who is to exercise the chair; and (3) is limited to a specific measure or matter and any amendments pertaining to the proxy shall not be considered for the establishment of a quorum.

2.6 Whenever the Committee by roll call votes reports any measure or matter, the record of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in
opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall be under the chairmanship of such member or members as the Committee may designate. Subcommittees shall be governed by the Rules of the Committee and such other rules as they may adopt which are consistent with the Rules of the Committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1 No measures or recommendations shall be reported favorably or unfavorably from the Committee unless a majority of the Committee is actually present and a majority concurs.

4.2 In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3 A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be allowed to file not less than three working days in which to file such views, in writing with the Clerk of the Committee, which shall be inserted in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4 Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Rules.

RULE 5. NOMINATIONS

5.1 Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2 Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3 Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4 No confirmation hearing shall be held sooner than three working days after the notification of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5 The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6 No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of documents, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoena. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2nd Session and a copy of these Rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1 Notice.—Witnesses shall be required to appear before the Committee shall be given reasonable notice, and all witnesses shall be furnished a copy of these Rules.

8.2 Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3 Interrogation.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, the Vice Chairman, or the person presiding.

8.4 Counsel for the Witness.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding of such effect by a majority of the members present, subject counsel to the sanctions which may include, but may not be limited to, warning, censure, removal, or a recommendation of contempt proceedings.

8.5 Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or their presiding witness, during which time the witness may propound to his or her client or to any other witness and may, at the conclusion of his client’s testimony or presentation of other evidence or the calling of other witnesses, the Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.6 Objections and Rulings.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the Chairman.

8.7 Inspection and Correction.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether their testimony has been correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may be substituted for the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of the testimony to which the witness objects shall be read in the committee's next session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8 Requests to Testify.—The Committee will consider requests to testify on any material matter pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing is false or misleading may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Committee proposed questions in writing for the cross-examination of other witnesses. The Committee will take such action as it deems appropriate.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1 Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof.

9.3 Sensitive or classified documents and material received from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.4 Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.5 Subpoenas authorized by the Committee for the attendance of witnesses or the production of documents, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoena. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2nd Session and a copy of these Rules.
10.2 The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointment to the Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices, until such Committee staff have obtained an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3 The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of Committee staff shall be performed by committee personnel in accordance with these rules, including security and control of classified documents and materials, shall be administered under the direction and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4 The Committee staff shall assist the minority as fully as the majority in the expression of minority assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Senate.

10.5 The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any member of Congress, unless the Committee determines that such discussion shall be permitted.

10.6 No member of the Committee shall use any information obtained from the Committee staff or any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee or at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.7 No member of the Committee staff shall be employed by the Committee unless and until such member of the Committee staff agrees in writing, as a condition of employment, to abide by the conditions of the non-disclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, and to abide by the Committee’s code of conduct.

10.8 No member of the Committee staff shall be employed by the Committee unless and until such member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee, or in the event of the Committee’s termination the Senate, of any request for his or her testimony, either during or after his tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.9 The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.10 Within the Committee staff shall be an element with the capability to perform personnel functions, including security and control of classified information for an official governmental purpose, personnel affairs and day-to-day operations, in accordance with Section 8 of S. Res. 400 of the 94th Congress.

10.11 In accordance with Title III of the Civil Rights Act of 1991 (P.L. 102–166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1 Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting or prior to the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered by the Committee. Such briefings shall be made at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2 The Staff Director shall recommend to the Chairman and the Vice Chairman the time, place, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3 The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1 The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee, nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2 Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.
its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3 No member of the Committee shall travel within this country on Committee business without first obtaining the approval of the Chairperson of the Committee specified in this paragraph by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee; provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

S. RES. 400

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely input necessary for the Executive and Legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are consistent with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the “select committee”). The select committee shall be composed of not to exceed fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;
(B) two members from the Committee on Armed Services;
(C) two members from the Committee on Foreign Relations;
(D) two members from the Committee on the Judiciary;
(E) not to exceed seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed to serve in proportion to the size of each political party in the Senate upon the recommendations of the majority and minority leaders of the Senate. Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(3)(A) The majority leader of the Senate and the majority leader of the select Committee shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already appointed to such Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(c) (1)(E), the majority leader shall appoint the majority and minority leaders of the Senate upon the recommendations of the two major political parties and shall be appointed as follows:

(A) two members from the Committee on Foreign Relations;
(B) two members from the Committee on the Judiciary;
(C) two members from the Committee on Armed Services;
(D) any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the organization or activities described in clause (D), (E), or (F) are transferred to the select Committee;

(3) In computing any 10 or 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(4) In computing any 10 or 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(d) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to consider proposals for legislation involving national security, but no such proposals shall be referred to such committee unless the Senate provides otherwise.

(c) Nothing in this resolution shall be construed as prohibiting, limiting, or otherwise restricting the authority of any other appropriate committee or committees of the Senate to consider proposals for legislation involving national security, but such proposals shall be referred to such committee unless the Senate provides otherwise.

SNC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic, but not less than quarterly, reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States, and the Committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters, reports, or recommendations of the Director of Central Intelligence or any other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(b)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the United States and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of any other information or intelligence activities of any department, agency, or bureau.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of
the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

Sec. 5. (a) For the purposes of this resolution, a select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjournments of the Senate, require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to make and issue other orders and directions, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(1) of the Organization Act, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member of the select committee.

Sec. 6. No employee of the select committee or any person engaged by contract or otherwise to perform service for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Ethics) and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of the select committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

Sec. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unconditionally infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent the disclosure from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information outweighs any infringement on the privacy of such person or persons.

Sec. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter without the presence of any member of the select committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with the provisions of this subsection.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures and which has been submitted to it by the Executive branch, and which the Executive branch requests be kept secret, such committee shall—

(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the Majority Leader and the Minority Leader. When the select committee votes to disclose such information, provides his reason therefore, and certifies that the threat to the national interest of the United States posed by such disclosure is so weighty as to outweigh any public interest in the disclosure.

(3) If the President, personally in writing, notifies the Majority Leader and Minority Leader of the select committee on Intelligence of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select committee, by majority vote, may refer the question of disclosure of such information to the Senate for consideration.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the select committee votes to disclose the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed.

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not exceed beyond the close of the day on which such matter is reported to the Senate, or the close of the fifth day following the day on which such matter was reported to the Senate, the committee shall make the final determination with respect to the public disclosure of the information in question. Any vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph may in its entirety be so disposed of by the Senate only if it is of the opinion that the matter shall be made known to the public, or if such vote results in the disclosure of any information pursuant to this paragraph shall be subject to the right of a Member of the Senate or move for reconsideration of the vote with the argumentant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that rule.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such information was received by the select committee, the select committee shall make the final determination with respect to the dissemination of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate.

Whenever the select committee has received such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Member of Congress has been informed of such information, the date on which such information was received, and the extent to which such information has been disseminated or authorized to be disseminated except in a closed session of the Senate.

(d) It shall be the duty of the [Select Committee on Ethics] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegations which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the [Select Committee on Ethics] may refer any matter which the [Select Committee on Ethics] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee, to the Senate, or at the request of a Member, or removal from office or employment or punishment for contempt, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

(f) The Senate is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend meetings of such committee.

Sec. 10. Upon expiration of the Select Committee on Government Operations with Respect to Intelligence established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of any members of the select committee, or the records, files, documents, and other materials in the possession, custody, or control of any member of any other committee, which were received pursuant to or authorized under such conditions established by it, shall be transferred to the select committee.

Sec. 11. (a) It is the sense of the Senate that each executive department or agency of the United States should keep the select committee fully and currently informed with
respects to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: Provided, That this order, rule, or regulation to improve the protection of intelligence Secrets and provide for disclosure of information for which there is no compelling reason for secrecy; (b) in the case of the Select Committee on Intelligence, the desirability of establishing a standing committee of the Senate on intelligence activities; (c) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House; (d) the desirability of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from Government agencies; (e) the desirability of establishing coordination with the policies with respect to the safeguarding or sensitive intelligence information; (f) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and (g) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive policies, national security, or related, functions, and clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee on Intelligence Operations with Respect to Intelligence Activities, established by Senate Resolution 21, Ninetieth Congress.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (4) activities taken to counter similar activities directed against the United States; (5) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House; (6) the desirability of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from Government agencies; (7) the desirability of establishing coordination with the policies with respect to the safeguarding or sensitive intelligence information; (8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and (9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive policies, national security, or related, functions, and clarify, and strengthen the operation of intelligence activities.

(b) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other action that the committee believes to be necessary to preserve an effective system for the protection of intelligence Secrets and provide for disclosure of information for which there is no compelling reason for secrecy.

(1) not more than 60 percent shall be under the control of the Chairman; and
(2) not more than 40 percent shall be under the control of the Vice Chairman.

S. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

S. 17. (a) The select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the security clearance requirements for employment by the select Committee.

(b) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.

R. 9
Resolved, That paragraph 7(b) of rule XXV of the Standing rules of the Senate is amended to read as follows:

"(b) Each meeting of a standing, select, or special committee of the Senate shall be open to the public, except that a portion or portions of any such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the public has no interest in being present at such portion or portions—" (1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States; (2) will relate solely to matters of concern of the President or the executive branch department; (3) will tend to charge an individual with crime or misconduct, to disgrace or injure the individual in the opinion of the public; or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of any individual;
(4) will disclose the identity of any informer or law enforcement agency or will..."
disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or
(b) any information relating to the trade secrets or financial or commercial information pertaining specifically to a given company or person.

"(A) an Act of Congress requires the information to be kept confidential by Government officials; or
"(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial benefit or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 232(a) of the Legislative Reorganization Act of 1970, and section 102(d) and (e) of the Congressional Budget Act of 1974 are repealed.

S. Res. 445

Resolved,

SEC. 100. PURPOSE.

It is the purpose of titles I through V of this resolution to improve the effectiveness of the Committee on Intelligence, especially with regard to its oversight of the Intelligence Community of the United States Government, and to improve the Senate’s oversight of homeland security.

TITLE I—HOMELAND SECURITY

OVERSIGHT REFORM

SEC. 101. HOMELAND SECURITY.

(a) Committee on Homeland Security and Governmental Affairs.—The Committee on Homeland Security and Governmental Affairs is renamed as the Committee on Homeland Security and Governmental Affairs.

(b) JURISDICTION.—There shall be referred to the committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(1) Department of Homeland Security, except matters relating to:
(A) the Coast Guard, the Transportation Security Administration, the Federal Law Enforcement Training Center or the Secret Service;
(B) the United States Citizenship and Immigration Service; or
(ii) any commercial function or commercial operation of the Bureau of Customs and Border Protection or the United States Immigration and Custom Enforcement or the Directorate of Border and Transportation Security; and
(C) the following functions performed by any employee of the Department of Homeland Security:
(i) any customs revenue function including any function provided for in section 415 of the Homeland Security Act of 2002 (Public Law 107–296);
(ii) any commercial function or commercial operation of the Bureau of Customs and Border Protection or the United States Immigration and Custom Enforcement, including matters relating to trade facilitation and trade regulation; or
(iii) any other function related to clause (i) or (ii) that was exercised by the United States Customs Service on the day before the effective date of the Homeland Security Act of 2002 (Public Law 107–296).

The jurisdiction of the Committee on Homeland Security and Governmental Affairs shall be limited to matters that it shall supervise the jurisdiction of any other committee of the Senate provided in the rules of the Senate: Provided, That the jurisdiction provided under section 101(b)(1) shall not include the National Flood Insurance Act of 1968, or functions of the Federal Emergency Management Agency related thereto.

(2) Intelligence, including economic and social statistics.

(b) Intelligence, except for any part of the matter that amends the rules or orders of the Senate.

(6) Federal Financing Assistance.

(7) Government information.

(8) Intergovernmental relations.

(9) Municipal governments of the District of Columbia, except appropriations therefor.

(10) Organization and management of United States nuclear export policy.

(11) Organization of the executive branch of the Government.

(12) Postal Service.

(13) Status of officers and employees of the United States, including their classification, compensation, and benefits.

(c) ADDITIONAL DUTIES.—The committee shall have the duty of:

(1) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations or the Senate as it deems necessary or desirable in connection with the subject matter of such reports.

(2) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government.

(3) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(4) studying the executive and intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

(d) JURISDICTION OF BUDGET COMMITTEE.—Notwithstanding paragraph (b)(2) of this section, and except as otherwise provided in the Congressional Budget Act of 1974, the Committee on the Budget shall have exclusive jurisdiction over measures affecting the congressional budget process, which is—

(1) the functions, duties, and powers of the Budget Committee;

(2) the functions, duties, and powers of the Congressional Budget Office;

(3) the process by which Congress annually establishes the levels of budget authority, outlays, revenues, deficits or surpluses, and public debt— including subdividing taxing, expenditure, and intergovernmental revenue and expenditure estimates for budgetary limits and timelines;

(4) the limiting of backdoor spending devices;

(5) the timetables for Presidential submission of appropriations and authorization requests;

(6) the definitions of what constitutes impoundment— such as reallocations and de-ferrals;

(7) the process and determination by which impoundments must be reported to and considered by the President;

(8) the mechanisms to insure Executive compliance with the provisions of the Impoundment Act of 1971, title X—such as GAO review and audits; and

(9) the provisions which affect the content or determination of amounts included in or excluded from each fiscal year’s budget or the calculation of such amounts, including the definition of terms provided by the Budget Act.
employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the Senate. Designated committee security clearances shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

"(c) The designated employee shall be appointed to the select Committee spaces. Designated representative shall have office space and appropriate office equipment in the Senate. Designated committee security clearances shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman."'}
and may be served by any person designated by the chairman or the Member signing the subpoena.

(d) All records and papers of the temporary Special Committee and all records and papers authorized by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

Rules of Procedure


I. CONVENCING OF MEETINGS AND HEARINGS

1. Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman.

2. Special Meetings. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

3. Notice and Agenda:

(a) Hearings. The Committee shall publish notice of the date, time, place, and subject matter of any hearing at least one week before its commencement.

(b) Meeting. The Members shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 24 hours in advance of such meeting.

(c) Shortened Notice. A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Member, shallbe furnished prior to such a meeting.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing, a majority of those present must (a) state the reason why the meeting or hearing is to be closed; (b) state the matters to be discussed or heard thereon; and (c) make the determination in writing. The record of the vote and the reason for the closing of the meeting shall be made public, in whole or in part or in circumstances, at least forty-eight hours in advance of its commencement.

2. Committee Business. A third shall conduct Committee business at the call of the Chairman or on shortened notice. An agenda that there is good cause to begin the hearing shall be made public, in whole or in part or in circumstances, at least forty-eight hours in advance of its commencement.

3. Notice: The Members of the Committee shall be notified regarding the identity of the person to whom the notice is addressed.

4. Witnesses. The Chairman may call additional witnesses as needed to conduct Committee business at the call of the Committee, or in part, or take such other action as he determines would be in the interest of the Committee.

5. Broadcasting: Broadcasting of a Committee meeting following a vote (a) will be permitted if the Chair so directs; (b) shall be permitted upon request of the Majority Member; (c) shall be permitted if the Majority Member determines that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize their prepared statement.

4. Counsel:

(a) A witness's counsel shall be permitted to present during his testimony at any public or closed hearing or depositions or staff interviews to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by persons independent of the government, corporation, or association. A witness who is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be allowed solely to the control of the witness and the C omm ittee Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness called shall be permitted, upon request, the right to review that portion of the record, and for this purpose, a copy of a witness's testimony in public or closed Committee shall be provided to the witness. Unless the witness is permitted to correct errors of transcription, grammatical errors, and obvious errors of fact, the Chairman or a staff officer designated by him shall rule on such requests.

6. Impounded Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing, or in a closed session, or which there have been public reports, tends to impugn his character or adversely affect his reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the Committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other witnesses called by the Committee. The Chairman shall inform the Committee of such requests for a written cross-examination. If the Committee so decides, the requested questions, or paraphrased versions or portions of them, shall be put to the witness by a Member or staff.

7. Minority Witnesses. Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority Members to the Chairman, to call witnesses selected by the minority to testify or to produce documents with respect to any matter under consideration at least one day of the hearing. Such request must be made before the completion of the hearing, unless the minority Witnesses, no later than three days before the completion of the hearing.

8. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or closed hearings or depositions, or staff interviews, any witness conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative, or any law enforcement official to eject said person from the hearing room.
VI. DEPOSITIONS AND COMMISSIONS

1. Notice. Notices for the taking of depositions in an investigation authorized by the Committee shall be issued and served by the Committee staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or persons who will take the deposition. Each deposition shall be in private. The Committee shall not initiate procedures leading to a criminal or civil enforcement proceeding on the basis of the witness's failure to return a signed copy of the deposition notice. If the witness objects to a question, but the Committee does not oblige, he may order the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Committee.

4. Filing. The Committee staff shall see that the transcript is properly filed and appropriately recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administrator shall certify on the transcript that the witness was duly sworn in his presence, that the transcript is a true record of the testimony, and that it has been submitted to the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or equipment, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VI. COMMITTEES

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. As described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.
needs of others. It is the way to ensure that Auschwitz, Buchenwald, and the other death camps are never repeated in other areas of the world.

CONFIRMATION OF MICHAEL O. LEAVITT TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

Mrs. FEINSTEIN. Mr. President, I support the nomination of Governor Michael O. Leavitt to be U.S. Secretary of Health and Human Services.

Governor Leavitt has had a lengthy career in public service, having served most recently as the 10th Administrator of the United States Environmental Protection Agency.

In 1992, Leavitt was elected the 14th Governor of Utah and was that State's longest-serving Governor. During his three terms as Utah's Governor, he was chosen by the Nation's Governors to represent States in working with Congress on welfare reform, Medicaid and children's health insurance. He chaired the National Governors Association, the Western Governors Association, the Republican Governors Association and Council of State Governments.

Governor Leavitt established an innovative welfare reform waiver program focused on increasing family income and quality of life through a comprehensive approach that emphasized employment and child support, but also addressed initial problems with families in need such as domestic violence, education, training, language barriers, and substance abuse issues to promote sustainable employment.

This year, the HHS Secretary will have the critical task of overseeing the implementation of the first ever drug benefit in Medicare as well as the implementation of several program reauthorizations such as Ryan White, Temporary Assistance for Needy Families, and the State Children's Health Insurance Program, all within an ever-constrained budgetary picture.

As someone who voted for the Medicare Modernization Act, it is my hope that the Secretary will work with me to address some of the weaknesses of the bill in addition to ensuring that the more than 41 million Medicare beneficiaries know about this new benefit in Medicare and its low-income subsidies.

Of greatest concern to me is the cost of prescription drugs. In voting for the Medicare bill, I said on the Senate floor that one of the greatest weaknesses of the bill was that it not only did not do enough to control the rising cost of prescription drugs but it specifically prohibited the HHS from using the bulk purchasing power of the Federal Government to negotiate with prescription drug plans to lower drug prices for Medicare beneficiaries. I believe this prohibition should be struck down and that there should be a role for the HHS Secretary in what Medicare and beneficiaries pay for their drugs.

As the Medicare drug benefit is enacted, I am also hopeful that Governor Leavitt will work to ensure access to all needed medications for people living with HIV and AIDS, to allow for adequate transition time for the most vulnerable low-income seniors and to provide sufficient incentives and transparency for employers to retain their retirees' hurricane.

Governor Leavitt will oversee the Department of Health and Human Services at a time of rising deficits and this will require tough decisions. But these decisions must be balanced with the needs of the American young and old, who rely on Medicare, Medicaid and SCHIP to provide their health care insurance.

Medicaid provides insurance to 40 million Americans, about 8 million of whom live in California. It covers 55 percent of all poor children and it pays for the births of one-third of all American children. It serves 50 percent of all people with AIDS and as many as 90 percent of children with AIDS.

Medicaid is the insurer of last resort. If Medicaid did not exist, these individuals and families would be uninsured. But it is also the biggest budget items in many States. There is no question we can improve the efficiency and quality of care that we ensure our dollars are being well-spent but we also cannot lose site of the fact that increases in spending per enrollee from 2000 until 2003 were slower than increases in private insurance spending.

There are 45 million Americans without health insurance today. Arbitrary limits on Federal Medicaid spending will only increase the number of uninsured, driving up overall health care costs and burdening our nation's already overcrowded emergency rooms.

There is a great deal of work to be done, and I look forward to a productive working relationship with Governor Leavitt.

CONFIRMATION OF DR. CONDOLEEZZA RICE TO BE SECRETARY OF STATE OF THE UNITED STATES

Mr. ROCKEFELLER. Mr. President, I have just heard the confirmation hearing of Dr. Rice before the Foreign Relations Committee and the floor debate on her nomination. After considerable reflection, I have decided to vote in favor of Dr. Rice's confirmation, although I must state for the record that I do so with some reservations.

I intend to support her nomination primarily because I believe the foreign policy of the United States must reflect a spirit of bipartisanship. Amidst the complex challenges that we face in the war on terrorism, this country cannot afford enduring divisions on international issues. We must return to a common ground, not least so that the rest of the world recognizes our single purpose and our resolve. I should note, parenthetically, that restoring that lost unity depends equally upon the majority party, as upon my party.

I am deeply concerned about Dr. Rice's support for a policy of unilateralism. If confirmed, I will be voting on a candidate whose career and performance have not reflected the ability of the United States to work in concert with other nations and institutions to achieve our national interests.

This goes directly to the question of accuracy and accountability—whether this administration will take responsibility for its decisions and actions. Dr. Rice has, in the past, not fully explained or committed to the Intelligence available. That is troubling, as was Dr. Rice's failure, during the confirmation hearing, to acknowledge that mistakes were made, not only in the conduct of the war and its aftermath, but in the policies that led us into it.

This decision to go to war in Iraq was wrong. Nevertheless, despite great skepticism among the American people about Iraq, President Bush was reelected. We must now go forward together to achieve stability in Iraq, to bring our forces home, and to restore American credibility at home and abroad.

The dubious decisions, not the nominee concern me; however, I will not oppose Dr. Rice because I disagree with the administration's policies. That would not be conducive to the bipartisan foreign policy that I believe is crucial. Rather, I look forward to working with Dr. Rice to forge consensus on a more balanced approach to national security issues.

TARIFF RELIEF ASSISTANCE FOR DEVELOPING ECONOMIES ACT

Mrs. FEINSTEIN. Mr. President, I support legislation recently introduced...
The United States must take a leadership role in providing much-needed assistance to Sri Lanka in its rebuilding efforts.

The beneficiary countries of this legislation are among the poorest countries in the world. Nepal has per capita income of $240. Unemployment in Bangladesh stands at 40 percent. Approximately 36 percent of Cambodia’s population lives below the poverty line. Each country faces critical challenges in the years ahead including poor health care, insufficient educational opportunities, high HIV/AIDS rates, and the effects of war and civil strife. The United States must take a leadership role in providing much-needed assistance to the people of these countries.

Consequently, Senator Smith and I have worked closely together over the past few years to push for substantial increases in our foreign aid budget. We recognize that helping developing countries rise from poverty is not only a moral obligation, but a key component in our fight against terror. Yet humanitarian and development assistance should not be the sum total of our efforts to put these countries on the road to economic prosperity and political stability. Indeed, the key for sustained growth and rising standards of living will be the ability of each of these countries to create vital export industries to compete in a free and open global marketplace.

We need these countries help themselves by opening the U.S. market to their exports. Success in that endeavor will ultimately allow these countries to become less dependent on foreign aid and allow the United States to provide assistance to countries in greater need.

The garment industry is a key part of the manufacturing sector in some of these countries. In Nepal, the garment industry is entirely export-oriented and accounts for 40 percent of the foreign exchange earnings. It employs over 100,000 workers—half of them women—and sustains the livelihood of over 350,000 people. The United States is the largest market for Nepalese garments and accounts for 80 to 90 percent of Nepal’s total exports every year. In Cambodia, approximately 250,000 Cambodians work in the garment industry supporting approximately 1 million dependents. The garment industry accounts for 75 percent of Cambodia’s export earnings. In Bangladesh, the garment industry accounts for 75 percent of export earnings. The industry employs 1.8 million people, 90 percent of whom are women. Government statistics indicate the livelihoods of 10 to 15 million people.

Despite the poverty seen in these countries and the importance of the garment industry and the U.S. market, they face some of the highest U.S. tariffs that are nearly zero. On top of this, there is increasing concern that the removal of quotas on textiles and apparel imports, compared to 24 percent for China, and 72 percent for the rest of the world. These countries will continue to be small players in the U.S. market, but the benefits of this legislation will have a major impact on their export economies.

At a time when U.S. standing is at an all-time low in some countries, we need legislation such as this to show the best of America and American values. It will provide a vital component to our development strategy and add another tool to the war on terror. I urge my colleagues to support this bill.

TRIBUTE TO JOANNE BENSON

Mr. COLEMAN. Mr. President, I ask the Senate to join me today in honoring the public life of a Minnesota leader in public affairs and public education, Joanne Benson. Some of us will recognize her as a former lieutenant Governor of Minnesota, or even a Minnesota State Senator. But she is known to hundreds of teachers and children as an educator of distinction, imagination, and courage. This month marks her retirement as the Chief Education Officer of the Minnesota Business Academy charter high school in our capital city of St. Paul.

Joanne Benson is considered by friends and colleagues to be one of the most scientifically literate women in Minnesota—a considerable distinction. She was born in Le Sueur, an agricultural community, where she learned early the virtue of service to family and community. She and her husband, Robert, are the parents of two accomplished adult children, for whom education is both a cherished value and a professional calling. Her grandchildren are blessed to have the benefit of her loving example and guidance.

Minnesota’s historic leadership in education proudly points to Joanne’s degree from St. Cloud State University, and her eventual assistant professorship in the University’s College of Education. From this service, she went on to become a Minnesota State senator, and then the St. Cloud region that she calls her home. Her work on behalf of education policy and community safety brought her to the attention of Governor Arne Carlson, whom she served with distinction as lieutenant Governor from 1985 to 1999.

The State of Minnesota was to have yet greater service from Joanne, when at the end of the Carlson administration she became the president of the nascent Minnesota Business Academy, a business immersion charter high school in downtown St. Paul. MBA serves some of our State’s most talented and challenged students. The school is the first in the Nation to be sponsored by a local Chamber of Commerce and is nationally noted for its Star Tracks initiative, teaching and certifying students in the personal traits and behaviors essential to success in the business workplace.

With the people of Minnesota, I ask this Chamber to join in celebrating the life and service of Joanne Benson, a woman of great humor and patience, intelligence and grace, as she takes a well-earned retirement from the profession of education.

ADDITIONAL STATEMENTS

CHARLES W. SEDGWICK

Mr. BROWNBACK. Mr. President, Mr. Charles W., Bill, Sedgwick is retiring after more than 40 years of celebrated service with the Food and Drug Administration. He passed away on June 7, 1964, as an investigator for the Kansas City district. From beginning to end, Bill sharpened his skills through work performed in a variety of locations: Kansas City, Omaha, Washington DC, Dallas, and Cincinnati. His development of strategies and help of countless mentors and friends, as he began as the Kansas City district director in June of 2000.
Mr. BROWNBACK. Mr. President, I am proud to rise today to commend the Fishback family of Brookings, SD for its outstanding support of the arts. Van Fishback, who serves as president of the recently renamed First Bank and Trust in Brookings, and Robert Fishback, who serves as bank chairman of the board, have demonstrated their leadership in this area by helping to cultivate music and the performing arts in Brookings and the South Dakota State University community.

First Bank and Trust and the Fishback family were recently recognized by the State of South Dakota for their contributions when they were selected as recipients of the 2005 Governor’s Award for Outstanding Support of the Arts by an Organization or Business. This award recognizes the outstanding commitment to the arts demonstrated by the Fishback family, without whom the Performing Arts Center on the SDSU campus, the State University Theatre at SDSU and the Brookings Area Community Band might not exist.

The personal contributions of Van and his wife Barbara, as well as Robert and his wife Pat, are notable for their longstanding personal involvement in numerous organizations that promote theater, music and historic preservation in Brookings. Particularly in a university town such as Brookings, the Fishback family’s commitment and vision serve as an inspiration for many of South Dakota’s promising young students, as well as patrons of the arts. The quality of life in all of South Dakota has been greatly enhanced by the Fishback family’s continued devotion to excellence in the arts, and I thank them and their colleagues at the First Bank and Trust for their extraordinary leadership.

Mr. JOHNSON. Mr. President, I am very pleased that Rapid City has partnered with the Dahl Arts Center to expand this facility, double the seating capacity in its performance theater, expand space for education, rehearsals and meetings, create a children’s education gallery and library, and provide climate-controlled space for the Dahl’s permanent collection. Rapid City’s generosity and contributions combined with that $2 million in private donations and pledges that have been collected thus far provide the bulk of the funding required for the Dahl Arts Center’s expansion. I was pleased to work with my colleagues in the Senate to secure a total funding of $250,000 to assist in the expansion effort of the Dahl Arts Center. When completed, this addition will ensure that the Dahl Arts Center will continue to serve as a cultural arts center for generations to come. All of South Dakota benefits from the continued growth of the Dahl Arts Center and its excellent programs.

Mr. Tilghman assumed leadership of CMS’ Kansas City regional office in 1994, following nearly 15 years as the deputy regional administrator. As regional administrator, he has been responsible for the Federal administration of the Medicare and Medicaid programs to approximately 4 million beneficiaries residing in Iowa, Kansas, Missouri and Nebraska. Prior to joining CMS, then the Health Care Financing Administration, in 1978 he worked in Social and Rehabilitative Services and the Bureau of Health Insurance.

During Mr. Tilghman’s tenure as regional administrator, he led many CMS efforts that impacted the lives of Medicare and Medicaid beneficiaries nationwide. Of particular note, Mr. Tilghman:

- Conducted and was personally involved in a credit “CMS 101” course at the University of Kansas, the only one of its kind in the Nation; and
- Participated in a town hall meeting in Liberty, MO with President Bush to promote the new Medicare prescription drug cards.

In recognition of his many significant contributions, Mr. Tilghman received the Meritorious Executive Rank Award in 2000. This award may be received by only five percent of those persons in career Senior Executive Service, SES.

Mr. Tilghman served his country admirably as an Army pilot in Vietnam where he reached the rank of captain as a fixed wing and helicopter pilot. He married JoAnne Hardy in 1966 and is the proud grandparents of Ethan and Holly. Mr. Tilghman enjoys reading history books and exploring the Colorado mountains, white water rafting, canoeing and skiing. He recently fulfilled a lifelong dream by climbing to the summit of Mount Kilimanjaro in Africa.

HONORING THE FISHBACK FAMILY

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CONGRATULATING CAMPBELLVILLE UNIVERSITY

Mr. BUNNING. Mr. President, today I wish to congratulate Campbellville University on receiving a $1 million challenge grant from the Kresge Foundation. This school merits the grant through the strengths of its teachers, the board of trustees, the administration and its student life.

Campbellville University, a small private college of a little over 2,000 students, is situated in South Central Kentucky and affiliated with the Kentucky Baptist Convention. Its record of students, is situated in South Central Kentucky and affiliated with the Kentucky and affiliated with the Kentucky Baptist Convention. Its record of students, is situated in South Central Kentucky and affiliated with the Kentucky Baptist Convention. Its record of

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INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. STEVENS:
S. 282. A bill for the relief of Gustav F.K. Wallner; to the Committee on the Judiciary.

By Mr. THOMAS:
S. 203. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself and Mr. VITTER):
S. 204. A bill to establish the Atchafalaya National Heritage Area in the State of Louisiana; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself and Mr. VITTER):
S. 205. A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mr. CRAIG, Mrs. MURRAY, and Mr. SMITH):
S. 206. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself and Mr. VITTER):
S. 207. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself, Mr. DEWINE, Ms. STABENOW, and Mr. VOINOVICH):
S. 208. A bill to amend the Federal Water Pollution Control Act to direct the Great Lakes National Program Office of the Environmental Protection Agency to develop, implement, monitor, and report on a series of indicators of water quality and related environmental factors in the Great Lakes; to the Committee on Environment and Public Works.

By Mr. LUGAR (for himself, Mr. BIDEN, and Mr. HAGEL):
S. 209. A bill to build operational readiness in civilian agencies, and for other purposes; to the Committee on Foreign Relations.

By Mr. COBURN:
S. 210. A bill for the relief of Renato Derani, Maha Felo Derani, and Tarek Derani; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mrs. DOLE, Mr. NELSON of Nebraska, Mr. BURR, Ms. STABENOW, Mr. HAGEL, Ms. CANTWELL, Mr. LUGAR, Mr. NELSON of Florida, Mr. COLMAN, Mr. LAUTENBERG, Mr. LEVIN, Ms. LANDRIEU, Mrs. MURRAY, Mrs. BOXER, Mr. BAYH, Mr. BANKS, and Ms. STABENOW):
S. 211. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):
S. 212. A bill to amend the Valles Caldera Act to improve the preservation and the Valles Caldera and for other purposes; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):
S. 213. A bill to direct the Secretary of the Interior to convey certain Federal land to the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. KYL):
S. 214. A bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:
S. 215. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend it; to the Committee on Indian Affairs.

By Mr. INOUYE:
S. 216. A bill for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. ROCKEFELLER, Mr. HARKIN, Mr. GRASSLEY, Mr. JEFFORDS, Mr. SCHUMER, Mr. CLINTON, Mr. PRYOR, Mr. LEVIN, and Mr. SPECTER):
S. 217. A bill to amend title 49, United States Code, to preserve the essential air service program; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL:
S. 218. A bill to amend the Food Security Act of 1985 to provide incentives to landowners to protect and improve streams and riparian habitat; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):
S. 219. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension plan assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:
S. 220. A bill for the relief of Mohammad Derani, Maha Felo Derani, and Tarek Derani; to the Committee on the Judiciary.

By Ms. STABENOW (for herself, Mr. KENNEDY, Mrs. BOXER, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. DAYTON, and Mr. COZZENS):
S. 221. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the Medicare B premium; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. KERRY, Mrs. LEVIN, Mr. DAYTON, Mrs. MURRAY, Ms. STABENOW, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. DODD, Mr. LEAHY, Mr. ROCKEFELLER, and Mr. SABANEK):
S. 222. A bill to amend the Fair Labor Standards Act of 1938 to repeal any weakening of overtime protections and to avoid future erosion of overtime due to inflation; to the Committee on Health, Education, Labor, and Pensions.
ADDITIONAL COSPONSORS

S. 5
At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. DeWINE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 5, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 8
At the request of Mr. ENZI, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 8, a bill to amend the Age Discrimination in Employment Act of 1967, as amended, to increase from 70 to 75 the age at which employees are entitled to receive additional benefits to protect workers from age discrimination.

S. 11
At the request of Mr. KOHL, his name was added as a cosponsor of S. 11, a bill to amend the Age Discrimination in Employment Act of 1967, as amended, to ensure that the strength of the Armed Forces, the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their service members, and for other purposes.

S. 13
At the request of Mr. KOHL, his name was added as a cosponsor of S. 13, a bill to amend the Age Discrimination in Employment Act of 1967, as amended, to ensure that the strength of the Armed Forces, the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their service members, and for other purposes.

S. 14
At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 14, a bill to provide fair wages for America’s workers, to create new jobs through investment in America, to provide for fair trade and competitiveness, and for other purposes.

S. 15
At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 15, a bill to improve health care education for all students, and for other purposes.

S. 16
At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 16, a bill to reduce the cost of quality health care coverage and improve the availability of health care coverage for all Americans.

S. 18
At the request of Mr. DAYTON, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 18, a bill to amend title XVIII of the Social Security Act to make improvements to the Medicare program for beneficiaries.

S. 19
At the request of Mr. CONRAD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 19, a bill to reduce budget deficits by restoring budget enforcement and strengthening fiscal responsibility.

S. 27
At the request of Mrs. HUTCHISON, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 27, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes.

S. 33
At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 33, a bill to prohibit energy market manipulation.

S. 37
At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 38
At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 38, a bill to enhance health care, mental health, transition, and disability benefits for veterans, and for other purposes.

S. 42
At the request of Mr. ALLEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 42, a bill to amend title 10, United States Code, to increase the death gratuity payable, with respect to deceased members of the Armed Forces, and for other purposes.

S. 50
At the request of Mr. INOUYE, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Oregon (Mr. PORTMAN) were added as cosponsors of S. 50, a bill to authorize and strengthen the National Oceanic and Atmospheric Administration’s tsunami detection, forecast, warning, and mitigation program, and for other purposes.

S. 65
At the request of Mr. INHOFE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 78
At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 78, a bill to make permanent marriage penalty relief.

S. 98
At the request of Mr. ALLARD, the name of the Senator from North Carolina (Mr. BURRU) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 103
At the request of Mr. TALENT, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 105
At the request of Mr. TALENT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 105, a bill to authorize and improve the programs of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

S. 117
At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 117, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 139
At the request of Mrs. FEINSTEIN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from New
Mexico (Mr. BINGAMAN) were added as cosponsors of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

At the request of Mr. BINGAMAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 168, a bill to reauthorize additional contract authority for States with Indian reservations.

At the request of Mr. ALLARD, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Oregon (Mr. BERNSTEIN), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 186, a bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines.

At the request of Mr. CORZINE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 187, a bill to limit the applicability of the annual updates to the allowances and other targets in the tables used in the Federal Needs Analysis Methodology for the award year 2005-2006, published in the Federal Register on December 23, 2004.

By Mr. THOMAS:

S. CON. RES. 7

At the request of Mr. CORZINE, his name was added as a cosponsor of S. Con. Res. 7, a concurrent resolution congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff presidential election on December 26, 2004, and congratulating Viktor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform.

S. RES. 18

At the request of Mr. CORZINE, his name was added as a cosponsor of S. Res. 18, a resolution commemorating the 60th anniversary of the liberation of the Auschwitz extermination camp in Poland.

At the request of Mr. TALENT, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Rhode Island (Mr. CHAFFEE) were added as cosponsors of S. Res. 18, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS:

S. 203. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I rise today to introduce the “Soda Ash Royalty Reduction Act of 2005,” a bill to limit the Federal royalty on soda ash. This legislation, if passed, will put people back to work in my State and address the important issue of maintaining a strong and financially sound manufacturing base in this country. It will keep jobs in America and give workers a fighting chance to compete globally.

The State of Wyoming accounts for 85 percent of the natural soda ash produced in the United States. The health of the domestic soda ash industry is now at issue. This legislation goes a long way toward assuring the domestic industry to be competitive on a global basis.

The bill reduces an excessive tax on natural American soda ash; a tax that is significantly above the ability of U.S. exported soda ash to compete in important global markets; a tax that has helped create 30 percent decline in employment in this industry in Wyoming since 1997. The current 6 percent royalty on each ton of domestically produced soda ash was imposed in 1995 at a time when our exports of this important commodity, primarily used in the manufacture of glass were rising to record levels. It was a windfall tax that recognized the industry’s significant expansion.

Over the last decade, export growth has been severely impacted, as several trading partners erected various barriers to U.S. soda ash, often to protect their own less efficient domestic producers. One of the most aggressive countries has been China. As recently as 1990, China imported over one million tons of soda ash annually from the U.S. Today, China exports two million tons from plants that produce a synthetic grade of this important commodity.

The Chinese produce soda ash in far less efficient factories with limited attention to environmental or safety concerns. The average wage of a Chinese worker in these plants is less than $5 a day. By contrast Wyoming soda ash workers can earn on average $35 an hour. Chinese soda ash producers, which are largely state owned, also benefit from direct and indirect forms of government support that benefit from the benefits of a fixed exchange rate. As a result of these actions, China has supplant the United States as the world’s largest exporter of soda ash.

Wyoming soda ash producers remain the most efficient in the world and have been constantly improving their productivity over the last several years. It is an industry that is reinventing itself to meet the demands of fierce global competition.

My legislation revises the original royalty the Federal Government imposed on soda ash in the Mineral Leasing Act of 1920. That act set a 2 percent royalty on soda ash mined on Federal leases. We would temporarily resume that royalty rate consistent with the Federal Land Policy and Management Act of 1976 that requires the Secretary of the Interior to receive “fair market value” for the use of public lands and their resources. In other words, the legislation simply adjusts what was a windfall tax at its original level.

The legislation is overdue and keeps our Nation’s commitment to U.S. based manufacturing and jobs. The U.S. soda ash industry has been a good partner with the Federal Government, providing additional revenue when business was flourishing. Now that the industry is fighting for its survival, the Federal Government has the opportunity to be a responsible partner and to enact legislation that will enable it to survive and provide the thousands of jobs that are so important to my State.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 204. A bill to establish the Atchafalaya National Heritage Area in the State of Louisiana; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, today I rise, along with Senator VITTER, to introduce a bill to establish the Atchafalaya National Heritage Area in Louisiana. This legislation has particularly special meaning to those of us from Louisiana because of the importance of the cultural and natural resources of the Atchafalaya region to the Nation. It would establish a framework to help protect, conserve, and promote these unique natural, cultural, historical, and recreational resources of the region.

Specifically, the legislation would establish a National Heritage Area in Louisiana that encompasses thirteen parishes in and around the Atchafalaya Basin swamp, America’s largest river swamp. The heritage area in south-central Louisiana stretches from Concordia parish to the north, where the Mississippi River begins to partition itself, to Atchafalaya River, all the way to the Gulf of Mexico in the south. The thirteen parishes are: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge. This boundary is the same area covered by the existing Atchafalaya Trace State Heritage Area.

This measure will appoint the existing Atchafalaya Trace Commission as the federally recognized “local coordinating entity.” The commission is composed of thirteen members with one representative appointed by each parish in the heritage area. Both the Atchafalaya Trace Commission and the Atchafalaya Trace State Heritage Area were created by the Louisiana Legislature a number of years ago. The Atchafalaya Trace State Heritage Area program currently receives some State funding, and already has staff working on heritage tourism, recreation, and culture. Recreation & Tourism, DCRT, under Lieutenant Governor Kathleen Blanco. State funds were used to create
the management plan for the heritage area, which followed "feasibility analysis" guidelines as recommended by the National Park Service. Therefore, the recently-completed management plan need only be submitted to the Secretary of the Interior for approval, as this legislation would recognize an existing local coordinating entity that will oversee the implementation of this plan. We are very proud that this state heritage area has already completed the complicated planning process with participation of local National Park Service representatives, while using a standard of planning quality equal to that of existing national heritage areas. All at no cost to the Federal Government.

Please let me also emphasize that this legislation protects existing private property rights. It will not interfere with local land use ordinances or regulations, as it is specifically prohibited from doing so. Nor does this legislation grant any powers of real property acquisition to the local coordinating entity or heritage area program. In addition, the legislation does not impose any environmental rule or process or cause any change in Federal environmental quality standards different from those already in effect.

Heritage areas are based on cooperation and collaboration at all levels. This legislation remains true to the core concepts of heritage areas. The heritage area concept has been used successfully in various parts of our Nation to promote historic preservation, natural and cultural resource protection, heritage tourism and sustainable economic revitalization for both urban and rural areas. Heritage areas provide a flexible framework for government agencies, private organizations and businesses and landowners to work together on a coordinated regional basis. The Atchafalaya National Heritage Area in the Central Louisiana National Heritage Area to become the second National Heritage Area in Louisiana, ultimately joining the 23 existing National Heritage Areas around the Nation.

The initiative to develop the Atchafalaya National Heritage Area is an outgrowth of a grassroots effort to achieve multiple goals of this region. Most important among these is providing opportunities for the future, while not losing the past. This legislation is something that makes this place so special. Residents from all over the region, local tourism agencies, State agencies such as the DCRT and the Department of Natural Resources, the State legislature, Federal agencies including the Army Corps of Engineers, parish governments, conservation and preservation groups, local businesses and local landowners have all participated in this endeavor to make it the strong initiative it is. These groups have been very supportive of the heritage area effort, and as time moves on, the heritage area will continue to involve more and more of the area's most important resource, its people.

I would also like to give you a brief overview of the resources that make this place significant to the entire country. Not only is it important to our Nation's history, but it is also critical to understanding America's future. The name of the place itself, Atchafalaya, comes from the American Indians and means "long river." This name signifies the first settlers of the region, descendants of whom still live there today.

Other words come to mind in describing the Atchafalaya: mysterious, dy-namic, multi-cultural, enchanting, bountiful, threatened and undiscovered. This region is one of the most complex and least understood places in Louisiana and the Nation. Yet, the stories of the Atchafalaya Heritage Area are emblematic of the broader American experience. Here there are opportunities to understand the history of the United States that has shaped the culture, the sometimes complicated, sometimes harmonious, sometimes adversarial interplay between nature and culture. The history of the United States has been shaped by the complex dance of its people working with, against, and for, nature. Within the Basin is the enchantment for adventure, adaptation, ingenuity, and exploitation has created a cultural legacy unlike anywhere else in the world.

The heart of the heritage area is the Atchafalaya Basin. It is the largest river swamp in the United States, larger than the more widely known Everglades or Okefenokee Swamp. The Atchafalaya is characterized by a maze of streams, and at one time was thickly forested with old-growth cypress and tupelo trees. The Basin provides outstanding habitat for a remarkably diverse array of wildlife, including the endangered American bald eagle and Louisiana black bear. The region's unique ecology teems with life. More than 85 species of birds, such as crawfish; wildlife, including alligators; an astonishing array of over 200 species of birds, from waterfowl to songbirds; forest-dwelling mammals such as deer, squirrel, beaver and other commercially important fur bearers all make their home here. Bottomland hardwood-dependent bird species breed here in some of the highest densities ever recorded in annual North American Breeding Bird Surveys. Two rivers of the Basin, the Mississippi Valley Flyway for migratory waterfowl and is a major wintering ground for thousands of these geese and ducks. In general, the Atchafalaya Basin has a significant proportion of North America's breeding waterfowl, such as egrets, herons, ibises, and spoonbills. Some of the largest flocks of Wood Storks in North America summer here, and the southern part of the Basin has a healthy population of Bald Eagles nesting every year.

The region's dynamic system of waterways, geology, and massive earthen levee systems reveals a landscape that is at once fragile and awesome. The geology and natural systems of the Atchafalaya Heritage Area have fueled the economy of the region for centuries. For decades the harvest of cypress, cotton, sugar cane, crawfish, salt, oil, gas, and Spanish moss, have been important sources of income for the region's residents. The crawfish industry has been particularly important to the lives of Atchafalaya residents and Louisiana has become the largest crawfish producer in the United States. Sport fishing and other forms of commercial fishing are important here, too, but unfortunately, natural resource extraction and a changing environment have drastically depleted some of these resources and forced residents to find new ways to make a living.

Over the past century, the Atchafalaya Basin has become a study of man's monumental effort to control nature. After the catastrophic Mississippi River flood of 1927 left thousands dead and millions displaced, the U.S. Congress decreed that the U.S. Army Corps of Engineers should develop an intricate system of levees to protect human settlements, particularly in New Orleans. The Mississippi River is caged within the walls of earthen and concrete levees and manipulated with a complex system of locks, barrages and floodgates. The Atchafalaya River runs parallel to the Mississippi and through the heart of the Basin. In times of flooding the river basin serves as the key floodway in controlling floodwaters headed for the large population centers of Baton Rouge and New Orleans by diverting water from the Mississippi River to the Gulf of Mexico. This system was sorely tested in 1973 when floodwaters threatened to break through the floodgates and permanently divert the Mississippi River into the Atchafalaya. However, after this massive flood event, new land and wetlands were formed along the coast. These new land formations make up the Atchafalaya Delta, and is the only significant area of new land being built in the United States. Many amounts of Mississippi River sediment are also rapidly filling in the Basin itself, raising the level of land in certain areas of the basin and filling in lakes and waterways. And to demonstrate just how complex this ecosystem is, one only needs to realize the many waterways of the Basin, the Terrebonne parish, also in the heritage area, is experiencing some of the most significant coastal land loss in the country.

Over the centuries, the ever-changing natural environment has shaped the lives of the people living in the Basin. Residents have profited from and been imperiled by nature. The popular cultural identity of the region is strongly associated with the Cajuns, descendants of the French-speaking Acadians expelled from Nova Scotia, formerly known as Acadia. Twenty-five hundred to three
thousands exiled Acadians repatriated in Louisiana where they proceeded to re-establish their former society. Today, in spite of complex social, cultural, and demographic transformations, Cajuns maintain a sense of group identity and continue to display a distinct culture. Carried to nearly 250 years after their exile from Acadia, Cajun culture has become increasingly popular outside of Louisiana. Culinary specialties adapted from France and Acadia such as étouffée, boudin, andouille, beignets and sauces thickened with roux, delight food lovers well beyond Louisiana’s borders. Cajun music has also “gone mainstream” with its blend of French folk songs and ballads and instrumental dance music, and more recently popular country, rhythm-and-blues, and rock music influences. While the growing interest in Cajun culture has raised appreciation for its unique traditions, many of the region’s residents are concerned about the growing consumerism and stereotyping that threatens to diminish the authentic Cajun ways of life.

While the Atchafalaya Heritage Area may be well known for its Cajun culture, it is an astonishing array of other cultures within these parishes. Outside of New Orleans, the Atchafalaya Heritage Area is the most racially and ethnically complex region of Louisiana, and has been so for many years. A long history of multiculturalism presents interesting opportunities to examine how so many distinct cultures have survived in relative harmony. There may be interesting lessons to learn from here as our Nation becomes increasingly heterogeneous. The cultural complexity of this region has created a rich tapestry of history and traditions, evidenced by the architecture, music, language, food and festivals unlike any place else. Ethnic festivals unlike any place else. Ethnic traditions, many of the region’s residents and tourists alike better understand and navigate many of the resources in the heritage area. Major roads link the heritage area’s central visitor entrance points and large population centers, especially New Orleans. Much of the hospitality industry serving the Atchafalaya exists around the larger cities of Baton Rouge, Lafayette and Houma. However, more and more bed and breakfasts and heritage accommodations, such as houseboat rentals, are becoming more numerous in the smaller towns and rural areas. These are just some of the examples of the richness and significance of this region. This legislation will assist communities throughout this heritage area who are committed to the conservation and appropriate development of these assets. Furthermore, this legislation will bring a level of prestige and national and international recognition that the most special of places certainly deserves. I ask unanimous consent that the text of this bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 204

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

SECTION 1. SHORT TITLE. This Act may be cited as the “Atchafalaya National Heritage Area Act”.

SECTION 2. DEFINITIONS. In this Act:

(a) AUTHORITIES.—For the purposes of developing a management plan that includes an interpretation, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area, including—

(1) submit to the Secretary for approval a management plan that includes—

(A) the identification of existing and potential sources of funding for implementing the management plan that includes—

(B) the identification of existing and potential sources of funding for implementing the plan,

(C) the accomplishment of the local coordinating entity; and

(D) the expenses and income of the local coordinating entity.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall conduct public meetings at least quarterly.

(c) CONTENTS.—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(c) PUBLIC MEETINGS.—The local coordinating entity shall hold public meetings at least quarterly.

(d) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit the
management plan to the Secretary for app-
proval.
(2) Effect of Failure to Submit.—If a
management plan is not submitted to the
Secretary under (d)(1), the Secretary shall not
provide any additional funding under this Act until a
management plan for the Heritage Area is sub-
mited to the Secretary.
(e) Approval.—
(1) In General.—Not later than 90 days
after receiving the management plan sub-
mitted under (d)(1), the Secretary, in consultation with the State, shall
approve or disapprove the management plan.
(2) Action Following Disapproval.—
(A) Within 60 days of disapproving a
management plan under paragraph (1), the Secretary shall—
(i) advise the local coordinating entity in
writing of the reasons for the disapproval;
(ii) make recommendations for revisions to the
management plan; and
(iii) allow the local coordinating entity to
submit to the Secretary revisions to the
management plan.
(B) Deadline for Approval of Revision.—
Not later than 90 days after the date on which a revision is
submitted under paragraph (A), the Secretary shall—
(i) review the management plan; and
(ii) approve or disapprove the revision.
(f) Revision.—
(1) In General.—If the Secretary dis-
approves a management plan under para-
graph (1), the Secretary shall—
(i) advise the local coordinating entity in
writing of the reasons for the disapproval;
(ii) make recommendations for revisions to the
management plan; and
(iii) allow the local coordinating entity to
submit to the Secretary revisions to the
management plan.
(2) Deadline for Approval of Revision.—
Not later than 90 days after the date on which a revision is
submitted to the Secretary, for review and approval by the Secretary, the recommenda-
tions of the local coordinating entity for any revisions to the management plan that the
local coordinating entity considers to be ap-
propriate.
(3) Expenditure of Funds.—No funds made
available under this Title shall be used to im-
plement any revision proposed by the local
coordinating entity under paragraph (1)(B)
until the Secretary approves the revision.
SEC. 6. REQUIREMENTS FOR INCLUSION OF PRIV-
ATE PROPERTY.
(a) Notification and Consent of Prop-
erty Owners Required.—No privately
owned property shall be preserved, con-
served, or promoted by the management plan for
the Heritage Area until the owner of that
private property has been notified in writing
by the management entity and has given
written consent to the management entity for
such preservation, conservation, or pro-
motion.
(b) Landowner Withdraw.—Any owner of
private property included within the bound-
ary of the Heritage Area shall have that
private property immediately removed from the
boundary by submitting a written request to
the management entity.
SEC. 7. PRIVATE PROPERTY PROTECTION.
(a) Access to Private Property.—Noth-
ing in this Act shall be construed to—
(1) require any private property owner to
allow public access (including Federal, State, or local government access) to such private
property; or
(2) modify any provision of Federal, State,
or local law with regard to public access to or
use of private property.
(b) Liability.—Designation of the Heritage
Area shall not be considered to create any li-
ability for any of or discharges to, waters of the United
States or waters of the State within or adja-
cent to the Heritage Area solely by reason of the
establishment of the Heritage Area; and
(2) the expenses and income of the local co-
ordinating entity.
SEC. 10. AUTHORIZATION OF APPROPRIATIONS.
(a) In General.—There is authorized to be
appropriated for any fiscal year $10,000,000,
and any other Federal funds made available under this Act shall be not more
than 50 percent.
(2) Cost-Sharing Requirement.—The Fed-
eral share of the total cost of any activity
assisted under this Act shall not be more
than 50 percent.
SEC. 11. TERMINATION OF AUTHORITY.
The authority of the Secretary to provide assistance to the local coordinating entity under
this Act terminates on the date that is
15 years after the date of enactment of this Act.

By Ms. LANDRIEU (for herself and Mr. VITTER):
S. 205. A bill to authorize the American
Battle Monuments Commission to
establish in the State of Louisiana a
memorial station to honor the Buffalo
Soldiers; to the Committee on Energy and
Natural Resources.
Ms. LANDRIEU. Mr. President, One
Hundred and Thirty Nine years ago, be-
tween the term Homeland Security was
even coined, a group of men devoted
called Buffalo Soldiers. These brave
American soldiers of the period,
suffering the worst deprivations known
to any American soldiers of the period, had the lowest desertion rates in the
Army. The 9th Cavalry was awarded
10 Congressional Medals of Honor,
including a native Louisianaan, Sgt.
Emanuel Stance—a farmer from Car-
roll Parish.
For these reasons, I am offering leg-
islation today along with Senator VIT-
TER that would authorize the creation of
a suitable memorial in New Orleans for
these gallant soldiers. There is an
excellent statue to the Buffalo Soldiers
at Fort Leavenworth, KS. It com-
memorates the 10th Cavalry Regiment
Stationed there. However, I believe
that these men deserve to be recog-
nized in their home city. Furthermore,
its location is in an a location where
thousands of visitors will have the op-
portunity to pay tribute to the legacy of the Buffalo Soldiers. I believe
that the City of New Orleans is the per-
frect location.
We have made a number of changes to this legislation after consultations with the American Battle Monuments Commission. I believe these changes should address any concerns that they have expressed. Furthermore, we have an active and dedicated organization of individuals in the state who desperately want to see this project to completion. Last year, I had the pleasure of being in New Orleans with another of this Nation’s great military heroes, Senator George Jones, President of the Greater New Orleans Chapter of the Buffalo Soldiers Association. They have been working with Eddie Dixon, the artist for the beautiful Fort Leavenworth statute, to develop an appropriate memorial in the City of New Orleans for over a decade. This bill will fulfill that noble ambition.

This Nation has sadly found the need to say thank you to its servicemen and women after the fact on more than one occasion. Unfortunately, this is another. We are fortunate to have living memories of the 9th and 10th Cavalry Regiments today. The regiments were not disbanded until the conclusion of World War Two, where they served with distinction. We should take this opportunity to honor these veterans, and in so doing, honor the principles of liberty, freedom and democracy for which they fought and sacrificed. They have given so much to our nation, we owe them this public expression of gratitude.

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. 205
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 “buffalo soldiers commoration Act of 2005”.

SEC. 2. ESTABLISHMENT OF BUFFALO SOLDIERS MEMORIAL.
(a) AUTHORIZATION.—The American Battle Monuments Commission is authorized to establish a memorial to honor the buffalo soldiers in or around the City of New Orleans on land donated for such purpose or on Federal land with the consent of the appropriate land managers.

(b) CONTRIBUTIONS.—The Commission shall solicit and accept contributions for the construction, establishment, and maintenance of the memorial.

(c) COOPERATIVE AGREEMENTS.—The Commission may enter into a cooperative agreement with a private or public entity for the purpose of fundraising for the construction and maintenance of the memorial.

(d) MAINTENANCE AGREEMENT.—Prior to beginning construction of the memorial, the Commission shall enter into an agreement with an appropriate public or private entity to provide for the permanent maintenance of the memorial by such public or private entity, or assurance that it will receive sufficient funds, to complete the memorial.

SEC. 3. BUFFALO SOLDIERS MEMORIAL ACCOUNT.
(a) ESTABLISHMENT.—The Commission shall maintain an escrow account (“account”) to pay expenses incurred in constructing the memorial.

(b) DEPOSIT INTO THE ACCOUNT.—The Commission shall deposit into the account any proceeds of any investments, that the Chairman determines has a suitable maturity.

(c) USE OF ACCOUNT.—Amounts in the account, including proceeds of any investments, may be used to pay expenses incurred in establishing the memorial. After construction of the memorial, amounts in the account shall be transferred by the Commission to the entity providing for permanent maintenance of the memorial under such terms and conditions as the Commission determines will ensure the proper use and accounting of the amounts.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Ms. CANTWELL (for herself, Mr. CRAIG, Mrs. MURRAY, and Mr. SMITH):
S. 206. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, today I am introducing the “Ice Age Floods National Geologic Trail Designation Act of 2005”. I am thankful that Senator Larry Craig of Idaho will again be the lead Republican cosponsor and pleased to also be joined by the Senior Senator from Washington, (Mrs. MURRAY), as well as Senator from Oregon, (Mr. SMITH).

Some 12,000 to 17,000 years ago, at the end of the last Ice Age, a series of floods swept across the Pacific Northwest. These epic floods fundamentally changed the geography and way of life in the Pacific Northwest. The coulees, buttes, boulder fields, lakes, ridges and gravel bars they left behind still define the unique landscape of our State and our region today.

Creating a National Park Service trail to recognize and celebrate how these floods literally shaped the face of our State will provide an unparalleled educational resource for Washingtonians and visitors from across the country. It will also spur economic development and create jobs in local communities across Eastern and Central Washington.

I look forward to working with my other members of the Pacific Northwest congressional delegation, as well as my colleagues in the Senate, to ensure swift passage of this important legislation.

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. 206
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 “Ice Age Floods National Geologic Trail Designation Act of 2005”.

SEC. 2. FINDINGS AND PURPOSE.
(a) FINDINGS.—Congress finds that—
(1) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

(b) geographic features that have exceptional value and quality to illustrate and in
terpret this extraordinary natural phe
omenon are present on Federal, State, trib
al, county, municipal, and private land in the region; and

(3) in 2001, a joint study team headed by the National Park Service that included about 70 members from public and private entities completed a study endorsing the establishment of an Ice Age Floods National Geologic Trail—

(A) to recognize the national significance of this phenomenon; and

(b) to coordinate public and private sector entities in the presentation of the story of the Ice Age floods.

(b) PURPOSE.—The purpose of this Act is to designate the Ice Age Floods National Geologic Trail in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities.

SEC. 3. DEFINITIONS.
In this Act:
(1) ICE AGE FLOODS; FLOODS.—The term “Ice Age floods” or “floods” means the catastrophic floods that occurred in the northwestern United States during the last Ice Age from massive, rapid and recurring drainage of Glacial Lake in Missoula, Montana.

(2) PLAN.—The term “plan” means the cooperative management and interpretation plan authorized under section 5(f).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRAIL.—The term “Trail” means the Ice Age Floods National Geologic Trail designated by this Act.

SEC. 4. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.
(a) DESIGNATION.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(b) LOCATION.—
(1) MAP.—The route of the Trail shall be generally depicted on the map entitled “Ice Age Floods National Geologic Trail,” numbered ______, and dated ______.

(2) ROUTE.—The route shall generally follow public roads and highways—
(A) from the vicinity of Missoula in western Montana;

(B) across northern Idaho;

(C) through eastern and southern sections of Washington;

(D) across northern Oregon in the vicinity of the Willamette Valley and the Columbia River; and

(E) to the Pacific Ocean.

(3) REVISION.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map and of the plan.

(b) MAP AVAILABILITY.—Any map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ADMINISTRATION.
(a) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Trail in accordance with this Act.
(b) TRAIL MANAGEMENT OFFICE.—In order for the National Park Service to manage the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office within the vicinity of the Trail.

(c) ACQUISITION.—

(1) IN GENERAL.—If the acquisition is consistent with the plan, the Secretary may acquire land, in a quantity not to exceed 25 acres, for planning and public information purposes to facilitate the geographic diversity of the Trail throughout the States of Montana, Idaho, Washington, and Oregon.

(2) METHODS.—

(A) PRIVATE LAND.—Private land may be acquired from a willing seller under this Act only by donation, purchase with donated or appropriated funds, or exchange.

(B) NON-FEDERAL PUBLIC LAND.—Non-Federal public land may be acquired from a willing seller under this Act—

(i) only by donation or exchange; and

(ii) after consultation with the affected unit of local government.

(d) INTERPRETIVE FACILITIES.—The Secretary may establish and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, profit entities and are consistent with the plan.

(e) INTERAGENCY TECHNICAL COMMITTEE.—

(1) The Secretary shall establish an interagency technical committee to advise the trail management office on the technical planning for the development of the plan.

(2) COMPOSITION.—The committee shall include—

(i) representatives from Federal, State, local, and tribal governments; and

(ii) representatives from the Ice Age Floods Institute; and

(B) the Ice Age Floods Institute; and

(B) private property owners; and

(D) other interested parties.

(f) MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall include—

(A) State, local, and tribal governments; and

(B) the Ice Age Floods Institute; and

(B) private property owners; and

(D) other interested parties.

(B) NON-FEDERAL PUBLIC LAND.—Non-Federal public land may be acquired from a willing seller under this Act—

(i) only by donation or exchange; and

(ii) after consultation with the affected unit of local government.

(d) INTERPRETIVE FACILITIES.—The Secretary may establish and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, profit entities and are consistent with the plan.

(e) INTERAGENCY TECHNICAL COMMITTEE.—

(1) The Secretary shall establish an interagency technical committee to advise the trail management office on the technical planning for the development of the plan.

(2) COMPOSITION.—The committee shall include—

(i) representatives from Federal, State, local, and tribal agencies with interests in the floods; and

(ii) representatives from the Ice Age Floods Institute; and

(B) private property owners, business owners, and nonprofit organizations.

(f) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after funds are made available to carry out this Act under section 6, the Secretary shall prepare a cooperative management and interpretive plan for the Trail.

(2) CONSULTATION.—The Secretary shall prepare the plan in consultation with—

(A) State, local, and tribal governments; and

(B) the Ice Age Floods Institute; and

(C) private property owners; and

(D) other interested parties.

(g) CONTENTS.—The plan shall—

(A) confirm and, if appropriate, expand on the inventory of features of the floods contained in the National Park Service study entitled "Ice Age Floods, Study of Alternatives and Environmental Assessment" (February 2001) by—

(i) locating features more accurately; and

(ii) improving the description of features; and

(iii) reevaluating the features in terms of their interpretive potential;

(B) review and, if appropriate, modify the map of the Trail referred to in section 4(b); and

(C) describe strategies for the coordinated development of the Trail, including an interpretive plan for facilities, waysides, roadside pullouts, exhibits, media, and programs that present the story of the floods to the public effectively; and

(D) identify potential partnering opportunities in the development of interpretive facilities and educational programs to educate the public about the story of the floods.

(2) TRAIL MANAGEMENT.—

(1) IN GENERAL.—In order to facilitate the development of coordinated interpretation, education, resource stewardship, visitor facility development and operation, and scientific research associated with the Trail and to provide more efficient administration of the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with the authority provided for units of the National Park System under section 3(1) of Public Law 91–383 (16 U.S.C. 1a-2(1)).

(2) USER OF SYSTEM.—For purposes of this subsection, the Trail shall be considered a unit of the National Park System.

(h) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with public or private entities to carry out this Act.

(i) EFFECT OF PRIVATE PROPERTY RIGHTS.—Nothing in this Act—

(1) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(2) modifies any provision of Federal, State, or local law with respect to public access to or use of private property.

(j) LIABILITY.—Designation of the Trail by section 4(a) does not create any liability for, or affect any liability under any law of, any private property owner with respect to any person injured on the private property.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, of which not more than $500,000 may be used for each fiscal year for the administration of the Trail.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 207. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, today I rise, along with Senator VITTER, to introduce S. 207, a bill to adjust the boundary of the National Historic Park and Preserve Boundary Adjustment Act of 2005. This bill was passed unanimously by the Senate during the 108th Congress.

The Jean Lafitte National Historical Park and Preserve was established in 1978 to preserve for present and future generations significant examples of the rich natural and cultural resources of Louisiana's Mississippi delta region. The park seeks to influence the environment and history on the development of a unique and distinct regional culture. It is named for Jean Lafitte who was a pirate, or privateer as he liked to be called, that fought alongside U.S. forces in the Battle of New Orleans at the end of the War of 1812. The park consists of six physically separate sites and a park headquarters located in New Orleans. The sites in Lafayette, Thibodaux and Eunice interpret the Acadian culture of the area. The Barataria Preserve, in Marrero, interprets the natural and cultural history of the New Orleans coastal wetlands, which are adjacent to the Preserve, became Federal as a result of the settlement by the Justice Department of two lawsuits brought by the landowners against Federal agencies. However, because these acres are not managed by the park, they are presently unavailable for public use. An Act of Congress is necessary to allow inclusion of these lands into a new boundary.

This bill does just that, opening these lands for canoeing, wildlife viewing, exploration, fishing, and hunting, all under the management and protection of the park service. The bill grants long-term protection to crucial resources that the Park Service has found suitable for Federal inclusion within a new boundary through a 1996 boundary study.

The Park is immediately adjacent to the developed areas of the Westbank of Jefferson Parish along much of its boundary. The Barataria unit in particular is right next door to a hurricane levee. Making more of the park boundary continuous with the levee...
that divides developed land from undeveloped wetlands enhances opportunities for direct cooperation between these communities and the Park for management of shared concerns. These concerns include the routing of storm-water runoff; the discharge of treated sewage; water quality and its effects on fisheries and recreational uses; wetland restoration and mitigation; and a number of other problems and opportunities. The Park has worked with Jefferson Parish in seeking solutions to these problems and will continue to do so. The addition of these properties will only enhance their chances for success.

It is for all of these reasons that I am hopeful the Senate can approve of this measure in the near future. The expansion we seek in this Bill benefits us today as well as tomorrow.

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

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2005".

SEC. 2. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) In General.—Section 903 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended—

(1) by striking "Barataria Marsh Unit" and inserting "Barataria Marsh Unit, Jean Lafitte National Historical Park and Preserve", number 467/8010, and dated April 1978;'' and inserting the following:

"(2) the integrity of ecological and biological systems; and

(3) water and air quality;"; and

(b) C ONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended—

(1) by striking the first sentence and inserting the following:

"Pending such establishment and thereafter the` and inserting the following:

(2) to the Jean Lafitte National Historical Park and Preserve Act of 1976 (16 U.S.C. 230e); and

(3) ACQUISITION OF STATE LAND.—Land, waters, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

(1) fresh water drainage patterns;

(2) vegetative cover;

(3) the integrity of ecological and biological systems; and

(4) water and air quality;"; and

(c) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended in the first sentence by striking "within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he" and inserting "the Secretary", and

(d) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking "Pendin" and inserting the following:

"Pend".

SEC. 3. REFERENCES IN LAW.

(a) In General.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(1) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(2) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230c) is amended—

(1) in subsection (a)—

(A) by striking "(a) Within the fought and inserting the following:

"(a) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the boundary of the Barataria Preserve, as depicted on the map described in section 901, by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

(B) LIMITATIONS.—

"(1) IN GENERAL.—With respect to the areas on the map identified as 'Bayou aux Carpes Addition' and 'CIT Tract Addition', Any land in the area identified in the map as 'CIT Tract Addition' that is transferred under clause (1)(I) shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army; for.

(2) in the second sentence, by striking "The Secretary may also" and inserting the following:

"(2) FRENCH QUARTER.—The Secretary may

(3) by redesignating subsection (g) as subsection (f).

(c) Hunting, Fishing, and Trapping.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking "Barataria Marsh Unit" and inserting "Barataria Preserve Unit", number 467/8010, and dated August 2002;'' and inserting the following:

"(1) BARATARIA PRESERVE UNIT.—

(1) the Section 902(c) of this title, the Secretary, and

(2) the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(c) CONFIRMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking "Barataria Marsh Unit" each place it appears and inserting "Barataria Preserve Unit"; and

(2) by striking "Jean Lafitte National Historical Park" each place it appears and inserting "Jean Lafitte National Historical Park and Preserve".

By Mr. LEVIN (for himself, Mr. DEWINE, Ms. STABENOW, and Mr. VOINOVICH):

S. 208. A bill to amend the Federal Water Pollution Control Act to direct the Great Lakes National Program Office of the Environmental Protection Agency to develop, implement, monitor, and report on a series of indicators of water quality and related environmental factors in the Great Lakes; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, my colleagues Senators DEWINE and VONNOH, and I am pleased to introduce the Great Lakes Water Quality Indicators and Monitoring Act. The bill directs the Environmental Protection Agency to develop indicators of Great Lakes water quality and related environmental factors and a comprehensive network to monitor those indicators. This bill will result in science-based assessments of the health of the Great Lakes.

The Great Lakes are a treasured natural resource. The Great Lakes contain almost 20% of the world's fresh water, and millions of people in the Great Lakes basin rely on the lakes for drinking water, for economic livelihoods such as fishing and shipping, and for recreational opportunities, including swimming and boating. Unfortunately, the Great Lakes have suffered from decades of toxic discharges, urban and agricultural runoff, and other environmental challenges. We've made some progress in improving water quality, but we know we have a long way to go.

The stewards of the lakes—at the Federal, State, and local levels—use a variety of methods to determine the health of the Great Lakes and whether they are improving. For example, the EPA and the Fish and Wildlife Service monitor the accumulation of chemicals in Great Lakes fish. The National Oceanic and Atmospheric Administration detects changes in the ecosystem from space-based satellites and waterborne buoys. The U.S. Geological Survey samples stream flow and quality, and the States inspect compliance with water quality standards. These efforts to collect scientific data are largely voluntary and suffer from a lack of funding and coordination. Additionally, they use inconsistent methods that often produce incomparable results.

In 2004, the General Accounting Office released a report entitled Great Lakes: An Overall Strategy and Indicators for Measuring Progress are Needed to Track Achieved Goals. The GAO looked at almost 200 Federal and State programs and found that a lack of coordination, poorly defined goals, and insufficient data make it difficult to evaluate the success of these programs. The GAO found that there are no data collected regularly throughout the Great Lakes, and that the existing data are inadequate to determine whether water quality and other environmental conditions are improving.

In 1990, I authored the Great Lakes Critical Programs Act, which strengthened the water quality standards in the Great Lakes region. In 2002, Congress passed the Great Lakes Legacy Act, to speed the cleanup of contaminated bottom sediment. Today, we need to establish a way to evaluate the impact of these and similar measures. To show results, we need science-based indicators of water quality and related environmental factors, and we need to monitor those indicators regularly throughout the ecosystem.

GAO recommends that EPA's Great Lakes National Program Office lead an
effort to develop indicators and a monitoring network. Our bill gives that office the mandate to work with other Federal agencies and Canada to identify and measure water quality and other environmental factors on a regular basis when initiatives we collected through this network will serve as a benchmark against which to measure future improvements. Those measurements will help us make decisions on how to steer future restoration efforts. With a clear picture of how the Great Lakes are changing, we can plan and coordinate restoration projects that work efficiently to achieve the goals.

This bill serves a second purpose—it provides EPA with dedicated funding to make sure that data collection can begin in a timely manner and be carried out consistently and comprehensively.

I encourage my colleagues to support this bill and help speed its passage.

By Mr. LUGAR (for himself, Mr. BIDEN, and Mr. HAGEL):

S. 200. A bill to build operational readiness in civilian agencies, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I am re-introducing today a bill that was on the legislative calendar of the 108th Congress when it adjourned in December. The Stabilization and Reconstruction Civilian Management Act is intended to build operational readiness in the civilian agencies to improve our nation’s capacity to carry out post-conflict stabilization and reconstruction missions.

Until very recently, the concept of “nation building” was considered to be pejorative by many Members of Congress and government officials. The foreign policy orthodoxy of both parties was that efforts to build institutions would be too time-consuming and cost-prohibitive for our nation to carry out post-conflict stabilization and reconstruction missions.

But experience has taught us that this approach rarely can be accommodated if we are serious about protecting our own security in an age of terrorism. We have seen how terrorists can exploit nations afflicted by lawlessness and desperate circumstances. They seek out such places to establish training camps, recruit new members, and tap into a global black market in weapons technology. If we are to deny sanctuary to our enemies, we must be involved in post-conflict stabilization.

With this in mind, the Foreign Relations Committee took up the issue of how best to organize and prepare for post-conflict missions. Well over a year ago, we held our first bipartisan roundtable to identify the best minds from inside and outside of government to consider this issue. From this process, we developed the Stabilization and Reconstruction Civilian Management Act of 2004. I introduced this legislation with Senators BIDEN and HAGEL, and the Committee passed it unanimously. The purpose of our bill is to establish a more robust civilian capability to respond quickly and effectively to conflict situations or other complex emergencies. The bill puts the State Department at the center of the civilian reconstruction and stabilization effort, while coordination between State and Defense would be at the highest level.

The Defense Science Board (DSB), which recently recommended a similar strengthening of stabilization and reconstruction capacity in the Defense Department, endorsed our legislation. On January 26, I introduced S. 192, new legislation that took the DSB recommendations and provided the executive branch the necessary authorities to carry them out. It calls upon the Secretary of Defense to take immediate action to strengthen the role and capabilities of the Department of Defense for carrying out stabilization and reconstruction activities as well as support the development of core competencies in other departments and agencies, principally the Department of State. The bill has been referred to the Senate Armed Service Committee for that Committee’s consideration.

While recognizing the critical challenge that national security leaders have undertaken with skill and courage in both Afghanistan and Iraq, we must acknowledge that certain non-security missions will be better served in the future by a more organized civilian response. Our post-conflict efforts frequently have had a higher than necessary military profile. This is not the result of a Pentagon power grab or institutional fights. Rather, the military has led post-conflict operations primarily because it is the only agency capable of mobilizing sufficient personnel and resources for these tasks. As a consequence, military resources have been stretched and deployments of military personnel have been extended beyond expectations. If we can improve the capabilities of the civilian agencies, they can take over many of the non-security missions that have burdened the military.

In re-introducing the Stabilization and Reconstruction Civilian Management Act of 2004, I am well aware of the impact it has already had on both the debate on this issue and developments to date. In fact, some initiatives contained in the legislation have moved forward without its having been enacted. My Senate colleagues on the Foreign Operations Appropriations Subcommittee agreed with the need to provide an emergency conflict response fund for stabilization and reconstruction crises. And the Commerce, Justice, and State Appropriations Subcommittee on the House side of Capitol Hill agreed with the need to establish a new office at the State Department to take the lead in organizing our civilian efforts. Indeed, an Office of Reconstruction and Stabilization has now been organized and a highly capable coordinator named. At her confirmation hearings, Dr. Rice demonstrated detailed knowledge of the Office and its proposed mission and its potential to be a permanent part of the Department’s structure.

So why continue to pursue the legislation? It is still important to seek enactment because the legislation provides a permanent basis in law for the established office as well as new authorities that the Department will need to be successful.

The Bush Administration’s action on this issue demonstrates its ability to recalibrate policy and organization to address a changing world. We know that the President will continue to provide leadership in organizing the U.S. government for this mission. As demonstrated by the Senate Foreign Relations Committee and by actions taken by the Senate Appropriations Subcommittee on Commerce, Justice, State and the Judiciary and the Senate Subcommittee on Foreign Operations, there is significant support in the Congress for his work and for the foresight he is already demonstrating.

The new Office, headed by Carlos Pascual, is doing a government-wide inventory of the civilian assets that might be available for stabilization and reconstruction tasks. It is also pursuing an idea proposed in our bill of a Readiness Reserve to enable rapid mobilization of post-conflict stabilization personnel. It will work closely with the Secretary to assist in the coordination of policy, the preparation and management of response, and in developing cooperative arrangements with foreign countries, international and regional organizations, nongovernmental organizations, and private sector organizations.

I am hopeful that the Office will also develop the concept of a 250-person active duty Response Readiness Corps that is contained in the legislation. In Army terms, that is less than a small battalion of well-trained people—a modest but vigorous force-multiplier that would greatly improve our nation’s stabilization capacity. This Corps would be composed of State Department and USAID employees who have the experience and technical skills to manage stabilization and reconstruction tasks in a hostile environment.

Dr. Rice has been one of the most enthusiastic supporters of enhancing standing civilian capacity to respond to post conflict situations. In answer to one of my questions during the confirmation process, she said: "Creating a new agency capable of mobilizing a Government stabilization and reconstruction capacity is an Administration national security priority."

By Mr. LUGAR (for himself, Mr. BIDEN, and Mr. HAGEL):
She asserted that ‘experience has shown that we must have the capacity to manage 2 to 3 stabilization and re-construction operations concurrently. That means [we need] staff in Washington and in the field to manage and deliver quality programs.’

I am so optimistic that this will be an important first step in the road to important first step in the road to bring 2–1–1 to communities throughout the Empire State and the entire U.S.A. Thank you.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 212. A bill to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes; to the Committee on Foreign Relations.

Mr. DOMENICI. Mr. President, in 2000 Congress established the Valles Caldera National Preserve, which is composed of approximately 89,000 acres of spectacular land in northern New Mexico. The Preserve was created to protect and preserve the region’s valuable natural resources at the University of Texas’ Lyndon B. Johnson School of Public Affairs, 2–1–1 call centers can save as much as $130 million in the first year of operation and as much as $1.1 billion over ten years.

2–1–1 will replace the existing maze of individual numbers for individual services: hotlines for shelter from abusive spouses, vaccinations for children, or information about where to obtain hospice services for ailing parents or loved ones. 2–1–1 will be a ‘one-stop shop’ for all of these services. Accord- ing to a recent study by the Ray Marshall Center for Public Policy at the University of Texas, 2–1–1 provided coordinated, connected ready volunteers with coordinated efforts and victims with necessary mental and physical health services. 2–1–1 provided loca- tions of vigils and support groups, and connecting frightened children with their parents, providing information on terrorist sus- pects, and linking ready volunteers to provide support groups, and information on bioterrorism for those concerned about future attacks.

As time went by, many people needed more help. They were spending 65 days longer than their jobs. Close to 2,000 families applied for housing assistance because they couldn’t pay their rent or mortgage. 90,000 people developed symptoms of post-trau- matic stress disorder or clinical depression within eight weeks of the attacks. Another 34,000 people met the criteria for both diagnoses. And 2–1–1 was there to help in Connecticut.

It wasn’t available in far too many other areas, however. In fact, a Brook- ings Institution and Urban Institute study of the aftermath of September 11th found that many dislocated work- ers struggled to obtain available assistance. People ‘found it difficult to con- nect with resources due to a social-services infrastructure that does not support a simple and efficient method for people to learn about and access services and for agencies to coordinate their activities.’

I would add that 2–1–1 is all about. It provides a single, efficient, coordinated way for people who need help to con- nect with those who can provide it.

The Federal Communications Com- mission laid the groundwork for a 2–1–1 number in 2000 when it directed the phone number to be reserved for in- formation and referral to social and human-services agencies. The 2–1–1 sys- tem opens the way to a user-friendly social-services network, by providing an easy-to-remember and universally available phone number that links in- dividuals and families in need to the appropriate non-profit and government agencies.

In Rochester, New York and through- out the Finger Lakes, 2–1–1 will do just that. And I want to thank the Empire State and the entire U.S.A. Thank you.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 211. A bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, and for other purposes; to the Committee on Commerce, Science, and Transpor- tation.

Mrs. CLINTON. Mr. President, I rise today to introduce the calling for a 2–1–1 Act with my colleague Senator ELIZABETH DOLE. This bill will make an invaluable difference for the citizens of New York and the country.

Just last week I was in Rochester helping to launch a 2–1–1 call center that will serve the citizens of the Finger Lakes region of New York. This call center will provide a simple, effi- cient, and convenient way for individ- uals to obtain vital information about government services. It is the first step in an ambitious plan to provide 245 day, 24 hours a day service throughout all of New York, and ultimately, the entire country.

The Calling for 2–1–1 Act, which I am introducing today, will create at least one 2–1–1 call center just like the one in Rochester in every state in the country, and will link every regional call center together to ensure State- wide coverage. Last Congress, 31 mem- bers of the Senate and 149 members of the House of Representatives co-spon- sored the Calling for 2–1–1 Act. In the 109th, we are working to appeal to even more.

The best part of the 2–1–1 system is that it is equally available to everyone. From the mother whose child is about to go off to war, to the veteran return- ing from service, 2–1–1 will help people access the information they need when they need it. It helps teens who are in crisis and young mothers who have nowhere else to turn. Single mothers try- ing to find a job in a tough economy, frail seniors who need help with transpor- tation but have no family or friends to call, and substance-abusing teens who in a moment of lucidity de-
of Agriculture to develop a fire safety plan for the Preserve. These are not vast changes; nor should they be controversial. They will, however, make an important difference to one of New Mexico’s most pristine wilderness areas that is appreciated by New Mexico’s visitors and natives alike.

Because of the difference this legislation will make in New Mexico, I hope my colleagues will join with Senator Bingaman and me in approving the Valles Caldera Preservation Act of 2005. 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. 212

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 “Valles Caldera Preservation Act of 2005”.

SEC. 2. AMENDMENTS TO THE VALLES CALDERA PRESERVATION ACT.

(a) ACQUISITION OF OUTSTANDING MINERAL INTERESTS.—Section 104(e)(5) of the Valles Caldera Preservation Act (16 U.S.C. 698v–2(e)(5)) is amended—

(1) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary shall acquire the interests pursuant to section 3114 of title 40, United States Code.

(2) in the second sentence, by striking “The Secretary” and inserting the following:

“(B) FEDERAL AGENCY.—The Secretary’’;

(b) BLM FUNDING.—Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–5(e)) is amended by striking “subsection (g)” and inserting “subsection (g)(1) in paragraph (1), by striking “The Secretary” and inserting “The Secretary shall determine—”;

(c) IN GENERAL.—If negotiations to acquire the lands are unsuccessful by the date that is 60 days after the date of enactment of this paragraph, the Secretary shall acquire the interests pursuant to section 3114 of title 40, United States Code.

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. 231

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 “Rio Arriba County Land Conveyance Act”.

SEC. 2. DEFINITIONS.

(a) IN GENERAL.—For purposes of this Act—

(1) COUNTY.—The term “County” means the County of Rio Arriba, New Mexico.

(b) MAP.—The term “map” means the map entitled “Alcalde Proposed Land Transfer” and dated September 23, 2004.

(c) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF LAND TO RIO ARIBBA COUNTY.

(a) IN GENERAL.—Subject to subsection (c), not later than 1 year after the date of enactment of this Act, the Secretary shall convey a parcel of land to the County.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 150.86 acres of land located on
the Sebastian Martin Land Grant in the vicinity of Alcalde, Rio Arriba County, New Mexico, as depicted on the map.

(c) CONSIDERATION.—(1) The amount of consideration for the conveyance of land under subsection (a) shall be determined by the Secretary consistent with section 2(a) of the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) and section 3 of the Act of July 26, 1944 (43 U.S.C. 1317).

(3) AGREEMENT.—Before conveying the land under subsection (a), the Secretary shall enter into an agreement with the County that indemnifies the United States from all liability of the United States arising from the land conveyed.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. KYL): S. 214. A bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, on behalf of myself, Senator DOMENICI and Senator KYL, I am pleased today to introduce the United States-Mexico Transboundary Aquifer Assessment Act. The legislation is intended to address the significant challenges concerning water resources that exist along the U.S.-Mexico border. Recognizing the importance of these issues to the States making up that border, New Mexico, Arizona, Texas, and California, the Senate passed this bill twice during the 108th Congress. With strong bipartisan and now bicameral support, I hope we can act quickly to pass it once again so that it can be enacted into law at the earliest opportunity.

The genesis of this bill is a field hearing I conducted over three years ago during my tenure as the Chairman of the Energy and Natural Resources Committee. The focus of that hearing was water resource issues developing along the U.S.-Mexico border. In particular, I was concerned that issues regarding the availability of future water supplies were growing, and could lead to conflict in the region. The testimony that was heard made clear that consensus is lacking on how communities in the border region will address their future water needs. Most significantly, I was struck by the lack of agreement on the long-term viability of future groundwater sources, many of which involve aquifers underlying both the United States and Mexico. Given the rapid population growth along the border, and the corresponding increase in demand for potable water, there is a strong need to gain a common and detailed understanding of our groundwater resources. A science-based understanding of the resource is the first step to avoid conflicts similar to the one arising in south Texas over Rio Grande water deliveries under the 1944 U.S.-Mexico treaty.

The United States-Mexico Transboundary Assessment Act is intended to address the lack of a binational consensus on guiding water supplies along the border. It will do this by establishing a scientific program, involving the U.S. Geological Survey (USGS), Water Resources Research Institutes, and appropriate authorities and other entities on both sides of the border, to comprehensively assess priority transboundary aquifers. Ultimately, the information and scientific tools developed under the program will be extremely valuable to State and local water resource managers in the border region. Of particular note, the analysis will include a search for new sources of water such as saline aquifers. Continued development of desalinization technologies may lead to significant use of this untapped resource in the near future.

I understand that establishing this scientific program and accurately assessing our shared water resources is just a step towards developing the long-term plans and solutions that will help address international disputes concerning scarce water supplies. This small step, however, is an important one, and one with broad policy support. In its 6th Report on the U.S.-Mexico Border Environment, the Good Neighbor Environmental Board, an independent federal advisory committee managed by the U.S. Environmental Protection Agency, recommended the initiation of a "border-wide groundwater assessment program to systematically analyze priority transboundary aquifers." Also, the Center for Strategic and International Studies, in a January 2003 report of its U.S.-Mexico Binational Council, included as one of its recommendations that opportunity for the United States to "improve data collection, information gathering, and transparency as the first step to developing a long-term strategy for water management."

Ultimately, an effective long-term strategy will have to be developed by the communities and other water users who reside along the border. Working with each other and their State water resource agencies, I believe successful strategies can be developed so long as we make cooperation a top priority. The legislation I am introducing today provides the scientific foundation necessary for State and local officials to address pressing water resource challenges in the United States-Mexico border region.

SEC. 3. DEFINITIONS.

In this Act:

(1) waters.—The term "water" means surface water and groundwater.

(2) Border State.—The term "Border State" means each of the States of Arizona, California, New Mexico, and Texas.

(3) Indian Tribe.—The term "Indian tribe" means an Indian tribe, band, nation, or other organized group or community—

(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

(4) Transboundary Aquifer.—The term "transboundary aquifer" means a groundwater aquifer that has been designated for study and analysis under the program.

(5) Program.—The term "program" means the United States-Mexico transboundary aquifer assessment program established under section 4(a).

(6) Reservation.—The term "reservation" means land that has been set aside or has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

(7) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(8) Transboundary Aquifer.—The term "transboundary aquifer" means an aquifer that underlies the border between the United States and Mexico.

(9) Tri-Regional Planning Group.—The term "tri-regional planning group" means the binational group as defined in section 4(a).

(10) Water Resources Research Institute.—The term "water resources research institute" means the institutes within the Border States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 1450).

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) In General.—The Secretary, in consultation with the Border States, the water resources research institutes, Sandia National Laboratories, and
other appropriate entities in the United States and Mexico, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and evaluate the transboundary groundwater resources along the United States-Mexico border at a level of detail determined to be appropriate by the Secretary.

(b) OBJECTIVES.—The objectives of the program are to—

(1) develop and implement an integrated scientific approach to assess transboundary groundwater resources, including—

(A)(i) identifying fresh and saline transboundary aquifers; and

(ii) prioritizing the transboundary aquifers for further analysis by assessing—

(I) the proximity of the transboundary aquifer to areas of high population density;

(II) the extent to which the transboundary aquifer is used;

(III) the susceptibility of the transboundary aquifer to contamination; and

(IV) any other relevant criteria;

(B) evaluating and designating priority transboundary aquifers—

(i) identifying fresh and saline transboundary aquifers; and

(ii) prioritizing the transboundary aquifers for further analysis by assessing—

(I) the proximity of the transboundary aquifer to areas of high population density;

(II) the extent to which the transboundary aquifer is used;

(C) create a comprehensive assessment of transboundary aquifers to areas of high population density;

(D) using available data and publications as part of the development of study plans for each priority transboundary aquifer; and

(D) using field studies, including support for and expansion of ongoing monitoring and metering activities, to develop—

(i) the additional data necessary to adequately define aquifer characteristics; and

(ii) scientifically sound groundwater flow models to assist with State and local water management and administration, including modeling of relevant groundwater and surface water interactions;

(2) expand existing agreements, as appropriate, between the United States Geological Survey, the Border States, the water resource research institutes, and appropriate Federal agencies and other organizations to achieve the objectives of this Act, and on completion of this Act, the Secretary shall not initiate any new agreements under the program before consulting with, and coordinating the activity with, any Border State water resource agencies that have jurisdiction over the aquifer.

(c) STUDY PLANS; COST ESTIMATES.—

(1) IN GENERAL.—The Secretary shall coordinate the activities carried out under the program with—

(a) the appropriate water resource agencies in the Border State; or

(b) any other appropriate entities that are conducting monitoring and metering activity with respect to a priority transboundary aquifer.

(2) NEW ACTIVITY.—After the date of enactment of this Act, the Secretary shall not initiate any new agreements under the program before consulting with, and coordinating the activity with, any Border State water resource agencies that have jurisdiction over the aquifer.

(c) SCIENTIFIC APPROACH.—Nothing in this Act affects—

(1) the level of participation in the program; and

(2) the water rights of any person or entity using water from a transboundary aquifer.

(d) MONITORING.—The Secretary shall submit to the appropriate water resource agencies, the United States-Mexico border to effectively accomplish the mission of this Act, and on completion of this Act, the Secretary shall not initiate any new agreements under the program before consulting with, and coordinating the activity with, any Border State water resource agencies that have jurisdiction over the aquifer.

(3) the level of participation in the program of entities in Mexico.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year in which the program is in effect, in addition to any other funds that may be made available to the water resource research institutes to provide funding to appropriate entities in the Border States (including San Juan National Laboratories, State institutions, universities, the Tri-Regional Planning Group, and other relevant organizations) and Mexico to conduct activities under the program, including the biannual collection and exchange of scientific data.

By Mr. INOUYE:

S. 215. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise today to introduce a bill to reauthorize the Native Hawaiian Health Care Improvement Act. Senator AKAKA joins me in sponsoring this measure.

The Native Hawaiian Health Care Improvement Act was enacted into law in 1988, and has been reauthorized every 4 years since that time.

The Act provides authority for range of programs and services designed to improve the health care status of the Native people of Hawaii.

With the enactment of the Native Hawaiian Health Care Improvement Act and the establishment of Native Hawaiian health care systems on most of the islands that make up the State of Hawaii, we have witnessed significant improvements in the health status of Native Hawaiians, but as the findings of unmet needs and health disparities set forth in this bill make clear, we still have a long way to go.

For instance, Native Hawaiians have the highest cancer mortality rates in the State of Hawaii—rates that are 21 percent higher than the rate for the total State male population and 64 percent higher than the rate for the total State female population. Native Hawaiians have the third highest mortality rate as a result of breast cancer.

With respect to diabetes, in 2000, Native Hawaiians had the highest mortality rate associated with heart disease is 68 percent higher than the rate for the total State male population and 64 percent higher than the rate for the total State female population. Native Hawaiians have the third highest mortality rate as a result of breast cancer.

With respect to diabetes, in 2000, Native Hawaiians had the highest mortality rate associated with diabetes in the State—a rate which is 138 percent higher than the statewide rate for all racial groups.

When it comes to heart disease, the mortality rate of Native Hawaiians associated with heart disease is 68 percent higher than the rate for the entire State, and the mortality rate for hypertension is 84 percent higher than that for the entire State.

These statistics on the health status of Native Hawaiians reveal but a small part of the long list of data that makes clear that our objective of assuring that the Native people of Hawaii attain some parity of good health comparable to that of the larger U.S. population has not yet been achieved.

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. 215

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 “Native Hawaiian Health Care Improvement Act of 2005”.

SEC. 2. AMENDMENT TO THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.

The Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

“SECTION 1. SHORT TITLE: TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ‘Native Hawaiian Health Care Improvement Act’.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:
The Hawaiian Islands was established in 1810 as a sophisticated language, culture, and religious system based on communal land tenure with customs, beliefs, practices, and language;

Native Hawaiian people as beneficiaries of State of Hawaii—

scribe the native people of Hawaii;

frequently used in the 19th century to identify;

terminations, ancestral territory, and cultural identity;

plebiscite or referendum;

claims to their inherent sovereignty as a people of Hawaii or the sovereign government of Hawaii; and

after that overthrow, the United States extended diplomatic recognition of the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawaii; and

in violation of—

(i) treaties between the Government and the United States; and

(ii) internal law.

(14) in a message to Congress on December 18, 1893, President Grover Cleveland—

(A) reported fully and accurately on those illegal actions;

(B) acknowledged that by those acts, described by the President as acts of war, the government of a peaceful and friendly people was overthrown; and

(C) concluded that a ‘substantial wrong has thus been done which a due regard for the national honor as well as the rights and feelings of the injured people required that we should endeavor to repair’;

(15) Queen Lili‘uokalani, the lawful monarch of Hawaii, and the Hawaiian Patriotic League, representing the aboriginal citizens of Hawaii, promptly petitioned the United States for redress of those wrongs and restoration of the indigenous government of the Hawaiian nation, but no action was taken on that petition;

(16) in 1896, Congress enacted Public Law 103–150 (107 Stat. 1510), in which Congress—

(A) acknowledged the significance of those events; and

(B) reaffirmed the trust relationship between Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii with the participation of agents and citizens of the United States, and the resulting deprivation of the rights of Native Hawaiians to self-determination;

(17) in 1896, the United States—

(A) until the Newlands Resolution No. 55 (commonly known as the ‘Newlands Resolution’) (30 Stat. 750), without the consent of, or compensation to, the indigenous people of the Act for the sovereign government of those people; and

(B) denied those people the mechanism for expression of their inherent sovereignty through self-government and self-determination of their lands and ocean resources;

(18) through the Newlands Resolution and the Act of April 30, 1900 (commonly known as the ‘1900 Organic Act’) (31 Stat. 141, chapter 339), Congress—

(A) received 1,750,000 acres of land formerly owned by the Crown and Government of the Hawaiian Islands;

(B) exempted the land from then-existing public land laws of the United States by mandating that the revenue and proceeds from the land be paid to benefit the Native Hawaiians; and

(C) in 1905, under the authority of Congress, transferred the land to the Hawaiian Islands under the Act of March 18, 1905 (38 U.S.C. prec. 491 note; 73 Stat. 4), the United States—

(A) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and legislative amendments affecting the rights of beneficiaries under the trust.

(22) under the Act referred to in paragraph (21), the United States—

(A) transferred responsibility for administration over portions of the ceded public lands trust not retained by the United States to the State; but

(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the legal responsibility of the State for the betterment of the conditions of Native Hawaiians, under section 5(f) of that Act (73 Stat. 6);

(23) in 1978, the people of Hawaii—

(A) amended the constitution of Hawaii to establish the Office of Hawaiian Affairs; and

(B) assigned to that Office the authorizations—

(i) to accept and hold in trust for the Native Hawaiian people real and personal property transferred from any source;

(ii) to formulate policy on affairs relating to the Native Hawaiian people;

(iii) the authority of Congress under the Constitution to legislate in matters affecting the aboriginal or indigenous people of the United States includes the authority to legislate in matters affecting the native people of Alaska and Hawaii;

(iv) to continue to work toward an appropriate resolution of sovereignty, and benefit the Native Hawaiian people in provisions set forth in legislation returning the Hawaiian Island of
Kaho'olawe to custodial management by the State in 1994;

“(20) in furtherance of the trust responsibility for the betterment of the conditions of Native Hawaiians, the United States has established a program for the provision of comprehensive health promotion and disease prevention services to maintain and improve the health of the Native Hawaiian people;

“(27) that program is conducted by the Native Hawaiian Health Care Systems and Papa Ola Lokahi;

“28. Health initiatives implemented by those other health institutions and agencies using Federal assistance have been responsible for reducing the century-old morbidity and mortality rates of Native Hawaiian people by—

(A) providing comprehensive disease prevention programs;

(B) providing health promotion activities; and

(C) increasing the number of Native Hawaiians in the health and allied health professions;

“(29) those accomplishments have been achieved through implementation of—

(A) the Indian Health Care Act of 1988 (Public Law 100–579); and

(B) the reauthorization of that Act under section 1916 of the Department of Defense Appropriations Act, 1993 (Public Law 102–336; 106 Stat. 1948);

“(30) the historical and unique legal relationship between the United States and Native Hawaiians has been consistently recognized and affirmed by Congress through the enactment of more than 160 Federal laws that extend to the Native Hawaiian people the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities, including—

(A) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

(C) the National Museum of the American Indian Act (20 U.S.C. 89 et seq.); and

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

“(31) the United States has recognized and reaffirmed the trust relationship to the Native Hawaiian people through legislation that authorizes the delivery of services to Native Hawaiians, specifically—

(A) the Older Americans Act of 1965 (42 U.S.C. 3501 et seq.);

(B) the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 (42 U.S.C. 6000 et seq.);

(C) the Veterans Benefits and Services Act of 1988 (Public Law 100–322);

(D) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(E) the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11701 et seq.);

(F) the Health Professions Reauthorization Act of 1988 (Public Law 100–607; 102 Stat. 3222);

(G) the Nursing Shortage Reduction and Education Extension Act of 1988 (Public Law 100–607; 102 Stat. 3222);

(H) the Handicapped Programs Technical Amendments Act of 1988 (Public Law 100–630);

(I) the Indian Health Care Amendments of 1988 (Public Law 100–713); and

(J) the Disadvantaged Minority Health Improvement Act of 1990 (Public Law 101–527);

“(32) the United States has affirmed that historical and unique legal relationship to the Hawaiian people by authorizing the provision of services to Native Hawaiians to address alcohol and drug abuse under the Anti-Drug Abuse Act of 1986 (21 U.S.C. 801 note; Public Law 99–570);

“(33) in addition, the United States—

(A) has recognized that Native Hawaiians, as aboriginal, indigenous, native people of Hawaii, are a unique population group in Hawaii and in the continental United States; and

(B) has so declared in Office of Management and Budget Circular 15 in 1997 and Presidential Executive Order No. 13135, dated June 7, 1999; and

“(34) despite the United States having expressed in Public Law 103–150 (107 Stat. 1510) its continued recognition of reconciliation with the Native Hawaiian people for past grievances;

(A) the unmet health needs of the Native Hawaiian people remain severe; and

(B) the health status of the Native Hawaiian people continues to be far below that of the general population of the United States;

“(B) FINDING OF UNMET NEEDS AND HEALTH DISPARITIES.—Congress finds that the unmet needs and serious health disparities that adversely affect the Native Hawaiian people include the following:

(1) CHRONIC DISEASE AND ILLNESS.—

(A) CANCER.—

(i) IN GENERAL.—With respect to all cancer—

(I) Native Hawaiians have the highest cancer mortality rates in the State for cancers of the lung, colon, rectum, and colorectum; and for all cancers combined.

(II) Native Hawaiian males have the highest cancer mortality rates in the State for cancers of the lung, colon, rectum, and colorectum; and for all cancers combined.

(III) Native Hawaiian females have the highest cancer mortality rates in the State for cancers of the cervix, breast, corpus uteri, stomach, colon, and rectum; and for all cancers combined.

(IV) Native Hawaiian males have 8.7 years of productive life lost as a result of cancer in the State; the highest years of productive life lost in that State, as compared with 6.4 years for all males; and

(V) Native Hawaiian females have 8.2 years of productive life lost as a result of cancer in the State as compared with 6.4 years for all females in the State.

(ii) BREAST CANCER.—With respect to breast cancer—

(I) Native Hawaiians have the highest mortality rate in the State from breast cancer (30.79 out of every 100,000 residents), a rate that is 33 percent higher than that for Caucasian Americans (23.07 out of every 100,000 residents) and 66 percent higher than the rate for the total State female population (17.9 out of 100,000).

(II) Native Hawaiian males have the highest cancer mortality rates in the State for cancers of the lung, liver, pancreas, breast, corpus uteri, stomach, colon, and rectum; and for all cancers combined.

(III) Native Hawaiian females have 8.7 years of productive life lost as a result of cancer in the State as compared with 6.4 years for all females in the State.

(iii) STROKE.—The mortality rate for Native Hawaiians is 37.9 percent, 11 percent higher than that for all others in the State (34.1 percent).

(iv) HEART DISEASE.—With respect to heart disease—

(I) the mortality rate for Native Hawaiians as a result of heart disease (372.3 out of every 100,000 residents) is 68 percent higher than the rate for all others in the State (221.9 out of every 100,000 residents); and

(II) Native Hawaiian males have the greatest years of productive life lost in the State, because Native Hawaiian males lose an average of 15.5 years and Native Hawaiian females lose an average of 8.2 years as a result of heart disease. The rate compared with 7.5 years for all males, and 6.4 years for all females, in the State.

(ii) HYpertension.—With respect to hypertension—

(I) the mortality rate for Native Hawaiians as a result of hypertension (3.5 out of every 100,000 residents) is 84 percent higher than that for the entire State (1.9 out of every 100,000 residents); and

(II) Native Hawaiians have substantially higher prevalence rates of hypertension than—

(aa) those observed statewide; and

(bb) those of any other ethnic group in Hawaii; and

(iii) the prevalence rate of hypertension for Native Hawaiians is 37.9 percent, 11 percent higher than that for all others in the State (34.1 percent).

(III) STROKE.—The mortality rate for Native Hawaiians as a result of stroke (72.0 out of every 100,000 residents) is 20 percent higher than that for the entire State (60 out of every 100,000 residents).

(IV) INFECTIOUS DISEASE AND ILLNESS.—With respect to infectious disease and illness—

(A) in 1998, Native Hawaiians comprised 20 percent of all deaths resulting from infectious diseases in the State; for all ages; and

(B) the incidence of acquired immune deficiency syndrome for Native Hawaiians is at least twice as high per 100,000 residents (19.5 percent) than that for any other non-Caucasian group in the State.

(3) INJURIES.—With respect to injuries—

(A) the mortality rate for Native Hawaiians as a result of injuries (32.0 out of every 100,000 residents) is 16 percent higher than that for the entire State (27.5 out of every 100,000 residents);
...
“(D) emergency medical service, including a service provided by a first responder, emergency medical technician, or mobile intensive care technician; and

“(E) transportation service required for adequate patient care; and

“(F) a preventive dental service; and

“(G) a pharmaceutical and medication service; and

“(H) a mental health service, including a service provided by a psychologist or social worker;

“(I) a genetic counseling service; and

“(J) a health administration service, including a service provided by a health program manager, management, provision, monitoring, and evaluation of health services;

“(K) a health research service, including a service provided by an individual with an advanced degree in medicine, nursing, psychology, or related work, or any other related health program;

“(L) an environmental health service, including a service provided by an epidemiologist, public health officer, medical geographer, or medical anthropologist, or an individual specializing in biological, chemical, or environmental health determinants; and

“(M) a service that may lead to specialty or tertiary care; and

“(N) a complementary healing practice, including a practice performed by a traditional Native Hawaiian healer.

“(5) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ means any individual who is Kanaka Maoli (a descendant of the aboriginal population prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State), as evidenced by—

“(A) genealogical records;

“(B) kama'aina witness verification from Native Hawaiian Kupuna (elders); or

“(C) birth records of the State or any other State of the territory of the United States.

“(6) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term ‘Native Hawaiian health care system’ means any of up to 8 entities in the State that—

“(A) is organized under the laws of the State;

“(B) provides or arranges for the provision of health services for Native Hawaiians in the State;

“(C) is a public or nonprofit private entity;

“(D) has Native Hawaiians significantly participating in the management, provision, monitoring, and evaluation of health services;

“(E) serves the health care needs of an island’s Native Hawaiian population; and

“(F) is recognized by Papa Ola Lokahi for planning, conducting, or administering programs authorized under this Act for the benefit of Native Hawaiians; and

“(G) serves the health care needs of the Native Hawaiians of those islands;

“(H) incorporates within health programs in Native Hawaiian health care centers as are necessary to meet the health care needs of the Native Hawaiians of the islands of Moloka'i or Lanai (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

“(I) is of Native Hawaiian ancestry; and

“(J) includes individuals of whom are based on demonstrated learning and acquired by—

“(i) oral traditions transmitted from Native Hawaiian elders; and

“(ii) clear-defined goals and objectives for the contributions the organization will make to—

“(I) Native Hawaiian health care systems; and

“(II) the national policy described in section 4; and

“(ii) an action plan for carrying out those goals and objectives.

“(6) term ‘Secretary’ means the Secretary of Health and Human Services.

“(7) NEIGHBOR ISLAND.—The term ‘neighbor island’ means any of the following—

“(A) the island of Kauai;

“(B) the island of Maui;

“(C) the island of Hawaii;

“(D) the island of Oahu;

“(E) the island of Moloka'i or Lanai.

“(8) term ‘Secretary’ means the Secretary of Health and Human Services.

“(9) term ‘Secretary’ means the Secretary of Health and Human Services.

“(10) OFFICE OF NATIVE HAWAIIAN AFFAIRS.—The term ‘Office of Native Hawaiian Affairs’ means the governmental entity that—

“(A) is established under article XII, sections 5 and 6, of the Hawaii State Constitution; and

“(B) charged with the responsibility to formulate policy relating to the affairs of Native Hawaiians.

“(11) term ‘Papa Ola Lokahi’ means—

“(A) in general.—The term ‘Papa Ola Lokahi’ means an organization that—

“(i) is made up of individuals at least 50 percent of whom are Native Hawaiian; and

“(ii) as having the qualifications and the expertise necessary to meet the health status of Native Hawaiians;

“(B) a primary care service that may lead to specialty or tertiary care; and

“(C) is organized under the laws of the State of Hawaii, and

“(D) is recognized by Papa Ola Lokahi as providing services that are necessary to meet the health care needs of the Native Hawaiians of that island;

“(E) serves the interests of Native Hawaiians; and

“(12) term ‘Secretary’ means the Secretary of Health and Human Services.

“(13) STATE.—The term ‘State’ means the State of Hawaii.

“(14) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term ‘traditional Native Hawaiian healer’ means a practitioner—

“(A) who—

“(i) is of Native Hawaiian ancestry; and

“(ii) has the knowledge, skills, and experience in direct personal health care of individuals;

“(B) the knowledge, skills, and experience of whom are based on demonstrated learning of Native Hawaiian healing practices acquired by—

“(i) direct practical association with Native Hawaiian elders; and

“(ii) oral traditions transmitted from general to generation.

“SEC. 4. DECLARATION OF NATIONAL NATIVE HAWAIIAN HEALTH POLICY.

“(a) DECLARATION.—Congress declares that it is the policy of the United States, in fulfillment of special responsibilities and legal obligations of the United States to the indigenous people of Hawaii resulting from the unique and historical relationship between the United States and the indigenous people of Hawaii—

“(1) to raise the health status of Native Hawaiians to the highest practicable health level; and

“(2) to provide Native Hawaiian health care programs with all resources necessary to effectuate that policy.

“(b) INTENT OF CONGRESS.—It is the intent of Congress that—

“(1) health care programs having a demonstrated effect of substantially reducing or eliminating the overrepresentation of Native Hawaiians in terms of morbidity, mortality, and hospitalization from chronic and acute disease and illness, and addressing the health needs of Native Hawaiians (including perinatal, early child development, and family-based health education needs), shall be established and implemented; and

“(2) the United States shall—

“(A) raise the health status of Native Hawaiians by the year 2010 to at least the levels described in the goals contained within Healthy People 2010 (or successor standards); and

“(B) incorporate within health programs in the United States activities defined and identified by Kanaka Maoli, such as—

“(i) incorporating and supporting the integration of cultural approaches to health and well-being, including programs using traditional practices relating to the atmosphere (leina‘ī), land (aina), water (wa‘ai), or ocean (kai); and

“(ii) increasing the number of Native Hawaiian health and allied-health providers who provide care to or have an impact on the health status of Native Hawaiians;

“(iii) increasing the use of traditional Native Hawaiian foods in programs serving Native Hawaiian people, including those of students; and

“(iv) school feeding programs;
"(iv) identifying and instituting Native Hawaiian cultural values and practices within the corporate cultures of organizations and agencies providing health services to Native Hawaiians;

"(v) facilitating the provision of Native Hawaiian healing practices by Native Hawaiian healers for individuals desiring that assistance;

"(vi) supporting training and education activities and programs in traditional Native Hawaiian healing practices by Native Hawaiian healers; and

"(vii) demonstrating the integration of health services for Native Hawaiians, particularly in the areas of mental, physical, and dental services in health care.

"(c) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be submitted to Congress under section 12, a report on the progress made toward meeting the national policy described in this section.

"SEC. 6. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

"(a) DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing, and updating a Native Hawaiian comprehensive health care master plan that is designed—

"(A) to promote comprehensive health promotion and disease prevention services;

"(B) to maintain and improve the health status of Native Hawaiians; and

"(C) to support community-based initiatives that are reflective of holistic approaches to health.

"(2) CONSULTATION.—

"(A) IN GENERAL.—In carrying out this section, Papa Ola Lokahi and the Office of Hawaiian Affairs shall consult with representatives of—

"(i) the Native Hawaiian health care systems;

"(ii) the Native Hawaiian health centers; and

"(iii) the Native Hawaiian community.

"(B) MEMORANDA OF UNDERSTANDING.—Papa Ola Lokahi and the Office of Hawaiian Affairs may enter into memoranda of understanding or agreement for the purpose of acquiring funding or for other purposes as are necessary, to accomplish the objectives of this section.

"(3) HEALTH CARE FINANCING STUDY REPORT.

"(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Native Hawaiian Health Care Improvement Reauthorization Act of 2005, Papa Ola Lokahi, in cooperation with the Office of Hawaiian Affairs and other appropriate agencies and organizations in the State (including the Department of Health and the Department of Human Services of the State) and appropriate Federal agencies (including the Centers for Medicare and Medicaid Services), will prepare a report that describes the impact of Federal and State health care financing mechanisms and policies on the health and well-being of Native Hawaiians.

"(b) COMPONENTS.—The report shall include—

"(i) information concerning the impact on Native Hawaiian health and well-being of—

"(I) cultural competency;

"(II) risk assessment data;

"(III) eligibility requirements and exemptions; and

"(IV) reimbursement policies and capitation rates in effect as of the date of the report for service providers; and

"(ii) any other material information as may be important to improving the health status of Native Hawaiians, as that information relates to health care financing (including barriers to health care); and

"(iii) recommendations for submission to the Secretary, for review and consultation with the Native Hawaiian community—

"(B) AUTHORIZATION OF APPROPRIATIONS.—

"There are authorized to be appropriated such sums as are necessary to carry out subsection (a).

"SEC. 6. FUNCTIONS OF PAPA OLA Lokahi AND OFFICE OF HAWAIIAN AFFAIRS.

"(a) In General.—Papa Lokahi shall—

"(1) shall be responsible for—

"(A) the coordination, implementation, and updating, as appropriate, of the comprehensive health care master plan under section 5;

"(B) the training and education of individuals providing health services;

"(C) the identification of and research (including behavioral, biomedical, epidemiological, and health service research) into the diseases that are most prevalent among Native Hawaiians; and

"(D) the development and maintenance of an institutional review board for all research projects involving all aspects of Native Hawaiian health, including behavioral, biomedical, epidemiological, and health service research;

"(2) may receive special project funds (including research endowments under section 786 of the Public Health Service Act (42 U.S.C. 293)) made available for the purpose of—

"(A) research on the health status of Native Hawaiians; or

"(B) addressing the health care needs of Native Hawaiians; and

"(3) shall serve as a clearinghouse for—

"(A) the collection and maintenance of data associated with the health status of Native Hawaiians; and

"(B) the development and maintenance of a statewide infrastructure to provide technical support and coordination of training and technical assistance to—

"(i) the Native Hawaiian health care system; and

"(ii) the Native Hawaiian health centers.

"(b) RELATIONSHIPS WITH OTHER AGENCIES.

"(1) AUTHORITY.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant institutions, agencies, or organizations that are capable of providing—

"(A) health-related resources or services to Native Hawaiians and the Native Hawaiian health care systems; or

"(B) resources or services for the implementation of the national policy described in section 4.

"(2) HEALTH CARE FINANCING.—

"(A) FEDERAL CONSULTATION.—

"(i) IN GENERAL.—Before adopting any policy, rule, or regulation that may affect the provision of services of the Indian Health Service or Medicare coverage for Native Hawaiians, a Federal agency that provides health care financing and carries out health care programs (including the Centers for Medicare and Medicaid Services) shall consult with representatives of—

"(I) the Native Hawaiian community;

"(II) Papa Ola Lokahi; and

"(III) organizations providing health care services to Native Hawaiians in the State.

"(ii) IDENTIFICATION OF EFFECTS.—Any consultation by a Federal agency under clause (i) shall include an identification of the effect of any policy, rule, or regulation proposed by the Federal agency.

"(B) STATE CONSULTATION.—Before making any change in an existing program or implementing any new program relating to Native Hawaiian health, the State shall engage in full consultation with representatives of—

"(i) the Native Hawaiian community;

"(ii) Papa Ola Lokahi; and

"(iii) organizations providing health care services to Native Hawaiians in the State.

"(C) CONSULTATION ON FEDERAL HEALTH INSURANCE PROGRAMS.—

"(1) IN GENERAL.—The Office of Hawaiian Affairs, in collaboration with Papa Ola Lokahi, may develop consultative, contractual, or other arrangements, including agreements or memoranda of understanding or agreement, with—

"(i) the Centers for Medicare and Medicaid Services;

"(ii) the agency of the State that administers or supervises the administration of the State plan or waiver approved under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.) for the payment of all or a part of the health care services provided to Native Hawaiians who are eligible for medical assistance under the State plan on a waiver basis; or

"(iii) any other Federal agency providing full or partial health insurance to Native Hawaiians.

"(2) CONTENTS OF ARRANGEMENTS.—An arrangement under clause (i) may address—

"(i) appropriate reimbursement for health care services, including capitation rates and fee-for-service rates for Native Hawaiians who are entitled to or eligible for insurance; and

"(ii) the scope of services; or
(III) other matters that would enable Native Hawaiians to maximize health insurance benefits provided by Federal and State health insurance programs.

(2) TRADITIONAL HEALERS—

(A) IN GENERAL.—The provision of health care services under any program operated by the Department or another Federal agency (including the Department of Veterans Affairs) may include the services of—

(i) traditional Native Hawaiian healers; or

(ii) traditional healers providing traditional health care practices (as those terms are defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)).

(B) Services provided in subparagraph (A) shall be exempt from national accreditation reviews, including reviews conducted by—

(i) the Joint Commission on Accreditation of Healthcare Organizations; and

(ii) the Commission on Accreditation of Rehabilitation Facilities.

SEC. 7. NATIVE HAWAIIAN HEALTH CARE.

(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND OTHER HEALTH SERVICES.—

(1) GRANTS AND CONTRACTS.—The Secretary, in consultation with P apo Olookai, may make grants to, or enter into contracts with 1 or more Native Hawaiian health care systems for the purposes of providing comprehensive health promotion and disease prevention services, as well as other health services, to Native Hawaiians who desire and are committed to bettering their own health.

(2) LIMITATION ON NUMBER OF ENTITIES.—The Secretary may make a grant to, or enter into a contract with, not more than 8 Native Hawaiian health care systems under this subsection for any fiscal year.

(b) PLANNING GRANT OR CONTRACT.—In addition to the grants and contracts under subsection (a), the Secretary may make a grant to, or enter into a contract with, P apo Olookai for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on each of the islands of O'ahu, Moloka'i, Maui, Hawai'i, Lana'i, Ka'a, Kahoolawe, and Ni'ihau in the State.

(c) HEALTH SERVICES TO BE PROVIDED.—

(1) IN GENERAL.—Each recipient of funds under subsection (a) may provide or arrange for—

(A) outreach services to inform and assist Native Hawaiians in accessing health services;

(B) education in health promotion and disease prevention for Native Hawaiians that, wherever practicable, is provided by—

(i) Native Hawaiian health care practitioners;

(ii) community outreach workers;

(iii) counselors;

(iv) cultural educators; and

(v) health education providers;

(C) services of individuals providing health services;

(D) collection of data relating to the prevention of diseases and illnesses among Native Hawaiians; and

(E) support of culturally appropriate activities that enhance health and wellness, including land-based, water-based, ocean-based, and spiritually-based projects and programs.

(2) TRADITIONAL HEALERS.—The health care services referred to in paragraph (1) that are provided under grants or contracts under subsection (a) may be provided by traditional Native Hawaiian healers, as appropriate.

(d) FEDERAL TORT CLAIMS ACT.—An individual who provides a medical, dental, or other service referred to in subsection (a)(1) for a Native Hawaiian health care system, including a provider of a traditional Native Hawaiian healing service, shall be treated in the same manner as a professional who is a member of the Public Health Service; and

(2) subject to section 224 of the Public Health Service Act (42 U.S.C. 233).

(e) USE OF GRANT OR CONTRACT FUNDS.—

(1) IN GENERAL.—A Native Hawaiian health care system that receives funds under subsection (a) may serve as a Federal loan repayment facility to enable health and allied-health professionals to provide health services under the Public Health Services Act (42 U.S.C. 205a-7) (as those terms are defined in section 205a-7(a) of the Public Health Services Act (42 U.S.C. 205a-7(a))), to enable health and allied-health professionals to provide health services through grants and contracts under any Federal program.

(2) REMISSION OF PAYMENTS.—A facility described in paragraph (1) shall be designed to enable health and allied-health professionals to provide health services with respect to loans provided to the professionals under any Federal loan program.

(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that amounts received under the grant or contract will not, directly or through contract, be expended—

(1) for any service other than a service described in subsection (c)(1); or

(2) to purchase or improve real property (other than land that would be improved by providing comprehensive health promotion and disease prevention services) or to substantially improve existing real property; or

(3) to purchase major medical equipment.

(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary may make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that, whether health services are provided directly or through a contract:

(1) any health service under the grant or contract will be provided without regard to the ability of an individual receiving the health service to pay for the health service; and

(2) the entity will impose for the delivery of such a health service a charge that is—

(A) made according to a schedule of charges that is made available to the public; and

(B) adjusted to reflect the income of the individual involved.

(h) AUTHORIZATION OF APROPRIATIONS.—

(1) GENERAL GRANTS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a) for any fiscal year.

(2) PLANNING GRANTS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (b) for any fiscal year.

(3) HEALTH SERVICES.—There are authorized to be appropriated such sums as are necessary to carry out subsection (c) for each of fiscal years 2006 through 2011.

SEC. 8. ADMINISTRATIVE GRANT FOR PAPA OLOKAI.

(a) IN GENERAL.—In addition to any other grant or contract under this Act, the Secretary may make a grant to P apa Olookai for—

(1) coordination, implementation, and updating (as appropriate) of the comprehensive health care master plan developed under section 5; and

(2) training and education for providers of health services;

(b) USE OF GRANT FUNDS.—The grant may be used to support research and training (including behavioral, biomedical, epidemiologic, and health service research) into the diseases that are most prevalent among Native Hawaiians.

(c) DETERMINATION OF NONCOMPLIANCE.—If, as a result of evaluations conducted by the Secretary determines to be appropriate.

(1) DETERMINATION OF NONCOMPLIANCE.—If, as a result of evaluations conducted by the Secretary determines to be appropriate.

(2) CONGRESSIONAL RECORD — SENATE

January 31, 2005

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Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 7, the Secretary shall, before renewing a contract—

(1) attempt to resolve the areas of noncompliance or unsatisfactory performance; and

(2) modify the contract to prevent future occurrences of the noncompliance or unsatisfactory performance.

(2) NONRENEWAL.—If the Secretary determines that an entity has not complied or performed a contract entered into under this Act, the Secretary shall terminate the contract.

(3) CONSIDERATION OF RESULTS.—In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of the evaluation performed under this section.

(4) APPLICATION OF FEDERAL LAWS.—Each contract entered into by the Secretary under this Act shall be in accordance with all Federal laws (including regulations), except that, in the discretion of the Secretary, such a contract may—

(A) be negotiated without advertising; and

(B) be exempted from chapter 31, United States Code.

(5) PAYMENTS.—A payment made under any contract entered into under this Act—

(A) may be made—

(i) in advance; or

(ii) by means of reimbursement; or

(iii) in installments; and

(B) shall be made on such conditions as the Secretary determines to be necessary to carry out this Act.

(e) REPORT.—

(1) IN GENERAL.—For each fiscal year during which an entity receives or expends Federal funds under a grant or contract under this Act, the Secretary shall submit to the Secretary and to Papa Ola Lokahi an annual report that describes—

(A) the activities conducted by the entity under the grant or contract;

(B) the amounts and purposes for which Federal funds were expended; and

(C) such other information as the Secretary determines to be necessary.

(2) AUDITS.—The reports and records of any entity concerning any grant or contract entered into under this Act shall be subject to audit by—

(A) the Secretary;

(B) the Inspector General of the Department of Health and Human Services; and

(C) the Comptroller General of the United States.

(f) ANNUAL PRIVATE AUDIT.—The Secretary shall allow as a cost of any grant made under this Act the cost of an annual private audit conducted by a certified public accountant to carry out this section.

SEC. 10. ASSIGNMENT OF PERSONNEL.

(a) IN GENERAL.—The Secretary may enter into an agreement with Papa Ola Lokahi or any of the Native Hawaiian health care systems for the assignment of personnel of the Department of Health and Human Services with relevant expertise for the purpose of—

(1) conducting research; or

(2) providing comprehensive health promotion and disease prevention services and health services to Native Hawaiians.

(b) APPLICABLE FEDERAL PERSONNEL PROVISIONS.—Any assignment of personnel made by the Secretary under any agreement entered into under section (a) shall be treated as an assignment to a local government that is made in accordance with subchapter VI of chapter 33 of United States Code.

SEC. 11. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS AND FELLOWSHIPS.

(a) ELIGIBILITY.—Subject to the availability of amounts appropriated under subsection (c), the Secretary shall provide to Papa Ola Lokahi, through a direct grant or a cooperative agreement, funds for the purpose of providing scholarship and fellowship assistance, counseling, and placement service to students who are Native Hawaiians.

(b) PRIORITY.—A priority for scholarships under subsection (a) may be provided to employees—

(1) the Native Hawaiian Health Care Systems; and

(2) the Native Hawaiian Health Centers.

(c) TERMS AND CONDITIONS.—

(1) SCHOLARSHIP ASSISTANCE.—

(A) IN GENERAL.—The scholarship assistance under subsection (a) shall be provided in accordance with subparagraphs (B) through (G).

(B) NEED.—The provision of scholarships in each type of health profession training shall correspond to the need for each type of health professional to serve the Native Hawaiian community in providing health services, as identified by Papa Ola Lokahi.

(C) ELIGIBLE APPLICANTS.—To the maximum extent practicable, the Secretary shall select scholarship recipients from a list of eligible applicants submitted by Papa Ola Lokahi.

(D) OBLIGATED SERVICE REQUIREMENT.—

(i) IN GENERAL.—An obligated service requirement may be required for a scholarship recipient (except for a recipient receiving assistance under paragraph (2)) shall be fulfilled through service, in order of priority, in—

(I) any of the Native Hawaiian health care systems;

(II) any of the Native Hawaiian health care centers;

(III) 1 or more health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the Public Health Service in the State of Hawaii;

(IV) a Native Hawaiian organization that serves a geographical area, facility, or organization that serves a significant Native Hawaiian community in providing health services; that serves a Native Hawaiian community in providing health services; or

(V) any public agency or nonprofit organization providing services to Native Hawaiians;

(VI) any of the uniformed services of the United States.

(ii) ASSIGNMENT.—The placement service for a scholarship shall assign each Native Hawaiian scholarship recipient to 1 or more appropriate sites for service in accordance with clause (i).

(3) ENCOURAGEMENT OFohlom-lomi, la’au lapa’au, and other traditional Native Hawaiian healing practices (including all equipment of the facilities), in substitute for, or reimbursement for costs associated with the following—

(A) the costs of an annual private audit conducted by a certified public accountant to carry out this section.

(b) TYPES OF ASSISTANCE.—Assistance under subparagraph (A) may include a stipend or, for reimbursement for costs associated with the following—

(i) the Native Hawaiian health care systems.

(ii) the Native Hawaiians health centers.

(iii) the Native Hawaiian community representative, outreach worker, or health program administrator in a professional training program.

(iv) any contract entered into under this Act, for use in carrying out a project or activity under the contract or grant, or any personal or real property determined to be in excess of the needs of the Department or the General Services Administration.
"(c) ACQUISITION OF SURPLUS PROPERTY.—The Secretary may acquire excess or surplus Federal Government personal or real property for donation to an organization under subsection (b) if the Secretary determines that the property is appropriate for use by the organization for the purpose for which a contract entered into or grant received by the organization is authorized under this Act.

"SEC. 14. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

"(a) AUTHORITY AND AREAS OF INTEREST.—

"(1) IN GENERAL.—The Secretary, in consultation with Papo Ola Lokahi, may allocate available funds under this Act, or any other Act, to carry out Native Hawaiian demonstration projects of national significance.

"(2) AREAS OF INTEREST.—A demonstration project described in paragraph (1) may relate to such areas of interest as—

"(A) the development of a centralized database and information system relating to the health care status, health care needs, and wellness of Native Hawaiians;

"(B) the provision of health professionals, and other individuals in institutions of higher learning, in health and allied health programs in healing practices, including Native Hawaiian healing practices;

"(C) the integration of Western medicine with complementary healing practices, including traditional Native Hawaiian healing practices;

"(D) the use of telehealth and telecommunication in—

"(i) chronic and infectious disease management; and

"(ii) health promotion and disease prevention; and

"(E) the development of appropriate models of Native Hawaiians and other indigenous people, including—

"(i) the provision of culturally competent health services; and

"(ii) related activities focusing on wellness concepts;

"(iii) the development of appropriate kupuna care programs; and

"(iv) the development of financial mechanisms and collaborative relationships leading to universal access to health care; and

"(F) the establishment of—

"(i) a Native Hawaiian Center of Excellence for Nursing at the University of Hawaii at Hilo;

"(ii) a Native Hawaiian Center of Excellence for Mental Health at the University of Hawaii at Manoa;

"(iii) a Native Hawaiian Center of Excellence for Maternal Health and Nutrition at the Waimanalo Health Center;

"(iv) a Native Hawaiian Center of Excellence for Research, Training, Integrated Medicine at Molokai General Hospital; and

"(v) a Native Hawaiian Center of Excellence for Complementary Health and Health Education and Training at the Waianalao Comprehensive Health Center.

"(3) CENTERS OF EXCELLENCE.—Papo Ola Lokahi, and any centers established under paragraph (2)(F), shall be considered to be Centers of Excellence qualified as Centers of Excellence under section 485P and 905(b)(3)(A) of the Public Health Service Act (42 U.S.C. 287c–32, 299a–1).

"(b) NONREDUCTION IN OTHER FUNDING.—The allocation of funds for demonstration projects under subsection (a) shall not result in any reduction in funds required by the Native Hawaiian health care systems, the Native Hawaiian Health Centers, the Native Hawaiian Health Scholarship Program, or Papo Ola Lokahi to carry out the respective responsibilities of those entities under this Act.

"SEC. 15. RULE OF CONSTRUCTION.

"Nothing in this Act restricts the authority of the State to require licensing of, and issue licenses to, health practitioners.

"SEC. 16. COOPERATION WITH OTHER AGENCIES.

"Any new spending authority described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)) that is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided for in Acts of appropriation.

"SEC. 17. SEVERABILITY.

"If any provision of this Act, or the application of any such provision to any person or circumstance, is determined by a court of competent jurisdiction to be invalid, the remainder of this Act, and the application of the provisions of this Act to such person or circumstance other than that to which the provision is held invalid, shall not be affected by that holding.

By Mr. INOUYE:

S. 216. A bill for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

Mr. INOUYE. President, almost ten years ago, I stood before you to introduce a bill to provide an opportunity for the Pottawatomis of Canada to have the merits of their claims against the United States determined by the United States Court of Federal Claims.

That bill was introduced as Senate Resolution 610, which referred the Pottawatomis’ claim to the Chief Judge of the U.S. Court of Federal Claims and required the Chief Judge to report back to the Senate and provide sufficient findings of fact and conclusions of law to enable the Congress to determine whether the claim of the Pottawatomi Nation in Canada is legal or equitable in nature, and the amount of damages, if any, which may be legally or equitably due from the United States.

Five years ago, the Chief Judge of the Court of Federal Claims reported back that the Pottawatomi Nation in Canada has a legitimate and credible legal claim. Thereafter, by settlement stipulation, the United States has taken the position that it would be “fair, just and equitable” to settle the claims of the Pottawatomi Nation in Canada for the sum of $1,830,000. This settlement amount was reached by the parties after seven years of extensive, fact-intensive litigation. Independently, the court concluded that the settlement amount is “not a gratuity” and that the “settlement was predicated on a credible legal claim.” Pottawatomi Nation in Canada, et al. v. United States, Cong. Ref. 94–1037X at 29 (Ct. Fed. Cl., September 15, 2000) (Report of Hearing Officer).

The bill I introduce today is to authorize the appropriation of those funds that the United States has concluded would be “fair, just and equitable” to the Pottawatomis. If enacted, this bill will finally achieve a measure of justice for a tribal nation that has for far too long been denied.

For the information of our colleagues, this is the historical backdrop that informs the underlying legal claim of the Canadian Pottawatomis. The members of the Pottawatomi Nation in Canada are one of the descendant groups—successors-in-interest—of the historical Pottawatomi Nation and their claim originates in the latter part of the 18th century. The historical Pottawatomi Nation was original to the United States. They occupied and possessed a vast expanse in what is now the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin. From 1795 to 1833, the United States annexed most of the traditional land base of the Pottawatomi Nation through a series of treaties of cession—many of these cessions were made under extreme duress and the threat of military action.

In exchange, the Pottawatomis were repeatedly made promises that the remainder of their lands would be secure and, in addition, that the United States would pay certain annuities to the Pottawatomis. In 1829, the United States formally adopted a Federal policy of removing Indian tribes from their traditional lands east of the Mississippi River to the west. As part of that effort, the government increasingly pressured the Pottawatomis to cede the remainder of their traditional lands, including a group of tribes from the Pottawatomis to the Chiefs of the United States and to the United States of Chicago to agree to cede their territory. Then in 1833, the United States, pressured by settlers seeking more land, sent a Treaty Commission to the Pottawatomis with orders to extract a cession of the remaining lands. The Treaty Commissioners spent 2 weeks using extraordinarily coercive tactics—including threats of war—in an attempt to get the Pottawatomis to agree to cede their territory. Finally, the Treaty Commissioners signed the Treaty of Chicago. Seventy-seven members of the Pottawatomi Nation signed the Treaty of Chicago. Members of the “Wisconsin Band” were not present and did not assent to the cession.

In exchange for their land, the Treaty of Chicago provided that the United States would give to the Pottawatomis 5 million acres of comparable land in what is now Missouri. The Pottawatomis were familiar with the Missouri land, aware that it was similar to their homeland. But the Senate refused to ratify that negotiated agreement and unilaterally switched the land to five million acres in Iowa. The Treaty Commissioners were sent back to acquire Pottawatomis land to the Iowa land. All of those original 77 signatories refused to accept the change even with promises that if they were dissatisfied “justice would be
done.’’ Treaty of Chicago, as amended. Article 4. Nevertheless, the Treaty of Chicago was ratified as amended by the Senate in 1834. Subsequently, the Pottawatomis sent a delegation to evaluate the land in Iowa. The delegation reported back that the land was “not fit for snakes to live on.’’ While some Pottawatomis removed westward, many of the Pottawatomis—particularly the Wisconsin Band, whose leaders never agreed to the Treaty—refused to do so. By 1836, the United States began to forcefully remove Pottawatomis who remained in the east—with devastating consequences. As is true with many other American Indian tribes, the forced removal westward came at great human cost. Many of the Pottawatomis were forcefully removed by mercenaries who were paid on a per capita basis government contract. Over one-half of the Indians removed by these means died en route. Those who reached Iowa were almost immediately forced further to remove to other non-tribal parts of Kansas against their will and without their consent.

Knowing of these conditions, many of the Pottawatomis including most of those in the Wisconsin Band vigorously resisted removal. To avoid removal, Federal troops and mercenaries, much of the Wisconsin Band ultimately found it necessary to flee to Canada. They were often pursued by the border by government troops, government officials of the Canadian and United States governments disclose that many Pottawatomis were forced to leave their homes without their horses or any of their possessions other than the clothes on their backs. By the late 1830s, the government refused payment of annuities to any Pottawatomi groups that had not removed west. In the 1860s, members of the Wisconsin Band—those still in their traditional territory and those forced to flee to Canada—petitioned Congress for the payment of their treaty annuities promised under the Treaty of Chicago and all other cession treaties. By the Act of June 25, 1864 (13 Stat. 172) the Congress declared that the Pottawatomis had been provided their day in court. In 1910, the United States and Great Britain entered into an agreement for the purpose of dealing with claims between both countries, including claims of Indian tribes within their respective jurisdictions, by creating the Pecuniary Claims Tribunal. From 1910 to 1938, the Pottawatomi Nation in Canada diligently and vigorously sought to enforce their treaty rights, until this congressional reference, they had never been provided their day in court. In 1946, the Congress waived its sovereign immunity and established the Indian Claims Commission for the purpose of granting tribes their long-delayed day in court. The Indian Claims Commission Act (ICCA) granted the Commission jurisdiction over claims such as the type involved here. In 1948, the Wisconsin Band Pottawatomis from both sides of the border—brought suit together in the Indian Claims Commission for recovery of damages. The Court of Claims dismissed Pottawatomi Nation in Canada’s part of the claim heard in this international forum. Overlooked for more pressing international matters of the period, including the intervention of World War I, the Pottawatomis then came to the U.S. Congress for redress of their claim. In 1946, the Congress waived its sovereign immunity and established the Indian Claims Commission for the purpose of granting tribes their long-delayed day in court. The Indian Claims Commission Act (ICCA) granted the Commission jurisdiction over claims such as the type involved here. In 1948, the Wisconsin Band Pottawatomis from both sides of the border—brought suit together in the Indian Claims Commission for recovery of damages. Hannaeville Indian Community v. U.S., 457 U.S. 445 (1982). The claim of the Wisconsin Band residing in the United States that was filed in the Indian Claims Commission was finally decided in favor of the Wisconsin Band by the U.S. Claims Court in 1983. The Hannaeville Indian Community v. United States, 457 U.S. 445 (1982). Part of the claim was also decided in favor of the American Wisconsin Band Pottawatomis for any monies not paid. Still the Pottawatomi Nation in Canada came to the Senate and after careful consideration, we finally gave them their long-awaited day in court through the congressional reference process. The court has now reported back to us that their claim is meritorious and that the payment that this bill would make constitutes a “fair, just and equitable” resolution to this claim.

Undaunted, the Pottawatomi Nation in Canada has sought justice for over 150 years. They have done all that we asked in order to establish their claim. Now it is time for us to finally live up to the promise our government made so many years ago. It will not correct all the wrongs of the past, but it is a demonstration that this government is willing to admit when it has left unfulfilled an obligation and that the United States is willing to do what we call to see that justice—so long delayed is not now denied.

Finally, I would just note that the claim of the Pottawatomi Nation in Canada is supported through specific resolutions by the National Congress of American Indians, the largest and most-representative tribal organization here in the United States, the Assembly of First Nations (which includes all recognized tribal entities in Canada), and each and every of the Pottawatomi tribal groups that remain in the United States today.

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

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

S. 216

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

SECTION 1. SETTLEMENT OF CERTAIN CLAIMS.

(a) AUTHORIZATION FOR PAYMENT.—Notwithstanding any other provision of law, subject to subsection (b), the Secretary of the Treasury shall pay to the Pottawatomi Nation in Canada $1,830,000 from amounts appropriated under section 1304 of title 31, United States Code.

(b) PAYMENT IN ACCORDANCE WITH STIPULATION FOR RECOMMENDATION OF SETTLEMENT.—The payment under subsection (a) shall be made in accordance with the terms and conditions of the Stipulation for Recommendation of Settlement dated May 22,
Mr. BINGAMAN. Mr. President, I rise today with 13 other Senators to introduce the bipartisan Essential Air Service Preservation Act of 2005. I am pleased to have my colleague Senator Snowe and many others supporting this bill. Senate Snowe has been a long-time champion of commercial air service in rural areas, and I appreciate her continued leadership on this important issue.

By Mr. BINGAMAN (for himself, Ms. SNowe, Mr. Nelson of Nebraska, Ms. Collins, Mr. Rockefeller, Mr. Harkin, Mr. Grassley, Mr. Jeffords, Mr. Schumer, Mr. Leahy, Mrs. Clinton, Mr. Pryor, Mr. Levin, Mr. Rockefeller, Mr. Harkin, Mr. Grassley, Mr. Jeffords, Mr. Schumer, Mr. Leahy, Ms. SNowe, Mr. Nelson of Nebraska, Mr. Rockefeller, Mr. Harkin, Mr. Grassley, Mr. Jeffords, Mr. Schumer, Mr. Leahy, Mrs. Clinton, Mr. Pryor, Mr. Levin, and Mr. Rockefeller),

S. 217. A bill to amend title 49, United States Code, to preserve the essential air service program; to the Committee on Commerce, Science, and Transportation.

In my State of New Mexico, five cities currently rely on EAS for their commercial air service. The communities are Clovis, Hobbs, Carlsbad, Alamogordo, and my hometown of Silver City. I believe this ill-conceived proposal requiring cities to pay to continue to have commercial air service could not come at a worse time for small communities already facing depressed economies and declining tax revenues.

As I understand it, the mandatory cost-sharing requirements in the FAA reauthorization bill could affect communities in as many as 22 states. Based on an analysis by my staff, the individual cities that could be affected are as follows:

Alabama—Muscle Shoals; Arizona—Prescott, Kingman; Arkansas—Hot Springs, Harrison, Jonesboro; Colorado—Pueblo; Georgia—Athens; Iowa—Fort Dodge, Burlington; Kansas—Salina; Kentucky—Owensboro; Maine—Augusta, Rockland; Michigan—Iron Mt., Mississippisaw, Laurel; Missouri—Joplin, Ft. Leonard Wood; New Hampshire—Lebanon; New Mexico—Hobbs, Alamogordo, Clovis; New York—Watertown, Jamestown, Plattsburgh; Oklahoma—Ponca City, Enid; Pennsylvania—Johnstown, Oil City, Bradford; Alabama—Muskogee, Altona; South Dakota—Brookings, Watertown; Tennessee—Jackson; Texas—Victoria; Vermont— Rutland; Washington—Moses Lake.

As I see it, the choice here is clear: If we do not preserve the Essential Air Service Program today, we could soon see the end of all commercial air service in rural areas. The EAS program provides vital resources that help link our rural communities to the national and global aviation system. Our bill will preserve the essential air service program and help ensure that affordable, reliable, and safe air service remains available in rural America. Congress is already on record opposing mandatory cost sharing. I hope all Senators will once again join us in opposing this attack on rural America.

I ask unanimous consent that the text of the bill be ordered to be printed in the Record.

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

S. 217

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 “Essential Air Service Preservation Act of 2005.”

SEC. 2. REPEAL OF EAS LOCAL PARTICIPATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747, and such section shall be applied as if such section 41747 had not been enacted.

(b) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by striking the item relating to section 41747.

By Mr. KOHL:

S. 218. A bill to amend the Food Security Act of 1985 to provide incentives to landowners to protect and improve streams and riparian habitat; to the Committee on Agriculture, Nutrition, and Forestry.

MR. KOHL. Mr. President, there are a number of different conservation programs aimed at farmers, with a variety of goals. While many of those programs improve water quality and stream health, none are primarily focused with improving fish habitat. The bill I am introducing today would focus USDA conservation dollars on restoring high quality fish habitat in streams around rural America.

While there are millions of miles of streams throughout the country, few of these streams are able to support the kind of first rate fisheries that they have in the past. Agriculture and industry have altered riverbeds over the years, slowing the movement of water for their own purposes. The EPA and the Fish and Wildlife Service have found that 81 percent of all stream fish habitats in the U.S. have been adversely affected by either pollution or other disturbances. In places where al- terations in the river are no longer needed, they should be removed to restore the ecosystem for the native fish.

Clean, fresh, fast moving streams are a necessary requirement for some of our most valuable and sought-after game fish. Trout, one of our most valuable and sought-after game fish, need very specific conditions to thrive, and those conditions have been harder and harder to find. Currently roughly 2 percent of all freshwater fishes are either considered rare or at risk. Habitat loss is part of the problem, at roughly 19 percent of streams and rivers in the lower 48 on high enough quality for wild or scenic status.
This bill, the Stream Habitat Improvement Program, is about more than just preserving an ecosystem or building wildlife populations, this is also about tourism and recreation. Fishing in this country is big business. In Wisconsin alone there are almost 950,000 anglers; almost half a billion more come from out of State to fish in Wisconsin. Together these anglers spend $1 billion on fishing related expenses in our State. Nationwide recreational fishing is related to $41 billion on economic activity. An industry with this much impact around the country deserves our consideration.

The bill introduced today would provide payments to farmers who engage in conservation projects that improve stream health. The bill is based on the Wildlife Habitat Improvement Program, but focused more closely on streams, creeks, and rivers. Farmers who participate in the program will make improvements on streams running through their property. Improvements could include repairing shoreline, moving barriers to fish passage, and planting trees to shade the water and strengthen stream banks. Farmers who are willing to make the efforts to improve our streams, nothing else will do, will cover for fish can do a lot to rehabilitate this resource.

Not every river and stream needs to be returned to its natural state, or be granted wild and scenic status. But this bill tries to take a small step toward repairing a resource for the future. Fishing, especially trout and fly fishing, are big business in this country, as well as important environmental indicators. Our efforts to further stream quality will have both economic benefits as well as natural ones, and those are the kind of efforts that everyone in Congress can get behind. I ask unanimous consent that the bill be printed in the RECORD.

Without objection, the bill was ordered to be printed in the RECORD, as follows:

S. 218

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

SECTION 1. STREAM HABITAT IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) is amended by adding a section to that chapter to be known as the "Stream Habitat Improvement Program".

(b) ELIGIBLE PROJECTS.—The Stream Habitat Improvement Program (referred to in this section as the "program") shall establish within the Natural Resources Conservation Service a program to be known as the stream habitat improvement program (referred to in this section as the "program").

(c) IN GENERAL.—The Secretary, in consultation with the State technical committees established under section 1261, shall establish the program to provide payments to farmers who engage in conservation projects that improve stream health. The program shall provide payments to farmers who engage in conservation projects that improve stream health.

(d) FUNDING AND TECHNICAL ASSISTANCE.—Section 1291(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by adding at the end the following:

(3) the stream habitat improvement program under subsection (a), to the maximum extent practicable, $60,000,000 in each fiscal year 2006 through 2008.

(b) ELIGIBLE PROJECTS.—Section 1291(b) of the Food Security Act of 1985 (16 U.S.C. 3841(b)) is amended by striking "(1) through (7)") and inserting "(1) through (8)").

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 219. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes.

Mr. GRASSLEY. Mr. President, I rise today along with my colleague, Senator BAUCUS, the Ranking Member of the Finance Committee, to re-introduce the National Employee Savings Trust Act—often referred to as the NESTEG bill as we call it in the Finance Committee. The NESTEG bill would reform our pension and retirement savings laws in several important ways. For example, NESTEG would require companies to diversify out of company stock, a provision that the Committee adopted in response to the events at Enron which followed employees' plans almost overnight. The NESTEG bill also includes other important participant protections including enhanced disclosure requirements, new rules governing so-called blackout periods, and faster vesting of employer contributions. In addition, NESTEG expands the portability of retirement plan assets so that workers can keep money saved for retirement, and simplifies pension laws and regulation. The NESTEG bill also responds to the uncertainty in the rules governing defined benefit pensions by permanently adopting the yield curve as a replacement for the 30-year Treasury rate.

Last year, the Finance Committee unanimously approved the NESTEG bill and Mr. BAUCUS moved that the Senate adopt this important provision, seeing it signed into law. This bill first began in the wake of the outrageous events that went on in the wake of the collapse of Enron and corporate scandals at other companies. Over the past few years, the Finance Committee has worked diligently to enact reforms in a number of areas of the law to make sure that events like that don’t happen again.

The important pension protections in the NESTEG bill are one remaining area for reform. The headlines have died down, but workers’ pensions are still too vulnerable to company failures. Thus, a central piece of this bill would allow employees to diversify their retirement plans so that they are not overly concentrated in company stock. Diversification is one of the hallmark principles of sound investment strategy, and promoting diversification should be a hallmark of our pension laws.

But the NESTEG bill is not just a bill that responds to Enron-like situations. The NESTEG bill includes other important improvements to 401(k) and other defined contribution plans as well. The bill makes it easier for employees to transfer amounts from one plan to another, thereby making sure that plan assets remain saved for retirement. And the bill includes provisions designed to make it easier and more effective for businesses to sponsor a retirement plan. Small businesses are vital to our economy, and we need to encourage a level playing field so that workers at small businesses throughout our country have the same access to retirement plans as workers at Fortune 500 companies.

The NESTEG bill also would remove a major source of uncertainty plaguing our pension system by enacting the yield curve as a permanent replacement for the 30-year Treasury rate. The NESTEG bill also would provide reliable pension funding, and employers need a reliable basis on which to calculate pension payments. The NESTEG bill
also gives plan sponsors more flexibility to fund their plans well in good times, and restricts the ability of companies with severely underfunded plans to promise more benefits to work. The Administration has recently come forward with additional pension funding reform proposals, and I look forward to examining those reforms as the Finance Committee considers legislation in this area this year.

Retirement security is a topic that is going to get a great deal of attention this year. We know we need to increase long-term savings in America, and we know that there are ways that we can improve our private retirement system. The reforms in the NESTA bill that I am introducing today with Senator BAUCUS represent an important step forward in improving Americans’ retirement security. As we debate retirement security issues this year, I look forward to working with my colleagues to achieve the goal of ensuring that all Americans achieve a secure retirement.

Mr. BAUCUS. Mr. President, I am pleased to join my good friend Senator Grassley and other colleagues in introducing the National Employee Savings and Trust Equity Guarantee Act.

Senator GRASSLEY and I have attempted to put together a bipartisan plan to improve the security of the pension plans that cover America’s workers. The Finance Committee approved similar legislation in the last Congress. Some of the provisions in this bill that provide participant protections were in a bill we introduced in the 107th Congress—a bill designed to help us avoid another Enron retirement plan debacle.

We all remember Enron. Thousands of workers lost their jobs. Because their retirement accounts were heavily invested in company stock, these workers lost most of their retirement savings as well. While the story of Enron’s employees is no longer new, others companies unfortunately have risen up, or fallen down, to take Enron’s place.

This country is in the middle of a discussion about retirement security. The administration is recommending that we introduce investment risk into the Social Security system—a system that is the sole source of retirement income for one-fifth of our senior citizens, and the primary source for almost two-thirds of seniors. Before we introduce risk into Social Security, the bedrock of our retirement system, we need to take a hard look at how we can reduce risk to participants in the private retirement system. That is what this bill is about.

Pension legislation is challenging. Companies offer plans voluntarily. If we value employer-sponsored retirement plans—and I do—we need to be careful not to make them so burdensome that companies will stop offering them. At the same time, workers have the right to basic protections to make sure that the money that they are counting on for retirement is really there when the time comes.

I believe that this bill strikes that balance. It phases out the ability companies have to keep workers locked into company stock in their retirement plans. But it does not limit those workers’ ability to invest in that stock if they decide that doing so is best for them.

To help make that decision, we give workers tools to make good decisions, and really understand the consequences of their actions. We require the issuance of benefit statements so workers know how much their accounts are worth and how much company stock they already own. And we provide a safe harbor to make it easier for employers to make independent investment advice available if they want to.

The challenge inherent in legislating for a voluntary pension system is particularly sensitive when the subject is defined benefit plan funding. When we discuss and debate funding proposals, we need to think of the health of PBGC, the participants who are counting on defined benefit pensions and the employers who have been willing to promise these benefits.

The Pension Benefit Guaranty Corporation insures defined benefit plans covering forty-four million Americans. As recently as 2001, PBGC had a projected surplus. Now PBGC has a projected deficit of $23 billion. And this deficit represents unfunded guaranteed benefits. Sadly, many participants were promised benefits in excess of those guaranteed by PBGC. These participants planned their retirement around a benefit promise, only to have the rug pulled out from under them. We must strengthen the funding of defined benefit pension plans so promises made can be kept. This bill takes some important steps toward this goal.

First, this bill provides a permanent replacement for the 30-year Treasury rate used to determine funding requirements for defined benefit plans. Congress passed a temporary substitute last year, but our temporary fix expires at the end of this year. This bill would extend the current corporate bond rate for an additional year, and then begin phasing in the yield curve—a set of rates that recognizes that you will get a different interest rate on a 5-year loan than on a 15-year loan.

This bill increases the deductible limit on contributions to defined benefit pension plans. This is so critical. We must allow companies to contribute more in good times, to build a cushion for bad times.

Under this bill, plans of financially distressed companies that are less than 50 percent funded would not be allowed to continue promising additional benefits until either the funding improves, or the company’s financial footing is more solid. This is a tough provision. But we have to make sure that employers that have learned their lessons have to do their best to make companies pay for promises they have made. But when a company cannot pay for more promises, we must be willing to step in and say ‘No more promises.’

This bill has a number of other provisions that will make it easier for a worker to move retirement plans from employer to employer, or from an employer plan to an IRA. There are also provisions that will make it easier for a worker to step in and say ‘No more promises.’

I look forward to continuing to work with the Chairman of the Finance Committee, Senator GrASSLEY, to see the National Employee Savings and Trust Equity Guarantee Act through to enactment. I urge my colleagues to join us in working toward a more secure retirement for millions of Americans.

By Ms. STABENOW (for herself, Mr. KENNEDY, Mrs. BOXER, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. DAYTON, and Mr. CORZINE):

S. 222. A bill to amend title XVIII of the Social Security Act to provide for a temporary substitute for the current COLA increased by only 2.7 percent.

What are the implications of such a discrepancy? More than 2 million beneficiaries nationwide have lost their entire COLA to the Medicare premium increase, and almost 13 million seniors and disabled Americans will have over 50 percent of their COLA consumed by the Medicare premium increase.

This dramatic increase could have been avoided—OMB Administrator McClellan has acknowledged that provisions included in the 2003 Medicare law designed to privatize the program directly contributed to the premium increase.

Therefore, my legislation will limit, retroactively, the 2005 Part B premium increase to the same level as the Social Security COLA. The result will be nearly a $10 monthly savings for our seniors—the Bush Administration has estimated seniors a monthly $78.20 premium; under our legislation the premium would be $68.40.

Older Americans have been struggling under the relentless increases in the cost of their health care and prescription drugs. Rather than alleviating the challenges they are facing, the 2005 premium increase has made their situation even direr.

Adjusting the current premium is a first step, and one we must take immediately. Additionally, we should use our Medicare Act to establish a law that has led to record increase in Medicare premiums in the last four years.

The promise of Medicare must include
protection from dramatic increases in the Part B premium.

I urge my colleagues to join me on this important piece of legislation.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. KERRY, Mr. LEVIN, Mr. DAYTON, Mrs. MURRAY, Ms. STABENOW, Ms. MIKULSKI, Mr. LUTENBERG, Mr. DODD, Mr. LEAHY, Mr. ROCKEFELLER, and Mr. SARASANES):

S. 223. A bill to amend the Fair Labor Standards Act of 1938 to repeal any weakening of overtime protections and to avoid future loss of overtime protections due to inflation; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am here to introduce legislation and to talk about an issue that my colleagues have heard me speak about on numerous occasions during the course of the past two years, frequently at some length. That issue is overtime pay for American workers.

It is a subject I feel deeply about. It has become very clear to me that Iowa workers feel deeply about it as well. Working families across the country feel deeply about it.

I know that is true because people approach me and tell me what overtime pay means to them and their families. They tell me stories about how they are associated with this fight here in Congress over protecting overtime pay, so when people recognize me, they very often will approach me and tell me a little bit about themselves and why they support my efforts on this issue. Many of them even become emotional about it.

Why is that? Why do people feel so strongly? For some, it is a simple matter of fairness and valuing work. They believe that receiving time-and-a-half pay when they put in more than 40 hours of work in a week is fair because if they are going to give up their premium time—hours beyond a normal workweek—then their employer should provide them with premium pay. It is simple fairness. Of course, they might also rely on that premium pay as a substantial part of their income.

That is a benefit of valuing work fairly. They make more money.

Most people making overtime pay are not extremely affluent, so they are probably a lot of that premium pay is given back to the economy, putting it right into the local economy. That is therefore a further benefit to the economy.

Other people, to tell the truth, would rather not work a lot of overtime hours. I have become a 40-hour workweek is a full workweek.

That is what the Fair Labor Standards Act, FLSA did, when we passed it in 1938. It established the principle of a 40-hour workweek in law by saying that employers need to pay extra when they require their employees to work longer than 40 hours, and many people value the law for that reason. They want to keep their premium time for themselves. They want to spend their premium time doing leisure activities or performing important family duties.

In 1938, our government decided that the 40-hour workweek was important to Americans. Look in any economic history book. It is treated as a fundamental and valuable principle in our economy. Overtime pay rewards work, and it reduces exploitation. It protects "premium time" for working men and women.

The 40-hour workweek says: Human beings are more than just the work they do. It says, the progress of technology can allow us to enjoy a good standard of living and quality of life without spending all of our hours toiling and laboring.

The 40-hour workweek also creates jobs. Requiring time-and-a-half pay for overtime work encourages employers to hire more people rather than requiring additional hours of work from existing employees. Franklin Roosevelt cited this as a rationale when he signed the FLSA into law.

In 1993, probably for all the reasons I have just mentioned, the United States Senate voted 53 to 30 to set a cap for hours in a workweek. The number of hours was 30. The Senate voted to cap the workweek in the United States at 30 hours. Those were extremely difficult times economically, but the Senate of 70 years ago nonetheless placed a greater value on quality time spent off the job than they did increasing productivity with longer workweeks.

The Bush rules are deeply flawed. They make millions of modest-income and moderate-income American workers vulnerable to losing their eligibility for overtime pay, broadening the categories of workers that are ineligible for overtime protections—often in response to specific requests from industries.

If overtime is free to the employer, it is going to be overused. A study done by the Center for Women and Work at Rutgers University showed that only 20 percent of the workers eligible for overtime work more than 40 hours a week, but 44 percent of workers who are exempt from overtime pay work overtime.

Several months ago, three former cabinet officers sent a report, after having done an in-depth review of these rule changes. Their analysis should be read by all to whom the issue of overtime is important.

These were not just any three former DoL officials. These were the top three people who administered these regulations over the course of the last two decades. They speak with enormous credibility on this issue.

These career employees have said that in every instance where DoL has made substantial changes to the existing rules, it has weakened the criteria for overtime exemptions and thereby expanded the reach and scope of the exemptions." This comes from people who were elevated to their high positions within DoL during the Reagan administration. The fact that they say these new rules are bad for the American worker in all ways but one ought to mean something. All of my colleagues are well aware that I led fights on the Senate floor during the last Congress to block or repeal the Department of Labor's FLSA overtime rule changes. Despite the fact that my colleagues voted 6 times during that period to protect workers' overtime by blocking the new rules, the administration insisted on ignoring the will of Congress. The new rules went into effect on August 23 of last year.

The bill I am introducing today would simply allow any workers who were entitled to overtime before the new rules took effect last August to retain their overtime rights. It makes ineffective those portions of the new rules that allow employers to take overtime eligibility away from workers who were eligible before the new rules took effect.

Secondly, my bill would also increase the minimum salary threshold. The minimum salary threshold that helps determine overtime eligibility had not been raised since 1975 before the Bush administration raised it to $23,660. The administration did not raise it high enough, and millions of workers who should be covered are not covered due to this inadequacy. This bill will increase the number of workers covered by overtime protections by raising the minimum salary threshold to $30,712—to correspond with the increase in workers' wages since 1975. The bill also contains language that requires the salary threshold be adjusted annually to reflect and keep pace with increases in inflation.

American workers deserve an ironclad guarantee that their overtime rights are safe. That is what the bipartisan bill I am introducing today accomplishes. It repeals any provisions of the new rules that took effect last August that weaken overtime protections, and it indexes the minimum salary threshold annually to avoid future loss of overtime protections due to inflation. I thank the 13 of my colleagues who have agreed to cosponsor this for their support, and I look forward to adding more. I look forward to 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. 223

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 "Overtime Rights Protection Act".

SEC. 2. AMENDMENT TO THE FAIR LABOR STANDARDS ACT OF 1938.

Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:
time-and-a-half pay for overtime work 
even though they've had the right to
But they get no extra pay for doing so, 
time pay, they still work longer hours. 
they are countless men and women in 
sistants in mental health facilities. 
earned for working overtime. 
about losing higher pay they've always 
continued the unfair assault on Amer-
tration's overtime rule, and the House 
ay workers.

Mr. KENNEDY. Mr. President, I com-
HARKIN for introducing the Overtime Rights Protection Act to restore overtime protections for the more than 6 million Americans denied overtime pay and denied the guarantee of a 40-hour work week by the Repub-
for executive, administrative, and managerial occupations between 1975 and 2005.

"(B) Not later than December 31 of the cal-
year following the increase required in 
paragraph (A), and each December 31 thereafter, the Secretary shall increase the minimum salary level for exemption under subsection (a)(1) by an amount equal to the increase in the Employment Cost Index for executive, administrative and managerial occupations for the year involved.

Mr. KENNEDY. Mr. President, I com-
for the enactment of this legislation and 
In today's economy, workers are con-
their jobs, their livelihoods, and their 
manship and function of the law, any por-
tion of the final rule promulgated on April 
23, 2004, revising part 541 of title 29, Code of 
Federal Regulations, that exempts from the 
overtime provisions of section 7 of this 
Any employee who would not otherwise 
be exempt if the regulations in effect on 
March 31, 2003 remained in effect, shall have no 
choice to work longer hours for no extra pay, rather than hire new workers to do the extra work. 
Denying overtime pay is a thinly veiled scheme to reduce workers' pay 
and raise employers' profits. In this 
troubled economy, it makes no sense to 
ask any workers anywhere in America to give up their overtime pay. 

Instead of making hard-working men 
and women work longer hours for less 
pay, businesses should create new jobs 
by hiring more employees to do the 
work.

We know that employees across 
America are already struggling hard to 
balance their family needs and their 
work responsibilities. Requiring them 
to work longer hours for less pay will 
impose an even greater burden in this 
daily struggle.

According to the Families and Work 
Institute, two of the most important 
things that children would most like 
change about their parents are that 
they are distressed by their work, and they 
wish they could spend more time with 
their parents.

The Government Accountability Of-
ce says that employees without over-
time protection are twice as likely to 
work overtime and be covered by the protection. In other words, busi-
nesses don't hesitate to demand longer 
hours, as long as they don't have to 
pay higher wages for the extra work.

Protecting the 40-hour work week is 
vital to protecting the work-family 
balance for millions of Americans in 
communities in all parts of the nation. 
The last thing Congress should be 
doing is to allow the new anti-overtime 
rule to make the balance worse for 
workers than it already is.

Under the overtime law, low-income 
workers are supposed to be automati-
cally included. But today, millions who 
should be included are left out, since 
wages have increased, but the max-
imum earnings level for automatic cov-
erage has remained the same for 30 
years. The Bush Administration raised 
it to $23,068 in 2005, but that level is 
still too low. The Harkin bill 
will cover more workers by raising the 
threshold to $30,712, and index it to 
keep pace with wage growth. This 
change will bring it to the level it 
would be if we'd made annual adjust-
ments for wage inflation over the last 
30 years. 

Congress cannot look the other way 
while more and more Americans lose 
their jobs, their livelihoods, and their 
dignity. Denying overtime pay rubs salt in the wounds of this 
throubled economy. Enacting the 
Overtime Rights Protection Act will end 
this injustice, and I urge my col-
leagues to support it.
S. RES. 23
Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXVI of such Rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

S. RES. 24
Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXVI of such Rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

S. RES. 25
Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXVI of such Rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.
not exceed $4,081,365, of which amount (1) not to exceed $17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $7,165,470, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $3,049,982, of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee, except that vouchers shall not be required (1) for the salaries of employees paid at an annual rate, or (2) for the payment of telecommunication provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005; October 1, 2005 through September 30, 2006; and October 1, 2006 through February 28, 2007, to be paid from the Appropriation account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 26—COMMENDING THE PEOPLE OF IRAQ ON THE ELECTION HELD ON JANUARY 30, 2005, OF A 275-MEMBER TRANSITIONAL NATIONAL ASSEMBLY AND OF PROVINCIAL AND «REGIONAL GOVERNMENTS; AND ENCOURAGING FURTHER STEPS TOWARD ESTABLISHMENT OF A FREE, DEMOCRATIC, SECURE, AND PROSPEROUS IRAQ

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

Whereas on January 30, 2005, for the first time in over 50 years, the citizens of Iraq had the opportunity to vote in a free election, to choose their own leaders, and to begin the process of writing their own constitution;

Whereas the election in Iraq was held despite imperfect conditions, threats to voters, candidates, and election workers, and acts of violence by those seeking to prevent the voice of the majority of the people of Iraq from being heard;

Whereas an estimated 14,300,000 Iraqis were registered to vote, more than 5,000 polling stations across Iraq and in 14 other countries;

Whereas a majority of individuals who were eligible to vote participated in the election and the final results of the election will be certified on February 15, 2005;

Whereas, the newly elected 275-member Transitional National Assembly of Iraq will include at least 25 percent female representation, will serve as the national legislature of Iraq, and will name a Presidency Council of 3 to 5 members with a 2-thirds majority; the Presidency will appoint a new Prime Minister of Iraq and approve the selection of cabinet ministers;

Whereas the Transitional National Assembly will draft a national constitution that will be presented to the people of Iraq for their approval in a national referendum to be held in October 2005 and that will lead to the election of a constitutional government in Iraq;

Whereas the election establishes a credible process for governing Iraq under a mandate from the majority of the people of Iraq and reflects the will of the people for a new Iraq in which all communities are represented and terrorism is defeated;

Whereas the election was a historic step towards development of democracy for the people of Iraq and an inspiration to all those in the region who are striving to achieve democracy in their own countries;

Whereas the United States is committed to facilitating the development of a strong and proud Iraq that is built by the people of Iraq through their unified efforts and their commitment to protecting the territorial integrity and national unity of Iraq;

Whereas President George W. Bush stated after the election in Iraq that the “world is hearing the voice of freedom from the center of the Middle East...and the will of the people is being heard, millions of Iraqis voted on Sunday. For the first time in over 50 years, the Iraqi people have been given the opportunity to choose their leaders. Through this resolution, the Senate recognizes and commends this historic moment and the strides of the Iraqi people toward free and fair elections.

NOTICES OF HEARING/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following oversight hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday February 17, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to review the National Park Service’s implementation of the Federal Lands Recreation Enhancement Act authorized in Public Law 108-447.

Because of the limited time available for the hearing, witnesses may testify
Mr. HARKIN. Mr. President, I ask unanimous consent that when the objection is tendered, it is so ordered.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94–118, Section 4(a)(3) appoints the Senator from Alaska, Ms. Murkowski, to the Japan-United States Friendship Commission.

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party luncheons.

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

PROGRAM

Mr. MCCONNELL. Mr. President, to-morrow, following morning business, the Senate will begin consideration of the nomination of Alberto Gonzales to be Attorney General. I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party luncheons.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Ben Taylor of Wisconsin be granted floor privileges for the remainder of the session.

Mr. HARKIN. Mr. President, I ask unanimous consent that the resolution by title.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution by title.

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate stand in adjournment until 5:33 p.m., adjourned until Tuesday, February 1, 2005, at 9:45 a.m.
RUSSELL L ANDERSON, 0000 KURK P ANDERSON, 0000 RUSSELL L ANDERSON, 0000

12203: RINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION TO THE GRADE INDICATED IN THE UNITED STATES MA-
WAYNE R ZUBER, 0000 DOUGLAS A ZEMBIEC, 0000 LUIS R ZAMARRIPA, 0000 JOSHUA S ZAGER, 0000 GERALD K YOUNG, 0000 ERIC W YOUNG, 0000 JUDY J YODER, 0000 WALTER YATES, JR, 0000 ELLYN M WYNNE, 0000 MATTHEW J WORSHAM, 0000 MATTHEW A WOODHEAD, 0000 ERIC S WOLF, 0000 BRIAN D WIRTZ, 0000 ESTHER F WINGARD, 0000 CHARLES P WINCHESTER, 0000 PHILIP A WILLIAMS, 0000 JOHN D WILKERSON, 0000 DAVID E WILKERSON, 0000 JUSTIN P WILHELMSEN, 0000 WILLIAM T WILBURN, JR, 0000 JAMES A WHITLEY, 0000 BRADLEY C WESTON, 0000 SCOTT A WESTERFIELD, 0000 JAMES M WEIS, 0000 ANDREW J WEIS, 0000 ROBERT S WEILER, 0000 TIMOTHY B WATERBURY, 0000 BRENDA L WASSER, 0000 ROBERT S WASHINGTON, 0000 JOHN I WASCHER, 0000 ANDREW B WARREN, 0000 TERRANCE D WARDINSKY, JR, 0000 JEFFREY P WARBIANY, 0000 LAWRENCE M WALZER, 0000 ERIC G WALTERS, 0000 DAVID T WALLACE, 0000 WILLIAM F WAHLE, 0000 MICHAEL L WAGNER, 0000 DANIEL C WAGNER, 0000 JASON C VOSE, 0000 BRIAN J VONHERBULIS, 0000 WOLFGANG W VONASPE, 0000 SCOTT A VOIGTS, 0000 JOSE A VERDUZCO, JR, 0000 JAY D VAUGHN, 0000 RICHARD W VARACALLE, 0000 GREGORY S VALLHONRAT, 0000 CHRISTOPHER J USREY, 0000 MARK L UNGER, 0000 STEVEN R TURNER, 0000 JAMES J TOTH, 0000 KEITH H TOPEL, 0000 BRADFORD W TIPPETT, 0000 KELSEY R THOMPSON, 0000 THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NA-
MAARTEN VERMAAT, 0000 JAMES F WADI, 0000 JAMES C WHARTON III, 0000 KEVIN B WILLIAMS, 0000 HARVY T WILLOGHBY, 0000 CRAIG G WOLFGAUM, 0000 GREGORY M WOODWARD, 0000 GARY K WORSTHAM, 0000 IN THE NAVY THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be commander
KEITH R ANDERSON, 0000

To be colonel
KEITH R ANDERSON, 0000

To be captain
RUSSELL L ANDERSON, 0000

To be lieutenant commander
RUSSELL L ANDERSON, 0000 KURK P ANDERSON, 0000 RUSSELL L ANDERSON, 0000

To be lieutenant
RUSSELL L ANDERSON, 0000 KURK P ANDERSON, 0000 RUSSELL L ANDERSON, 0000

The following named officers for appointment to the grade indicated in the United States Marine Corps Reserve under Title 10, U.S.C., Section 12203:

To be lieutenant commander
KEITH R ANDERSON, 0000

To be lieutenant
RUSSELL L ANDERSON, 0000
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a Computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 1, 2005 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

FEBRUARY 2

9:15 a.m.
Environment and Public Works
To hold hearings to examine S. 131, to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program.

SD–406

9:30 a.m.
Justice
To hold hearings to examine FELA issues relating to asbestos.

SD–226

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the U.S. Tsunami Warning System, and S. 50, to authorize and strengthen the National Oceanic and Atmospheric Administration’s tsunami detection, forecast, warning, and mitigation program.

SR–253

Finance
To hold hearings to examine long term outlook for social security.

SD–215

Health, Education, Labor, and Pensions
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee’s rules of procedure for the 109th Congress, and subcommittee assignments.

SD–430

Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Michael Chertoff, to be Secretary of Homeland Security.

SD–342

4 p.m.
Armed Services
To receive a closed briefing regarding training of Iraqi security forces.

SR–222

FEBRUARY 3

Time to be announced
Homeland Security and Governmental Affairs
Business meeting to consider the nomination of Michael Chertoff, to be Secretary of Homeland Security.

Room to be announced

9:30 a.m.
Judiciary
Business meeting to consider pending calendar business.

SD–226

10 a.m.
Armed Services
To hold hearings to examine U.S. military operations and stabilization activities in Iraq and Afghanistan.

SD–366

Energy and Natural Resources
To hold hearings to examine global energy trends and their potential impact on U.S. energy needs, security and policy, focusing on the 2005 annual energy outlook, perspectives on emerging world energy trends, including key factors affecting energy supply (such as OPEC and Russia) and energy demand (such as Asia).

SH–216

Veterans’ Affairs
To hold hearings to examine benefits for survivors of those killed in the line of duty.

SR–418

11 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the effects of Bovine Spongiform Encephalopathy (BSE) on United States imports and exports of cattle and beef.

SD–106

2 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine the Federal Bureau of Investigation’s Information Technology Modernization Program, Trilogy.

SD–192

Aging
To hold hearings to examine current and future social security issues.

SD–628

FEBRUARY 8

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the role of credit rating agencies in capital markets.

SD–538

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the implementation of Titles I through III of P.L. 106–393, the Secure Rural Schools and Community Self-Determination Act of 2000.

SD–366

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.

SD–366

FEBRUARY 9

9:30 a.m.
Armed Services
To hold hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.

SH–216

FEBRUARY 10

10 a.m.
Veterans’ Affairs
To hold hearings to examine the Administration’s proposed fiscal year 2006 Department of Veterans Affairs budget.

SR–418

2:30 p.m.
Foreign Relations
To hold hearings to examine CIA document disclosure under the Nazi War Crimes Disclosures Act.

SD–226

FEBRUARY 15

9:30 a.m.
Indian Affairs
To hold hearings to examine President’s fiscal year 2006 budget request for Indian programs.

SR–485

10 a.m.
Veterans’ Affairs
To hold hearings to examine the President’s fiscal year 2006 Department of Veterans Affairs budget.

SH–216

FEBRUARY 16

9:30 a.m.
Indian Affairs
To continue hearings to examine the President’s fiscal year 2006 budget request for Indian programs.

SD–106

FEBRUARY 17

9:30 a.m.
Armed Services
To resume hearings to examine the President’s fiscal year 2006 budget request for Indian programs.

SD–419

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the semi-annual monetary policy report to Congress.

SD–106

Foreign Relations
To hold hearings to examine democracy on the retreat in Russia.

SD–419

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine National Park Service’s implementation of the Federal Lands Recreation Enhancement Act.

SD–366

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
MARCH 1
10 a.m.
Energy and Natural Resources
To hold hearings to examine the President’s proposed budget request for fiscal year 2006 for the Department of the Interior.
SD-366

MARCH 2
10 a.m.
Energy and Natural Resources
To hold hearings to examine the President’s proposed budget request for fiscal year 2006 for the Forest Service.
SD-366

MARCH 3
9:30 a.m.
Armed Services
To resume hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.
SH-216

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President’s proposed budget request for fiscal year 2006 for the Department of Energy.
SD-366

MARCH 8
2 p.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the Disabled American Veterans.
345 CHOB

MARCH 9
10 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the Veterans of Foreign Wars.
SH-216

MARCH 10
10 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Blinded Veterans Association, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America and the Jewish War Veterans.
345 CHOB

APRIL 14
10 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America.
345 CHOB

APRIL 21
10 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America.
345 CHOB

SEPTEMBER 20
10 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB
HIGHLIGHTS

Senate confirmed the nomination of Samuel W. Bodman, of Massachusetts, to be Secretary of Energy.

Senate

Chamber Action

Routine Proceedings, pages S615–S680

Measures Introduced: Twenty three bills and five resolutions were introduced, as follows: S. 201–223, and S. Res. 22–26.

Measures Reported:
- S. Res. 22, authorizing expenditures by the Select Committee on Intelligence.
- S. Res. 23, authorizing expenditures by the Special Committee on Aging.
- S. Res. 24, authorizing expenditures by the Committee on the Budget.
- S. Res. 25, authorizing expenditures by the Committee on Finance.

Measures Passed:

Providing for a Joint Session: Senate agreed to H. Con. Res. 20, providing for a joint session of Congress to receive a message from the President.

Nomination—Agreement: A unanimous-consent agreement was reached providing that at 10:45 a.m., on Tuesday, February 1, 2005, Senate will begin consideration of the nomination of Alberto R. Gonzales, of Texas, to be Attorney General.

Appointments:

United States Capitol Preservation Commission: The Chair, on behalf of the Republican Leader, pursuant to Public Law 100–696, announced the appointment of Senator Cochran as a member of the United States Capitol Preservation Commission, vice Senator Campbell.

Japan-United States Friendship Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 94–118, Section 4 (a) (3) appointed Senator Murkowski to the Japan-United States Friendship Commission.

Nominations Confirmed: Senate confirmed the following nomination:
- Samuel W. Bodman, of Massachusetts, to be Secretary of Energy.

Nominations Received: Senate received the following nominations:
- Michael Chertoff, of New Jersey, to be Secretary of Homeland Security.
- 22 Air Force nominations in the rank of general.
- 2 Army nominations in the rank of general.
- 1 Navy nomination in the rank of admiral.
- Routine lists in the Air Force, Coast Guard, Marine Corps, Navy.

Additional Co-sponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements
Notices of Hearings/Meetings:

Privilege of the Floor:

Adjournment: Senate convened at 1 p.m., and adjourned at 5:33 p.m., until 9:45 a.m., on Tuesday, February 1, 2005. (For Senate’s program, see the remarks of Acting Majority Leader in today’s Record on page S677.)

Committee Meetings

No committee meetings were held.
House of Representatives

Chamber Action

The House was not in session today. The House will meet at 2 p.m. on Tuesday, February 1.

Committee Meetings

No committee meetings were held.

CONGRESSIONAL PROGRAM AHEAD

Week of February 1 through February 5, 2005

Senate Chamber

On Tuesday, at 10:45 a.m., Senate will begin consideration of the nomination of Alberto R. Gonzales, of Texas, to be Attorney General.

On Wednesday, at 8:45 p.m., Senate will proceed as a body to the House Chamber for a joint session to receive the State of the Union Address by the President of the United States.

During the balance of the week Senate will consider any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: February 3, to hold hearings to examine the effects of Bovine Spongiform Encephalopathy (BSE) on United States imports and exports of cattle and beef, 11 a.m., SD–106.

Committee on Appropriations: February 3, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings to examine the Federal Bureau of Investigation's Information Technology Modernization Program, Trilogy, 2 p.m., SD–192.

Committee on Armed Services: February 1, to hold hearings to examine death benefits and services available to survivors of military personnel and legislative proposals to enhance these benefits, 9:30 a.m., SH–216.

February 2, Full Committee, to receive a closed briefing regarding training of Iraqi security forces, 4 p.m., SR–222.

February 3, Full Committee, to hold hearings to examine U.S. military operations and stabilization activities in Iraq and Afghanistan, 10 a.m., SH–216.

Committee on the Budget: February 1, to hold hearings to examine the Congressional Budget Office budget and economic outlook, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: February 1, organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee’s rules of procedure for the 109th Congress, and subcommittee assignments, 10 a.m., SR–253.

February 2, Full Committee, to hold hearings to examine the U.S. Tsunami Warning System, and S. 50, to authorize and strengthen the National Oceanic and Atmospheric Administration’s tsunami detection, forecast, warning, and mitigation program, 10 a.m., SR–253.

Committee on Energy and Natural Resources: February 3, to hold hearings to examine global energy trends and their potential impact on U.S. energy needs, security and policy, focusing on the 2005 annual energy outlook, perspectives on emerging world energy trends, including key factors affecting energy supply (such as OPEC and Russia) and energy demand (such as Asia), 10 a.m., SD–366.

Committee on Environment and Public Works: February 2, to hold hearings to examine S.131, to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program, 9:15 a.m., SD–406.

Committee on Finance: February 2, to hold hearings to examine long term outlook for social security, 10 a.m., SD–215.

Committee on Foreign Relations: February 1, to hold hearings to examine strategies for reshaping U.S. policy regarding Iraq and the Middle East, 9 a.m., SD–419.

February 1, Full Committee, organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee’s rules of procedure for the 109th Congress, and subcommittee assignments, 2:15 p.m., S–116, Capitol.

Committee on Health, Education, Labor, and Pensions: February 2, organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee’s rules of procedure for the 109th Congress, and subcommittee assignments, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: February 2, to hold hearings to examine the nomination of Michael Chertoff, to be Secretary of Homeland Security, 10 a.m., SD–342.

February 3, Full Committee, business meeting to consider the nomination of Michael Chertoff, to be Secretary of Homeland Security, Time to be announced, Room to be announced.

Committee on the Judiciary: February 2, to hold hearings to examine FELA issues relating to asbestos, 9:30 a.m., SD–226.

February 3, Full Committee, business meeting to consider pending calendar business, 9:30 a.m., SD–226.

Committee on Veterans’ Affairs: February 3, to hold hearings to examine benefits for survivors of those killed in the line of duty, 10 a.m., SR–418.

Special Committee on Aging: February 3, to hold hearings to examine current and future social security issues, 2 p.m., SD–628.

House Chamber

Program to be announced.
House Committees

Committee on Armed Services, February 2, Subcommittee on Military Personnel, hearing on the adequacy of Armed forces, 2:30 p.m., 2118 Rayburn.

Committee on the Budget, February 2, to meet for organizational purposes, and to consider an Oversight Plan for the 109th Congress, 4:30 p.m., 210 Cannon.

Committee on Education and the Workforce, February 2, to meet for organizational purposes, and to consider an Oversight Plan for the 109th Congress, 10:45 a.m., 2175 Rayburn.

Committee on Energy and Commerce, February 2, to meet for organizational purposes, 10:30 a.m., 2123 Rayburn.

Committee on Financial Services, February 2, to meet for organizational purposes, and to consider an Oversight Plan for the 109th Congress, 2:30 pm., 2128 Rayburn.

Committee on Government Reform, February 2, hearing entitled “Confronting Recidivism: Prisoner Re-entry Programs and a Just Future for All Americans,” 1 p.m., 2247 Rayburn.

Committee on Homeland Security, February 2, to meet for organizational purposes, and to consider an Oversight Plan for the 109th Congress, 10 a.m., 2118 Rayburn.

Committee on International Relations, February 2, to meet for organizational purposes, 4:30 p.m., 2172 Rayburn.

Committee on Resources, February 2, to meet for organizational purposes, and to consider an Oversight Plan for the 109th Congress, 2 p.m., 1324 Longworth.

Committee on Rules, February 1, to consider the following: an Oversight Plan for the 109th Congress; and a resolution expressing the continued support of Congress for equal access to military recruiters to institutions of higher education, 5 p.m., H–313 Capitol.

Committee on Science, February 2, hearing on Options for Hubble Science, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, February 2, to meet for organizational purposes, 10:30 a.m., 2167 Rayburn.

Committee on Ways and Means, February 2, to meet for organizational purposes, 2 p.m., 1100 Longworth.
Next Meeting of the SENATE
9:45 a.m., Tuesday, February 1

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 10:45 a.m.), Senate will begin consideration of the nomination of Alberto R. Gonzales, of Texas, to be Attorney General.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Tuesday, February 1

House Chamber

Program for Tuesday: Program to be announced.